

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
February 12, 2009

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman Desloge presiding. Present were Commissioners Akinyemi, Thaell, Rackleff, and Sauls. Also present were County Administrator Parwez Alam, County Attorney Herb Thiele, Finance Director David Reid and Board Secretary Rebecca Vause.

Chairman Desloge announced that Commissioner Proctor was out of town and Commissioner Dailey was awaiting the birth of his first child.

The Invocation was provided by Chairman Desloge who then led the Pledge of Allegiance.

Awards and Presentations

- Kimberly Moore, CEO, WORKFORCE Plus, presented information on the “State of the Workforce” for Leon County. She noted that the organizations role was to connect employers with opportunities and individuals who are seeking employment. Ms. Moore also provided employment/unemployment trends; the current economic climates’ affect on local businesses; methods used to assist customers in achieving employment, and recommendations for stimulus funds use.
 - Chairman Desloge asked Ms. Moore to keep the Commission informed and offered the County’s assistance.
- Mike Pate, Director, John S. and James L. Knight Foundation, provided information on the Soul of the Community (SOTC) Study, which was conducted to gauge citizen engagement, i.e., how you feel about the community in which you live. He shared that study methodologies used included 400 surveys 15 minute telephone calls, and the survey was balanced to reflect age, gender, race and ethnicity. Mr. Pate advised that all data from the study could be accessed at an open web site www.soulofthecommunity.org.
 - Chairman Desloge asked that the Board be updated when the Retention Study currently being conducted was completed.
- Chairman Desloge presented a Resolution to the Tallahassee Boys Choir acknowledging their outstanding reputation as remarkable singers and well rounded and scholarly young men. He also acknowledged their Outstanding Performance at the ceremonies of Inauguration of Barack Obama as the 44th President of the United States.

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Resolution

Whereas, the Tallahassee Boy's Choir continues to be an outlet for young male students throughout the communities of Tallahassee and Leon County; and

Whereas, the mission of the Tallahassee Boy's Choir is to foster academic excellence, build character and self esteem, develop interpersonal skills, and help young men realize their full potential while acquiring life skills; and

Whereas, with "No Excuses" as its motto the Boy's Choir continue to strive for excellence and carry a zero percent dropout rate as well as a zero percent juvenile justice involvement rate; and

Whereas, the Tallahassee Boy's Choir have received widespread recognition for their outstanding talents and have developed a reputation for excellence around the world; and

Whereas, the Tallahassee Boy's Choir was selected to be a part of one of the nation's most memorable moments in this young century; and

Whereas, the Tallahassee Boy's Choir have honored all citizens of Tallahassee and Leon County by performing at the ceremonies of the Inauguration of Barack Obama as the 44th President of the United States.

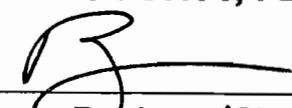
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that the

Tallahassee Boy's Choir

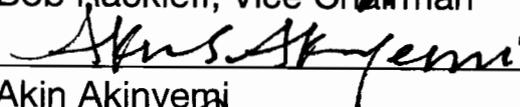
be acknowledged for their outstanding reputation throughout the United States and the world as remarkable singers and above all, well rounded and scholarly young men.

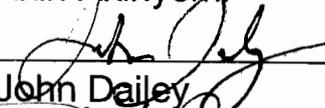
DATED this 12th day of February, A.D., 2009.

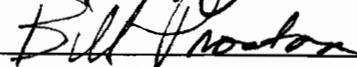
BOARD OF COUNTY COMMISSIONERS LEON COUNTY, FLORIDA

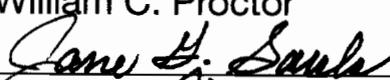

Bryan Desloge, Chairman

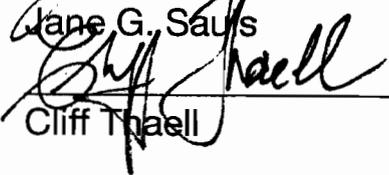

Bob Rackleff, Vice Chairman


Akin Akinyemi


John Dailey


William C. Proctor


Jane G. Sauls


Cliff Thael



TEST:



Rwez Alam, Administrator

Consent

Commissioner Sauls moved, duly seconded by Commissioner Rackleff, to approve the following Consent Agenda. The motion carried 4-0 (Commissioner Thaeff out of Chambers and Commissioners Dailey and Proctor absent).

1. Acceptance of County Administrator's Reorganization

The Board approved Option #1: Accept the County Administrator's reorganization



Board of County Commissioners Leon County, Florida

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Agenda Item Executive Summary

February 12, 2009

Title:

Acceptance of County Administrator's Reorganization

Staff:

Parwez Alam, County Administrator

PA

Issue Briefing:

There are a number of current and future projects that require additional professional policy staffing. These include, but are not limited to: Joint Dispatch, Tourist Development Council, Economic Stimulus, Redistricting, Charter Review, and the coordination of issues related to the Stormwater Flooding Workshop. To address this staffing deficiency, the County Administrator has developed a reorganization to utilize existing County resources as opposed to requesting additional staffing.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Accept the County Administrator's reorganization.

Report and Discussion

Background:

On occasion the County Administrator reviews the organizational structure to determine its effectiveness to address the current needs.

Analysis:

There are many current and future projects that will require extensive analysis and coordination. These projects include but are not limited to:

- Joint Dispatch
- Tourist Development Council
- Economic Stimulus
- Redistricting
- Charter Review
- Coordination of issues related to the Stormwater Flooding Workshop

The existing administrative policy resources of the County are limited. Additional personnel are required to provide the necessary level of staff to address these and other issues. Instead of requesting additional staff, a review of the existing organization has provided an opportunity to reassign personnel to address this deficiency. The following summarizes the changes:

- The Management Services Director will be moved to become the Assistant to the County Administrator (Kim Dressel).
- The department's currently reporting to the Management Services Director will now report directly to the Assistant County Administrator (Alan Rosenzweig).
- The existing Assistant to the County Administrator (Ken Morris) will be moved to the Intergovernmental Affairs Coordinator position

With this realignment, the organization will have additional personnel available to address the significant work effort required to address the challenges ahead.

Options:

1. Accept the County Administrator's reorganization.
2. Do not accept the County Administrator's reorganization.
3. Board Direction.

Recommendation:

Option #1.

PA/AR/ar

2. Approval to Revise the Board's 2009 State Legislative Priorities to Support Legislation Amending the Tourist Development Council Statute Regarding Membership

The Board approved Option 1: Revise the Board's 2009 State Legislative Priorities to support legislation amending the Tourist Development Council Statute regarding membership



Board of County Commissioners Leon County, Florida

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Agenda Item Executive Summary

February 12, 2009

Title

Approval to Revise the Board's 2009 State Legislative Priorities to Support Legislation Amending the Tourist Development Council Statute Regarding Membership

Staff:

Parwez Alam, County Administrator *PA*
Vincent S. Long, Deputy County Administrator
Ken Morris, Assistant to the County Administrator

Issue Briefing:

At its January 15, 2009 meeting, the Board directed staff to pursue legislation that would allow Leon County to opt out of the clause in Section 125.0104, Florida Statutes, which requires two members of the Tourist Development Council (TDC) to be municipal elected officials. Given the poor attendance record of Leon County's municipal partners, and the fact that Leon County has only one municipality, staff and the legislative lobbying team will pursue legislation that provides for counties with one municipality the ability to reduce the number of municipal appointments to the TDC.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Revise the Board's 2009 State Legislative Priorities to support legislation amending the Tourist Development Council Statute regarding membership.

3. Ratification of Board Actions Taken at the January 29, 2009 Workshop on Emergency Management Preparedness

The Board approved Option 1: Ratify the Board actions taken at the January 29, 2009 Workshop on Emergency Management Preparedness



Board of County Commissioners Leon County, Florida

www.leoncountyfl.gov

Agenda Item Executive Summary

February 12, 2009

Title:

Ratification of Board Actions Taken at the January 29, 2009 Workshop on Emergency Management Preparedness

Staff:

Parwez Alam, County Administrator

PA

Vincent S. Long, Deputy County Administrator

Alan Rosenzweig, Assistant County Administrator

AR

Issue Briefing:

This agenda item requests Board ratification of actions taken at the January 29, 2009 Workshop on Emergency Management Preparedness. Staff presented a detailed status report in the areas of planning, preparation, response, and recovery during Tropical Storm Fay (TS Fay). At that time, staff identified a series of lessons learned from the event, as well as provided recommendations for Board consideration. The lessons learned and recommendations provide action-oriented direction for staff to take to improve the County's Emergency Management program and seek future policy direction from the Board. At the conclusion of the workshop, the Board approved Option #1, and accepted the Emergency Management Status Report on TS Fay.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Ratify the Board actions taken at the January 29, 2009 Workshop on Emergency Management Preparedness.

Report and Discussion

Background:

At the September 2, 2008 regular meeting, the Board directed staff to schedule a workshop to evaluate the County's emergency response to TS Fay - a 100-year flood event that inundated Leon County with 17 inches of rain over a 72-hour period, beginning on August 21, 2008. In reviewing the planning and operational phases of TS Fay, staff developed a series of recommendations for continuous improvements to the County's emergency management preparedness and response based on "lessons learned" from TS Fay.

Analysis:

Staff presented a detailed status report in the areas of planning, preparation, response, and recovery during TS Fay. At that time, staff identified series of lessons that were learned from the event as well as provided recommendations for Board consideration.

At the conclusion of the workshop, the Board approved Option #1 and accepted the Emergency Management Status Report on TS Fay, which included the following recommendations:

1. Authorize staff to bring back an agenda item to consider a mobile emergency animal shelter for evacuees' pets to resolve the challenges of locating a suitable pet-friendly shelter during a storm.
(Public Works/Animal Control - Alan Rosenzweig/Tony Park/Richard Ziegler)
2. Direct staff to explore the use of reverse 911 technology and/or a citizen subscription service to reach thousands of citizens within minutes with phone messages and mass email alerts and bring back an agenda item for Board consideration. (Note: These communication systems vary and may cost as much as \$1 million).
(County Administration/Emergency Management/Management Information Services
(Vincent Long/Richard Smith/Alan Rosenzweig/Pat Curtis)
3. Direct staff to explore opportunities to enhance informational and educational program content through Comcast Channel 16 for the response to emergency events
(Public Services/Public Information – Vincent Long/Jon Brown)
4. Authorize staff to explore the expanded use of the County's website during an emergency to reduce the number of calls from the media and citizens.
(Public Services/Public Information – Vincent Long/Jon Brown)
5. Formalize a Critical Response Task Force made up of a law enforcement officer, a paramedic, a building inspector, an engineer from Public Works, and a representative from the Health Department to respond to affected areas and allocate County resources in consultation with the County Administrator.
(County Administration – Vincent Long/Ken Morris)

6. Direct staff to bring back a draft policy to maximize staffing levels during a Declared State of Local Emergency.
(Human Resources – Lillian Bennett)
7. Direct staff to explore the expanded use of the County’s website for damage assessment efforts during the recovery phase by allowing citizens to report damages online.
(Public Services/Public Information – Vincent Long/Jon Brown)
8. Direct staff to bring back an agenda item to consider putting a plan in place for aerial spray services prior to a heavy rain event.
(Public Works/Mosquito Control – Alan Rosenzweig/Tony Park)
9. Direct staff to bring back an agenda item to consider the establishment of a County Recovery Center
(Emergency Management/Volunteer Leon – Richard Smith/Vincent Long/Jeri Bush)

Following the presentation by staff, the Board discussed several issues of concern. The Board emphasized using public radio communications during emergencies, such as WVFS, WFSU, and FAMU radio. In addition, the Board directed staff to agenda the issue of debris removal in private subdivisions for a future meeting.

Options:

1. Ratify the Board actions taken at the January 29, 2009 Emergency Management Preparedness Workshop.
2. Do not ratify the Board actions taken at the January 29, 2009 Emergency Management Preparedness Workshop.
3. Board Direction.

Recommendation:

Option #1.

PA/VSL

4. Approval of Payment of Bills and Vouchers Submitted for February 12, 2009, and Pre-Approval of Payment of Bills and Vouchers for the Period of February 13, 2009 through February 25, 2009: \$9,211,345.00

The Board approved Option 1: Approve payment of bills and vouchers submitted for February 12, 2009 and pre-approval of payment of bills and vouchers for the period of February 13 through February 25, 2009: \$9,211,345.00



Board of County Commissioners Leon County, Florida

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Agenda Item Executive Summary

February 12, 2009

Title:

Approval of Payment of Bills and Vouchers Submitted for February 12, 2009, and Pre-Approval of Payment of Bills and Vouchers for the Period of February 13 through February 25, 2009

Staff:

Parwez Alam, County Administrator *PA*
Alan Rosenzweig, Assistant County Administrator *AR*
Scott Ross, Budget Manager

Issue Briefing:

This agenda item requests Board approval of the payment of bills and vouchers submitted for approval for February 12, 2009 and pre-approval of payment of bills and vouchers for the period of February 13 through February 25, 2009. OMB will review the bills and vouchers printout, submitted for approval during the February 12, 2009 meeting, the morning of Wednesday, February 11, 2009. If for any reason, any of these bills are not recommended for approval, OMB will notify the Board. Otherwise, it is recommended that the Board approve the bills and vouchers submitted for February 12, 2009.

Due to the Board not meeting the third Thursday in February, it is advisable for the Board to pre-approve payment of the County's bills for February 13 through February 25, 2009, so that vendors and service providers will not experience hardship because of delays in payment. The OMB office will continue to review the printouts prior to payment and if for any reason questions payment, then payment will be withheld until an inquiry is made and satisfied, or until the next scheduled Board meeting. Copies of the bills/vouchers printout will be available in OMB for review.

Fiscal Impact:

This item has no fiscal impact.

Options:

1. Approve payment of bills and vouchers submitted for February 12, 2009 and pre-approval of payment of bills and vouchers for the period of February 13 through February 25, 2009.
2. Do not approve payment of bills and vouchers submitted for February 12, 2009 and pre-approval of payment of bills and vouchers for the period of February 13 through February 25, 2009.
3. Board Direction.

Staff Recommendation:

Option #1 Approve payment of bills and vouchers submitted for February 12, 2009 and pre-approval of payment of bills and vouchers for the period of February 13 through February 25, 2009.

5. Request to Schedule a Budget Workshop for Thursday, March 19, 2009 from 9:30 a.m. – 3:00 p.m.

The Board approved Option 1: Schedule a Budget Workshop for Thursday, March 19, 2009 from 9:30 a.m. – 3:00 p.m.



Board of County Commissioners Leon County, Florida

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Agenda Item Executive Summary

February 12, 2009

Title:

Request to Schedule a Budget Workshop for Thursday, March 19, 2009 from 9:30 a.m. – 3:00 p.m.

Staff:

Parwez Alam, County Administrator

Alan Rosenzweig, Assistant County Administrator

Christine Coble, Agenda Coordinator

PA

AR

Issue Briefing:

This agenda item requests the Board schedule a Budget Workshop to hold preliminary discussion on revenues and other policy-related issues.

The Board's calendar reflects that Thursday, March 19, 2009 from 9:30 a.m. – 3:00 p.m. is available to schedule the workshop.

Fiscal Impact:

This item has no fiscal impact to the County.

Options:

1. Schedule a Budget Workshop for Thursday, March 19, 2009 from 9:30 a.m. – 3:00 p.m.
2. Schedule a Budget Workshop for an alternate date.
3. Board Direction.

Recommendation:

Option #1.

6. Approval to Renew a Certificate of Public Convenience and Necessity to Tallahassee Fire Department to Provide First Response, Non-Transport, Advanced Life Support Services

The Board approved Option 1: Approve the Certificate of Public Convenience and Necessity for the City of Tallahassee Fire Department to provide first response, non-transport, Advanced Life Support Services



Board of County Commissioners Leon County, Florida

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Agenda Item Executive Summary

February 12, 2009

Title:

Approval to Renew a Certificate of Public Convenience and Necessity to Tallahassee Fire Department to Provide First Response, Non-Transport, Advanced Life Support Services

Staff:

Parwez Alam, County Administrator
Vincent S. Long, Deputy County Administrator
Tom Quillin, Chief, Emergency Medical Services

PA

Issue Briefing:

This agenda item requests Board approval to renew a Certificate of Public Convenience and Necessity (COPCN) to the Tallahassee Fire Department (TFD) to provide first response, non-transport, Advanced Life Support (ALS) services (Attachment #1).

At the February 14, 2006 meeting, the Board renewed the COPCN authorizing TFD to continue providing first response, non-transport, ALS services (Attachment #2). That COPCN expires February 14, 2009. TFD submitted an application for renewal of its COPCN, as required by Article III, Emergency Medical Transportation Services, Section 8-61 of the Leon County Code of Laws (Attachment #3).

In accordance with Article III, Section 8-62 of the Leon County Code of Laws, the Emergency Medical Services Advisory Council (EMSAC) met on February 3, 2009 to review the application and issue a recommendation to the Board for action. The EMSAC recommends that the Board renew the COPCN for TFD to provide first response, non-transport, ALS services, 24 hours per day/seven days per week from a total of five City of Tallahassee fire vehicles, located at five identified fire stations within the incorporated area of the City of Tallahassee; and, one supervisor vehicle with prescribed limitations.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the Certificate of Public Convenience and Necessity for the City of Tallahassee Fire Department to provide first response, non-transport, Advanced Life Support Services.

Report and Discussion

Background:

On March 23, 2004, the Board issued a COPCN to TFD to provide first response, non-transport, ALS services which expired March 23, 2006. At the February 14, 2006 meeting, the Board renewed that COPCN authorizing TFD to continue providing first response, non-transport, ALS services. That COPCN expires February 14, 2009. TFD submitted an application for renewal of their COPCN, as required by Article III, Section 8-61 of the Leon County Code of Laws.

Analysis:

In accordance with Article III, Section 8-62 of the Leon County Code of Laws, the Emergency Medical Services Advisory Council (EMSAC) met on February 3, 2009 to review the application and issue a recommendation to the Board for action.

At that meeting, the EMSAC voted to recommend that the Board renew the COPCN for TFD to provide first response, non-transport, ALS services, 24 hours per day/seven days per week from a total of five City of Tallahassee fire vehicles, located at five identified fire stations within the incorporated area of the City of Tallahassee; and, one supervisor vehicle with prescribed limitations.

Options:

1. Approve the Certificate of Public Convenience and Necessity for the City of Tallahassee Fire Department to provide first response, non-transport, Advanced Life Support Services, and authorize the Chairman to execute.
2. Do not approve the Certificate of Public Convenience and Necessity for the City of Tallahassee Fire Department to provide first response, non-transport, Advanced Life Support services.
3. Board Direction.

Recommendation:

Option #1.

Attachments:

1. [Proposed Certificate of Public Convenience and Necessity for the City of Tallahassee Fire Department.](#)
2. [February 14, 2006 Board Agenda and follow up.](#)
3. Tallahassee Fire Department COPCN renewal application (*due to its size, the application is available for public review at the Reception Area, 5th floor, County Courthouse*)

PA/VSL/TQ/CA/ca

7. Approval of a Resolution and Associated Budget Amendment Request for the Fred George Park Project

The Board approved Options 1: Approve the Resolution and Associated Budget Amendment Request



Board of County Commissioners Leon County, Florida

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Agenda Item Executive Summary

February 12, 2009

Title:

Approval of a Resolution and Associated Budget Amendment Request for the Fred George Park Project

Staff:

Parwez Alam, County Administrator *PA*
Vincent S. Long, Deputy County Administrator
Don A. Lanham, Grants Program Coordinator

Issue Briefing:

This agenda item seeks Board approval of a Resolution and associated Budget Amendment Request (BAR) to provide for the budget authority for the Fred George Park Project (Attachment #1). The BAR recognizes revenue from Blueprint 2000 (BP 2000) (\$2.77 million) and the Florida Communities Trust (FCT) (\$2.4 million). In total, \$5.170 million has been allocated to the Fred George Park Project to cover the cost of land acquisition, appraisal, surveying and environmental/geotechnical investigations.

Fiscal Impact:

This item is associated with the grant and Blueprint 2000 funding procured to fund the Fred George Park Project and does not require any County funds.

Staff Recommendation:

Option #1: Approve the Resolution and Associated Budget Amendment Request.

Report and Discussion

Background:

Leon County is in the process of obtaining five parcels, collectively known as the Fred George Park Project. County staff submitted a request to BP 2000 (Intergovernmental Agency) to reclassify the Fred George Park project from a Tier Two to Tier One within its project classification system, necessary to obtain BP 2000 funding. On June 4, 2007, the Intergovernmental Agency (IA) held a public hearing and approved the reclassification of the Fred George Park project to Tier One, and allocated no more than \$2.77 million to the project.

Concurrent with that process, the Tallahassee-Leon County Planning Department, working with the County Grants Coordinator and interested citizens, developed a FCT application for the Fred George Basin Greenway project. The application called for reimbursement from the County after the parcels have been acquired through a voluntary negotiated transaction. The application requested \$2,350,000 (50%) of the estimated \$4,700,000 project cost, and was submitted to the FCT offices on May 9, 2007. It was approved by FCT, with a Grant Agreement approved by the Board at its regular meeting of January 15, 2008.

The Board approved a Purchase Agreement for \$900,000 for the 79-acre RP Properties (Ghazvini parcel).

Analysis:

The purchase of the RP Properties parcel will close after the required survey and title work is completed. The new appraisals have been completed on the second largest parcel for the Park Project (Jim Maples) and have gone to FCT for review. The BAR is necessary in order to allow the closing to be completed.

Options:

1. Approve the Resolution and associated Budget Amendment Request in the amount of \$5,170,000.
2. Do not approve the Resolution and associated Budget Amendment Request.
3. Board Direction.

Recommendation:

Option #1.

Attachment:

1. [Resolution and associated Budget Amendment Request](#)

PA/VSL/DAL/dal

8. Acceptance of Four Conservation Easements from Advanced Moving and Storage, Inc.

The Board approved Option 1: Approve and accept for recording the Conservation Easements from Advanced Moving and Storage, Inc. for the Terry and John's Storage Center Type B Site Plan project



**Board of County Commissioners
Leon County, Florida**

www.leoncountyfl.gov

**Agenda Item
Executive Summary**

February 12, 2009

Title:

Acceptance of Four Conservation Easements from Advanced Moving and Storage, Inc.

Staff:

Parwez Alam, County Administrator *PA*
Vincent S. Long, Deputy County Administrator
David McDevitt, Growth and Environmental Management Director

Issue Briefing:

This item requests Board approval and acceptance of four Conservation Easements consistent with requirements and conditions of the Environmental Management Act (Attachment #1). The grantor of the Easements is Advanced Moving and Storage, Inc. (for Terry and John's Storage Center Type B Site Plan project).

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve and accept for recording the Conservation Easements from Advanced Moving and Storage, Inc. for the Terry and John's Storage Center Type B Site Plan project.

Report and Discussion

Background:

The grantor is preserving natural area and a Type “C” buffer within the Conservation Easements consistent with Section 10-4.345 and Section 10-7.522 of the Land Development Code. The Easements are required as part of the Type B Site Plan process. The Terry and John’s Storage Center Type B Site Plan project is located on the south side of Apalachee Parkway on Terrywood Drive (Attachment #2). The Conservation Easements consist of natural area and a Type “C” buffer totaling .91 acres within the 10.89-acre parcel.

Analysis:

The proposed Conservation Easements place the landowner and all other subsequent landowners on legal notice that development is prohibited in the protected areas. Acceptance of the Conservation Easements will require County approval. The proposed Easements do not create any County maintenance responsibility or any other County responsibility for the Easements. The property owner will still own and protect the land as appropriate under conditions of the proposed Easements.

Options:

1. Approve and accept for recording the four Conservation Easements from Advanced Moving and Storage, Inc. for the Terry and John’s Storage Center Type B Site Plan project.
2. Do not approve and do not accept for recording the Conservation Easements from Advanced Moving and Storage, Inc. for the Terry and John’s Storage Center Type B Site Plan project.
3. Board Direction.

Recommendation:

Option #1.

Attachments:

1. [Conservation Easement Agreement, legal descriptions and sketch for the Terry and John’s Storage Center Type B Site Plan project](#)
2. [Specific location map for the Terry and John’s Storage Center Type B Site Plan project](#)

PA/VSL/DM/JK/JW/jw

9. Approve of the Modified Funding Agreement with the State of Florida, Division of Emergency Management for Reimbursements Associated with Tropical Storm Fay

The Board approved Option 1: Approve the modified Funding Agreement with the State of Florida, Division of Emergency Management for reimbursements associated with Tropical Storm Fay and authorize the Chairman to execute



Board of County Commissioners Leon County, Florida

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Agenda Item Executive Summary

February 12, 2009

Title:

Approval of the Modified Funding Agreement with the State of Florida, Division of Emergency Management for Reimbursements Associated with Tropical Storm Fay

Staff:

Parwez Alam, County Administrator

Alan Rosenzweig, Assistant County Administrator

Tony Park, P.E., Director of Public Works

PA

AR

Issue Briefing:

This agenda item seeks Board approval of the modified Federal Emergency Management Agency (FEMA)/State Public Assistance Program Funding Agreement (Funding Agreement) for Tropical Storm Fay (TS Fay) between the County and the State of Florida, Division of Emergency Management (Division) (Attachment #1).

Fiscal Impact:

This item is associated with Federal Emergency Management Agency (FEMA) reimbursement dollars for Tropical Storm Fay.

Staff Recommendation:

Option #1: Approve the modified Funding Agreement with the State of Florida, Division of Emergency Management for reimbursements associated with Tropical Storm Fay and authorize the Chairman to execute.

Report and Discussion

Background:

In response to damages and subsequent actions taken by Leon County as a result of Tropical Storm Fay, Public Works staff submitted a Request for Public Assistance (RPA) on behalf of the Leon County Board of County Commissioners on September 9, 2008. Such a request is necessary to receive reimbursement funding from the Federal Emergency Management Agency (FEMA). RPA submittal triggers the State's Division of Emergency Management to prepare a Funding Agreement specific to the requesting jurisdiction.

In late September, the Funding Agreement was posted on Leon County's portion of the State's public assistance website indicating it was ready to be executed. As such, staff presented the Agreement at the October 14, 2008 regular meeting for Board approval. The following week, staff routed the approved Agreement for signature and forwarded a County-executed copy to the State for final execution.

On October 30, 2008, Public Works staff received e-mail notification that minor changes were being made to the Funding Agreement template and that notifications would be sent once the new Agreement was available (Attachment #2).

On December 22, 2008, staff was notified that the modified agreement was available for downloading and signature and that the version was to supersede all versions that were available prior to December 18, 2008 (Attachment #3).

Analysis:

Both the County Attorney's Office and Public Works staff have reviewed the new Agreement and are recommending its approval. The consequence of not approving the Agreement is loss of the FEMA and State reimbursement dollars of approximately \$850,000.

Options:

1. Approve the modified Funding Agreement with the State of Florida, Division of Emergency Management, for reimbursements associated with Tropical Storm Fay, and authorize the Chairman to execute
2. Do not approve the modified Funding Agreement with the State of Florida, Division of Emergency Management for reimbursements associated with Tropical Storm Fay.
3. Board Direction.

Recommendation:

Option #1.

Attachments:

1. [Funding Agreement](#)
2. [Notice from the State regarding pending revisions to the Funding Agreement](#)
3. [Notice from the State indicating new Agreement available](#)

10. Ratification of Board Actions Taken at the January 29, 2009 Workshop on Stormwater/Transportation Improvements to Address Flooding Issues

The Board approved Option 1: Ratify the Board actions taken at the January 29, 2009 Workshop on Stormwater/Transportation Infrastructure Improvements to Address Flooding Issues



Board of County Commissioners Leon County, Florida

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Agenda Item Executive Summary

February 12, 2009

Title:

Ratification of Board Actions Taken at the January 29, 2009 Workshop on Stormwater/Transportation Infrastructure Improvements to Address Flooding Issues

Staff:

Parwez Alam, County Administrator *PA*
Vincent S. Long, Deputy County Administrator
Alan Rosenzweig, Assistant County Administrator *AR*

Issue Briefing:

This agenda item requests Board ratification of actions taken at the January 29, 2009 Workshop on Stormwater/Transportation Infrastructure Improvements to Address Flooding Issues (Attachment #1). The workshop included an extensive review of existing and possible changes to regulations and other policies related to stormwater management.

Staff presented an overview of the workshop, including description of the regulatory, policy, and infrastructure issues and recommendations. Following staff's presentation the Board discussed and considered, at length, a number of recommendations.

Fiscal Impact:

This item has a fiscal impact. In FY09, there is a total of \$5.084 million budgeted; and in FY10 \$2.416 million will be budgeted.

Staff Recommendation:

Option #1: Ratify the Board actions taken at the January 29, 2009 Workshop on Stormwater/Transportation Infrastructure Improvements to Address Flooding Issues.

Report and Discussion

Background:

On January 29, 2009, the Board held a workshop on Stormwater/Transportation Flooding Issues. The workshop included an extensive review of existing and possible changes to regulations and other policies related to stormwater management.

Analysis:

Staff presented an overview of the workshop, including description of the regulatory, policy, and infrastructure issues staff identified regarding stormwater/transportation emergency capacity.

The issues presented during the regulatory portion of the workshop included the importance of a modernized flood map in the County's stormwater infrastructure, the impact of vested residential lots on stormwater management, and the advantages and disadvantages of volume and rate control. The policy issues portion of the presentation included the 2/3 program, Flooded Property Acquisition funding, City/County coordination, and the Local Mitigation Strategy.

Following the presentation of policy issues, staff provided detailed information regarding infrastructure issues that began with visual depictions of flooding in various areas of the County. Following this broad-level infrastructure discussion, staff presented individual projects and groups of projects for Board consideration, including Capital Improvement projects, joint activity projects, CARDS (Former 2/3) projects, flooded property acquisition parcels, and river basin flooding projects.

The following presents the Board actions taken on each staff recommendation during the workshop:

Regulatory:

#1: *Given the \$4 to \$5 million cost, direct staff to seek grants funding or other potential funding sources for a countywide flood study.*

The Board accepted staff's recommendation with the added caveat that staff seek internal funding sources to fund a countywide flood study, such as the stormwater fee.

#2: *No changes to floodplain regulations are recommended at this time.*

The Board accepted staff's recommendation without amendment.

#3: *No changes to the existing definition of closed basin are recommended.*

The Board accepted staff's recommendation without amendment.

#4: *No changes to the existing interbasin transfer Code provisions is recommended at this time.*

The Board accepted staff's recommendation without amendment.

#5: Direct staff to develop a policy to require stormwater controls for future development on vacant vested lots in closed basins to achieve volume control.

The Board accepted staff's recommendation without amendment.

#6: Direct staff to amend the County's Land Development Code to eliminate or significantly reduce the opportunity to create new subdivisions that rely on privately maintained infrastructure, particularly within the Urban Services Area.

The Board directed staff to take out the phrase "particularly within the Urban Services Area" and passed the recommendation omitting that phrase.

#7: Direct staff to amend the Land Development Code to allow for the use of on-street parking where appropriate, so that significant area is not required for off-street parking (less impervious surface), thereby reducing stormwater management demand in new subdivisions.

The Board accepted staff's recommendation without amendment.

#8: Direct staff to amend the Land Development Code to facilitate compact development, to generally reduce the amount of impervious surface generating stormwater runoff to allow more land area to remain available for stormwater management capacity.

The Board accepted staff's recommendation without amendment.

#9: Direct staff to amend the Land Development Code to establish a process providing developers credits to meet natural/landscaped area requirements in exchange for purchasing and conveying to the County, vested, flood prone property, precluding that property from future development.

The Board accepted staff's recommendation without amendment.

#10: Direct staff to amend the County's Land Development Code to enhance stormwater volume regulations by requiring a county-wide standard that increased volume produced by a development site be retained on-site and not be allowed to discharge through a sand filter or a rate control structure.

The Board accepted staff's recommendation without amendment.

#11: Direct staff to amend the County's Land Development Code to include stormwater runoff rate control regulations for all duration storms with return period frequency of up to and including the 100-year storm period.

The Board accepted staff's recommendation without amendment.

#12: Direct staff to schedule a public hearing to consider adopting the proposed residential flood prone disclosure ordinance.

The Board accepted staff's recommendation and directed staff to add the \$500 penalty to the ordinance.

Policy:

#13: Direct staff to schedule a public hearing adopting the Stormwater Management Special Assessment Program Ordinance which specifically creates a new 2/3 program to address stormwater and drainage projects, that allows for properties benefiting from the project to be assessed.

The Board accepted staff's recommendation without amendment.

#14: Action related to the flooded property acquisition program is dependent upon funding. If funding is pursued under the infrastructure recommendation, it is recommended that the Board direct staff to prepare a revised flooded property acquisition policy that would address the existing flooded property list and any new properties to be added.

No action was taken by the Board on this item (refer to item #20).

#15: Accept staff's report on coordination efforts with the City and support the on-going functional consolidation efforts.

The Board accepted staff's recommendations without amendment.

#16: Continue to utilize the Local Mitigation Strategy (LMS) to identify solutions that better prepare Leon County to address disasters.

The Board accepted staff's recommendations without amendment.

Infrastructure:

#17: Direct staff to proceed with \$6.5 million in capital projects that provide relief to public subdivisions; given the required lead time for design and property acquisition, authorize the funding to be phased (\$4.084 million in the current year and \$2.416 million be included in next fiscal year) to complete the project list.

The Board accepted staff's recommendations without amendment.

#18: Authorize \$1.0 million in funding be set aside to be utilized as a 20% matching fund for the County Accepted Roadways and Drainage Systems (CARDS; old 2/3s) and direct staff to contact neighborhoods that have been identified for this program.

The Board accepted staff's recommendation without amendment. Based on Board discussion, staff will address the issue of the percentage threshold for petition, for Board consideration as part of the public hearing on the Stormwater Management Special Assessment Program Ordinance.

#19: Direct staff to work with the CSX Railroad and United States Forestry Service to develop joint participation agreements to address stormwater issues involving these two entities.

The Board accepted staff's recommendation without amendment.

#20: Provide direction to staff regarding a General Obligation (GO) bond referendum for the purpose of acquiring \$95 million in flooded property in the unincorporated area of Leon County.

The Board directed staff to agenda this item and consider alternatives to issuing a GO bond for \$95 million to fund acquisition of the properties. Staff was directed to compare what other communities are doing on this issue, also. In addition to funding concerns, the County Attorney expressed legal concerns regarding the ‘public purpose’ acquisition of these properties when the sole purpose is relieving flooding.

Options:

1. Ratify the Board actions taken at the January 29, 2009 Stormwater/Transportation Infrastructure Improvements to Address Flooding Issues Workshop.
2. Do not ratify the Board actions taken at the January 29, 2009 Stormwater/Transportation Infrastructure Improvements to Address Flooding Issues Workshop.
3. Board direction.

Recommendation:

Option #1.

PA/VSL/AR

11. Approval of a Joint Use Agreement Between the School Board of Leon County and Leon County

The Board approved Option 1: Approve the Joint Use Agreement between the School Board of Leon County and Leon County, and authorize the Chairman to execute



**Board of County Commissioners
Leon County, Florida**

www.leoncountyfl.gov

**Agenda Item
Executive Summary**

February 12, 2009

Title:

Approval of a Joint Use Agreement Between the School Board of Leon County and Leon County

Staff:

Parwez Alam, County Administrator

Alan Rosenzweig, Assistant County Administrator

Tony Park, P.E., Director of Public Works

Issue Briefing:

This item seeks Board approval of a Joint Use Agreement between the School Board of Leon County and Leon County for use of school property by the Division of Parks & Recreation (Attachment #1).

Fiscal Impact:

This item has been budgeted and adequate funding is available. The maintenance of these parks and school sites has been budgeted in the FY 09 operational budget for the Division of Parks & Recreation.

Staff Recommendation:

Option #1: Approve the Joint Use Agreement between the School Board of Leon County and Leon County, and authorize the Chairman to execute.

Title: Approval of a Joint Use Agreement between the School Board of Leon County and Leon County

February 12, 2009

Page 2

Report and Discussion

Background:

This is a renewal of an existing agreement dating back to July 1, 2003. The present Joint Use Agreement will expire on June 30, 2009. This request is to enter into a three-year agreement for the use of school property, when not in use by the county school system.

Analysis:

Many of the school fields are used for practice by the youth sports that play games at County parks. This Agreement allows for the use of County park lands adjacent to school sites to be used by the school during the day. Currently, there are three locations in which the County uses school property for sports activities (Canopy Oaks Elementary, Ft. Braden Elementary, and Chaires/Capitola Elementary Schools). With the use of the School Board property, the number of athletic fields that the County would have to construct is reduced.

Once the Joint Use Agreement is approved, it will be taken to the School Board of Leon County for its approval.

Options:

1. Approve the Joint Use Agreement between the School Board of Leon County and Leon County, and authorize the Chairman to execute.
2. Do not approve the Joint Use Agreement.
3. Board Direction.

Recommendation:

Option # 1.

Attachments:

1. [Joint Use Agreement](#)

PA/TP/PP/pp

General Business

12. Acceptance of Status Report Regarding the Eastside Branch Library

County Administrator Alam stated that Mr. Ivan Johnson, Johnson Peterson Architects, would provide the Board with a status report on the Eastside Branch Library.

Mr. Johnson explained that the conceptual schematic design for the Eastside Branch Library would be presented and shared that it would be a high tech building due to its LEED (Leadership in Energy & Environmental Design) components. Mr. Johnson commented that Board approval and comments were welcomed. He introduced Ms. Azizi Arrington-Bey and Doug Shuler, Project Managers and Maggie Theriot, Leon County Sustainability Coordinator. Highlights from the presentation included:

“Green Goals”

- “green building” demonstration facility
- Meet Silver Certification Standards
- Capture of rainwater for irrigation, etc.
- Reduction in heat island effect & light pollution
- Use of natural lighting

Conceptual Goals

- Integration of building into neighborhood
- Exciting place of learning
- Creation of park like setting

Interior

- 12,000 sq. ft with 8,000 sq. ft. expansion
- meeting room (with access to lobby and restrooms after hours)

LEED credit features

- showers
- bicycle racks
- rain water collection tank
- light tubes
- renewable materials
- clerestory windows
- use of reflected light
- hybrid vehicle parking spaces

Exterior

- light colored paving
- pedestrian access
- pathway lighting

Commissioner Rackleff stated that the proposed facility was a very illuminating and imaginative design and a good use of the setting. He added that he looks forward to seeing similar designs for the Northwest and Woodville libraries.

Commissioner Thaell thanked Mr. Johnson for sharing the proposed facility and encouraged if possible a higher level of certification. Mr. Johnson responded that efforts would be made to achieve a higher certification, within the fixed budget allowed for the project.

On a different topic, Commissioner Thaell voiced strong support that the proposed Joint Dispatch Facility be designed as a LEED certified building. Alan Rosenzweig, Assistant

County Administrator, established that specific specs for the building would be negotiated once the architect and engineer were chosen.

Commissioner Akinyemi noted that he favored a LEED certification for the Joint Dispatch Facility and offered that staff consider defining criteria in the earlier phases of that project. He suggested that staff bring back an agenda item to update the Board on the progress of the building project.

Commissioner Akinyemi expressed concern that the proposed library, due to budgetary constraints would be LEED compliant, but not certified. Mr. Johnson established that his office had been directed to make the facility LEED certified.

Commissioner Akinyemi dialogued with Mr. Johnson on numerous site specific questions.

Chairman Desloge inquired about the possibility of a coffee stand. Helen Moeller, Library Services Director, offered that the idea could be entertained if the right vendor could be found.

Commissioner Sauls moved, duly seconded by Commissioner Akinyemi to approve Option 1: Approve the status report on the Eastside Branch Library

Mr. Johnson was requested to make a presentation on the proposed Woodville Library. This would be placed on the Board's agenda for a future meeting.



**Board of County Commissioners
Leon County, Florida**

www.leoncountyfl.gov

**Agenda Item
Executive Summary**

February 12, 2009

Title:

Eastside Branch Library Status Report

Staff:

Parwez Alam, County Administrator *PA*

Alan Rosenzweig, Assistant County Administrator *AR*

Kim Dressel, Management Services Director

Issue Briefing:

This item seeks Board approval of a status report on the Eastside Branch Library.

Fiscal Impact:

This item has no current fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the status report on the Eastside Branch Library.

Report and Discussion

Background:

The FY 06/07 budget included funding for the construction of a 12,000 square foot Eastside Branch Library on County-owned property at Mahan Drive and Pedrick Road. At the completion of a Request for Proposals and selection process, the Board approved an agreement with Johnson Peterson Architects, Inc. (Johnson Peterson) on August 22, 2006 for the design of the library. However, as a preemptive action on the impending property tax reductions, the Board suspended this and other capital projects during a February 27, 2007 workshop, resulting in staff's issuance of a Stop Work Order to Johnson Peterson on March 2, 2007. During the June 27, 2007 budget workshop, funding for this project was removed from the five-year Capital Improvement Plan. During the October 14, 2008 Board meeting, \$450,000 was provided to complete the design of the Eastside Branch Library.

Analysis:

Subsequent to the Board's October 14, 2008 action, staff issued a Notice to Proceed to Johnson Peterson to complete the design of the Eastside Branch Library. Programming and the conceptual design have been completed. Work that remains to be performed includes the development of a schematic design, design development, and construction documents. The project will then be ready for permitting and construction when that work is funded.

Johnson Peterson Architects, Inc. will present the conceptual design to the Board at its February 12, 2009 meeting.

Options:

1. Approve the status report on the Eastside Branch Library.
2. Do not approve the status report on the Eastside Branch Library.
3. Board Direction.

Recommendation:

Option #1.

PA/AR/KD

13. Expirations, Vacancies, and Appointments to the Housing Finance Authority, Miccosukee Recreation Council, Minority/Women Small Business Enterprise Committee, and Senior Outreach Advisory Committee

Census 2010 Complete Count Committee

- Commissioner Akinyemi appointed Jon Ausman; James Moran, and D.M. Gabrielle
- Commissioner Rackleff appointed Morton Winsberg; Frank Williams, and Larry Polivka
- Commissioner Thael appointed Dorothy Inman-Johnson; Brant Copeland, and Kristy Koontz
- Chairman Desloge continued his appointments
- Commissioner Sauls continued her appointments
- Commissioners Proctor and Dailey appointments were continued

Code Enforcement Board

- Commissioner Thael appointment Carmen Green

Housing Finance Authority

- Commissioner Rackleff appointed Todd Kocourek

Miccosukee Recreation Council

- Commissioner Akinyemi reappointed Tommy Lamb
- Commissioner Desloge reappointed Mary Young
- Commissioner Rackleff reappointed Arthur Duhart
- Commissioner Dailey's appointment is continued

Minority/Women Small Business Enterprise Committee

- Commissioner Rackleff reappointed Frank Williams
- Chairman Desloge reappointed Clifton Brown
- Commissioners Proctor and Dailey appointments were continued

Senior Outreach Advisory Committee

- Commissioner Akinyemi reappointed Jana McConnaughay
- Commissioner Sauls reappointed Bennie Woodlief
- Commissioner Thael reappointed Marie Coward
- Chairman Desloge appointed Andrew Wilcox
- Commissioner Sauls moved, duly seconded by Commissioner Rackleff to reappoint Pleas Strickland and David Hall as full board appointments. The motion carried 5-0 (Commissioners Dailey and Proctor absent)



Board of County Commissioners Leon County, Florida

www.leoncountyfl.gov

Agenda Item Executive Summary

February 12, 2009

Title:

Expirations, Vacancies, and Appointments to the Census 2010 Complete Count Committee, Code Enforcement Board, Housing Finance Authority, Miccosukee Recreation Council, Minority/Women Small Business Enterprise Committee, and Senior Outreach Advisory Committee

Staff:

Parwez Alam, County Administrator. PA
Vincent S. Long, Deputy County Administrator
Christine Coble, Agenda Coordinator

Issue Briefing:

This agenda item requests Commissioners' review of the status of the appointments on the Census 2010 Complete Count Committee, Housing Finance Authority, Miccosukee Recreation Council, Minority/Women Small Business Enterprise Committee, and Senior Outreach Advisory Committee. Generally, on a monthly basis, staff reviews the term expirations and vacancies on the Board-appointed and joint committees, authorities, and councils. An agenda item is written and presented to the Board for individual Commissioner and full Board appointments.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Make appointments to the Census 2010 Complete Count Committee, Code Enforcement Board, Housing Finance Authority, Miccosukee Recreation Council, Minority/Women Small Business Enterprise Committee, and Senior Outreach Advisory Committee.

Title: Expirations, Vacancies and Appointments to: Census 2010 Complete Count Committee, Code Enforcement Board, Housing Finance Authority, Miccosukee Recreation Council, Minority/Women Small Business Enterprise Committee, and Senior Outreach Advisory Committee

February 12, 2009

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Report and Discussion

Background:

Generally, on a monthly basis, staff reviews the term expirations and vacancies on the Board-appointed and joint committees, authorities, and councils. An agenda item is written and presented to the Board for individual Commissioner and full Board appointments.

Analysis:

Census 2010 Complete Count Committee

At its January 29, 2009 meeting, the Board adopted an amended Enabling Resolution establishing the Census 2010 Complete Count Committee (Attachment #1). The Committee will have 21 members, with each Commissioner appointing three members to the Committee. The Complete Count Committee will establish subcommittees, such as: Communications, Hard-to-Enumerate, Education/College, Civic/Fraternal/Religious and, Special Events/Fundraising. Members should consist of community leaders representing every aspect of the local community, including state and local government; local colleges and universities; schools; faith-based organizations; media, and local businesses. Members' terms expire October 2010.

Commissioners Akinyemi, Dailey, Desloge, Proctor, Rackleff, Sauls, and Thael each have three appointments.

Code Enforcement Board

Members serve two-year terms, expiring on August 31, with each Commissioner having one appointment. The Code Enforcement Board (CEB) conducts hearings on cases involving violations of environmental, zoning, building, and junk ordinances and enters orders to enforce County laws (Attachment #2). "The membership of each enforcement board shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor." The Board's seventh appointment is designated as a Citizen Representative.

Eduardo Robles, Commissioner Thael's appointment, submitted his resignation from the CEB (Attachment #3); an appointment is needed to fill Mr. Robles' unexpired term. Staff has not received any applications from persons interested and qualified to serve on the CEB.

Commissioner Thael to make appointment.

Title: Expirations, Vacancies and Appointments to: Census 2010 Complete Count Committee, Code Enforcement Board, Housing Finance Authority, Miccosukee Recreation Council, Minority/Women Small Business Enterprise Committee, and Senior Outreach Advisory Committee

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Housing Finance Authority (HFA)

Members serve four-year terms, expiring on September 30, with each Commissioner making one appointment (Attachment #4).

Ms. Danielle Wright (Commissioner Rackleff) has resigned from the HFA (Attachment #5). Mr. Todd Kocourcek has submitted an application expressing interest in appointment (Attachment #6).

Commissioner Rackleff to make appointment.

Miccosukee Recreation Council

Members serve two-year terms, expiring January 31, with each Commissioner making one appointment (Attachment #7). The terms of Tommy Lamb (Akinyemi), Matt Morris (Dailey), Mary Young (Desloge), and Arthur Duhart (Rackleff) expired January 31, 2009. Staff has been notified that all are interested in reappointment and are eligible.

Commissioners Akinyemi, Dailey, Desloge, and Rackleff to make appointments.

Minority/Women Small Business Enterprise Committee (M/WSBE)

Members serve two-year terms, with four terms expiring on January 31 and three terms expiring on May 30. Each Commissioner has one appointment (Attachment #6). The terms of Scott Knox (Dailey), Clifton Brown (Desloge), Ted Parker (Proctor), and Frank Williams (Rackleff) expired January 31, 2009. Mr. Brown, Mr. Parker, and Mr. Williams are interested in reappointment (Attachment #9). Mr. Knox is no longer interested in serving (Attachment #10). Staff has received applications, expressing interest in serving on the M/WSBE Committee from Betsy Henderson (Attachment #11) and Andrew Wilcox (Attachment #12).

Commissioners Dailey, Desloge, Proctor, and Rackleff to make appointments.

Senior Outreach Advisory Committee

The Senior Outreach Advisory Committee is a 12-member Committee that identifies issues of concern among seniors, with members serving two-year terms, expiring January 31. There are seven individual Commissioner appointments and five members, representing four Community Center Boards and the Tallahassee Senior Citizens Foundation Board of Directors, are confirmed by the full Board. Members may only serve two subsequent terms after initial appointment (Attachment #13).

The terms of Jana McConnaughay (Akinyemi), Bill Aldinger (Desloge), Bennie Woodlief (Sauls), and Marie Cowart (Thaell) expired January 31, 2009. Community Center representatives Pleas Strickland (Bradfordville Historic Schoolhouse) and David Hall (Miccosukee) terms have expired and they would need to be reconfirmed. Ms. McConnaughay, Mr. Woodlief, Ms. Cowart, Mr. Strickland, and Mr. Hall have expressed interest in reappointment. Mr. Aldinger has resigned from the Committee (Attachment #14); therefore, a new appointment is needed. An application from Andrew Wilcox, expressing interest, has been received (Attachment #15).

Commissioners Akinyemi, Desloge, Sauls, and Thaell to make appointments.

Full Board to confirm two appointments.

Title: Expirations, Vacancies and Appointments to: Census 2010 Complete Count Committee, Code Enforcement Board, Housing Finance Authority, Miccosukee Recreation Council, Minority/Women Small Business Enterprise Committee, and Senior Outreach Advisory Committee

February 12, 2009

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Census 2010 Complete Count Committee

Appointed by:	Criteria	Appointee	Appointed	Term Expires	Status of Interest
Akinyemi	<i>Vacant</i>			9/30/2010	
Akinyemi	<i>Vacant</i>			9/30/2010	
Akinyemi	<i>Vacant</i>			9/30/2010	
Dailey	<i>Vacant</i>			9/30/2010	
Dailey	<i>Vacant</i>			9/30/2010	
Dailey	<i>Vacant</i>			9/30/2010	
Desloge	<i>Vacant</i>			9/30/2010	
Desloge	<i>Vacant</i>			9/30/2010	
Desloge	<i>Vacant</i>			9/30/2010	
Proctor	<i>Vacant</i>			9/30/2010	
Proctor	<i>Vacant</i>			9/30/2010	
Proctor	<i>Vacant</i>			9/30/2010	
Rackleff	<i>Vacant</i>			9/30/2010	
Rackleff	<i>Vacant</i>			9/30/2010	
Rackleff	<i>Vacant</i>			9/30/2010	
Sauls	<i>Vacant</i>			9/30/2010	
Sauls	<i>Vacant</i>			9/30/2010	
Sauls	<i>Vacant</i>			9/30/2010	
Thaell	<i>Vacant</i>			9/30/2010	
Thaell	<i>Vacant</i>			9/30/2010	
Thaell	<i>Vacant</i>			9/30/2010	

Code Enforcement Board

Appointed by:	Appointee	Appointed	Term Expires	Status of Interest
Thaell	Eduardo Robles <i>(Resigned)</i>	7/22/2008	8/31/2011	New appointment needed.*

Title: Expirations, Vacancies and Appointments to: Census 2010 Complete Count Committee, Code Enforcement Board, Housing Finance Authority, Miccosukee Recreation Council, Minority/Women Small Business Enterprise Committee, and Senior Outreach Advisory Committee

February 12, 2009

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Housing Finance Authority

Appointed by:	Appointee	Appointed	Term Expires	Status of Interest
Rackleff	Danielle Wright <i>(Resigned)</i>			New appointment needed.*

Attachment #6 – Application of Todd Kocourcek

Miccosukee Recreation Council

Appointed by:	Appointee	Appointed	Term Expired	Status of Interest
Akinyemi	Tommy Lamb	2/16/1999	1/31/2009	Interested in reappointment and is eligible to serve.
Dailey	Matt Morris	7/12/2005	1/31/2009	Interested in reappointment and is eligible to serve.
Desloge	Mary Young	1/29/2002	1/31/2009	Interested in reappointment and is eligible to serve.
Rackleff	Arthur Duhart	2/16/1999	1/31/2009	Interested in reappointment and is eligible to serve.

Minority/Women Small Business Enterprise Committee

Appointed by:	Appointee	Appointed	Term Expired	Status of Interest
Dailey	Scott Knox <i>(Resigned)</i>		1/31/2009	New appointment needed.*
Desloge	Clifton Brown		1/31/2009	Interested in reappointment and is eligible to serve.
Proctor	Ted Parker		1/31/2009	Interested in reappointment and is eligible to serve.
Rackleff	Frank Williams		1/31/2009	Interested in reappointment and is eligible to serve.

Attachment #11 – Application from Betsy Henderson

Attachment #12 – Application from Andrew Wilcox

Title: Expirations, Vacancies and Appointments to: Census 2010 Complete Count Committee, Code Enforcement Board, Housing Finance Authority, Miccosukee Recreation Council, Minority/Women Small Business Enterprise Committee, and Senior Outreach Advisory Committee

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Senior Outreach Advisory Committee

Appointed by:	Appointee	Appointed	Term Expired	Status of Interest
Akinyemi	Jana McConnaughay	1/11/2005	1/31/2009	Interested in reappointment and is eligible to serve.
Desloge	Bill Aldinger <i>(Resigned)</i>	1/23/2007	1/31/2009	New appointment needed.*
Sauls	Bennie Woodlief	12/14/2004	1/31/2009	Interested in reappointment and is eligible to serve.
Thaell	Marie Cowart	2/8/2005	1/31/2009	Interested in reappointment and is eligible to serve.
Full Board	Pleas Strickland	9/11/2007	1/31/2009	Interested in reappointment and is eligible to serve.
Full Board	David Hall	1/9/2007	1/31/2009	Interested in reappointment and is eligible to serve.

Attachment #15 – Application from Andrew Wilcox

Options:

1. Make appointments to the Census 2010 Complete Count Committee, Code Enforcement Board, Housing Finance Authority, Miccosukee Recreation Council, Minority/Women Small Business Enterprise Committee, and Senior Outreach Advisory Committee.
2. Continue appointments to a future date.
3. Board Direction.

Recommendation:

Option #1.

Title: Expirations, Vacancies and Appointments to: Census 2010 Complete Count Committee, Code Enforcement Board, Housing Finance Authority, Miccosukee Recreation Council, Minority/Women Small Business Enterprise Committee, and Senior Outreach Advisory Committee

February 12, 2009

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Attachments:

1. [Enabling Resolution – Census 2010 Complete Count Committee](#)
2. [Eligibility Criteria and Member List – Code Enforcement Board](#)
3. [Resignation letter from Eduardo Robles \(CEB\)](#)
4. [Eligibility Criteria and Member List – Housing Finance Authority](#)
5. [Resignation letter from Danielle Wright \(HFA\)](#)
6. [Application – Todd Kocourcek \(HFA\)](#)
7. [Eligibility Criteria and Member List – Miccosukee Recreation Council](#)
8. [Eligibility Criteria and Member List – Minority/Women Small Business Enterprise \(M/WSBE\) Committee](#)
9. [Email from Iranetta Burnett regarding M/WSBE appointments](#)
10. [Resignation email from Scott Knox \(M/WSBE\)](#)
11. [Application – Betsy Henderson \(M/WSBE\)](#)
12. [Application – Andrew Wilcox \(M/WSBE\)](#)
13. [Eligibility Criteria and Member List – Senior Outreach Advisory Committee](#)
14. [Resignation email from Bill Aldinger](#)
15. [Application – Andrew Wilcox \(Senior Outreach Advisory Committee\)](#)

PA/VSL/CC

The Board reconvened at 6:00 p.m.

Scheduled Public Hearings, 6:00 P.M.

14. First of Two Public Hearings Regarding the Proposed Amendments to Article III “On-site Sewage Disposal Systems” of Chapter 18 “Utilities” of the Code of Laws of Leon County, Florida

County Administrator Alam stated that the proposed Ordinance amends language to establish standards within the Primary Springs Protection Zone, which would require the use of performance based treatment systems designed to reduce levels of nitrogen.

Alex Mahon, Leon County Environmental Health Director, shared that concerns over the rising levels of nitrogen in Wakulla Springs have resulted in the identification and evaluation of contributing sources and methods to reduce these levels. He provided a brief history on the issue and explained that the Septic System Advisory Committee (SSAC) was tasked by the Board to draft ordinance language, using information from the Leon Aquifer Vulnerability Assessment (LAVA), for the exclusive use of Nitrogen-reducing performance-based treatment system (PBTS) south of the Cody Scarp for new development only. In addition, the SSAC was directed to consider standards that would address repairs to existing systems. He stated that the proposed language was coordinated with the Tallahassee/Leon County Planning Department Comprehensive Plan Amendment process and utilized data from the LAVA.

Commissioner Rackleff established with Mr. Mahan that the proposed standards are consistent with standards established in Wakulla County.

Commissioner Akinyemi commended Mr. Mahan and the Committee for its excellent work. County Attorney Thiele provided that the ordinance would become effective around the first of April. Commissioner Akinyemi cautioned against moving too quickly and not allowing sufficient time for residents and developers to respond. He also confirmed with Mr. Mahan that installation of a PBTS would have to be done by a professional installer, as these systems are very complicated.

Commissioner Sauls affirmed that implementing these standards “is the right thing to do”, however, expressed concern over the cost of a PBTS.

Commissioner Thaele remarked that he was very interested in discussions on the functionality of the PBTS as he has heard statements that the systems are not proven and he wants to ensure that the systems function in the way they are intended and have the outcomes expected. Commissioner Thaele shared that he wanted further discussion on what could be done to assist residents in financing of the systems.

Speakers:

Justin Hubbard, 825 Anastasia Blvd, St. Augustine, Florida, stated that there is no scientific research to support that drip irrigation has a higher performance record over the conventional drain field media in regards to nitrogen reduction or removal. He requested that Section 2. Primary Springs Protection Zone Special Development Zone, of the proposed ordinance be removed.

Keith Hetrick, 201 E. Park Avenue, spoke on behalf of the Florida Home Builders Association (FHBA) and offered that performance based systems are not a proven technology, not energy efficient, nor cost effective. He opined that technologies are

forthcoming that would offer technologies that are green and energy friendly. He stressed that the FHBA supports the clean up of Wakulla Springs and the reduction of nitrogen.

Mike Sundin, 133 Love Ridge Drive, is a local septic system installer who has put up approximately 35 of the performance based systems. He stated that he does not want an ordinance implemented that cannot be enforced. He opined that the excessive cost of these systems would force homeowners to put in illegal installations.

Anthony Gaudio, 2335 Grassroots Way, Septic Tank Advisory Committee member, provided additional information on this issue. He noted that performance based systems require a two year maintenance and management contract and shared that a Workshop sponsored by 1000 Friends of Florida would be held on February 25-26 to discuss this issue. He added that a hot line was available for reporting of illegal septic systems. He shared that it was important to retain the drip irrigation standards in the proposed ordinance as it would make for better quality systems.

Mark Rodrique, 3152 Foley Drive, President, Tallahassee Builders Association, stated that the amount of nitrogen produced by septic tanks is small (6%) when compared to other contributors, i.e., fertilizers and opined that efforts should be directed to reducing the larger contributors.

Mr. Mahan stated that a Loading Rate Study had been done by the Northwest Florida Water Management District on Loading Rate on this issue. Commissioner Thaeil requested that a copy of this report be provided to Commissioners before the second public hearing.

Stan Derzypolski, 4345 Jackson View Drive, represented the Green Council of Tallahassee Builders Association, shared that he estimated the cost of an advanced system to run approximately \$1,000 - \$1,500 a year in additional costs, i.e., increased utilities, inspections, permits, etc. He mentioned that this is an unproven technology and requested that the Board postpone action on this issue.

Chairman Desloge asked Mr. Mahan to include economic models in the additional information to be provided to Commissioners.

Charles Pattison, 2346 Armistead Road, represented 1000 Friends of Florida, thanked staff and the Committee for the work done on this issue and stated that his organization supports the proposed changes. He acknowledged the increased cost of performance based systems and suggested an additional fee on installed systems to assist lower income homeowners in the purchase of the systems. He endorsed approval of the proposed Ordinance and also noted his support for Item #17.

Rich Bray, 1115 Domingo Dr. expressed support for the proposed ordinance and stated that Wakulla Springs is an irreplaceable resource. He referenced the FSU Center for Economic and Feasibility Analysis and provided a summary of this report to Commissioners. He suggested that the County charge each septic system owner a nominal fee to generate additional revenues.

Jim Stephenson, 4797 Lakely Dr., Coordinator of Wakulla Springs Basin Working Group, which strives to protect the waters flowing into the Springs. He stated that now is the time for performance based septic systems and supports the proposed changes.

Commissioner Rackleff inquired the condition of Wakulla Springs today. Mr. Stephenson responded that the spring has "ill health and not in good condition".

Rick Malphurs, 6538 Treasure Oaks Circle, has installed 60-70 performance based systems in Wakulla and Leon Counties and the cost is dramatically higher. He expressed concern over the illegal installation of systems and commented that more testing and more affordability is needed.

Brian Miller, 1801 Benado Lomas Dr., is a local installer and opined that residents do not have the funds to purchase the advanced systems and a “black market” will be created in the septic tank business. He recommended more review of the ordinance before approved.

Commissioner Thael moved, duly seconded by Commissioner Rackleff to approve Options 1 & 2, seconded by Rackleff, to approve Options 1 & 2: 1) Conduct the first of two public hearings to consider a proposed Ordinance Amending Article III, “Onsite Sewage Disposal Systems” of Chapter 18 “Utilities” of the Code of Laws of Leon County, and 2) Schedule the second and final public hearing to consider a proposed Ordinance Amending Article III, “Onsite Sewage Disposal Systems” of Chapter 18 “Utilities” of the Code of laws of Leon County on Thursday, March 19, 2009 at 6:00 p.m.

Chairman Desloge requested staff to provide financial options for phasing in the requirement.

Commissioner Thael suggested that staff provide options for budget consideration on public financing for some of the systems in the County required to be replaced.

Commissioner Rackleff confirmed that the Committee was comprised of individuals of varied interest in the process, i.e., engineers, septic tank installers, citizens, etc.

Commissioner Akinyemi clarified with Mr. Mahon that the ordinance would apply only to those homes located within the Springs Protection Zone. He stated that protection of the environment and the aquifer is extremely important and the impact that septic tanks have on the nitrogen problem cannot be minimized. Commissioner Akinyemi requested that staff review what the State is doing, other ideas of fee collection and what other opportunities/technologies are available prior to the next public hearing.

Commissioner Rackleff asserted that he was determined to do everything possible to clean up Wakulla Springs; it would be a challenge, but one that must be addressed.

The motion carried 4-0 (Commissioner Thael out of Chambers and Commissioners Proctor and Dailey absent)



Board of County Commissioners Leon County, Florida

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Agenda Item Executive Summary

February 12, 2009

Title:

Conduct the First of Two Public Hearings to Consider a Proposed Ordinance Amending Article III "On-site Sewage Disposal Systems" of Chapter 18 "Utilities" of the Code of Laws of Leon County, Florida for February 12, 2009 at 6:00 pm.

Staff:

Parwez Alam, County Administrator *PA*
Vincent S. Long, Assistant County Administrator
Homer J. Rice, Health Department Administrator

Issue Briefing:

Conduct the first of two public hearings to consider a proposed Ordinance amending Section 18, Article III, of the Leon County Code of Laws (Attachment #1). The proposed amended language establishes standards within the Primary Springs Protection Zone, requiring the use of performance based treatment systems designed to reduce the level of nitrogen in the effluent.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

- Option #1: Conduct the first of two public hearings to consider a proposed Ordinance Amending Article III, "Onsite Sewage Disposal Systems" of Chapter 18 "Utilities" of the Code of Laws of Leon County.
- Option #2: Schedule the second and final public hearing to consider a proposed Ordinance Amending Article III, "Onsite Sewage Disposal Systems" of Chapter 18 "Utilities" of the Code of Laws of Leon County on Thursday, March 19, 2009 at 6:00 p.m.

Report and Discussion

Background:

On January 15, 2009, the Board approved the scheduling of two public hearings to consider a proposed ordinance to amend Article III “On-site Sewage Disposal Systems” of Chapter 18 “Utilities” of the Code of Laws of Leon County, Florida, for February 12, 2009 and March 19, 2009 at 6:00 pm. At the January 23, 2007 Workshop on Septic System Advisory Committee (SSAC) Recommendations, the Board accepted the recommendations made with respect to the exclusive use of Nitrogen-reducing performance-based treatment systems (PBTS) south of the Cody Scarp. The SSAC reconvened and was tasked with drafting ordinance language, using the data from the Leon Aquifer Vulnerability Assessment (LAVA), for the exclusive use of Nitrogen-reducing PBTS south of the Cody Scarp for new development only. In addition, the SSAC was tasked to consider standards that would address repairs to existing systems in failure. Coordinating with the Tallahassee/Leon County Planning Department Comprehensive Plan Amendment process, and using the completed LAVA, the SSAC drafted language to amend Chapter 18, Article III, Leon County Code of Laws (Attachment #1).

Analysis:

Increasing concerns over rising levels of nitrogen in Wakulla Springs have prompted many groups, both public and private, to identify and evaluate the contributing sources of nitrogen with the intent of finding ways to reduce those levels. The April 2002 Northwest Florida Water Management District (NFWMD) report, “Nitrate Loading as an Indicator of Nonpoint Source Pollution in the Lower St. Marks-Wakulla Rivers Watershed,” identified six principal sources of nitrogen:

1. atmospheric deposition,
2. wastewater treatment facilities,
3. onsite systems,
4. commercial fertilizer application,
5. livestock, and
6. sinking streams.

Of these, the two most debated sources are the contributions from the City of Tallahassee wastewater treatment plant spray field and onsite systems.

According to the NFWMD’s report, of the six principal sources of nitrogen, the spray field accounts for 14 %, and onsite systems accounts for 11%. If considering only those sources from human activities, the relative contributions for the spray field and onsite systems are 29% and 22% respectively.

The proposed amended language requires the use of only those PBTS that have been tested and certified by the National Sanitation Foundation (NSF) or an equivalent American National Standards Institute (ANSI) accredited independent third party testing and certification organization in accordance with NSF/ANSI Standard 245. The average effluent quality of the PBTS shall be no more than 10 milligrams per liter (mg/L) Total Nitrogen at the outlet of the final treatment chamber or reduces the effluent Total Nitrogen concentration by a minimum of seventy percent (70%). The Total Nitrogen input into the system determines the level of output. The varying concentrations of Total Nitrogen naturally occurring in sewage effluent make it difficult to establish a specific target of 10 mg/L. Therefore, NSF/ANSI Standard 245 was selected as the testing methodology because certification is dependent upon demonstrating at least a 70% reduction in the Total Nitrogen input concentration. Additional nitrogen reduction is expected when combined with a drip irrigation drainfield, which is a recommended requirement of the proposed amended language.

Essential to the discussion of nitrogen-reducing PBTS is cost. Conventional onsite systems, septic tank and drainfields, may average in cost from \$5,500 - \$7,500, according to the Department of Health Wekiva study. Comparable nutrient-reduction systems are estimated to range from \$7,500 - \$9,000.00. These estimates do not incorporate operating costs that include annual operating permits, increased electricity use, or laboratory sampling. A survey of local septic system contractors was conducted for system pricing. Of the contractors that responded, the average cost for system construction is found in the following table:

Table I: System Cost Comparison for Single Family Home

3 bedroom in ground installation	\$ 2,400
4 bedroom in ground installation	\$ 2,800
3 bedroom filled installation	\$ 3,050
4 bedroom filled installation	\$ 3,500
3 bedroom mound installation	\$ 5,100
4 bedroom mound installation	\$ 6,700
3 bedroom PBTS with drip irrigation	\$10,750
4 bedroom PBTS with drip irrigation	\$12,300

The use of performance-based systems requires some type of operational management system. The U.S. Environmental Protection Agency (EPA) has developed five model guidelines for the management of these systems.

Model 1: System Inventory and Awareness of Maintenance Needs

This relies on education of the system owner for proper maintenance. This system is suitable for conventional onsite systems and where environmental sensitivity is low.

Model 2: Management Through Maintenance Contracts

This model builds on Model 1 and manages onsite systems through management contracts. This model ensures that the property owner continues maintenance contracts, with trained operators. This model is appropriate where more complex system designs are needed to overcome site-specific limitations; such as, small lots, slowly permeable soils, or shallow seasonal water tables.

Model 3: Management Through Operating Permits

This model is necessary where more complex system designs are needed to achieve specific water quality criteria. This management system requires the property owner to acquire an operating permit and provides the management entity a mechanism for continuous oversight of the system, ensuring that the system’s performance criteria are met. It also allows for mandating corrective actions and/or levying fines when those standards are not met. This model is used in more environmentally sensitive areas.

Model 4: Utility Operation and Maintenance

This model builds on Model 3, but instead of issuing the operating permit to the property owner, the permit is issued to a public or private utility. Fees are established and the utility assumes the responsibility for the operation and maintenance of the onsite system. Ownership of the system remains with the property owner.

Model 5: Utility Ownership and Management

This model is similar to Model 4, except that the ownership of the system is no longer with the property owner. The utility maintains total control of the operation and maintenance of the system.

The State of Florida’s rules require all PBTS to be managed. Current standards require a biennial operating permit issued by the health department. The homeowner is required to contract with a maintenance entity to service the system. During the life of the permit the system must be visually inspected once annually by health department staff and twice by the maintenance entity. This level of maintenance corresponds to the EPA Model 3.

Increased levels of nitrogen have been associated with the degraded water quality of Wakulla Springs and the excessive growth of unwanted plant material. Limited studies have identified the primary sources for this nitrogen that include both sewage effluent from onsite systems and the City of Tallahassee sewage treatment plant spray field. The specific nitrogen contributions from these two sources to Wakulla Springs are difficult to determine; however, collectively, they account for 51% of the nitrogen from human activities. Therefore, it is reasonable to assume that measures to reduce this input into the ground water are warranted and necessary. Consideration must be given to cost effectiveness when looking at reduction options.

This request has been noticed and advertised in accordance with the provisions of the *Leon County Land Development Code* (Attachment #2).

Title: First of Two Public Hearings to Consider a Proposed Ordinance Amending Article III
“On-site Sewage Disposal Systems” of Chapter 18 “Utilities” of the Code of Laws of Leon
County, Florida for February 12, 2009 at 6:00 pm.
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Options:

1. Conduct the first of two public hearings to amend Chapter 18, Article III, Leon County Code of Laws on Thursday February 12, 2009 at 6:00 pm
2. Schedule the second public hearing to amend Chapter 18, Article III, Leon County Code of Laws on Thursday, March 19, 2009 at 6:00 pm.
3. Board Direction.

Recommendation:

Options #1 and #2.

Attachments:

1. [Ordinance amending Chapter 18, Article III of the Code of Laws of Leon County](#)
2. [Public Notice](#)

PA/VSL/HJR/AM/am

15. First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance (ORD 09-05) Amending the Official Zoning Map to Change the Zone Classification from the R-3 (Single Family Detached, Two-Family Attached Residential) Zoning District to the C-2 (General Commercial) Zoning District (PRZ #080025)

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

Speaker: Alan Richardson, 1821 Fernando Dr. spoke in favor of the proposed Ordinance.

Commissioner Sauls moved, duly seconded by Commissioner Rackleff, to approve Option 1: Conduct the first and only quasi-judicial public hearing and adopt a proposed Ordinance amending the Official Zoning Map from the R-3 (Single Family Detached, Two-Family Attached Residential) to the C-2 (General Commercial) zoning district, based upon the findings of fact and conclusions of law made by the Planning Commission and included herein, and any evidence submitted at the Hearing hereon. The motion carried 4-0 (Commissioner Thael out of Chambers and Commissioners Proctor and Dailey absent)



Board of County Commissioners Leon County, Florida

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Agenda Item Executive Summary

February 12, 2009

Title:

First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from the R-3 (Single Family Detached, Two-Family Attached Residential) Zoning District to the C-2 (General Commercial) Zoning District (PRZ #080025)

Staff:

Parwez Alam, County Administrator *PA*
Vincent S. Long, Deputy County Administrator
Wayne Tedder, Tallahassee-Leon County Planning Department Director

Issue Briefing:

Conduct the first and only quasi-judicial public hearing on a proposed Ordinance amending the Official Zoning Map to change the zoning classification of 2.54 acres from the R-3 (Single Family Detached, Two-Family Attached Residential) zoning district to the C-2 (General Commercial) zoning district (Attachment #1). The property is located at 4410 Crawfordville Highway. The parcels are owned by William Powell, and Alan Richardson is the agent.

Fiscal Impact:

This item has no current fiscal impact.

Staff Recommendation:

Option #1: Conduct the first and only quasi-judicial public hearing and adopt a proposed Ordinance amending the Official Zoning Map from the R-3 (Single Family Detached, Two-Family Attached Residential) to the C-2 (General Commercial) zoning district, based upon the findings of fact and conclusions of law made by the Planning Commission and included herein, and any evidence submitted at the Hearing hereon.

Report and Discussion

Background:

The subject property consists of a television repair shop, plant nursery, and adjacent vacant property owned by the applicant. On July 25, 1972 the Board of County Commissioners re-zoned the developed portion of the property (Parcel ID # 41-24-20-206-0000) from R-3 to C-1, and the structures associated with the TV repair shop and nursery were built soon afterwards. In 1992, the subject property was again re-zoned to the performance district Mixed Use "A" (MUA). Under this zoning, the TV repair shop and associated nursery were conforming uses. However, in 1997, the performance-based zoning district MUA was eliminated in favor of site-specific zoning, and the entire subject parcel was re-zoned to R-3, rendering the nursery and TV repair shop non-conforming.

The Tallahassee-Leon County Planning Commission reviewed the proposed rezoning on January 6, 2009. The Planning Commission voted to recommend approval of the proposed rezoning by a vote of 6-0. There was no substantive discussion of the item and no public speakers.

Analysis:

In accordance with Section 10-840(K) of the *Leon County Land Development Code*, the County shall consider the following criteria in determining whether to recommend approval or denial of an application:

1. ***Comprehensive Plan.*** *Is the proposal consistent with all applicable policies of the adopted Comprehensive Plan?*

Yes. Land Use Policy 2.2.5 states that the intent of the Suburban Future Land Use Category is "to create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities should be located near residential areas, if possible within walking distance. This category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940s. The category predominantly consists of single-use projects that are interconnected whenever feasible" (Attachment #3).

The existing development on the subject property is exactly the kind of small commercial establishment described in the Suburban Future Land Use Category. Rezoning the undeveloped portion of the site would also support the intent of the Suburban Future Land Use Category by providing sites for other small businesses adjacent to the existing TV repair shop and nursery and in close proximity to residential neighborhoods.

2. ***Land Development Regulations.*** *Is the proposal in conformance with any applicable substantive requirements of the land development regulations, including minimum or maximum district size?*

Generally, yes. The intent language for the C-2 zoning district states that this district is intended to provide convenient commercial activities that people frequently use in close proximity to their homes. The existing TV repair shop and nursery and associated future expansion of the use would meet this intent of the district.

In addition, The C-2 zoning district has no minimum size for either an entire district or a specific parcel. The maximum district size for a C-2 district is 30 acres. The subject property of 2.53 acres is considerably less than the maximum.

The subject site has direct access to Crawfordville Road. This conforms with the C-2 district, which requires development to directly access arterial roadways. In addition, the C-2 district requires that each district have a maximum frontage of 100 feet per acre on an arterial roadway to preserve the non-linear, compact nature of the district. The subject property is 2.53 acres and it has approximately 293 feet of frontage along Crawfordville Road. Therefore, the subject property exceeds the linear frontage requirement by approximately 40 feet, or 15%. However, since the proposed re-zoning affects an existing condition and the subject property meets the intent of the C-2 district in every other way, it is felt that the minor discrepancy in the linear footage requirement is not a substantial concern.

3. ***Changed Conditions.*** *Have the land use and development conditions changed since the effective date of the existing zoning district regulations involved, which are relevant to the properties?*

Yes. The developed portion of the subject site (1.23 acres) was zoned specifically for the existing use in 1972 by the Board of County Commissioners. However, in 1997, when the county adopted widespread site-specific zoning, this parcel appears to have been inadvertently re-zoned to a residential zoning category. The present proposed re-zoning will effectively correct the error made in 1997, and return the parcel to commercial zoning. It will also allow adjacent properties, owned by the applicant, to develop uses compatible to the existing small commercial use on the developed portion of the property.

Title: First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from the RA (Single Family Detached, Two-Family Attached Residential) Zoning District to the C-2 (General Commercial) Zoning District (PRZ #080025)

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4. **Land Use Compatibility.** Will the proposal result in any incompatible land uses, considering the type and location of uses involved?

No. The subject parcel is surrounded by mostly undeveloped land along Crawfordville Road. There are several residential neighborhoods in the general vicinity that would utilize small commercial establishments such as a TV repair shop and plant nursery. Table 3 shows a general view of the immediately adjacent parcels.

Table 1: Comparison of Existing and Proposed Permitted Uses		
Permitted Uses	Zoning Districts	
	R-3	C-2
Day care center		X
Passive and active recreational facilities	X	
Golf Courses	X	
Community Facilities related to residential uses, including libraries, religious facilities, police/fire stations, and elementary, middle, vocational, and exceptional student schools. Libraries and high schools are prohibited.	X	
Community Facilities related to the permitted principle use, including libraries, religious facilities, police/fire stations, and high schools. Elementary schools prohibited.		X
Gift, novelty and souvenir shops		X
Automotive service and repair, including car wash		X
Bait and Tackle shops		X
Banks and other Financial Institutions		X
Camera and Photography store		X
Cocktail lounges and bars		X
Indoor amusements (bowling, skating, etc.)		X
Indoor theatres (including amphitheatres)		X
Laundromats, laundry, dry cleaning pick-up stations		X
Mailing services		X
Medical and dental offices, labs and clinics		X
Motor vehicle fuel sales		X
Non-medical offices and services, including businesses and government		X
Non-store retailers		X

Title: First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from the RA (Single Family Detached, Two-Family Attached Residential) Zoning District to the C-2 (General Commercial) Zoning District (PRZ #080025)

February 12, 2009

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Table 1: Comparison of Existing and Proposed Permitted Uses		
Permitted Uses	Zoning Districts	
	R-3	C-2
Personal Services		X
Photocopying and duplication services		X
Rental tools, small equipment, arty supplies		X
Repair services, non-automotive		X
Residential, any type, located on or above the second floor of any structure containing non-residential use on the first floor, up to a max. of 16 DU/AC		X
Single-Family Detached Dwellings	X	
Single-Family Attached Dwellings	X	
Zero-Lot Line Single-Family Detached Dwellings	X	
Two-family Dwellings	X	
Restaurants, with or without drive-in		X
Retail bakery		X
Retail computer, video, record, electronics		X
Retail department, apparel, and accessory stores		X
Retail drug store		X
Retail florist		X
Retail food and grocery		X
Retail furniture, home appliances, accessories		X
Retail home/garden supply, hardware, nurseries		X
Retail jeweler		X
Retail needlework		X
Retail newsstand, books, greeting cards		X
Retail office supplies		X
Retail optical and medical supplies		X
Retail package liquors		X
Retail pet stores		X
Retail picture framing		X
Retail sporting goods and toys stores		X

Title: First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from the RA (Single Family Detached, Two-Family Attached Residential) Zoning District to the C-2 (General Commercial) Zoning District (PRZ #080025)

February 12, 2009

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Table 1: Comparison of Existing and Proposed Permitted Uses		
Permitted Uses	Zoning Districts	
	R-3	C-2
Retail trophy stores		X
Retail shoes, luggage, and leather products		X
Social, fraternal, and recreational clubs/lodges, including assembly halls		X
Studios for photography, music, art, drama, voice		X
Tailoring		X
Veterinary services, including hospitals		X
Video games sales and rental		X

**Refer to Attachment #4: §10-1216 R-3 Single- and Two-Family Residential district,, 10-1226 C-2 General Commercial district charts.*

Table 2: Development Intensity Allowed by District*					
Zoning District	Maximum Residential Density	Minimum Lot Size	Maximum Non-Residential Building Size	Maximum Height	Allowable Density (9.17 acres)
C-2	1 accessory unit	None	12,500 s.f. gross floor area per acre, not to exceed 200,000 s.f. gross building area per parcel	3 stories	1 units
R-3	Up to 8 DU/AC	3,750 sf. for attached; 5,000 for detached; 12,000 sf for non-residential	10,000 s.f. gross floor area per acre	3 stories	20 units

**Refer to Attachment #4: §10-1216 R-3 single-and Two-Family Residential District, §10-1226 C-2 General Commercial district charts.*

Table 3: Surrounding Zoning and Land Use				
Table 3: Surrounding Zoning and Land Use				
Area	Zoning	Land Use	Physical Use	Comments
Subject Parcel	R-2	Suburban	TV repair, nursery, vacant	NA
North	R-3	Suburban	SFR, vacant	Smaller older (1930-1950s) homes on large (2+acres) tracts
South	R-3	Suburban	small church, vacant	N/a.
East	R-3	Suburban	SFR, vacant	Smaller older (1930-1950s) homes on large (2+acres) tracts NA
West	RP-1	Residential Preservation	Stormwater facility for Crawfordville Trace Subdivision	NA

*Refer to Attachment #4: §10-1216 R-3 Single-and Two-Family Residential District, §10-1226 C-2 General Commercial District charts.

5. **School Considerations.** *Is there capacity in area schools? What effects on enrollment could the proposed rezoning have on area schools?*

The area schools have capacity, and development at the maximum allowed under the C-2 district would not result in capacity being exceeded. See the letter of explanation and school impact analysis calculations of each school level (Attachment #5).

6. **Other Matters.** *Are there any other matters, which the Commission may deem relevant and appropriate?*

None

Title: First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from the RA (Single Family Detached, Two-Family Attached Residential) Zoning District to the C-2 (General Commercial) Zoning District (PRZ #080025)

February 12, 2009

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Public Notification & Response

This request has been noticed and advertised in accordance with the provisions of the *Leon County Land Development Code* (Attachment #6). The Planning Department mailed 136 notices to property owners within 1,000 feet of the subject property. To date, the Planning Department has received no written responses to the rezoning notice.

Options:

1. Conduct the first and only quasi-judicial public hearing and adopt a proposed Ordinance amending the Official Zoning Map from the R-3 (Single Family Detached, Two-Family Attached Residential) zoning district to the C-2 (General Commercial) zoning district, based upon the findings of fact and conclusions of law made by the Planning Commission and included herein, and any evidence submitted at the Hearing hereon.
2. Conduct the first and only quasi-judicial public hearing and deny the proposed Ordinance, retaining the existing R-3 (Single Family Detached, Two-Family Attached Residential) zoning district, based upon the findings of the Board of County Commissioners.
3. Board Direction.

Recommendation:

Option #1.

Attachments:

1. [Proposed Ordinance](#).
2. [General Location Map](#).
3. [Comprehensive Plan Land Use Element Policy 2.2.5](#)
4. [§10-1216 R-3 Single- and Two-Family Residential District, §10-1226 C-2 General Commercial District charts](#).
5. [School Impact Analysis form](#).
6. [Tallahassee Democrat Legal Advertisement](#)

PA/VSL /WT/RS/SD/SD

16. First of Two Quasi-Judicial Public hearings to Consider a Proposed Ordinance Amending Appropriate Sections of Chapter 10 of the Land Development Code to Implement Comprehensive Plan Reform

County Administrator Alam stated that the item was to be presented to the Planning Commission on February 3 and information from that meeting was requested from staff. Wayne Tedder, Planning Director, reported that the Planning Commission reviewed the item found it consistent with the Comprehensive Plan and recommended approval.

Commissioner Sauls moved, duly seconded by Chairman Desloge, to approve Options 1 & 2: 1) Conduct the first of two public hearings on a proposed Ordinance amending appropriate sections of Chapter 10 of the Land Development Code to implement Comprehensive Plan Reform and 2) Schedule the second and final public hearing on a proposed Ordinance amending appropriate sections of Chapter 10 of the Land Development Code for Thursday, March 19, 2009 at 6:00 p.m. The motion carried 4-0 (Commissioner Thael out of Chambers and Commissioners Proctor and Dailey absent).



Board of County Commissioners Leon County, Florida

www.leoncountyfl.gov

Agenda Item Executive Summary

February 12, 2009

Title:

First of Two Quasi-Judicial Public Hearings on a Proposed Ordinance Amending the Appropriate Sections of Chapter 10 of the Land Development Code to Implement Comprehensive Plan Reform

Staff:

Parwez Alam, County Administrator *PA*
Vincent S. Long, Deputy County Administrator
Wayne Tedder, Tallahassee-Leon County Planning Department Director

Issue Briefing:

Conduct the first of two public hearings on a proposed Ordinance amending the appropriate sections of Chapter 10, Land Development Code, to implement Comprehensive Plan Reform and thereby make it consistent with the *Tallahassee Leon County Comprehensive Plan* (Attachment #1).

Fiscal Impact:

This item has no current fiscal impact.

Staff Recommendation:

- Option #1: Conduct the first of two public hearings on a proposed Ordinance amending appropriate sections of Chapter 10 of the Land Development Code to implement Comprehensive Plan Reform.
- Option #2: Schedule the second and final public hearing on a proposed Ordinance amending appropriate sections of Chapter 10 of the Land Development Code for Thursday, March 19, 2009 at 6:00 p.m.

Report and Discussion

Background:

Comprehensive Plan Amendment 2005-1-T-35 became effective on July 20, 2005. This amendment added a new future land use map (FLUM) category, Urban Residential (Attachment #2). Comprehensive Plan Amendment 2006-2-T-09 became effective on March 14, 2007 (Attachment #3). This amendment removed the Mixed-Use B and C FLUM categories from the Comprehensive Plan and added Urban Residential 2 and Suburban as new FLUM categories while retaining Mixed Use A in the Bradfordville Study Area only. Several zoning districts currently implement the new FLUM categories. The proposed Ordinance will remove references to Mixed-Use FLUM categories and add the new FLUM categories to the implementing zoning districts and other pertinent sections of Chapter 10. The Target Planning Area (TPA) and Critical Planning Area (CPA) FLUM categories were restructured into a new Planned Development category. The implementing zoning districts will be revised accordingly.

Comprehensive Plan Amendment 2005-2-T-026 became effective on December 29, 2005 (Attachment #4). This amendment deleted the outdated Leon County-City of Tallahassee Water & Sewer Agreement and replaced it with updated objectives and policies pursuant to the new Water and Sewer Agreement (Approved May 2005). Policies 3.1.6 [SS] and 3.1.7 [SS] were originally listed under Sanitary Sewer Sub-Element Objective 3.1. This amendment renamed these policies as Policy 1.2.3 and Policy 2.1.12, while relocating and listing them under Sanitary Sewer Sub-Element Objective 1.2 and Sanitary Sewer Sub-Element Objective 2.1, respectively. The proposed Ordinance will remove the outdated policy references and replace with new policy references in all applicable zoning districts.

The proposed rezoning is scheduled to appear before the Tallahassee-Leon County Planning Commission on February 3, 2009. The Planning Commission will vote on a recommendation at that meeting, which will be available to the Board in the agenda item for the second public hearing.

Facts/Issues

Comprehensive Plan Amendments relevant to the proposed amendments:

Amendment 2005-1-T-35. As previously mentioned, this amendment created a new FLUM category known as Urban Residential. This amendment also clarified that the indicated zoning districts will implement the new FLUM categories.

Amendment 2005-2-T-026. This amendment removed the outdated Water and Sewer Agreement and replaced with new objectives and policies to implement the new Water and Sewer Agreement.

Title: First of Two Quasi-Judicial Public Hearings on a Proposed Ordinance Amending the Appropriate Sections of Chapter 10 of the Land Development Code to Implement Comprehensive Plan Reform

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Amendment 2006-2-T-09. This amendment removed the Mixed-use B and C FLUM categories from the *Tallahassee Leon County Comprehensive Plan* and added Urban Residential 2 and Suburban as new FLUM categories while retaining Mixed Use A in the Bradfordville Study Area only. This amendment also clarified that the indicated zoning districts will implement the new FLUM categories. Additionally, the TPA and CPA FLUM categories were replaced with the new PD FLUM category.

Consistency Determination

The proposed Ordinance will:

- Make the indicated zoning districts consistent with the Comprehensive Plan by removing all the references to the Mixed-Use B and C FLUM categories.
- Clarify that the indicated zoning districts are intended to be located in areas designated as either Urban Residential, Urban Residential 2, Bradfordville Mixed Use A, or Suburban FLUM categories; and add the new FLUM policies from the Comprehensive Plan to the indicated zoning districts (Attachment #5).
- Replace Target Planning Area and Critical Planning Area zoning districts with the new Planned Development zoning district.
- Make the indicated zoning districts consistent with the Comprehensive Plan by removing references to old Sanitary Sewer policies and replacing with new policies.
- Make Sections 10-6.602, 10-6.631 and 10-6.697 consistent with the Comprehensive Plan by removing all references to the Mixed Use B and C FLUM categories and replace with new FLUM categories.
- Add *dvds* to the rental and sales of video tapes and games use already established in the Commercial-1, Commercial 2, Commercial Parkway, Urban Pedestrian-1, Urban Pedestrian-2 zoning, Bradfordville Commercial-Auto Oriented (BC-1), and Bradfordville Commercial Pedestrian-Oriented (BC-2) districts.

Recommendation

The proposed amendment brings the Leon County Land Development Code into compliance with the *Tallahassee Leon County Comprehensive Plan* and staff recommends that the Ordinance be found consistent with the Comprehensive Plan. However, the Ordinance does not fully implement the Village Center development pattern of the Village Mixed Use FLUM category in the C-1 and C-2 zoning districts. This will be accomplished in a separate Ordinance scheduled for Board review in April 2009.

Public Notification & Response

The Public Hearing to consider the proposed Ordinance has been appropriately noticed in the *Tallahassee Democrat* (Attachment #6).

Title: First of Two Quasi-Judicial Public Hearings on a Proposed Ordinance Amending the Appropriate Sections of Chapter 10 of the Land Development Code to Implement Comprehensive Plan Reform

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Options:

1. Conduct the first of two public hearings on the proposed Ordinance, amending the Land Development Code to amend the appropriate sections of Chapter 10 to implement Comprehensive Plan Reform and set the second and final public hearing for March 12, 2009.
2. Schedule the second and final public hearing on a proposed Ordinance, amending appropriate sections of Chapter 10 of the Land Development Code for Thursday, March 19, 2009 at 6:00 p.m.
3. Conduct the first of two public hearings on the proposed Ordinance, and do not schedule a second public hearing to amend the Land Development Code to amend the appropriate sections of Chapter 10 to implement Comprehensive Plan Reform.
4. Board Direction.

Recommendation:

Options #1 and #2.

Attachments:

1. [Proposed Ordinance.](#)
2. [Staff report for Comp Plan Amendment 2005-1-T-35](#)
3. [Staff report for Comp Plan Amendment 2005-2-T-026](#)
4. [Staff report for Comp Plan Amendment 2006-2-T-09](#)
5. [Comprehensive Plan Policies](#)
6. [Tallahassee Democrat Legal Advertisement](#)

PA/VSL/WT/RS/MJY/MJY

17. First of Two Public hearings on a Proposed Ordinance Amending the Land Development Code to Establish a Primary Springs Protection Zone and Development Standards to Initiate Implementation of Comprehensive Plan Policy 4.2.5:[C]

Speakers:

Mike Sundin, 133 Love Ridge Court, encouraged establishment of the area and protection of the Springs.

Jim Stevenson, 4797 Blakeley Drive, Coordinator of the Wakulla Springs Basin Working Group voiced support of the Ordinance to establish the Primary Springs Protection Zone.

Charles Pattison, 2346 Armistead Road, representative of 1000 Friends of Florida, See comments from Item #14.

Commissioner Rackleff established with Mr. Stevenson that if appropriate measures are taken the clarity of the Springs could be restored. Mr. Stevenson encouraged Commissioners to attend the Workshop to be held on February 25-26 and stated that a lot of information would be provided at that time.

Commissioner Rackleff moved, duly seconded by Commissioner Akinyemi, to approve Options 1 & 2: 1) Conduct the first of two public hearings on a proposed Ordinance amending the Land Development Code to establish a Primary Springs Protection Zone and Development standards to initiate implementation of Comprehensive Plan Policy 4.2.5: [C], and 2) Schedule the second and final public hearing on a proposed Ordinance amending the Land Development Code to establish a Primary Springs Protection Zone and development standards to initiate implementation of Comprehensive Plan Policy 4.2.5: [C] for Thursday, March 19, 2009 at 6:00 p.m. The motion carried 4-0 (Commissioner Thael out of Chambers and Commissioners Dailey and Proctor absent)



Board of County Commissioners Leon County, Florida

www.leoncountyfl.gov

Agenda Item Executive Summary

February 12, 2009

Title:

First of Two Public Hearings on a Proposed Ordinance Amending the Land Development Code to Establish a Primary Springs Protection Zone and Development Standards to Initiate Implementation of Comprehensive Plan Policy 4.2.5: [C]

Staff:

Parwez Alam, County Administrator *PA*
Vincent S. Long, Assistant County Administrator
Wayne Tedder, Planning Department Director

Issue Briefing:

This is a request for the Board to conduct the first of two public hearings on a proposed Ordinance that begins implementation of policy direction, related to protection of groundwater and Wakulla Springs, provided in Comprehensive Plan Policy 4.2.5: [C] (Attachment #1). The Ordinance establishes a mapped Primary Springs Protection Zone (PSPZ) and two development standards that will be applied inside the Zone. The first development standard requires the use of performance-based On-Site Treatment and Disposal Systems (septic systems), as set forth in a proposed Ordinance, submitted by Environmental Health, also scheduled for public hearing on February 12, 2009. The second development standard eliminates one of the clustering provisions for parcels in the urban fringe zoning district. County staff will bring forward additional regulations that will establish more specific development standards for lands inside the PSPZ as implementation of Policy 4.2.5: [C] proceeds over the next two years.

Fiscal Impact:

This item has no direct fiscal impact.

Staff Recommendation:

Option #1: Conduct the first of two public hearings on a proposed Ordinance amending the Land Development Code to establish a Primary Springs Protection Zone and development standards to initiate implementation of Comprehensive Plan Policy 4.2.5: [C].

Option #2: Schedule the second and final public hearing on a proposed Ordinance amending the Land Development Code to establish a Primary Springs Protection Zone and development standards to initiate implementation of Comprehensive Plan Policy 4.2.5: [C] for Thursday, March 19, 2009 at 6:00 p.m.

Report and Discussion

Background:

The 2007 Evaluation and Appraisal Report (EAR) identified the protection of groundwater quality as a major community issue and included specific recommendations for changes to the Tallahassee - Leon County Comprehensive Plan to help protect groundwater and Wakulla Springs. The primary groundwater recommendation from the adopted EAR was to “Establish a Springs Protection Zone based on the results of the Leon County Aquifer Vulnerability Assessment (LAVA) study and establish policy for additional requirements and regulations within this zone.”

Leon County and the City of Tallahassee jointly adopted Comprehensive Plan policy language on January 7, 2009 to address the recommendation (Attachment #2). The Comprehensive Plan policy calls for the adoption of a PSPZ in the Land Development Code and provides policy direction for additional requirements within the zone. This proposed Ordinance will establish a PSPZ in the Land Development Code as the first component of implementing the proposed Comprehensive Plan policy.

Analysis:

Boundary of the Primary Springs Protection Zone

The staff recommended PSPZ map is included in the proposed Ordinance. The PSPZ is based on the LAVA study, physiogeographic regions, the Cody Scarp, and input from the LAVA Technical Advisory Committee. This recommended version of the PSPZ makes it easier for landowners and local government to determine the location of the zone by utilizing roads, section lines, and quarter sections as the boundary line. The recommended boundary includes approximately 10,763 parcels occurring in both the City limits and unincorporated Leon County.

The PSPZ was mapped to capture a single area of Leon County with the highest aquifer vulnerability. It does not include all areas identified by LAVA as “most vulnerable.” There are numerous areas in central and northern Leon County that have been identified as “most vulnerable,” specifically in the stream valleys where the thickness of material (overburden) between land surface and the aquifer is reduced. These smaller areas were not included in the PSPZ for the following three main reasons:

- 1) the recommend scale of use for LAVA is 480 acres or greater,
- 2) greater distance from the spring tends to allow for additional natural attenuation of nutrients, and
- 3) this is the “primary” protection zone, after we have learned more about implementing successful protection measures other protection zones can be developed.

Title: First of Two Public Hearings to Adopt a Proposed Ordinance Amending the Land Development Code to Establish a Primary Springs Protection Zone and Development Standards to Initiate Implementation of Comprehensive Plan Policy 4.2.5: [C].

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Development Standards for Inside the Protection Zone

The proposed Ordinance begins implementation of Comprehensive Plan policy 4.2.5: [C] by adopting a Primary Springs Protection Zone (PSPZ) and two development standards to be applied within the zone. County staff will bring forward additional development standards for lands inside the PSPZ as implementation of the Comprehensive Plan policy proceeds over the next two years. A moderate amount of staff time will be consumed applying the additional regulations provided in the Ordinance. However, it is important to note that full implementation of the direction provided in Comprehensive Plan policy 4.2.5: [C] represents a significant commitment of staff resources.

The first development standard requires the use of performance-based On-Site Treatment and Disposal Systems (OSTDS) as described in a proposed ordinance amending Chapter 18 of the Code of Laws of Leon County. This proposed ordinance provides the specific requirements for the use of performance-based OSTDS and is scheduled for public hearings at the February 12 and March 19, 2009 meetings as the subject Ordinance for this agenda request. Generally, the separate ordinance requires the use of performance-based OSTDS inside the PSPZ for new construction and failed traditional OSTDS.

The second development standard eliminates the clustering provision for parcels in the urban fringe zoning district when the district occurs inside the PSPZ. This implements Comprehensive Plan policy 4.2.5:[C](5). The Urban Fringe clustering provision allows the development of 25% of a parcel in Urban Fringe zoning at up to four dwelling units per acre and then holds the remaining 75% of the site in greenspace until the Urban Service Area extends out to include the area. At that time, the remaining 75% can be developed at an urban density. This provision is logical for Urban Fringe areas that are near the existing Urban Service Area and on non-environmentally sensitive lands. However, the Urban Fringe areas inside the PSPZ are typically distant from the existing Urban Service Area and less appropriate for higher density development due to features that result in high aquifer vulnerability. If this Ordinance is adopted, Urban Fringe areas in the PSPZ may continue to develop at one dwelling unit per three acres or as Conservation Subdivisions.

The Public Hearing to consider the proposed Ordinance has been appropriately noticed in the *Tallahassee Democrat* (Attachment #3).

Title: First of Two Public Hearings to Adopt a Proposed Ordinance Amending the Land Development Code to Establish a Primary Springs Protection Zone and Development Standards to Initiate Implementation of Comprehensive Plan Policy 4.2.5: [C].

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Options:

1. Conduct the first of two public hearings on a proposed Ordinance amending the Land Development Code to establish a Primary Springs Protection Zone and development standards to initiate implementation of Comprehensive Plan Policy 4.2.5: [C].
2. Schedule the second and final public hearing on a proposed Ordinance amending the Land Development Code to establish a Primary Springs Protection Zone and development standards to initiate implementation of Comprehensive Plan Policy 4.2.5: [C] for Thursday, March 19, 2009 at 6:00 p.m.
3. Conduct the first of two public hearings on the proposed Ordinance amending the Land Development Code to establish a Primary Springs Protection Zone and development standards to initiate implementation of Comprehensive Plan Policy 4.2.5: [C], and do not schedule a second public hearing.
4. Board Direction.

Recommendation:

Options #1 and #2.

Attachments:

1. [Proposed Ordinance](#)
2. [Comprehensive Plan Policy 4.2.5 \[C\]](#)
3. [Notice in Tallahassee Democrat](#)

PA/VL/WT/bw

Add-on Agenda Item

18. St. Maarten Welcome Reception

Ken Morris, Interim Executive Director, Tourist Development Council (TDC), shared that dignitaries from St. Maarten would be visiting Tallahassee the week of February 15 and noted that a sister-city agreement was established between the City of Tallahassee and St. Maarten in 1999. Mr. Morris stated that Board approval is requested for the TDC to host a Welcome Reception for the dignitaries. The proposed date for the reception is February 20, from 3-5 p.m. at the Leon County Welcome Center's conference facility and the estimated cost of the reception would be \$600 to \$1200. Mr. Morris advised that funds were available in the TDC's sponsorship and contributions account to cover the costs of the reception.

Commissioner Thael moved, duly seconded by Commissioner Akinyemi, to approve the request to host a welcome reception for St. Maarten dignitaries at the Leon county Welcome Center in an amount not to exceed \$1,200. The motion carried 5-0 (Commissioners Proctor and Dailey absent).

Attached is an Add-on Agenda Item #18

St. Maarten Welcome Reception

This item will be taken up under General Business.

Meeting of Thursday, February 12, 2009

This document distributed: February 12, 2009



Board of County Commissioners Leon County, Florida

www.leoncountyfl.gov

Agenda Item Executive Summary

February 12, 2009

Title:

Request to Host Welcome Reception for Commissioner Sarah Wescott-Williams, Head of Government, St. Maarten, Netherlands Antilles (N.A.)

Staff:

Parwez Alam, County Administrator *PA*
Vincent S. Long, Deputy County Administrator
Ken Morris, Interim Tourist and Economic Development Director

Issue Briefing:

This agenda item requests Board consideration of a funding request for a hospitality reception for Commissioner Sarah Wescott-Williams, Head of Government and Commissioner of Education, for St. Maarten, Netherlands Antilles (Attachment #1).

Fiscal Impact:

This item has a fiscal impact to the County between \$595 and \$1,200 based on a request for quotes initiated by staff. Funds are available in the Tourist Development Council's (TDC) sponsorship and contributions line item budget to cover the cost of the reception.

Staff Recommendation:

Option #1. Approve the request to host a welcome reception for St. Maarten dignitaries at the Leon County Welcome Center in an amount not to exceed \$1,200.

Background:

In an effort to promote goodwill, the TDC has from time to time played an integral role in welcoming dignitaries from various countries as requested. Since the implementation of the 1999 sister-city agreement established between the City of Tallahassee and the Government of St. Maarten, the TDC in cooperation with the Tallahassee Area Convention & Visitors Bureau has worked to expand opportunities to promote tourism between the two cities. The agreement was initiated through expanded activities of the annual TallaFesta celebration (formerly known as the Caribbean Carnival).

Analysis:

Commissioner Sarah Wescott-Williams of St. Maarten and the Head of Financing, Mr. Calvin Mardenbrough, will be visiting Tallahassee the week of February 15 to expand upon the working relationship established by the sister-city agreement. A proposed date for hosting a reception for the dignitaries has been tentatively scheduled for Friday, February 20, 2009, 3-5 p.m. at the Leon County Welcome Center's conference facility located at 106 E. Jefferson Street. The request provides for accommodating 30 persons for the event.

A request for quotes was sent to four local catering vendors. Estimated costs to host the proposed reception varied from \$595 to \$1,200. Should the Board approve the request to host the welcome reception for the dignitaries from St. Maarten, funds are available in the TDC's sponsorship and contributions account to cover the costs of the reception.

Options:

1. Approve the request to host a welcome reception for St. Maarten dignitaries at the Leon County Welcome Center in an amount not to exceed \$1,200.
2. Do not approve to the request to host a reception for St. Maarten dignitaries.
3. Board Direction.

Recommendation:

Option #1.

Attachment:

1. [Letter of request from Arthur Lugisse, Ex. Director, TLH-SXMF](#)

Citizens to be Heard on Non-Agendaed Items (3 minute limit)

Michael Dobson, 44005 Brandon Hill Drive, spoke of behalf of the Florida Renewable Energy Producers Association. He requested the County's support of the Sunshine State Renewable Energy Expo to be held on March 11, 2009 at the Mary Brogan Museum. He offered that the anticipated attendance for the event was 200 and would generate tourism dollars for the area.

Commissioner Rackleff established that the amount of the sponsorship request was \$1,000.

Commissioner Thaeff opined that the sponsorship was an appropriate use of TDC monies and established with Ken Morris that funds were available in the TDC budget to accommodate the request.

Commissioner Thaeff moved, duly seconded by Commissioner Rackleff, to direct the TDC to sponsor the event in the amount of \$1,000. The motion carried 5-0 (Commissioners Proctor and Dailey absent)

Discussion Items by Commissioners

Commissioner Thaeff

- Expressed excitement about the upcoming Extreme Home MakeOver (EHMO) event, however was concerned about the increased County property taxes that would be assessed on the new home.
 - *Commissioner Thaeff moved, duly seconded by Commissioner Akinyemi, that an agenda item be brought back with options for the Board to consider to assist the EHMO family in property tax relief for five years for the new home.*
 - County Administrator Alam offered that in other EHMO events, trust funds had been established to further assist the family. He added that if the Board decides to pursue this action, he suggested that the total amount be budgeted in one year and be brought back each year.
 - Chairman Desloge remarked that the increased utility bills and taxes would be a big burden.
 - Chairman Desloge suggested that discussions with the Property Appraiser's Office be held to determine if there are avenues available to provide some assistance. Commissioner Thaeff offered to contact the Property Appraisers Office on behalf of the Board.
 - Commissioner Rackleff advised caution and asked if facts could be learned, before an agenda item is requested.
 - Commissioner Akinyemi asserted his support to assist the family, i.e., participation in trust fund and discussions with Property Appraisers Office and will vote for the motion.
 - Commissioner Sauls expressed apprehension with the County setting this type of precedent and added that there are other deserving families in the community who need assistance also. She noted that she would support the motion, but would be hesitant to pursue this course of action.
 - Commissioner Rackleff agreed with Commissioner Sauls and noted that other circumstances, i.e., flooding from TS Fay that have occurred and placed families in adverse positions. He will not support the motion.
 - Chairman Desloge stated that he would support the motion and welcomed more information on the issue; however, he was unsure if he could support this type of direction.

- *The motion carried 4-1 (Commissioner Rackleff in opposition and Commissioners Proctor and Dailey absent)*
- Recognized today as Abraham Lincoln's 200th Birthday

Commissioner Sauls

- Requested a status report on a proposed 697 acre 697 home development, Chasen Woods, in the Woodville area.
 - Commissioner Rackleff remarked that the proposed development is surrounded by wetlands and the intensity of the development is troublesome. He stated that the property is unsuitable for this type of development and recommended that staff review the current clustering policy.
 - County Attorney Thiele cautioned discussion of the merits of the application, as it is clearly a quasi-judicial matter which would appear on the Board's agenda.
 - Tony Biblo, Growth & Environmental Management, Developmental Services, shared that the Board would have the opportunity to review and comment on the application.
 - Commissioner Thaelle asked the status of the property being purchased by the State. Mr. Biblo responded that this continues to be a consideration.
 - Commissioner Thaelle requested that staff look into the State purchase offer.
- Shared material on another potential prescription drug card opportunity and asked staff to review the information.
- *Commissioner Sauls moved, duly seconded by Commissioner Rackleff, to agenda for further discussion the possibility of moving Commission meetings back to Tuesday. The motion carried 5-0 (Commissioners Proctor and Dailey absent)*
 - Chairman Desloge noted the conflict with the School Board meetings that are also held on Tuesdays. He asked that consideration be given to having the meetings on the 1st and 3rd weeks rather than 2nd and 4th weeks.

Commissioner Akinyemi

- Suggested that the Tourist Development Council utilize the Extreme Home MakeOver (EHMO) event as a marketing opportunity for the area.
- Mentioned that volunteers are needed for the EMHO project.
- Recommended the "Akinyummy" Hot Roast Beef Sandwich at Andrews.
- Asked that Board members inform him of any issues they would like for him to address or discuss as the Board's representative on the Public Safety Committee.

Commissioner Rackleff

- Distributed an article from the New Yorker Magazine entitled "The Ponzi State" which expressed a view that Florida has developed an unsustainable fiscal structure, which is of concern to Commissioner Rackleff and he noted the importance of being educated in the important changes going on in the State.

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- Provided an overview of the American Recovery and Reinvestment Act

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Commissioner Desloge

- Requested a Resolution for the American Women's Business Association's Silver Dome Chapter Founder's Day
- Acknowledged the honor of Tallahassee being chosen for the Extreme Home MakeOver project and gave kudos to the Public Works and County staff for their work behind the scenes assisting with this project. He suggested that a link to the project be added to the County's web site.
- Mentioned that the Medicaid nursing home formula cannot be changed by State's accepting stimulus monies. This could have had a \$2 to \$4 million impact on the County.

County Administrator Alam announced that John Thomas Dailey was born at 3:16 p.m.

- Chairman Desloge passed the Gavel to Vice-Chair Rackleff
 - *Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, that an agenda item be brought back relative to how the County would address administrative issues associated with accelerating local projects forward if stimulus monies become available.*
 - There was discussion on Commissioner Thael's suggestion that the issue be scheduled for a Workshop to allow sufficient time for discussion on this issue. It was determined that due to the tight timeframe, the issue would be agendaed.
 - *The motion carried 5-0 (Commissioner Proctor and Dailey absent)*
- The Gavel was passed back to Chairman Desloge
- Explained that the goal of the Tallahassee Capital Region Economic Stimulus group was to streamline the process and be better prepared and more ready to work through the system to acquire stimulus funds for local projects. He thinks the County's ability to "stand out from the crowd" is better when included with the other 13 entities.
 - Distributed a copy of the economic stimulus projects publication which provided a summary of information; along with another document which provided more information on specific projects. He stated that the task now is how to get the document in front of as many people as possible.
 - Commended staff for the hard work on this project.
 - Shared that there had been discussions of possibly hiring a lobbyist to specifically lobby the stimulus projects and requested the Board's input on the issue.
 - Commissioner Rackleff stated that he was pleased with current lobbying staff and is unsure that an additional lobbyist is needed.
 - Chairman Desloge shared that the goal would be that everyone on the list would pool funds to hire lobbyist and chances of funding for the projects would improve.
 - Commissioner Rackleff expressed concern of possible conflicts among lobbyist.
 - Commissioner Akinyemi asked what other partners are willing to do, what would the County's share of cost be, and could the County Administrator be authorized be handle.
 - Mr. Alam shared that the "major partners" (City of Tallahassee, County, School Board) have had discussions on contributing \$10-20,000 each. He was unsure about the status of the smaller entities involved.
 - *Commissioner Akinyemi moved, duly seconded by Chairman Desloge, to authorize the County Administrator to expend an amount not to exceed \$20,000 to hire a lobbyist to pursue stimulus funds.*

- Commissioner Thael stated that he needed to know what the other partners were willing to do and wants to understand the process for how this money will funnel down from Washington.
- Ken Morris stated that it is still unclear how the funds will be disbursed, i.e., formula driven, grant process and it would be difficult to gauge the affects of an additional lobbyist team beyond the County's current lobbying resources.
- Commissioner Sauls indicated that she would support the motion, if the City and School Board agreed to be an equal partner. The smaller counties and other entities cost could be calculated on a prorated share.
- Commissioner Thael reiterated his need to understand what the investment will bring to the citizens of Leon County.
- Chairman Desloge explained the need for a lobbyist to "carry the flag" in support of the projects identified as regional economic stimulus projects.
- Commissioner Akinyemi stated that it was his expectation that the County Administrator would write a scope of services agreement. He asserted that regional representation was needed as it would carry more clout and better position the partners to acquire stimulus monies.
- Commissioner Rackleff unclear on how a regional lobbyist would be received and opined that the proposed funds be divided between the County's current lobbying firms.
- *Commissioner Akinyemi withdrew his motion.*
- *Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to waive the rules. The motion carried 3-2 (Commissioners Rackleff and Thael in opposition and Commissioners Dailey and Proctor absent)*
- *Commissioner Akinyemi moved, duly seconded by Chairman Desloge, to authorize the County Administrator to expend an amount up to \$20,000 to hire a lobbyist to pursue stimulus monies, contingent upon participation by the City of Tallahassee and Leon County School Board to share equally in the expenditure.*
- *Commissioner Thael offered a friendly amendment that the issue of hiring a regional lobbyist as part of the agenda item on economic stimulus at the next meeting.*
- *Commissioner Akinyemi accepted the amendment.*
- Chairman Desloge explained that it is anticipated that all the partners would contribute in a pro rata share toward the expenditure.
- *Commissioner Akinyemi amended his motion to request that staff draft an agreement for regional representation for inclusion in the economic stimulus agenda item at the next Board meeting.*
- *The motion, as amended, carried 5-0 (Commissioner Proctor and Dailey absent)*

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- Shared that the revenue guarantee to Delta Airlines has not changed. A flight to Washington, D.C. has been added; however the number of flights to Orlando, Tampa and Ft. Lauderdale has been refigured to include the Washington destination.

The Board adjourned for dinner break at 5: 45 p.m.

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Adjourn

There being no further business to come before the Board, the meeting was adjourned at 7:30 p.m.



ATTEST:

LEON COUNTY, FLORIDA

BY: _____


Bryan Desloge, Chairman
Board of County Commissioners

BY: _____


Bob Inzer, Clerk of the Court
Leon County, Florida