BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA

AGENDA

REGULAR MEETING

Leon County Courthouse
Fifth Floor County Commission Chambers
301 South Monroe Street
Tallahassee, FL 32301

Tuesday, July 10, 2018
3:00 p.m.

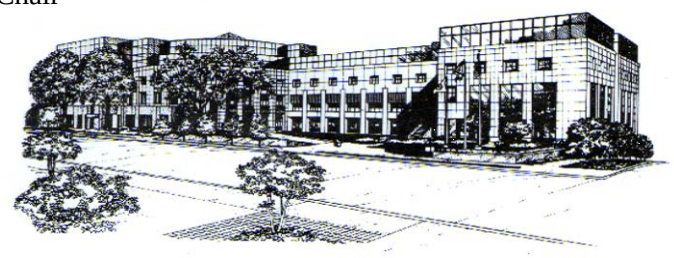
COUNTY COMMISSIONERS

Nick Maddox, Chairman
At-Large

Jimbo Jackson, Vice Chair
District 2

Bryan Desloge
District 4

Mary Ann Lindley
At-Large



John E. Dailey
District 3

Kristin Dozier
District 5

Bill Proctor
District 1

Vincent S. Long
County Administrator

Herbert W. A. Thiele
County Attorney

The Leon County Commission meets the second and fourth Tuesday of each month. Regularly scheduled meetings are held at 3:00 p.m. The meetings are televised on Comcast Channel 16. A tentative schedule of meetings and workshops is attached to this agenda as a "Public Notice." Commission Meeting Agendas are available on the Leon County Home Page at: **www.leoncountyfl.gov.** Minutes of County Commission meetings may be found at the Clerk of Courts Home Page at **www.clerk.leon.fl.us.**

Please be advised that if a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at this meeting or hearing, such person will need a record of these proceedings, and for this purpose, such person may need to ensure that verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. The County does not provide or prepare such record (Sec. 286.0105, Florida Statutes).

In accordance with Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact the ADA Coordinator by written or oral request at least 48 hours prior to the proceeding, at 850-606-5011 or Facilities Management at 850-606-5000, or 7-1-1 (TTY and Voice) via Florida Relay Service. Accommodation Request Forms are available on the website **www.LeonCountyFl.gov/ADA.**

Board of County Commissioners
Leon County, Florida
Agenda
Regular Public Meeting
Tuesday, July 10, 2018, 3:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation by Pastor Rodney West of Pisgah Church

Pledge of Allegiance by Commissioner Bryan Desloge

AWARDS AND PRESENTATIONS

- Proclamation Recognizing Coach Mike Martin as the Winningest Coach in NCAA Baseball History
  (Commissioner Dailey)
- Presentation to the Neighborhood and Neighbor of the Year Award Winners
  (Chairman Maddox)

CONSENT

1. Minutes: January 23, 2018 Joint County/City 2018 Comprehensive Plan Amendments Workshop, May 8, 2018 ALICE Workshop, and May 22, 2018 Regular Meeting
   (Clerk of Court)
2. Payment of Bills and Vouchers
   (County Administrator/ Office of Financial Stewardship/ Office of Management & Budget)
3. Sheriff's Request for Utilization of Law Enforcement Trust Fund Assets in the Amount of $275,000
   (County Administrator/ Office of Financial Stewardship/ Office of Management & Budget)
4. Commissioner Appointments to the Water Resources Committee
   (County Administrator/ County Administration)
5. Amended and Restated Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff
   (County Administrator/ County Administration)
6. Proposed Revisions to Leon County Personnel Policies and Procedures to Reduce Compensatory Leave Balances
   (County Administrator/ Human Resources)
7. Approval to Participate in the AIG-VALIC 401(a) Retirement Savings Plan
   (County Administrator/ Human Resources)
8. Federal Emergency Management Performance Grant Agreement and State Emergency Management Preparedness and Assistance Trust Fund Base Grant Agreement for Fiscal Year 2018-2019
   (County Administrator/ Office of Financial Stewardship/ Office of Management & Budget/ Emergency Management)

9. Status Report on Further Serving and Engaging Neighborhoods
   (County Administrator/ Community and Media Relations)

10. Proposed Amendment to the State Housing Initiative Partnership Local Housing Assistance Plan
    (County Administrator/ County Administration/ Office of Human Services & Community Partnerships)

11. Florida Department of Health EMS Matching Grants
    (County Administrator/ Emergency Medical Services)

12. Resolution of Support for the Honorary Designation of a Portion of U.S. 90/S.R. 10 between Chaires Cross Road and S.R. 59 in Leon County and Jefferson County as "Deputy Christopher Smith Memorial Highway"
    (County Administrator/ County Administration/ Public Works)

13. Replat of Bannerman Crossing – Unit 2 Subdivision
    (County Administrator/ Public Works/ Engineering Services)

14. FY 2017 United States Environmental Protection Agency "Water and You, Clean Water Campaign" Grant
    (County Administrator/ Public Works/ Engineering Services/ Stormwater)

15. Joint Project Agreement with The Presbyterian Retirement Communities, Inc.(Westminster Oaks) for the Installation of a Pedestrian Crossing on Dempsey Mayo Road at Emerald Chase Subdivision
    (County Administrator/ Public Works/ Engineering Services)

16. Maintenance Agreement with Florida Department of Transportation for the Landscaping of Capital Circle Southeast from East of Woodville Highway to South of Tram Road
    (County Administrator/ Public Works/ Operations)

17. Florida Department of Environmental Protection Permitting and Compliance Assistance Program Contract Amendment for the Petroleum Storage Tank Regulation Program for FY 2017-2027
    (County Administrator/ Development Support & Environmental Management)

18. Southwood Development of Regional Impact Integrated Development Order and Tri-Party Development Agreement with the City and The St. Joe Company
    (County Administrator/ Development Support & Environmental Management)

19. Request to Schedule the First and Only Public Hearing to Adopt a Proposed Ordinance Amending Section 10-6.617 of the Land Development Code, Residential Preservation, for September 4, 2018 at 6:00 p.m.
    (County Administrator/ Development Support & Environmental Management/ Development Services)

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

20. Status Update on the County's Clean Energy Commitment and the City of Tallahassee's Steps to Develop a Clean Energy Plan
    (County Administrator/ Office of Resource Stewardship/ Sustainability)

21. Status Report on the J. R. Alford Greenway Trail Assessment
    (County Administration/ Office of Resource Stewardship/ Parks & Recreation)

22. Status Report on the FY 2017 Minority, Women-owned Business Enterprise Program Expenditures
(County Administrator/ Office of Economic Vitality)

CONSENT ITEMS PULLED FOR DISCUSSION

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

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

GENERAL BUSINESS

23. Status Report on Legal Action Challenging State Preemption of Local Gun Laws
(County Attorney)

24. Community Redevelopment Agency's Arts, Cultural and Heritage Grant Program Recommendations
(County Administrator/ County Administration/ Tourism Division)

25. Options to Establish and Support a Children's Services Council Planning Committee
(County Administrator/ County Administration)

26. Request for Qualifications for Consulting Services to Conduct a Comprehensive Human Services Needs Assessment
(County Administrator/ Office of Human Services & Community Partnerships)

27. Ratification of the June 19, 2018 Fiscal Year 2019 Budget Workshop
(County Administrator/ Office of Financial Stewardship/ Office of Management & Budget)

28. Approve Appointments to the Miccosukee Citizens Working Group
(County Administrator/ County Administration)

29. Full Board Appointments to the Big Bend Health Council, the CareerSource Capital Region Board and the Leon County Educational Facilities Authority
(County Administrator/ County Administration)

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

30. First and Only Public Hearing to Consider Adoption of Proposed Ordinance Amending Chapter 11, Article XXIII of the Code of Laws of Leon County to Establish a Prohibition on Simulated Gambling Devices
(County Attorney)

31. First and Only Public Hearing to Consider a Proposed Resolution Renouncing and Disclaiming any Right of the County in a Portion of the Unimproved Alley Abutting Lots 51, 52, 53, and 54 per the Plat of the Plantation of the Florida Pecan Endowment Company
(County Administrator/ County Attorney/ Office of Financial Stewardship/ Real Estate)

32. Second and Final Public Hearing to Approve the Submittal of a Small Cities Community Development Block Grant Application
(County Administrator/ County Administration/ Office of Human Services & Community Partnerships)

33. First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Lake Protection (LP) Zoning District to the Lake Protection Node (LPN) Zoning District (Bannerman & Bull Headley)
(County Administrator/ P.L.A.C.E./ Planning)

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

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

COMMENTS/DISCUSSION ITEMS

Items from the County Attorney

Items from the County Administrator

Discussion Items by Commissioners

RECEIPT AND FILE

- Canopy Community Development District Proposed Budget Fiscal Year 2019
- Canopy Community Development District Meeting Minutes from May 1, 2018

ADJOURN

The next Regular Board of County Commissioner's meeting is scheduled for
Tuesday, September 4, 2018 at 3:00 p.m.

**All lobbyists appearing before the Board must pay a $25 annual registration fee.
For registration forms and/or additional information, please see the Board Secretary
or visit the County Clerk website at www.leoncountyfl.gov**

PUBLIC NOTICE
Leon County Board of County Commissioners
2018 Tentative Regular Meeting Schedule

Date	Day	Time	Meeting in 5th Floor Chambers
January 23	Tuesday	1:00 p.m.	*Joint Workshop Comp Plan Amendments*
January 23	Tuesday	3:00 p.m.	Regular Board Meeting
February 13	Tuesday	3:00 p.m.	Regular Board Meeting
February 27	Tuesday	3:00 p.m.	Regular Board Meeting
February 27	Tuesday	6:00 p.m.	*Transmittal Hearing on 2018 Cycle Comp Plan Amendments*
March 27	Tuesday	3:00 p.m.	Regular Board Meeting
April 10	Tuesday	3:00 p.m.	Regular Board Meeting
April 10	Tuesday	6:00 p.m.	*Adoption Hearing on 2018 Cycle Comp Plan Amendments*
April 10	Tuesday	6:00 p.m.	*Public Hearing on Proposed Charter Amendments*
April 24	Tuesday	9:00 a.m.	*Preliminary Budget Workshop*
~~**April 24**~~	~~Tuesday~~	~~3:00 p.m.~~	~~Regular Board Meeting~~
May 8	Tuesday	3:00 p.m.	Regular Board Meeting
May 22	Tuesday	3:00 p.m.	Regular Board Meeting
June 19	Tuesday	9:00 a.m.	*Budget Workshop*
June 19	Tuesday	3:00 p.m.	Regular Board Meeting
~~**July 10**~~	~~Tuesday~~	~~9:00 a.m.~~	~~*Budget Workshop (if necessary)*~~
July 10	Tuesday	3:00 p.m.	Regular Board Meeting
~~**August 21**~~	~~Tuesday~~	~~6:00 p.m.~~	~~*Public Hearing on Charter Amendments*~~
September 4	Tuesday	3:00 p.m.	Regular Board Meeting
September 4	Tuesday	6:00 p.m.	*First Public Hearing on Tentative Millage Rate and Budgets*
September 24	Monday	3:00 p.m.	Regular Board Meeting
September 24	Monday	6:00 p.m.	*Second Public Hearing on Final Millage Rate and Final Budgets*
October 9	Tuesday	3:00 p.m.	Regular Board Meeting
October 23	Tuesday	3:00 p.m.	Regular Board Meeting
November 20	Tuesday	3:00 p.m.	Board Reorganization and Regular Board Meeting
December 10	Monday	9:00 a.m.	Board Retreat
December 11	Tuesday	3:00 p.m.	Regular Board Meeting

PUBLIC NOTICE
Leon County Board of County Commissioners
2018 Tentative Regular Meeting Schedule

All Workshops, Meetings, and Public Hearings are held in the Leon County Courthouse, 5th Floor Commission Chambers, at 301 South Monroe Street, and are subject to change.

JANUARY

S	M	T	W	T	F	S
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

MARCH

S	M	T	W	T	F	S
					2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

APRIL

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

MAY

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JUNE

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

JULY

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

AUGUST

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

OCTOBER

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

NOVEMBER

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1

DECEMBER

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

PUBLIC NOTICE
Leon County Board of County Commissioners
2018 Tentative Schedule

Month	Day	Time	Meeting Type
January 2018	**Monday 1**	**Offices Closed**	**NEW YEAR'S DAY**
	Tuesday 9	**No meeting**	**BOARD RECESS**
	Monday 15		**MARTIN LUTHER KING, JR. DAY**
	Tuesday 16	1:30 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Tuesday 23	1:00 p.m.	Joint City/County Workshop on the 2018 Cycle Comprehensive Plan Amendments
		3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
		6:00 p.m.	First and Only Public Hearing to Consider the Recommended Order and Exceptions on the Site and Development Plan Application for Brookside Village Residential Subdivision
	Thursday 25	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
	Thursday 25 & Friday 26	*Seminar 2 of 3*	*FAC Advanced County Commissioner Program* *Alachua County; Gainesville, FL*
February 2018	*Wednesday 7*	*7:30 a.m.-7:00 p.m.*	*FAC Legislative Day* *Challenger Learning Center – 200 S. Duval St.*
	Friday 9	9:00 a.m.	Community Legislative Dialogue Meeting County Courthouse, 5th Floor Commission Chambers
	Tuesday 13	3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
	Tuesday 20	1:30 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Tuesday 27	3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
		6:00 p.m.	Joint City/County Transmittal Hearing on Cycle 2018 Comprehensive Plan Amendments
		6:00 p.m.	First & Only Public Hearing on Proposed Ordinance Amending of Official Zoning Map to change Zoning Classification from Urban Fringe (UF) District to Light Industrial (M-1) District
March 2018	Thursday 1	3:00 – 6:00 p.m.	Blueprint Intergovernmental Agency City Commission Chambers
	Saturday 3 – Wednesday 7		*NACO Legislative Conference* *Washington Hilton - Washington, DC*
	Monday 19	1:30 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Thursday 22	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
	Tuesday 27	3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers

Month	Day	Time	Meeting Type
March 2018 (cont.)	Tuesday 27	6:00 p.m.	First and Only Public Hearing to Consider Adoption of Resolution Authorizing Road Improvements for Tower Oaks Subdivision.
		6:00 p.m.	First and Only Public Hearing for the Type 'C' Site and Development Plan Application for the Benners Sand Mine on Tram Road
April 2018	Tuesday 10	~~12:00 - 3:00 p.m.~~ Cancelled	~~Workshop on Charter Review Committee Final Report~~
		3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
		6:00 p.m.	Joint City/County Adoption and Transmittal Hearings on 2018 Cycle Comprehensive Plan Amendments
		6:00 p.m.	First of Two Public Hearings on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Urban Fringe (UF) District to the Rural (R) District (East Mahan Dr.)
		6:00 p.m.	First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Single- and Two-Family Residential District (R-3) and High Intensity Urban Activity Center District (AC) to the Office Residential 2 (OR-2) Zoning District (Barcelona Offices)
	Continued until July 10, 2018	6:00 p.m.	First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Lake Protection (LP) Zoning District to the Lake Protection Node (LPN) Zoning District (Bannerman & Bull Headley)
		6:00 p.m.	Tax Equity and Fiscal Responsibility Act (TEFRA) Public Hearing to Consider Issuance of Bonds for Holy Comforter
		6:00 p.m.	First and Only Public Hearing to Consider an Ordinance to Amend Article IV of Chapter 2 of the Code of Laws of Leon County, Florida, Regarding the County Attorney
		6:00 p.m.	First and Only Public Hearing to Consider an Ordinance Amending Chapter 12 (Offenses - Miscellaneous) of the Code of Laws of Leon County, Entitled "Criminal History Records Check and Waiting Period for Purchase of Firearms"
		6:00 p.m.	First and Only Public Hearing to Consider an Ordinance to Amend the Leon County Charter to Provide for a Code of Ethics Upon Voter Approval at the November 6, 2018 General Election
	~~Tuesday 17~~	~~1:30 p.m.~~ *Cancelled*	~~Capital Region Transportation Planning Agency City Commission Chambers~~
	Thursday 19 & Friday 20	*Seminar 3 of 3*	*FAC Advanced County Commissioner Program Alachua County; Gainesville, FL*
	Tuesday 24	9:00 a.m. – 3:00 p.m.	Preliminary Budget Workshop

Month	Day	Time	Meeting Type
April 2018 (cont.)	~~Tuesday 24~~	~~3:00 p.m.~~ *Cancelled*	~~Regular Meeting~~ ~~County Courthouse, 5th Floor Commission Chambers~~
May 2018	Tuesday 8	1:00 p.m.	Workshop on the United Way 2017 Asset Limited, Income Constrained, Employed (ALICE) Report
		3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
		6:00 p.m.	Second and Final Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Urban Fringe (UF) District to the Rural (R) District (East Mahan Dr.)
		6:00 p.m.	First & Only Public Hearing on proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Single Family Two-Family Residential (R-3) Zoning District to the Office Residential (OR-2) Zoning District (5819 W. Tennessee St. – Ceballos Mixed Use Development)
		6:00 p.m.	First & Only Public Hearing on Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Residential Acre (RA) Zoning District to Single Family Two-Family Residential (R-3) Zoning District (3700 Deshazier Ln)
	Tuesday 15	1:30 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Tuesday 22	3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
	Thursday 24	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
	Monday 28	**Offices Closed**	**MEMORIAL DAY**
June 2018	Monday 18	1:30 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Tuesday 19	9:00 a.m. – 3:00 p.m.	Budget Workshop
		3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
		6:00 p.m.	First & Only Public Hearing to Consider an Ordinance to Establish an Independent Children's Service Council District Upon Voter Approval at the November 6, 2018 General Election
		6:00 p.m.	First & Only Public Hearing to Consider Adoption of Ordinance Imposing Reasonable Limitations on the Submission of Documentary Evidence in Quasi-Judicial Proceedings
		6:00 p.m.	First & Only Public Hearing to Consider an Ordinance Amending Chapter 16, Article V, to Address a Recent Law Change Disallowing Security Funds from Dealers of Communications Services and to Make Other Minor Amendments
		6:00 p.m.	First & Only Public Hearing to Consider a Proposed Resolution Adopting Inventory List of County-Owned Properties Appropriate for Affordable Housing

Month	Day	Time	Meeting Type
June 2018 (cont.)	Tuesday 19	6:00 p.m.	First and Only Public Hearing to Approve the Resolution Adopting the Stormwater Non-ad Valorem Assessment Roll and Authorize Certification of the Entire Roll to Tax Collector
		6:00 p.m.	First & Only Public Hearing to Approve Resolution Adopting the Solid Waste Disposal Services Non-ad Valorem Assessment Roll and Authorize Certification of the Entire Roll to Tax Collector
		6:00 p.m.	First & Only Public Hearing to Approve the Resolution Adopting the Fire Rescue Services Non-ad Valorem Assessment Roll and Authorize Certification of the Entire Roll to Tax Collector
	Thursday 21	1:00 – 3:00 p.m.	Workshop Blueprint 2020 Implementation Plan for Infrastructure & Economic Development Programs City Commission Chambers
		3:00 – 6:00 p.m.	Blueprint Intergovernmental Agency meeting City Commission Chambers
		3:00 p.m.	Joint Adoption Hearing for the 2018 Comprehensive Plan Amendments on the proposed text amendment to the Intergovernmental Coordination Element City Commission Chambers
	Tuesday 26 - Friday 29		*FAC Annual Conference & Educational Exposition Orange County; Hyatt Regency, Orlando, FL*
July 2018	**Wednesday 4**	**Offices Closed**	**INDEPENDENCE DAY**
	Monday 9	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
	~~Tuesday 10~~	~~9:00 a.m. 3:00 p.m.~~ *Cancelled*	~~Budget Workshop (if necessary)~~
	Tuesday 10	3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
		6:00 p.m.	First & Only Public Hearing on Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Lake Protection (LP) Zoning District to the Lake Protection Node (LPN) Zoning District (Bannerman & Bull Headley)
		6:00 p.m.	First & Only Public Hearing to Consider Adoption of Ordinance Amending Chapter 11, Article XXIII of Code of Laws of Leon County to Establish a Prohibition on Simulated Gambling Devices
		6:00 p.m.	First & Only Public Hearing to Consider Proposed Resolution Renouncing and Disclaiming any Right of the County in a Portion of the Unimproved Alley Abutting Lots 51, 52, 53 & 54 per the Plat of the Plantation of the Florida Pecan Endowment Company
		6:00 p.m.	Second Public Hearing on a Federal FY 2017 Small Cities Community Development Block Grant Application
	Friday 13 - Tuesday 16		*NACo Annual Conference & Exposition Gaylord Opryland - Davidson County - Nashville, TN*
	Tuesday 24	**No Meeting**	**BOARD RECESS**

Month	Day	Time	Meeting Type
August 2018	*Wednesday 1 – Saturday 4*		*National Urban League Annual Conference Columbus, Ohio*
	Thursday 9 - Sunday 12		*Chamber of Commerce Annual Conference Amelia Island, FL*
	~~Tuesday 21~~	~~6:00 p.m.~~ Cancelled	~~Public Hearing on Charter Amendments (if necessary)~~
	Tuesday 28	**Primary Election**	**PRIMARY ELECTION DAY**
September 2018	**Monday 3**	**Offices Closed**	**LABOR DAY**
	Tuesday 4	3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
		6:00 p.m.*	First Public Hearing Regarding Tentative Millage Rates and Tentative Budgets for FY 18/19*
		6:00 p.m.	**First and Only Public Hearing to Adopt a Proposed Ordinance Amending Section 10-6.617 of the Land Development Code, Residential Preservation**
	Wednesday 12 Sunday 16		*Congressional Black Caucus Annual Legislative Conference Washington DC*
	Thursday 13	4:00 p.m. & 6:00 p.m.	Community Redevelopment Agency Meeting & Public Hearing, City Commission Chambers
	Tuesday 18	1:30 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Thursday 20	5:00 – 8:00 p.m.	Blueprint Intergovernmental Agency Meeting & 5:30 p.m. Budget Public Hearing, City Commission Chambers
	~~Tuesday 25~~ Monday 24	3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
	Monday 24	6:00 p.m.*	Second & Final Public Hearing on Adoption of Final Millage Rates and Budgets for FY 18/19*
	Wednesday - 26 Thursday 27		*FAC Innovation, Education & Leadership Summit Charlotte Harbor Event & Conference Center – Charlotte County- Punta Gorda, FL*
**** These public hearing dates may change because of the School Board's scheduling of its budget adoption public hearings.***			
October 2018	Tuesday 9	3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
	Tuesday 16	9:00 - 11:00 a.m.	Capital Region Transportation Planning Agency Workshop TBA
	Tuesday 23	1:30 p.m.	Workshop on the 2019 State & Federal Legislative Priorities
		3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
November 2018	**Tuesday 6**	**General Election**	**ELECTION DAY**
	Monday 12	**Offices Closed**	**VETERAN'S DAY OBSERVED**
	Thursday 15	9:30 a.m.	Community Redevelopment Agency City Commission Chambers
	Tuesday 20	3:00 p.m.	Regular Meeting & Reorganization County Courthouse, 5th Floor Commission Chambers
	Thursday 22	**Offices Closed**	**THANKSGIVING DAY**

Month	Day	Time	Meeting Type
November 2018 (cont.)	**Friday 23**	**Offices Closed**	**FRIDAY AFTER THANKSGIVING DAY**
	Monday 26	1:30 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Wednesday 28 - Friday 30		*FAC Legislative Conference - Marriott Tampa Waterside – Hillsborough County-Tampa, FL*
December 2018	Monday 10	9:00 a.m. – 4:00 p.m.	Board Retreat TBD
	Tuesday 11	3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
	Thursday 13	3:00 – 6:00 p.m.	Blueprint Intergovernmental Agency City Commission Chambers
	Tuesday 18	1:30 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Monday 24	**Offices Closed**	**CHRISTMAS EVE**
	Tuesday 25	**Offices Closed**	**CHRISTMAS DAY**
	Monday 31	**Offices Closed**	**NEW YEAR'S EVE**
January 2019	**Tuesday 1**	**Offices Closed**	**NEW YEAR'S DAY**
	Tuesday 8	**No Meeting**	**BOARD RECESS**
	Monday 21		**MARTIN LUTHER KING, JR. DAY**
	Tuesday 22	3:00 p.m.	Regular Meeting

Citizen Committees, Boards, and Authorities
2018 Term Expirations and Vacancies

www2.leoncountyfl.gov/committees/list.asp

CURRENT VACANCIES

Advisory Committee on Quality Growth
Board of County Commissioners (1 appointment)
(Seat 7: person employed by or represents, a community-based, environment-related organization)

CareerSource Capital Region Board
(seat for an employer in the hospitality or retail industry)
Board of County Commissioners (1 appointment)

Miccosukee Citizens Working Group
Board of County Commissioners (10 appointments)

Water Resources Committee
Commissioner - At-large II: Maddox, Nick (1 appointment)

UPCOMING TERM EXPIRATIONS

JUNE 30, 2018

Affordable Housing Advisory Committee
(seat for a Member of the Planning Commission)
Board of County Commissioners (1 appointment)

CareerSource Capital Region Board
Board of County Commissioners (2 appointments)

JULY 31, 2018

Big Bend Health Council, Inc.
Board of County Commissioners (4 appointments)

Leon County Educational Facilities Authority
Board of County Commissioners (1 appointment)

Water Resources Committee
Commissioner - District II: Jackson, Jimbo (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)

AUGUST 31, 2018

Code Enforcement Board
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

SEPTEMBER 30, 2018

Council on Culture & Arts
Board of County Commissioners (2 appointments)

Joint School Coordinating Committee
Board of County Commissioners (1 appointment)

Leon County Research and Development Authority
Board of County Commissioners (3 appointments)

Science Advisory Committee
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)

Tallahassee-Leon County Commission on the Status of Women & Girls
Board of County Commissioners (4 appointments)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

OCTOBER 31, 2018

Canopy Roads Citizens Committee
Board of County Commissioners (1 appointment)

Tourist Development Council
Board of County Commissioners (2 appointments)

DECEMBER 31, 2018

Audit Advisory Committee
Board of County Commissioners (2 appointments)

Joint City/County Bicycling Workgroup
Board of County Commissioners (3 appointments)

Library Advisory Board
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

Leon County
Board of County Commissioners

Notes for Agenda Item #1

Leon County Board of County Commissioners

Agenda Item #1

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Minutes: January 23, 2018 Joint County/City 2018 Comprehensive Plan Amendments Workshop, May 8, 2018 ALICE Workshop, and May 22, 2018 Regular Meeting

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Jordan Steffens, Finance Director, Clerk of the Court & Comptroller
Lead Staff/ Project Team:	Rebecca Vause, Clerk to the Board

Statement of Issue:

This agenda item seeks Board review and approval of the following minutes: January 23, 2018 Joint County/City 2018 Comprehensive Plan Amendments Workshop; May 8, 2018 ALICE Workshop, and May 22, 2018 Regular Meeting

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the minutes of the January 23, 2018 Joint County/City 2018 Comprehensive Plan Amendments Workshop, May 8, 2018 ALICE Workshop, and May 22, 2018 Regular Meeting.

Attachments:

1. January 23, 2018 Joint County/City 2018 Comprehensive Plan Amendments Workshop
2. May 8, 2018 ALICE Workshop
3. May 22, 2018 Regular Meeting

JOINT WORKSHOP
Leon County Board of Commissioners &
Tallahassee City Commission
2018 Cycle Comprehensive Plan Amendments
County Courthouse
January 23, 2018

The County and City Commissions' met in a joint session on January 23, 2018, in the County Commission Chambers with County Commissioners Nick Maddox, Jimbo Jackson, John Dailey, Mary Ann Lindley, Kristen Dozier and Bryan Desloge present; and City Commissioners Andrew Gillum, Nancy Miller and Curtis Richardson present. Also present were County Administrator Vince Long, Interim City Manager Reese Goad, County Attorney Herb Thiele, City Attorney Lew Shelley and members of both County and City staffs. County Commissioner Bill Proctor and City Commissioners Gill Ziffer and Scott Maddox were absent.

Chairman Nick Maddox called the Joint County/City Workshop on Cycle 2018 Comprehensive Plan Amendments to order at 1:05 p.m.

Review of Proposed Cycle 2018 Comprehensive Plan Amendments

Cherie Bryant, Tallahassee-Leon County Planning Director, explained that the intent of today's workshop was to provide an opportunity for Commissioners to review the amendments and request any additional information from staff prior to the scheduled public hearings. She then outlined the format for the workshop, in which she and Artie White, Comprehensive Planning Administrator, would summarize the proposed amendments and provide a status report on the public input on community values for the Comprehensive Plan Land Use Element update.

Mr. White reported that there were a total of ten amendments (four City map amendments; three County map amendments and three text amendments). He advised that the first public hearing for the adoption of small scale map amendments (proposed amendments that involves a use of 10 acres or fewer) will be held on February 27, 2018 and the transmittal of large scale amendments (proposed text and map amendments that involves a use of greater than 10 acres) will be held on April 10, 2018. Mr. White then provided an overview of the process by which proposed amendments are evaluated.

Mr. White provided a thorough review of the following amendments:

- **PCM201801: Parkway Place**

  Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Residential Preservation to Suburban. The parcel is located immediately north of Apalachee Parkway and east of Albritton Drive. The subject site is owned by Parkway Place Partners OTD and consists of one storefront in an existing shopping center. The exiting Residential Preservation category allows residential uses up to six dwelling units per acre. The proposed Suburban category allows a mixture of office, commercial uses and residential densities up to 20 units per acre. The applicant is requesting the amendment to make the one storefront FLUM consistent with the remainder of the shopping center.

  Staff and Local Planning Agency recommend approval.

  Chairman Maddox affirmed with County Attorney Thiele that he should recuse himself from the vote as his wife rents a portion of the shopping center. (It is noted that no vote was taken on this amendment.)

- **PCM201802: PetroSouth**

  Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Urban Residential 2 to Suburban on a parcel totaling 0.726 acres. The parcel is located immediately south of Jackson Bluff Road and east of Mabry Street. The subject site is owned by Lar Lar Development LLC and is developed with a convenience store. The existing Urban Residential 2 is a residential category with a density up to 20 units per acre. Under the category commercial/retail uses are prohibited. The proposed Suburban category allows a mixture of office, commercial uses and residential densities up to 20 units per acre. The applicant is requesting the amendment so that they can continue to operate the long-term business which occupies the subject site.

  Staff and the Local Planning Agency recommend approval.

  PCM201803: FSU Health Clinic

  Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Recreation/Open Space and Educational Facilities to Government Operational on two parcels totaling 1.79 acres. The parcels are located immediately south of Roberts Avenue and immediately west of Eisenhower Street. One is owned by the City of Tallahassee and the other by the State of Florida. Florida State University is seeking to purchase the subject site to construct a medical teaching facility.

  The existing Recreation/Open Space FLUM allows for government owned lands which have active or passive recreational facilities, historic sites, forests, cemeteries, or wildlife management areas, while permitted uses in the Educational Facilities FLUM are limited to educational facilities and ancillary community services to serve the student population, or the community in general. The proposed Government Operational allows for government owned offices, libraries, museums, and various other community services/facilities.

  Staff and Local Planning Agency recommend approval.

  Mayor Gillum inquired if the location of the proposed FSU Health Clinic was in conflict with the radius for service delivery required for federally funded health care facilities, such as Bond Community Health Center or Neighborhood Medical Center.

  Mr. White responded that he did not believe there to be a conflict; however, staff would confirm this prior to the public hearing.

- **PCM201804: Chabad House**

  Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation for two parcels totaling approximately 3.71 acres in the Chapel Ridge neighborhood from Residential Preservation (FP) to University Transition (UT).

  The Residential Preservation FLUM designation allows for single-family houses, townhomes, and duplexes at a maximum density of six unties per acre. The University Transition FLUM designation allows for a mix of uses, including smaller scale retail and commercial uses, entertainment commercial uses, offices, and residential housing up to 50 units per acre.

  Staff and Local Planning Agency recommend approval.

  Commissioner Dozier expressed some concerns about using the West Pensacola Sector Plan as the data contained in the Plan maybe somewhat dated.

- **LMA201802: Capital Circle Light Industrial**

  Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation for three parcels totaling approximately 3.8 acres in an area used for sand mining and the processing of construction materials located west of Capital Circle SE and south of Tram Road from Urban Fringe (UF) to Suburban.

  The Urban Fringe FLUM designation allows for low density residential areas mixed with open space and agricultural activities on the periphery of the Urban Service Area. The maximum allowed standard residential density is one unit per three acres. The Suburban FLUM designation allows for a mix of uses, including retail and commercial uses, offices, and residential housing up to 20 units per acre.

  Staff and Local Planning Agency recommend approval with expansion area.

- **LMA201804: East Mahan**

  Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation for two parcels totaling approximately 232 acres on the north side of Mahan Drive east of I-10 from Urban Fringe (UF) to Rural (R).

  The Urban Fringe FLUM designation allows for low-density residential areas mixed with open space and agricultural activities on the periphery of the Urban Service Area. The maximum allowed standard residential density is one unit per three acres. The Rural FLUM designation is intended to maintain and promote agriculture, silviculture, and natural resource-based activities, preserve natural systems and ecosystem functions, and protect the scenic vistas and pastoral development patterns that typify Leon County's rural areas. The maximum allowed residential density in Rural is one dwelling unit per 10 acres.

  Commissioner Desloge encouraged staff to make another effort to reach the property owner as this is a big change to a large piece of property. He indicated that he would be surprised if the owners would not object to the change or not want to renew the agreement.

  Commissioner Dozier noted that the original agreement entered into in 2007 between the County and property owners was a 10 year agreement, which expired last year. She confirmed with County Attorney Thiele that a new agreement would be required.

  Commissioner Desloge asked if efforts had been made to reach the owners in 2017. Mr. White was unsure; however, assured Commissioner Desloge that staff would make additional attempts to reach the property owner.

  Commissioner Miller noted the layout of the property (75% in FEMA flood plain, slopes down into wetlands) and recalled historical discussions on septic tanks vs sewer which resulted in the stipulation for sewer.

- **LMA201805: Barcelona Offices**

  Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation from Urban Residential 2 (UR-2) and Activity Center (AC) to Suburban (SUB) on two parcels totaling 30 acres. Part of the property is already designated SUB on the FLUM. The parcels are located off of Capital Circle Southeast, north of Blair Stone Road, off of Barcelona Lane. The applicant is seeking the land use change to develop offices.

  The existing UR-2 land use allows up to 20 dwelling units per acre. The existing AC land use allows up to 45 dwelling units per acre and is intended to provide large scale commercial

activities to serve retail needs of large portions of the population. The proposed Suburban category allows a mixture of office, commercial uses and residential densities up to 20 units per acre.

Staff and Land Planning Agency recommend approval.

Commissioner Richardson asked for and received clarification on the location of the proposed amendment.

Chairman Maddox expressed concerns about increased traffic in the area and using Barcelona Lane as an access to the development. He cautioned that major improvements to Barcelona would be needed before development of the property.

Commissioner Dozier noted that this was a challenging site for development. She also echoed the concerns about traffic and asked that the developer be made aware of the expressed concerns.

- **PCT201801: Science and Industry**

  Text Amendment: The proposed text amendment would create a new land use category that addresses research and development, advanced manufacturing, industrial, and light industrial and mining uses. The proposed land use category will include guidelines for the development of implementing zoning districts.

  Staff recommends approval. The Local Planning Council continued the public hearing to February 6, 2018 to allow staff additional time to refine development standards with implementing departments.

  Commissioners Miller and Dozier expressed concerns about putting all the elements together under one land use category. It was suggested that staff consider separating the research and innovation from the industrial and mining uses. Staff indicated that further analysis of the proposed amendment would be done in consideration of the comments received from Commissioners Miller and Dozier.

  Commissioner Dailey asked staff to coordinate with the County and City Attorney's Offices to ensure that this and any future land use amendment is consistent with local ordinances which ban fracking.

  Commissioner Richardson echoed previous concerns on how mining is defined.

- **PCT201802: Regional Mobility Plan Maps**

  Text Amendment: This is a request to amend the Mobility Element of the Tallahassee-Leon County Comprehensive Plan to update the Adopted Cost Feasible Map and to replace the project specific Adopted Cost Feasible Maps with project lists. This section is being amended to reflect the Cost Feasible Projects that were identified in the CRTPA 2040 Regional Mobility Cost Feasible Plan, and the new format (tables instead of maps).

  Staff and Local Planning Agency recommend approval.

- **PCT201803: Intergovernmental Coordination Element**

  Text Amendment: This is a request to amend the Intergovernmental Coordination Element of the Tallahassee-Leon County Comprehensive Plan to update Objective 1.8 and Policy 1.8.1 addressing the Comprehensive Plan Amendment Process, including the number of times the Comprehensive Plan can be amended annually and procedures for voting on proposed amendments.

  Ms. Bryant summarized the proposed amendment. She recalled that there was considerable discussion during the last amendment cycle regarding voting procedures for amendments and whether both jurisdictions were to vote on all amendments or only the jurisdiction in which the amendment was located. Ms. Bryant then outlined the three potential voting options: 1) Both Commissions vote on all amendments; 2) Only the jurisdictional Commission votes on map amendments, both vote on text amendments, and 3) Base process on amendment type (i.e., both Commissions vote on large scale and text, but only jurisdictional Commission votes on small scale amendments).

  Ms. Bryant relayed that the amendment also discusses removal of the restriction limiting the number of times the Comprehensive Plan can be amended annually. She commented that this will allow more flexibility for initiating amendments while promoting the efficient use of City and County resources.

  Commissioner Richardson confirmed that joint workshops would continue to be held.

  Commissioner Lindley expressed regret that the County did not participate in the public hearing held when the Killearn and Myers Park amendments were discussed. She voiced favor for both Commissions voting on all amendments.

  Commissioner Miller indicated her preference for voting option #3. She emphasized the need for both Commissions to be aware of all the various amendments as both the City and County are affected. She recalled that even though votes may have appeared ceremonious, they were in fact a vote of support for the action being taken by the other Commission. She discussed the importance of cooperation amongst the commissions as citizens do not see boundaries when issues of the community are being discussed.

  Commissioner Dozier established that statute did not prohibit the Commission from deciding on its voting process. She noted that while some issues may be City only, constituents rely on all their elected officials for clarification or to express concerns. She also pointed out that three of the seven County Commissioners represent all of the residents of the City and that residents of the unincorporated area don't have a vote in City Commission elections. She too emphasized the need for cooperation and collaboration between City and County Commissions.

  Commissioner Lindley noted that it is not only large scale amendments that can conjure interest among residents; small scale amendments can also be important or of interest to the public.

  Commissioner Dailey commented that, while it appeared that voting of all amendments was favored, had concerns regarding option #3. He submitted that the County cannot delegate its legislative authority in the unincorporated area, no matter the type of amendment. He submitted that there continued to be jurisdictional issues to be worked out and suggested that the County and City Attorney's be directed, in conjunction with Planning Staff, draft proposed language to be brought back to the Joint Commission.

Commissioner Richardson voiced a preference for the current process and appreciated the opportunity for the Commissions to meet together to discuss the various amendments. He noted the cooperative spirit which currently exists among the two Commissions and would like to see that continue.

Mayor Gillum stated that he favored maintaining the status quo. He mentioned that this issue is before the Joint Commissions due to the opinion by the County Attorney that votes taken by the County Commission on amendments within the City were ceremonial. He noted that residents do not make a distinction between county and city boundaries and commented that there is much benefit from having both commissions meet and provide input.

There continued to be discussion on how to move forward with Commissioner Dailey noting that formal votes were not being taken at this time and suggested that that the two legal offices meet to come to a consensus.

County and City staff provided a summation of their opinions.

Commissioner Dozier commented that there are differing legal opinions on this issue and a conversation is needed to confirm voting procedures going forward. She affirmed that there appeared to be consensus to joint meetings and recommended that County and City legal staff, in conjunction with planning staff be directed to draft a text amendment which is consistent with State Statutes to be brought back for discussion. She stated that she supported the proposed text amendment which sets one annual amendment cycle and allows additional cycles if initiated by the County or City Commissions. It was determined that staff would bring back information on a proposed text amendment related to voting procedures and the removal of the restriction limiting the number of times the Comprehensive Plan can be amended annually.

Summary of Public Input on Community Values

Mr. White provided an overview of outreach efforts related the Comprehensive Plan Reform efforts. He elaborated on the various avenues staff utilized to receive citizen input, including an online and printed survey and workshops held throughout the community. Mr. While noted that citizens supported the community values of: 1) Equity; 2) Livability; 3) Choice; 4) Opportunity, and 5) Stewardship and provided input on Land Use and Transportation Principles and Vision.

Chairman Maddox confirmed that a vote was not needed on issues presented at the workshop.

There being no further business to come before the Joint Commission the workshop as adjourned at 2:37 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Nick Maddox, Chairman
Board of County Commissioners

BY: _____
Gwendolyn Marshall, Clerk of Court
& Comptroller, Leon County, Florida

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
WORKSHOP
United Way of Florida's 2017
Asset Limited Income Constrained, Employed (ALICE) Report
May 8, 2018

The Leon County Board of County Commissioners met for a Workshop on the United Way of Florida's 2017 Asset Limited Income Constrained, Employed (ALICE) Report on Tuesday, May 8, 2018 at 1:05 p.m.

Present were Chairman Nick Maddox, Vice Chairman Jimbo Jackson and Commissioners Bill Proctor, Mary Ann Lindley, John Dailey, and Bryan Desloge. Commissioner Kristen Dozier was absent. Also present were County Administrator Vincent Long, County Attorney Herb Thiele and Board Clerk Rebecca Vause.

Facilitator(s): Wanda Hunter, Assistant County Administrator
Shington Lamy, Director, Human Services and Community Partnerships
Ben Pingree, Director of Planning, Land Management and Community Enhancement (PLACE)
Al Latimer, Director, Office of Economic Vitality (OEV)
Katrina Rolle, Executive Director, United Way of the Big Bend (UWBB)
Dr. Jerry Parrish, Chief Economist & Director of Research, Florida Chamber Foundation
Dr. Robin Perry, Associate Professor, Florida A&M University's School of Social Work
Antoine Wright, Executive Director, Big Bend Habitat for Humanity

Wanda Hunter, Assistant County Administrator, provided opening remarks. She recalled that the Board had at its February 27, 2018 meeting, directed staff to schedule a workshop to discuss the findings of the United Way of Florida's 2017 Asset Limited, Income Constrained, Employed (ALICE) Report. The ALICE report, she advised, is a comprehensive study of the financial hardship of households in Florida that earn incomes above the Federal poverty Level, but less than the amount needed to meet basic households. She noted that the ALICE Report provides county-level data on the minimum budget required for household survival and the percentage of households meeting these criteria in various geographic regions with each county. Ms. Hunter introduced the aforementioned stakeholders to make presentation to the Board.

Representatives from the UWBB, County staff and other representatives provided a presentation of the ALICE Report which included a description of the household survival budget and the minimum income required to meet basic household expenses in Leon County; the percentage of Leon County households that earn below the minimum income required to sustain a household; the demographics of the population that constitutes ALICE and the County's ongoing programs and services that address the needs of the ALICE population. Extensive data was also provided on the economic conditions and challenges that impact the ALICE population and those living in poverty with specific emphasis on the job outlook, education status and high school graduation rates of children in Leon County and current housing efforts.

Following is a summation of comments offered by Commissioners throughout the presentations:

Commissioner Lindley:

- Noted that the cost of child care exceeded housing costs.
- Commented that Leon County ranked 25th among counties in terms of 3rd grade reading ability of children; however, has a higher educated adult population.
- Asked if consideration has been given to expanding the Junior Apprenticeship Program to middle school students. Staff responded that the program has been expanded to include this population along with young adults.

Commissioner Jackson:

- Offered that areas with the highest poverty rates correspond to the high number of students reading below third grade level in Districts 1 & 2.
- Efforts are needed to close the learning gap that exists from one district to another.
- Pointed out that struggling families oftentimes do not have the time to help children with their homework as they are more concerned with making ends meet and paying household bills.

Commissioner Proctor:

- Offered that Districts 1 and 2 have a disproportionate number of families that are in need of assistance and noted that 59% of African American families in Leon County live in poverty.
- Questioned the Chambers stance on issues such as Medicaid expansion, pay equity, healthcare, minimum wage, etc.
- Spoke of the need to increase the minimum wage.
- Articulated the need for more emphasis on vocational training for high school graduates not intending to pursue a college education.
- Submitted that property taxes should be suspended or reduced for residents in Districts 1 & 2, as the schools in those districts are not receiving ample resources to ensure that students have the same opportunity to succeed as students in other areas of the County.
- Suggested that a plan was needed going forward specifically addressing how to raise the third grade reading levels.

Commissioner Desloge:

- Agreed that the County should reach out to the school district in an effort to collaborate on programs that could positively impact graduation rates in the County.

Commissioner Dailey:

- Asked if the community is providing enough financial resources to meet the needs of children and families with children. Are the right services being offered and are the right organizations providing these services? Is there a duplication of effort? Mr. Lamy responded that a comprehensive needs assessment is being recommended to provide the foundation which will inform future decisions on CHSP allocations for each funding category.

Chairman Maddox:

- Commented that a higher priority should be placed on education and that the County should partner, where appropriate, to help better serve the children and families of the areas of the County most affected by poverty and other socioeconomic issues.
- Encouraged a meeting with the school district to learn of their plans to address the disparity that exists in the various sections of the County.

DRAFT

- As a supporter of the Junior Apprenticeship Program, suggested that apprenticeships should not be limited to blue collar careers, but should be offered to those who wish to pursue careers as attorneys, stockbrokers, etc.

Commissioner Proctor moved, duly seconded by Commissioner Jackson, approval of Option 1, as amended: 1) Accept staff's analysis of the United Way of Florida's 2017 Asset Limited Income Constrained, Employed (ALICE) Report.), and direct staff to bring back an agenda item to consider the creation of a citizen group to review the ALICE data presented during the workshop and to develop an action plan to assist the UWBB in their efforts to address the needs of the ALICE population.

Commissioner Lindley noted the existence of the Tallahassee-Leon County Affordable Housing Workgroup and the upcoming CHSP assessment and was concerned about the potential for duplication of efforts.

Chairman Maddox requested the evaluation of current citizen committees and community partners addressing the issues facing the ALICE population with specific focus on housing, jobs, and education efforts. The request was offered as an amendment to the motion by Commissioner Lindley and was accepted by Commissioner Proctor.

The motion, as amended, carried 6-0 (Commissioner Dozier absent).

The Board expressed its appreciation for the information brought forward by the presenters.

There being no further business to come before the Board, the workshop was adjourned at 2:42 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Nick Maddox, Chairman
Board of County Commissioners

BY: _____
Gwendolyn Marshall, Clerk of Court
& Comptroller, Leon County, Florida

DRAFT

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
May 22, 2018

The Board of County Commissioners of Leon County, Florida met in regular session at 3:00 p.m. with Chairman Nick Maddox presiding. Present were Vice Chairman Jimbo Jackson and Commissioners Bill Proctor, Kristin Dozier, Mary Ann Lindley, Bryan Desloge and John Dailey. Also present were County Administrator Vincent Long, County Attorney Herb Thiele, Finance Director Jordan Steffens and Deputy Clerk Milan Clayton.

Chairman Maddox called the meeting to order at 3:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was provided by Pastor Gordon Beal of D3 Church of Tallahassee. Commissioner Lindley then led the Pledge of Allegiance.

AWARDS AND PRESENTATIONS

- Commissioner Desloge read into the record a Proclamation recognizing May as "Older Americans Month".
  - Accepting the Proclamation were Sheila Salyer, Senior Services Manager, and Susan Davis, Senior Outreach Coordinator, of the Tallahassee Senior Center. Ms. Salyer thanked the Board for their continued support of senior services in Leon County.
- Chairman Maddox read into the record a Proclamation recognizing May as "International Internal Auditing Awareness Month".
  - Gwen Marshall, Leon Count Clerk of Court and Comptroller, thanked the Board and recognized the support and cooperation received from the County Administrator, and the Deputy County Administrator.
- Presentation on the Tobacco Free Youth Marketing Campaign.
  - Jasmine Banks, Students Working Against Tobacco (SWAT), provided the Board with an update on the organization's marketing campaign.
- Commissioner Dozier presented a "Five Years of Service" Pin to Commissioner Aide Gary Zirin.
  - Mr. Zirin thanked the Board for the recognition and stated that is was an honor to work for Commissioner Dozier and Leon County.

CONSENT:
Commissioner Desloge moved, duly seconded by Commissioner Lindley to approve the Consent Agenda, with the exception of Items 7 & 21, which were pulled for further discussion. The motion carried 7-0.

1. Minutes: April 10, 2018 Regular Meeting

The Board approved Option 1: Approve the minutes of the April 10, 2018 Regular Meeting.

2. Payment of Bills and Vouchers

The Board approved Option 1: Approve the payment of bills and vouchers submitted for May 22, 2018, and Pre-Approval of Payment of Bills and Vouchers for the Period of May 23, 2018 through June 18, 2018.

DRAFT

3. Appropriation of Risk Management Fund Reserves

The Board approved Option 1: Approve the Resolution and Budget Amendment appropriating Risk Management Fund reserves in the amount of $300,000 to fund workers' compensation claims in excess of the FY 2017/2018 budget.

4. Request to Schedule First and Only Public Hearing to Consider Adoption of Ordinance Imposing Reasonable Limitations on the Submission of Documentary Evidence in Quasi-Judicial Proceedings, for June 19, 2018 at 6:00 p.m.

The Board approved Option 1: Schedule the first and only public hearing to consider the adoption of an ordinance imposing reasonable limitations on the submission of documentary evidence in quasi-judicial proceedings before the Board of County Commissioners, for June 19, 2018 at 6:00 p.m.

5. Request to Schedule First and Only Public Hearing to Consider an Ordinance Amending Chapter 16, Article V, to Address a Recent Law Change Disallowing Security Funds from Dealers of Communications Services and to Make Other Minor Amendments, for June 19, 2018 at 6:00 p.m.

The Board approved Option 1: Schedule the First and Only Public Hearing to consider the adoption of an ordinance amending Chapter 16, Article V, to address a recent law change disallowing security funds from dealers of communications services and to make other minor amendments, for June 19, 2018 at 6:00 p.m.

6. Second Amended and Restated Interlocal Agreement with the City of Tallahassee for the Capital City Amphitheater Concert Series

The Board approved Options 1 & 2: 1) Approve the Second and Restated Interlocal Agreement with the City of Tallahassee for the Capital City Amphitheater Concert Series, and 2) Approve the proposed Resolution dissolving the STAGE Advisory Committee.

7. Modification of the Eligibility for the CRA's Allocation of Tourist Development Taxes through the Arts, Culture, and Heritage Grant Program

Commissioner Dozier requested the item be pulled for further discussion.

County Administrator Long introduced the item.

Commissioner Dozier asked for clarification regarding how the Board should address this item given that the City of Tallahassee and CRA have both pulled it from their meeting agendas.

Chairman Maddox explained that the Board could vote to keep the existing Interlocal Agreement as is.

Commissioner Dozier moved, duly seconded by Commissioner Lindley, to keep the Downtown CRA District Interlocal Agreement between the County, City and CRA as is.

Commissioner Proctor clarified with Chairman Maddox that the motion would not expand the current CRA boundaries to allow for grant proposals outside of the current Downtown CRA. Commissioner Proctor noted that it was the County Commission which levied the additional bed tax for the creation of a performing arts center. He

DRAFT

submitted that these funds were collected throughout the County, not just within the Downtown CRA and suggested that the Downtown CRA's jurisdictional boundaries be expanded to allow for all entities in the City of Tallahassee to be eligible for funds through the Arts, Culture, and Heritage Grant Program (ACHGP). He maintained that the CRA has no statutory basis to oversee the distribution of those funds

A substitute motion was offered by Commissioner Proctor to expand the eligibility for funding through the Arts, Culture and Heritage Grant Program to all entities in the City of Tallahassee. The substitute motion was seconded by Commissioner Lindley.

Commissioner Lindley opined that it was too late to make the modification to the eligibility criteria, as suggested by Commissioner Proctor, as the deadline for applications to the ACHGP is Thursday, May 24, 2018.

Commissioner Dozier noted that the RFP for the ACHGP has been out for several months and felt it unfair to change the process now. She mentioned that should, after review by the Arts/Culture Review Committee, the responses received from the RFP are deemed not appropriate for funding, she would support a discussion on moving the monies back to the TDC under County control.

Commissioner Proctor continued to state his opposition that ACHGP funding was available only to proposals which are located in the Southside/Frenchtown or Downtown CRAs.

The substitute motion failed 1-6 (Commissioners Maddox, Jackson, Lindley, Dailey, Desloge and Dozier in opposition).

Commissioner Proctor expressed his frustration with CRA staffing and the process by which projects are reviewed.

The original motion offered by Commissioner Dozier carried 6-1 (Commissioner Proctor in opposition).

8. Supervisor of Elections Proposed Realignment of Voting Precinct Boundaries

The Board approved Option 1: Adopt, via resolution, the Supervisor of Election's proposed division of Voting Precinct No. 3501 to create additional precinct No. 3502 with a designated new polling place and realignment of the boundaries of Voting Precinct No. 4109 and 4107.

9. Proposed Revised Policy No. 14-4, "Employee 1² (Innovator/Inspirator) Award Program"

The Board approved Option 1: Adopt the proposed revised Policy No. 14-4 "Employee 1² (Innovator/Inspirator) Award Program".

10. Leon County's 2018 9/11 Day of Remembrance and Service

The Board approved Option 1: Accept the status report on Leon County's 2018 9/11 Day of Remembrance and Service.

DRAFT

11. Interlocal Agreement with the Housing Finance Authority of Leon County

The Board approved Options 1 & 2: 1) Approve the proposed Interlocal Agreement with the Housing Finance Authority of Leon County and authorize the County Administrator to execute, and 2) Approve the Resolution and associated Budget Amendment Request in the amount of $45,163.

12. Request to Schedule a First and Only Public Hearing to Consider a Proposed Resolution Adopting Inventory List of County-Owned Properties Appropriate for Affordable Housing for Tuesday, June 19, 2018 at 6:00 p.m.

The Board approved Option 1: Schedule a First and Only Public Hearing to consider a proposed Resolution adopting the inventory list of County-owned properties deemed to be appropriate for affordable housing for Tuesday, June 19, 2018 at 6:00 p.m.

13. Community Development Block Grant Disaster Recovery Application

The Board approved Option 1: Authorize staff to submit an application for Community Development Block Grant Disaster Recovery funds for Hurricane Hermine and authorize the County Administrator to execute.

14. FY 2017 Hazard Mitigation Program Grant

The Board approved Options 1 & 2: 1) Accept the Hazard Mitigation Program Grant in the amount of $66,353 and authorize the County Administrator to execute the grant agreement, and 2) Approve the Resolution and associated Budget Amendment Request budgeting $88,470 for the project.

15. Florida Department of Agriculture and Consumer Services Arthropod/Mosquito Control State Aid

The Board approved Options 1, 2 & 3: 1) Approve the Detailed Work Plan Budget for Florida Department of Agriculture and Consumer Services Arthropod/Mosquito Control State Aid, and authorize the Chairman to execute;2) Authorize the County Administrator to execute the associated Mosquito Control State Aid Agreement, when received from the Department of Agriculture and Consumer Services, in a form approved by the County Attorney, and 3) Approve the Resolution and associated Budget Amendment Request adding $928 into the FY 218 budget.

16. Plat of the Dempsey Office Park Subdivision and Acceptance of the Performance Agreement and Surety Device

The Board approved Option 1: Approve the plat of Dempsey Office Park Subdivision for recording in the Public Record, contingent upon staff's final review and approval, and acceptance of the associated Performance Agreement and Surety Device.

17. Replat of Reserve at Rivers Landing Subdivision

The Board approved Option 1: Approve the replat of the Reserve at Rivers Landing Subdivision for recording in the Public Record contingent upon staffs final review and approval.

DRAFT

18. First Amendment to the Debris Removal and Debris Monitoring Contracts

The Board approved Options 1 & 2: 1) Approve the First Amendment to the Debris Removal contracts with Ashbritt, Inc., Ceres Environmental, and DRC Emergency Services, and authorize the County Administrator to execute in a form approved by the County Attorney, and 2) Approve the First Amendment to the Debris Monitoring contracts with Thompson Consulting, Inc. and Tetra Tech, and authorize the County Administrator to execute in a form approved by the County Attorney.

19. 2018 Florida Legislative Session Final Report and Request to Schedule the Board Workshop on 2019 State and Federal Legislative Priorities and 2019 Community Legislative Dialogue Meeting

The Board approved Options 1, 2 & 3: 1) Accept the 2018 Florida Legislative Session Final Report; 2) Schedule the Board Workshop on the 2019 State and Federal Legislative Priorities for October 23, 2018 from 1:30 – 3:00 p.m., and 3) Schedule a Community Legislative Dialogue Meeting for the 2019 Florida Legislative Session for March 29, 2019 from 8:00 – 10:30 a.m.

20. Status Report on Okeeheepkee Prairie Park

The Board approved Option 1: Approve the status report on Okeeheepkee Prairie Park.

21. Second Quarter 2018 Economic Dashboard Report

Commissioner Proctor requested the item be pulled for further discussion.

County Administrator Long introduced the item.

Commissioner Proctor stated that he pulled the item at the request of a citizen.

Speaker:

- Dr. Ed Holifield, Longleaf Court, suggested that the data be disaggregated to show a breakdown by race.

Commissioner Proctor mentioned that he had provided comment when the 2018 First Quarter Economic Dashboard Report was presented to the Board in January 2018 and had, at that time, voiced a concern that it was an insufficient indicator of some of the more sensitive sociological data. He asserted that the data in the current report did not address those concerns and was not an adequate indicator of racial disparity.

Commissioner Desloge moved, duly seconded by Commissioner Dozier, approval of Option 1: Accept the Second Quarter 2018 Economic Dashboard Report.

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS (3-minute limit per speaker; there will not be any discussion by the Commission)

- Chairman Maddox confirmed there were no speakers on Non-Agendaed Items.

DRAFT

GENERAL BUSINESS

22. Implementation of Hurricane Irma After-Action Report and Preparation for the 2018 Hurricane Season

County Administrator Long introduced the item. He provided that the County, following any large-scale emergency event, conducts an extensive after-action review to assess the preparedness, response, and recovery activities taken and to identify strengths and weaknesses in these efforts, as well as recommendations for improvement during future emergencies. He noted that the Hurricane Irma After-Action Report offers 95 findings and 65 specific recommendations; of which, he highlighted, have been implemented. He then invited staff to provide the Board a brief update on the County's upcoming preparedness activities as well as a brief overview of the forecasted hurricane season.

Mathieu Cavell, Assistant to the County Administrator for Community Relations and Resilience, provided an overview of the recommendations implemented following both Hurricane Hermine and Hurricane Irma. He noted that the County has since become a leader in disaster resilience and was the first county to receive the designation of #*HuricaneStrong* by the Federal Alliance for Safe Homes (FLASH).

Kevin Peters, Emergency Management Director, provided the Board with an update on the upcoming hurricane season and summarized the many ways in which the County is working to ensure citizens are prepared.

Commissioner Dozier thanked County Administrator Long and County staff for their diligence in providing a multitude of avenues for County residents to be as safe as possible during a storm.

Commissioner Lindley moved, duly seconded by Commissioner Desloge, approval of Option 1: Accept the status report on the implementation of the Hurricane Irma After-Action Report recommendations and the preparation of the 2018 hurricane season. The motion carried 7-0.

23. Report on the Establishment of an Independent Children's Services Council District

County Administrator Long introduced the item. He shared that the item responds to a Board directive from its March 27, 2018 meeting. The item provides an overview of existing research relative to issues impacting children in Leon County, possible approaches regarding an education and information program, and options for the County's support during the Children's Services Council's first year of operation. He reminded the Board that a public hearing is scheduled for June 19, 2018 to consider final action on placing this matter on the ballot. County Administrator Long noted that a committee entitled *Our Kids First* has been formed to advocate for the establishment of a Children's Services Council (CSC) in Leon County. He then invited Jon Moyle to provide an update on the activities that have been taken to support the creation of a CSC.

Mr. Moyle, representing *Our Kids First,* informed the Board that since the Board's vote to pursue the establishment of a CRC, a number of steps have been taken by supporters of the initiative, including the following:

- The formation of a Political Action Committee, *Our Kids First.*
- The formation of a Leadership Council comprised of a diverse group of individuals who are willing to provide their time to advocate for the establishment of a CRC.

DRAFT

- The formation of an Advocacy Council comprised of entities that may provide children's services after the CSC is established and whose purpose is to review the need and make decisions about the most pressing problems to initially be addressed.
- Over $40,000 has been raised thus far.
- Vancore Jones has been retained as a political consultant to conduct polls and run the campaign. He added that an initial poll of support found that 68% of the electorate would likely support the establishment of a CSC.
- Received support of key public institutions and officials, such as Sheriff Walt McNeill and State Attorney Jack Campbell.
- The creation of upcoming website *http://ourkidsfirst-leon.com*.

Mr. Moyle mentioned that a written status report had been emailed to each Commissioner, a copy of which is attached for the record.

Mr. Moyle shared that based on an initial review of the County's report, *Our Kids First* suggests juvenile crime, early childhood development and mental health receive particular attention by the CSC. He expressed enthusiasm for the progress that has been made by the Leadership Council and urged the Board's acceptance of staff's report and move ahead with the June 19 public hearing. Should the Commission vote to move the issue to the ballot, it was suggested that the initiative be placed on the August primary election ballot in light of 13 constitutional amendments that will be on the November general election ballot.

Speakers:

- Jessica Lowe-Minor, 407 Vinnedge Ride, encouraged the Board to continue to collect information and seek input from constituents. She disputed comments that have been heard throughout the community regarding the possibility for duplicative services and lack of accountability for the CSC. She urged the Board to move forward to the public hearing.
- Cicely Brantley, 8382 Glendalin Road, Commission on the Status of Women & Girls, mentioned that multiple reports on the status of girls and women are produced by the organization. She reported that in one such report a recommendation was offered which encouraged the city and county to evaluate the formation of a CSC. She encouraged the Board to place the establishment of a CSC on the upcoming ballot for voters to consider.
- Don Hinkle, 3710 Robbin Mill Road, *Our Kids First,* noted that many community leaders have invested a lot of time, effort and money to see this initiative move forward and felt it "incomprehensible" that the Board would not advance this issue to public hearing. He urged the Board to hold the scheduled public hearing to receive public input.
- Laurie Dozier, 2101 E. Randolph Circle, *Our Kids First,* relayed that a United Way study conducted 14 years ago determined that sustained funding of early childhood development initiatives was paramount in dealing with many problems in the community.
- John Hedrick, 1551 Cristobal Drive, Leon County Democratic Party, submitted that moving this issue to ballot was in the best interest of the community and the establishment of the CSC would provide a revenue source for much needed services. He urged the Board to stay the course and place the issue on the ballot.
- Kelly Otte, 1075 Alameda Drive, urged the Board to hold the June 19 public hearing. She shared that conversations about establishing a CSC have been held in Leon County for at least 28 years and submitted it was time to put the issue before the voters.

DRAFT

- Eric Miller, 2311 Chester Court, agreed that there are children's needs that are not being met, however, questioned if this was the proper vehicle to fund those services. He suggested that the Board not accept the report as presented. He argued that the CSC is not the best method to meet the unmet needs of children, as it would require the Board to, among other things, relinquish control to a majority of Governor Appointees. He submitted that creating a children's services program within existing County government best serves the interests both of the children served and the taxpayers.
- Sue Dick, President, Greater Tallahassee Chamber of Commerce, reiterated the Chamber's position that a study of need and an analysis of economic impact of a potential CSC is needed prior to placing this issue on the ballot.
- Matt Guse, 2020 Doomar Drive, CEO, Early Learning Coalition, commented on the importance of early childhood development and urged the Board to move this initiative forward.
- Judge John Sjostrom, Chief Judge, stated that as Chief Judge, he is the Juvenile Dependency Judge for this Circuit. He spoke of the need for additional funding for children's services and urged the Board to bring this issue to public hearing.

Commissioner Dailey moved, duly seconded by Commissioner Proctor, approval of Option 1: Accept the report on the establishment of an independent Children's Service Council District.

Commissioner Desloge discussed the additional homestead exemption that will be voted on by voters in November and the Board's plan to address a potential loss of funding. He expressed concerns that that he had not yet heard a plan for implementation, how a CSC would improve conditions for children in Leon County and was concerned about relinquishing such control to an independent body. He noted the findings of the 2018 Child Well-Being Index which found that Leon County performed better than many counties with a CSC. He suggested that *Our Kids First* come back with a defined program prior to placing a referendum on the ballot. Commissioner Desloge also was concerned about the potential for a fairly significant tax increase for the community.

Commissioner Jackson stated that, as a school principal who serves Title 1 students, he sees first hand every day the need for improved children's services; however, expressed concern regarding the impact of the homestead exemption amendment. He stated that he must be a responsible steward of taxpayer dollars and would like to wait and see if the additional homestead exemption passes.

Commissioner Dozier thanked staff for the exceptional agenda item and to Jon Moyle and others who have worked so diligently on this issue. She voiced appreciation for the level of discussion that has resulted from the proposed CSC and noted that while there are many unanswered questions about implementation, process, and structure; there is no question about the need. Commissioner Dozier expressed her support to move forward to public hearing to receive public feedback.

Commissioner Lindley also thanked community members who have worked on this issue. She expressed concern about the lack of County oversight over the CSC and the impact of a potential tax increase for taxpayers. She suggested there were other options to address the need for children's services such as the creation of a municipal services taxing unit (MSTU) or dedicate funding through the County's budget process. Commissioner Lindley stated that she would reluctantly vote to move the item to public hearing; however, was very concerned that placing a referendum on a crowded ballot when there are still many unanswered questions was "very risky".

DRAFT

Commissioner Proctor voiced his support for the motion and expressed hope that the Board would be unified in its vote to hold the June 19th public hearing. He spoke of the Tallahassee Chamber's request that the Board postpone advancing the CSC to the ballot and asserted that the success of the referendum would be contingent upon the hard work and effort of its supporters. Commissioner Proctor highlighted the number of local leaders who support moving forward with the establishment of the CSC and the $40,000 that has been raised as proof that the timing was right to take this issue to the public.

Commissioner Desloge asserted that a CSC was not the only funding source and if it chose, the Board could designate money in its budget for these type programs. He remarked that, due to administrative costs and other expenses, .25 cents of every dollar would not be spent on children's services. Commissioner Desloge stated that he would like to delay the public hearing and not place the initiative on the ballot.

Chairman Maddox discussed his concerns about the possibility of the Board having to raise the millage by .9 mills should the CSC and homestead exemption be approved by voters. He stated that he was uncomfortable with the possibility of having to raise taxes or cut essential services. Chairman Maddox articulated that while he could vote tonight to move the item to public hearing, he would be more comfortable if the Board delayed a referendum until after the November general election, when the additional homestead exemption will be on the ballot.

Commissioner Dozier conveyed that early intervention programs have long term benefits to the community and the challenge is how to create more resources to address the needs. Regarding the timing of when to place the referendum on the ballot, she stated that she had not heard a compelling reason to place a CSC referendum on the August primary election ballot, and would not support this change.

Commissioner Lindley emphasized that her vote tonight is indicative of her commitment to take the issue to public hearing, but noted that there will be individuals appearing that will have a lot of the same concerns that have been articulated. She affirmed that the Tallahassee Chamber has been a solid partner to the County and, while they may have a differing opinion on how to proceed, did not want them portrayed negatively.

Commissioner Proctor asked if the $23 million resulting from the County's withdrawal from the CRA could be used to fund these services. County Administrator Long confirmed that the $23 million has already been contemplated in the budget and that, even taking into consideration the $23 million, the millage would need to be increased by .4 mills to balance the budget after voter approval of the homestead exemption.

Chairman Maddox acknowledged that while the Board had agreed to offset the anticipated $7 million decrease in revenue by a .4 mill increase, this was before a CSC was contemplated. He stated that he would not support a .9 millage increase as this would be too large a burden on citizens.

The motion carried 6-1 (Commissioner Desloge in opposition).

DRAFT

24. Ratification of Actions Taken at the May 8, 2018 United Way of Florida's 2017 Asset Limited, Income Constrained, Employed (ALICE) Report Workshop

County Administrator Long introduced the item.

Commissioner Proctor thanked Chairman Maddox and the Board for allowing an opportunity to hear more in-depth presentation on the ALICE Report.

Commissioner Proctor moved, duly seconded by Commissioner Lindley, approval of Options 1 & 2: 1) Ratify the actions taken to accept the analysis of the United Way of Florida's 2017 Asset Limited, Income Constrained, Employed (ALICE) Report Workshop, and 2) Do not direct staff to prepare an agenda item to consider the creation of a citizen group to review the ALICE data presented during the workshop and develop an action plan. The motion carried 7-0.

25. Community-wide Climate Action Plan

County Administrator Long introduced the item. He shared that the Board had, at its December 12, 2017 meeting, approved the development of a community-wide Climate Action Plan through a compact model whereby participating organizations commit to work together to reduce Greenhouse Gas emissions and collaborate on other sustainability objectives. The item also sought Board approval for the County to participate in the proposed Capital Area Sustainability Compact (CASC) and, in support of the Compact, authorize staff to proceed with a new Greenhouse Gas inventory of County operations to update the County's Sustainability Action Plan for County operations.

Speakers:

- Douglas Miller, 3034 O'Brien Drive, ReThink Energy Florida, applauded the County's efforts to bring private, nonprofit and public entities together to address the issue of climate change. He offered two recommendations for the Board's consideration: 1) The Commission provide clear direction to staff to produce a conclusive plan, either as part of the Compact or separately, to clarify transparency and community involvement of the process of the Compact and 2) The County Commission provide clear direction to staff to produce a conclusive overall plan, either as part of the Compact or separately, to help transition Tallahassee and Leon County to a 100% net clean renewable energy.
- John Hedrick, 1551 Cristobal Drive, Leon County Democratic Party, asked that the adopted plan include a 2035 planning horizon. He requested that the Board delay consideration of the plan, for no more than a month, for the following reasons: 1) there was inadequate notice of the item; 2) greater need for community involvement, input and transparency; 3) planning process needs to be in place by no later than the end of 2018 and the plan creating the 100% renewable energy goal no later than the end of 2019, and 4) better coordination with the City is needed.
- Bart Bibler, 3673 Mossy Creek Lane, Sustainable Tallahassee member, opined that the plan is not ready for the Board's approval. He asked that the Board provide additional funding for Sustainable Tallahassee, provide funding for necessary consultants, schedule a joint City/County workshop and that the Compact be signed by either the City Manager or City Commission Chairman.
- Steve Been, 1101 Pine Street, was pleased that the Commission takes climate change seriously and was impressed with the proposed Climate Action plan. He asked the Board to work more closely with the City and to make the process more inclusive.

DRAFT

- Jim Davis, 914 Railroad Avenue, Executive Director of Sustainable Tallahassee, appreciated the development of the Compact and commented on the impact the large organizations signing off on the Compact can have on energy consumption in the community. He shared that the intent is to involve other organizations in the process. He thanked the Board for its support and encouraged adoption of the plan.

Commissioner Dozier stated that she was excited to see the plan moving forward. While pleased that the Compact incorporates some of the largest local organizations and stakeholders in the community, she encouraged the inclusion of smaller organizations. Commissioner Dozier stressed that she did not want to hold up the compact, but submitted that the energy component needed more discussion. She maintained that discussions, moving forward, had to involve city utilities and suggested that the County Administrator reach out to the Acting City Manager to discuss their plan. She also commented that for the compact to have any weight, it should be signed off on by leaders of each organization.

Maggie Theriot, Office of Resource Stewardship Director, explained that, if approved by the Board, Leon County would be a co-equal member of the Compact and members will work collaboratively to ensure inclusivity. Ms. Theriot also noted that Leon County provides financial support to Sustainable Tallahassee annually, which would go toward this effort moving forward.

Commissioner Dozier moved, duly seconded by Commissioner Lindley. Approval of Options 1, as amended, 2 & 3: 1) Accept the status update on the evaluation of a community-wide Climate Action Plan and direct staff to provide an update on the City of Tallahassee's steps to develop a Clean Energy Plan including how the County and City can work collaboratively on this issue and an opportunity for the Board to further discuss a clean energy commitment and date; 2) Authorize the County Administrator to sign the Capital Area Sustainability Compact (CASC), and authorize staff to participate on the CASC Executive Committee, and 3) Authorize staff to proceed with a new Greenhouse Gas inventory of County operations to update the Sustainability Action Plan for County operations.

Commissioner Proctor expressed his support for extending the timeframe for acceptance of the plan to allow for additional public input and asked Commissioner Dozier if she would amend her motion to include the postponement. Commissioner Dozier opined that the motion, as amended, responded to the request to postpone acceptance.

The motion carried 7-0.

26. Renaming of Lake Henrietta Park in Honor of Former Leon County Commissioner Anita L. Davis

Deputy County Administrator Rosenzweig introduced the item. He noted that the item responds to a Board directive received at the May 8, 2018 meeting, for an agenda item to consider renaming Lake Henrietta Park to the Anita L. David Preserve at Lake Henrietta Park in honor of former Leon County Commissioner Anita Davis. He shared that the proposed renaming complies with all County policies.

Chairman Maddox reflected on Commissioner Davis's years of service and accomplishments. He recognized the efforts of NAACP President and historian Delaitre Hollinger in this endeavor. Chairman Maddox shared that he would reach out to former Commissioner Davis to advise her of the Board's actions.

DRAFT

Commissioner Proctor also commented on the accomplishments and contributions of Commissioner Davis.

Commissioner Proctor moved, duly seconded by Commissioner Desloge, approval of Option 1: Approve the renaming of Lake Henrietta Park to the Anita L. Davis Preserve at Lake Henrietta Park in honor of former Leon County Commissioner Anita Davis. The motion carried 6-0 (Commissioner Dailey out of Chambers).

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS (3-minute limit per speaker; Commission may discuss issues that are brought forth by speakers.)

Speakers:

- Brenda Williams, Tallahassee Housing Authority, appeared before the Board to request a letter of support on behalf of the Tallahassee Housing Authority (THA) to the Florida Housing Finance Corporation (FHFC) to fund the Orange Avenue Project.
  - *Commissioner Proctor moved, duly seconded by Chairman Maddox, to provide the Tallahassee Housing Authority with a letter of support for the Orange Avenue Project funding application to the Florida Housing Finance Corporation. Approved without Objection.*
  - Ms. Williams, at the Board's request, provided additional information on the THA funding request. She offered her belief that their application for funding for the Orange Avenue Project would have a good chance of being approved should the FHFC alter its stance and allow small and medium sized counties to make local decisions regarding tax credit awards in their local municipalities (as is currently allowed in large counties).
  - Commissioner Proctor mentioned that he had attended a number of meetings with the developers and has seen the renderings and is enthused for the opportunity to transform the area.
  - Ms. Williams added that she will be back at the June 19th meeting with the developer/partner and Purpose Built Communities to provide a detailed presentation of the Master Plan.
  - Chairman Maddox thanked Ms. Williams for her work with the developer as well as Purpose Built Communities. He expressed his support for the Purpose Built Communities concept and stated his desire for the expansion of the model to other housing authority properties in the area. He also offered the Board's support to help move this endeavor forward.
  - Ms. Williams announced that a copy of the master plan would be distributed to the Commissioners by the end of this week.

COMMENTS/DISCUSSION ITEMS

County Attorney Thiele:

- None.

Deputy County Administrator Rosenzweig:

- None.

COMMISSIONER DISCUSSION ITEMS

Commissioner Dozier:

- Stated that she appreciated the robust discussion that occurred regarding the Children's Services Council and looks forward to continuing the conversation at the June 19th public hearing.

DRAFT

Commissioner Desloge:

- None.

Commissioner Dailey:

- Out of Chambers.

Commissioner Proctor:

- Requested an agenda item on the Helping Empower Low-Income People (HELP) Program, as proposed by Stanley Sims. He indicated that Mr. Sims has also contacted the City for their support.
  - *Commissioner Proctor moved, duly seconded by Chairman Maddox, to direct staff to bring back an agenda item on the proposed HELP Program.*
    - Commissioner Dozier shared that she too had also spoken with Mr. Sims and was concerned that the proposal did not fit within existing County programs. She indicated that she could not support an agenda item without more information.
    - Commissioner Lindley suggested that Mr. Sims appear before the Board during time allocated for citizens to speak on a non-agendaed item and, if warranted, an agenda item could be requested at that time.
    - Chairman Maddox suggested that Mr. Sims to be invited to make presentation to the Board on the HELP Program.
    - *Commissioner Proctor amended his motion to invite Mr. Sims to make a presentation on the HELP Program to the Board, duly seconded by Chairman Maddox.*
    - Commissioner Dozier reiterated that the proposal is not ready to submit to the County for consideration. She strongly recommended that Mr. Sims send a detailed email to the Board outlining the Program and his request and to speak to the Board during time allocated for non-agendaed items.
    - Chairman Maddox acknowledged that these type requests initially are presented at the staff level and then, if appropriate, be submitted for funding through the County's grant program.
    - **Commissioner Proctor withdrew his motion and stated that he would invite Mr. Sims to address to the Board during the time allocated for citizens to speak on non-agendaed items.**

Commissioner Lindley:

- None.

Commissioner Jackson:

- None.

Chairman Maddox:

- None.

RECEIPT AND FILE:

- Canopy Community Development District Meeting Minutes from February 6, 2018 and April 3, 2018.
- Capital Region Community Development District Meeting Minutes from February 8, 2018 and March 22, 2018.

DRAFT

ADJOURN:
There being no further business to come before the Board, the meeting was adjourned at 6:39 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Nick Maddox, Chairman
Board of County Commissioners

BY: _____
Gwendolyn Marshall, Clerk of Court
& Comptroller, Leon County, Florida

DRAFT

Leon County
Board of County Commissioners

Notes for Agenda Item #2

Leon County Board of County Commissioners

Agenda Item #2

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Payment of Bills and Vouchers

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Tiffany Fisher, Management Analyst

Statement of Issue:

This agenda item requests Board approval of the payment of bills and vouchers submitted July 10, 2018 and pre-approval of payment of bills and vouchers for the period of July 11, 2018 through September 3, 2018.

Fiscal Impact:

This item has a fiscal impact. All funds authorized for the issuance of these checks have been budgeted.

Staff Recommendation:

Option #1: Approve the payment of bills and vouchers submitted for July 10, 2018, and pre-approve the payment of bills and vouchers for the period of July 11, 2018 through September 3, 2018.

Report and Discussion

Background:

The Office of Financial Stewardship/Management and Budget (OMB) reviews the bills and vouchers printout, submitted for approval during the July 10th meeting, the morning of Monday, July 9, 2018. If for any reason, any of these bills are not recommended for approval, OMB will notify the Board.

Analysis:

Due to the Board not holding a regular meeting until September 4, 2018, it is advisable for the Board to pre-approve payment of the County's bills for July 11, 2018 through September 3, 2018 so that vendors and service providers will not experience hardship because of delays in payment. OMB 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.

Options:

1. Approve the payment of bills and vouchers submitted for July 10, 2018, and pre-approve the payment of bills and vouchers for the period of July 11, 2018 through September 3, 2018.
2. Do not approve the payment of bills and vouchers submitted for July 10, 2018, and do not pre-approve the payment of bills and vouchers for the period of July 11, 2018 through September 3, 2018.
3. Board direction.

Recommendation:

Option #1.

Leon County
Board of County Commissioners

Notes for Agenda Item #3

Leon County Board of County Commissioners

Agenda Item #3

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Sheriff's Request for Utilization of Law Enforcement Trust Fund Assets in the Amount of $275,000

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Scott Ross, Director, Office of Financial Stewardship Tim Barden, Budget Manager
Lead Staff/ Project Team:	Jelani Marks, Management and Budget Analyst

Statement of Issue:

As requested by the Sheriff, this item seeks the Board's approval to utilize $275,000 from the Law Enforcement Trust Fund for the Sheriff to fund a variety of crime prevention and school resource deputy programs.

Fiscal Impact:

This item has a fiscal impact of $275,000. Adequate funding is available in the Law Enforcement Trust Fund. As of June 25, 2018 the Law Enforcement Trust Fund had a balance of $491,776.

Staff Recommendation:

Option #1: Approve the transfer of $275,000 from the Law Enforcement Trust Fund to the Sheriff's Office General Operating budget for crime prevention and school resource deputy programs.

Report and Discussion

Background:

As requested by the Sheriff, this item seeks the Board's approval to utilize $275,000 from the Law Enforcement Trust Fund for the Sheriff to fund a variety of crime prevention and school resource deputy programs. The Statute gives the Sheriff's Office the discretion to determine which program(s) will receive the designated proceeds. The funds may be expended upon request by the Sheriff to the Board of County Commissioners, accompanied by a written certification that the request complies with the provisions of the Statute.

Florida Statute addresses the disposition of liens and forfeited property, and allows for the establishment of a special law enforcement trust fund that defines the conditions under which a Board of County Commissioners can allow proceeds from such a fund to be expended. Section 932.7055 F.S. provides for disposition of liens and forfeited property as follows:

- The proceeds from the sale of forfeited property shall be disbursed in the following priority: (a) payment of the balance due on any lien preserved by the court in the forfeiture proceedings, (b) payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security, and forfeiture of such property, and (c) payment of court costs incurred in the forfeiture proceeding

- If the seizing agency is a county or municipal agency, the remaining proceeds shall be deposited in a special law enforcement trust fund established by the board of county commissioners or the governing body of the municipality. Such proceeds and interest earned shall be used for school resource officers, crime prevention, safe neighborhoods, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for use in law enforcement vehicles, and providing matching funds to obtain federal grants. The proceeds and interest may not be used to meet normal operating expenses of the law enforcement agency.

Analysis:

The Leon County Sheriff has requested a draw of $275,000 from the Law Enforcement Trust Fund for crime prevention and school resource deputy programs (Attachment #1). The requested funds will be used for Crime Prevention Programs, such as the Citizens Academy, Youth Sports Sponsorships, Crime/Drug Prevention Service Dogs, Crime/Drug Prevention Charities, Spirit Resource Programs and Crime Prevention Technology. In addition, funding is requested for the School Resource Deputy Programs for Youth Prevention and Youth Promotional items. The Sheriff has certified that the Law Enforcement Trust Fund assets requested would be expended in accordance with the requirements of Florida Statute as follows:

Crime Prevention Programs	$262,000
School Resource Deputy Programs	$13,000
Total Forfeiture Request	**$275,000**

As of June 25, 2018, a balance of $491,776 is available in the Law Enforcement Trust Fund. The funds will be disbursed directly from the trust fund.

Options:

1. Approve the transfer of $275,000 from the Law Enforcement Trust Fund to the Sheriff's Office General Operating budget for crime prevention and school resource deputy programs.
2. Do not approve the transfer of $275,000 from the Law Enforcement Trust Fund to the Sheriff's Office General Operating budget for crime prevention and school resource deputy programs.
3. Board direction.

Recommendation:

Option #1.

Attachment**:**

1. Law Enforcement Trust Fund letter from the Sheriff

Sheriff **Walt McNeil**

LEON COUNTY SHERIFF'S OFFICE

June 19, 2018

Honorable Nick Maddox
Chairman, Board of County Commission
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301

Dear Chairman Maddox,

The Leon County Sheriff's Office is requesting a draw from the Law Enforcement Trust Fund in the amount of $275,000.

These funds will be utilized for various crime prevention activities and SRO programs as shown on the attached memorandum.

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

Sincerely,

Walt McNeil
Sheriff

Enclosure

WM/rr

Leon County Sheriff's Office

Inter-Office Memorandum

Date: June 19, 2018

To: Chief David Folsom

From: Richard Ritter, Director of Fiscal Operations

Subject: 2017-2018 State Forfeiture Fund Request

The following request for forfeiture funds is in accordance with F.S. 932.70SS(S)(a), for crime prevention and school resource deputy programs.

Crime Prevention Programs:

Citizens Academy	$10,500
Youth Sports Sponsorships	$12,000
Crime/Drug Prevention Service Dogs	$9;500
Crime/Drug Prevention Charities	$116,500
Spirit Resource Program	$58,500
Crime Prevention Technology	$55,000
Total	**$262,000**

School Resource Deputy Programs

Youth Prevention Programs	$7,000
Youth Promotional Items	$6,000
Total	**$13,000**

Total Forfeiture Request **$275,000**

Leon County
Board of County Commissioners

Notes for Agenda Item #4

Leon County Board of County Commissioners

Agenda Item #4

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Commissioner Appointments to the Water Resources Committee

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Mary Smach, Agenda Coordinator

Statement of Issue:

This agenda item seeks the Board's approval to ratify the Commissioner appointments of citizens to the Water Resources Committee.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Ratify Commissioners' appointments of citizens to the Water Resources Committee:

a. Commissioner Desloge appoints Eva Armstrong for a four-year term beginning August 1, 2018 and ending July 31, 2022.

b. Commissioner Jackson appoints John Labie for a four-year term beginning August 1, 2018 and ending July 31, 2022.

c. Commissioner Maddox appoints Richards Stephens for the remainder of the unexpired term ending July 31, 2021.

Report and Discussion

Background:

Pursuant to Policy No. 03-15, "Board-Appointed Citizen Committees", a Consent item is presented to fill vacancies for individual Commissioner appointments of citizens to Authorities, Boards, Committees, and Councils.

Analysis:

Water Resources Committee (WRC)

Purpose: The WRC is responsible for addressing community-wide concerns, such as flooding, recreational and community economic value, watershed management, and funding priorities. Additionally, the WRC reviews waterbody conditions and impact of development.

Composition: The WRC consists of seven citizen members who represent a balance of community interests, as follows: conservation/environment, legal/planning, real estate/economic development, and boat/fishing. Each Commissioner appoints one citizen member to the WRC. At its September 15, 2015 meeting, the Board reauthorized the WRC by adopting Resolution No. 15-43, outlining the composition, criteria, and initial, staggered terms of the members. After the initial appointments, members serve a four-year term, expiring on July 31.

Vacancies: The terms of members Eva Armstrong and John Labie expire on July 31, 2018. Both Ms. Armstrong and Mr. Labie are seeking reappointment (Attachment #1). John Folks resigned from the WRC on April 11, 2018. The Commissioners have reviewed the applications of the eligible applicants and have selected the appointees listed in Table #1 (Attachment #2).

Table #1: Water Resources Committee

Vacancy	Term Expiration	Eligible Applicant	Recommended Action
Eva Armstrong *Seeking reappointment*	7/31/2018	Eva Armstrong	Ratify Commissioner Desloge's reappointment for a four-year term, ending July 31, 2022.
John Labie *Seeking reappointment*	7/31/2018	John Labie	Ratify Commissioner Jackson's reappointment for a four-year term, ending July 31, 2022.
John Folks *resigned*	7/31/2021	Richard Stephens	Ratify Commissioner Maddox's appointment for the remainder of the unexpired term, ending July 31, 2021.

Options:

1. Ratify Commissioners' appointments of citizens to the Water Resources Committee:
    a. Commissioner Desloge appoints Eva Armstrong for a four-year term beginning August 1, 2018 and ending July 31, 2022.
    b. Commissioner Jackson appoints John Labie for a four-year term beginning August 1, 2018 and ending July 31, 2022.
    c. Commissioner Maddox appoints Richards Stephens for the remainder of the unexpired term ending July 31, 2021.
2. Board direction.

Recommendation:

Option #1.

Attachments:

1. Armstrong and Labie reappointment email
2. Armstrong, Labie & Stephens applications

From: "Hodges, Stephen M" <Stephen.Hodges@talgov.com>
To: "Smach, Mary" <SmachM@leoncountyfl.gov>
Date: 6/5/2018 9:04 AM
Subject: RE: WRC Appointments

Thanks, Mary. I've forwarded this to these two committee members. Both are active members with steady attendance. However, John said at last night's meeting of the committee that he'd sent in an updated application. Did you receive it? He's been having issues for a while with his internet access provider.

Steve

From: Mary Smach [mailto:SmachM@leoncountyfl.gov]
Sent: Tuesday, June 05, 2018 8:20 AM
To: Hodges, Stephen M
Subject: Re: WRC Appointments

The terms of the following two members expire on July 31, 2018. Both are eligible for reappointment. Please let me know if they are active members with good attendance. If so, please let me know if they are seeking reappointment.

Armstrong, Eva
Begin Term: 12/8/2015
End Term: 7/31/2018
Type: two years
Original Date: 12/8/2015

_____

Appointed by: Bryan Desloge
Commissioner District IV
Notes: Category: Real Estate / Economic Development

Labie, John
Begin Term: 12/8/2015
End Term: 7/31/2018
Type: two years
Original Date: 12/8/2015

_____

Appointed by: Jane G. Sauls
Commissioner District II
Notes: Category: Legal / Planning

If they are members in good standing and are seeking reappoint they will need to complete a new application, since their original application is more than two years old. They can do that on our website at:

http://www2.leoncountyfl.gov/committees/

Regards,
Mary Smach
Agenda Coordinator
Leon County Administration
301 S. Monroe St. Suite 502
Tallahassee, FL 32301
850-606-5311

www.leoncountyfl.gov<http://www.leoncountyfl.gov>

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
WATER RESOURCES COMMITTEE

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Eva Armstrong		Date: 6/12/2018 11:50:18AM
Home Phone: (850) 590-9501	Work Phone: (850)591-9501X	Email: EvaBArmstrong@comcast.net
Occupation: REALTOR	Employer: SELF	

Preferred mailing location: Home Address
Work Address:

City/State/Zip: TALLAHASSEE,FL

Home Address: 5277 QUAIL VALLEY RD.

City/State/Zip: TALLAHASSEE,FL 32309

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 56 years

Are you currently serving on a County Advisory Committee? Yes
If yes, on what Committee(s) are you a member? WATER RESOURCES ADVISORY COMMITTEE

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

Please indicate which one of the following interest groups you would represent:

- [ ] Conservation / Environment
- [ ] Legal / Planning
- [X] Real Estate / Economic Development
- [ ] Boating / Fishing

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Age:
Disabled? No District: District 1

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: JOE MANAUSA Telephone: 850-888-0888
Address: 704 E. 6TH AVENUE

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Eva B. Armstrong

This application was electronically sent: 6/12/2018 11:50:18AM

5277 Quail Valley
Tallahassee, FL 32309
850-591-9501
http://www.manausa.com/agents/eva-armstrong/
Evaarmstrong08@gmail.com

EVA ARMSTRONG

OBJECTIVE Secure appointment to local citizen committee that provides an opportunity for me to use my knowledge and skills to give back to my community.

SKILLS & ABILITIES Good working knowledge of water systems in Florida, understanding of various political organizations and how they work (county, city, state agencies, etc.), and fine-tuned skills for negotiations and working with a group to reach consensus.

EXPERIENCE

REALTOR, JOE MANAUSA REAL ESTATE/CENTURY 21 MANAUSA & ASSOCIATES

April , 2007 to present

Providing real estate services for residential and commercial clients. Achieved Top Producer status during the tough recession years and continues to provide high quality service for my clients.

CHAIRMAN OF THE BOARD, EARTHSTEPS, LLC

January, 2007 to present

Energy consulting company headquartered in Tallahassee, focused on helping people reduce their use of energy. Company is administering the City of Tallahassee's Neighborhood Reach Program and assisting other clients with their energy efficiency needs.

DIRECTOR, DIVISION OF STATE LANDS, FL DEPT. OF ENVIRONMENTAL PROTECTION

July 13, 1999- January 2, 2007

Directed/coordinated the acquisition of 1.1million acres of conservation lands for $2.3 billion over eight years. Implemented the 1999 Florida Forever Act. Topped it off with the purchase of 74,000 acre Babcock Ranch for $350,000,000, the largest land deal in Florida history and included the 17,000 acre Telegraph Swamp, major water resource for Lee/Charlotte Counties.

Government Relations Director, Florida Audubon Society

November, 1995 – July, 1999

Directed Florida Audubon's governmental program in Tallahassee. Acted as Campaign Manager for the Conservation Amendment Campaign, 1998, successfully securing passage of the Conservation Amendment by more than 72% of the vote. Secured passage of the Florida Forever Act in 1999 as Legislative implementation of the Conservation Amendment.

VICE PRESIDENT OF OPERATIONS, GLOBAL RELATIONSHIP CENTERS, INC.

March 1994 – November 1995

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
WATER RESOURCES COMMITTEE

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: John Labie		Date: 6/5/2018 11:27:06AM
Home Phone: (850) 656-6298	Work Phone: ()656-X	Email: JLabie@centurylink.net
Occupation: RETIRED/CONSULTING	Employer: SELF	

Preferred mailing location: Home Address
Work Address: 5215 LOUVINIA DRIVE

City/State/Zip: TALLAHASSEE,FL 32311

Home Address: 5215 LOUVINIA DRIVE

City/State/Zip: TALLAHASSEE,FL 32311

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 43 years

Are you currently serving on a County Advisory Committee? Yes
If yes, on what Committee(s) are you a member? WRC

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

Please indicate which one of the following interest groups you would represent:

- [X] Conservation / Environment
- [ ] Legal / Planning
- [ ] Real Estate / Economic Development
- [ ] Boating / Fishing

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Age: 73.00
Disabled? Yes District: District 5

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

BA - GEOLOGY, FSU, 4YRS USN PHOTO INTEL. RETIRED CERT. PHOTOGRAMMETRIST, RETIRED, WATER WELL CONTRACTOR, 35 YRS RETIRED FROM FLA DEPT ENV. PROT VARIOUS SECTIONS: COASTAL ZONE MNGMT, SOLID WASTE, QUALITY ASSURANCE, SWIM, COMP PLAN REVIEWS, STATE WETLANDS MAPPING, TAX MAPPING AT D.O.R, SINK HOLE STUDIES D.O.T.
VOLUNTEER U.S. SWIMMING REFEREE ATTACHED TO AREA TALLA AQUAIC CLUB

ALWAYS IN PROTECTING ALL OUR FLA. WATERS.

References (you must provide at least one personal reference who is not a family member):

Name: KAREN SKINNER Telephone: 850 878 4955
Address: 1411 LUCY ST. TALLA,FLA

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: John Labie

This application was electronically sent: 6/5/2018 11:27:06AM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
WATER RESOURCES COMMITTEE

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Richard Stephens		Date: 6/5/2018 10:42:57AM
Home Phone: (850) 894-1280	Work Phone: (850)544-3437X	Email: richards@ssenvironmentalconsulta
Occupation: ENVIRONMENTAL CONSULTANT	Employer: S&S ENVIRONMENTAL CONSULTANTS	

Preferred mailing location: Home Address
Work Address: 215 THORNBERG DRIVE

City/State/Zip: TALLAHASSEE,FL 32312

Home Address: 215 THORNBERG DRIVE

City/State/Zip: TALLAHASSEE,FL 32312

Do you live in Leon County? Yes If yes, do you live within the City limits? Yes
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes
For how many years have you lived in and/or owned property in Leon County? 28 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

Please indicate which one of the following interest groups you would represent:

- [X] Conservation / Environment
- [ ] Legal / Planning
- [ ] Real Estate / Economic Development
- [ ] Boating / Fishing

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Male Age: 51.00
Disabled? No District: District 4

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: GENE STILLMAN Telephone: 8505246061
Address: 1314 AVONDALE WAY

Name: JOE ULLO Telephone: 8505563077
Address: 2614 LOTUS DRIVE

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Richard Stephens

This application was electronically sent: 6/5/2018 10:42:57AM

Richard A. Stephens

215 Thornberg Drive, Tallahassee, Florida 32312
Home: (850) 894-1280; Cell: (850) 544-3437
Home E-Mail: stephens021@comcast.net
Work E-Mail: richards@ssenvironmentalconsultants.com

Professional Overview:

I have 28 years of experience working in both the public and private sectors, which has provided diverse project and site experience. As a contract and project manager, I oversee or assist in marketing and client development, client negotiation, site file and background reviews, scope and work plan development, field investigations, and report generation.

Primary Areas of expertise include, but are not limited to:

- Due Diligence
- Solar Site Development/Site Feasibility Analysis
- National Environmental Policy Act (NEPA)
- Environmental Site Assessments
- Stormwater Management
- Laboratory Oversight

Due Diligence:

I have over 18-years' experience as an environmental professional managing due diligence projects for a variety of clients in the private and government sector. Examples of the clients, projects and protocols include:

Florida Department of Environmental Protection (FDEP) Brownfields Redevelopment Program. For over 18-years, I have served as a project manager or program manager responsible for providing overall direction and quality assurance (QA) for Brownfields projects conducted for FDEP under a cooperative agreement with EPA Region 4. Under this contract I have managed numerous Phase I Targeted Brownfields Assessments (TBAs) on a wide variety of properties and with numerous recognized environmental conditions (RECs). As Brownfield sites, the majority of the properties required a Phase II TBA. The phase I TBAs were conducted in accordance with the appropriate updated ASTM E1527 standard.

Confidential Solar Development, Georgia. On behalf of a confidential client, I was the environmental professional for the Phase I ESA on an approximately 1,000-acre property in South Georgia. The Phase I was conducted in accordance with ASTM E2247-08, the Phase I ESA process for Forestland or Rural Property.

Driscoll Foundation Property, Jim Wells County, Texas. For the Southwest Division of the Naval Facilities Engineering Command, I managed the completion of an environmental condition of property (ECP) inspection and report for this 690-acre site, which was currently being used as farmland The ECP was conducted in accordance with Department of the Navy (DON) Environmental Policy Memorandum 06 06: Streamlined Environmental Procedures Applicable to Non-BRAC Real Estate Actions; as well as ASTM E1527-05 and ASTM E2247-08.

Federal Law Enforcement Training Center (FLETC), Artesia, New Mexico. For the Kansas City District of the United States Army Corps of Engineers, I was a member of a multidisciplinary team supporting facility expansion and property acquisitions; I was task manager for three Phase I environmental baseline surveys (EBS), which were completed in

Education

B.S., (1987) Major –Zoology; Minor – Chemistry and Plant Science, University of Wales

P.G.C.E - Education (1989: MS Equivalent) Biology and Science, University of Wales

Professional affiliations

Florida Association of Environmental Professionals, Tallahassee Chapter

Florida Brownfields Association

Professional development

USEPA Region 4 SOP training

NEPA (Shipley Group)

Project Manager Bootcamp (PSMJ Resources, Inc.)

Additional Training

OSHA 40-hour Hazwoper

Red Cross Wilderness First Aid and CPR

PADI Open Water

NAUI Research Reef Diver

NAUI Enriched Air NITROX

accordance with ASTM standard 1597E-05. Based on the findings of the Phase I, one site required a limited scope Phase II environmental site assessment.

USPS Facilities, Florida, Georgia, and Mississippi. For the United States Postal Service (USPS), I managed Phase I ESAs at sites in Youngstown and Crawfordville, Florida; Valdosta, Georgia; and Picayune, Mississippi. Based on the findings of the Phase I ESA the Crawfordville property required a wetland delineation, a non-scope item identified during the site reconnaissance. The phase I TBAs were conducted in accordance with the appropriate updated ASTM E1527 standard.

Solar Site Development/Site Feasibility Analysis:

I work directly with project developers and Engineering, Procurement, Construction (EPC) contractors in evaluating potential sites for the development of utility scale solar facilities. Over the past few years I have worked with numerous clients and sites, primarily in the southeast. Examples of the clients, projects and protocols include:

Proposed Solar Projects, Florida. For National Solar Power Partners (NSPP), I was the contract manager and project manager for the desktop critical issues analysis (CIA) reports and draft permitting matrix for the proposed 36-acre JEA-Imeson site in Duval County, the 213-acre Liberty 1 site in Liberty County, and the 739-acre Atwater site in Gadsden County, Florida. Additionally, for the JEA-Imeson project, I was the Qualified Environmental Professional (QEP) for the Phase I ESA conducted in accordance with ASTM E1527-13, and I was the contract manager for the completion of the wetland delineation and threatened and endangered species surveys conducted at the site.

Proposed Solar Projects, Mitchell County, Georgia. For a confidential solar developer, I was the project manager for the CIA reports for the 252-acre Flint site and 133-acre Hickory site. As part of the site evaluation, I completed the site visits at both project sites and evaluated multiple resources for potential concerns for future development as a Photovoltaic (PV) solar facility.

Proposed Solar Projects, Georgia, Florida, Alabama, Mississippi, South Carolina, and Tennessee. For a confidential solar developer, I was the contract manager for CIA reports and draft permitting matrices for more than thirty five potential solar PV sites. For several of the sites, I was the project manager for preliminary site surveys for wetlands and threatened and endangered (T/E) species.

P**hase I Environmental Site Assessment (ESA) and CIAs for Solar Development, Georgia**. On behalf of a confidential solar developer, I was the QEP for a Phase I ESA on an approximately 1,000-acre property in Georgia. The Phase I was conducted in accordance with ASTM E2247-08, the Phase I ESA process for forestland or rural property. Additionally I was E & E's project manager for the completion of CIAs for two potential solar sites in Georgia.

Proposed Solar Projects, South Carolina and Virginia. On behalf of a confidential developer, I was the project manager for a CIA report and draft permitting matrix for two proposed PV solar facilities in South Carolina and eight proposed facilities in Virginia. As part of the CIA task, I was the project manager preliminary surveys for wetlands and T/E species at three of the Virginia Sites.

Proposed Solar Projects, Florida. For a confidential solar developer, I was the project manager for the desktop abbreviated CIA reports and draft permitting matrix for the proposed Barcola Site in Polk County and the Holopaw East site in Osceola County. The abbreviated CIAs focused on water resources only, including floodplains, wetlands, and surface waterways.

Proposed Solar Project, Alabama. For a confidential solar developer/utility company I completed a comprehensive CIA report for a proposed 80 MW development on 1,600-acres of agricultural land in northeast Alabama. As part of the CIA task, E & E completed preliminary surveys for wetlands and T/E species.

NEPA:

I am also well versed in the National Environmental Procedure Act (NEPA). Over the past 10 years, I have managed or have participated as a resource specialist on numerous environmental assessments (EA) and environmental impact statements (EIS). These NEPA tasks have ranged in size and scope, and have varied by client, including tasks for numerous federal agencies such as the U.S. Navy, U.S. Army, and U.S. Air Force. Examples of the clients and projects include:

Naval Outlying Field (NOLF) Holley, Navarre, Florida. Under contract with the Atlantic Division of the Naval Facilities Engineering Command (NAVFAC Atlantic), I was the project manager for the EA for the proposed construction and operation of a 40-megawatt (MW) solar photovoltaic (PV) system at NOLF Holley. Beyond the scope of the EA, additional tasks conducted in support of the EA were Gopher Tortoise surveys and relocation, wetland delineations and a Phase I cultural resource survey.

Army Air Force Exchange Service [now referred to as the EXCHANGE]. Project manager - For the Army and Air Force Exchange Service (AAFES), I managed several multidisciplinary projects supporting the NEPA program. I managed the identification of permit requirements and development of five EAs for the construction of new shoppettes with food service and gas facilities at Kirtland Air Force Base (AFB), New Mexico; Fort Sill, Oklahoma; Fort Hood, Texas; and two EAs at Joint Base Andrews –Naval Air Facility in Maryland. In addition, I managed the preparation of the application for the construction and operation air permit for the fueling system at the Kirtland AFB shoppette

Southwest Transmission Line, Tallahassee, Florida. Program manager for the preparation of a third-party EIS addressing the construction of a 230-kV Southwest Transmission Line to upgrade the power supply to the City of Tallahassee to meet applicable 10-year North American Electric Reliability Corporation planning standards. Most of the 8-mile transmission line was proposed to traverse the Apalachicola National Forest, requiring a Special Use Permit (SUP) from the USDA Forest Service.

Federal Law Enforcement Training Center (FLETC), Artesia, New Mexico. For the Kansas City District of the United States Army Corps of Engineers, I was a member of the multidisciplinary team supporting the NEPA program at this facility. I conducted site research, coordinated public notices, and participated in the development of four EAs.

Environmental Site Assessment:

I have over 20 years' experience conducting environmental site assessments for a variety of private, State and Federal clients. I am extremely proficient with a wide range of traditional and innovative assessment methodologies, standard operating procedures (SOPs), State and Federal regulations, laboratory methods and procedures, and data assessment and validation protocols. Examples of my site assessment experience include:

Statewide BWC Consolidated Contract, Florida. I have over 17-years' experience working as a contract manager and project manager to support the engineering and geological services program supporting the FDEPs Bureau of Waste Cleanup (BWC), including the Hazardous Waste Cleanup, Drycleaning, Site Investigation, State-Owned Lands, CERCLA Site Screening, and Brownfield Sections.

- **CERCLA Site Screening.** Under FDEPs cooperative agreement with EPA Region 4, I have managed numerous tasks and projects, including Preliminary Assessments (PA), Site Inspections (SI), combined PA/SIs, Expanded SIs (ESI), and Hazard Ranking Score (HRS) Summary reports.

- **Brownfields Program.** Under FDEPs cooperative agreement with EPA Region 4, I have managed numerous TBAs and Site Specific Activities (SSA). Scopes of work have included site assessment activities, limited scope source removals, and tank removals. Upon completion of tasked activities, several of these sites received Site Rehabilitation Cleanup Orders (SRCOs).

- **Hazardous Waste Cleanup.** On behalf of the FDEP BWC I have managed several State funded hazardous waste cleanup sites, including the off-site soil investigation for the former Wingate Road Landfill site in Fort Lauderdale. I led the collection of soil samples from an approximately 10-block area affected by former landfill activities. Upon completion of the soil sampling, I oversaw the removal of dioxin contaminated soil from approximately 20 residential properties**.**

- **Drycleaning Program.** On behalf of FDEP, I have managed site assessments at active and inactive drycleaning facilities. Most recently I have managed the site assessments at the Swift Cleaners site in Jacksonville, and the Former Handicraft Cleaners and Ponte Vedra Cleaners sites in Pointe Vedra. At each of these sites I used innovative field screening technologies to reduce the analytical and field costs.

- **Site Investigation Section.** On behalf of FDEP I have managed area wide investigations to find unknown contamination sources. The projects included area wide site history surveys, site reconnaissance, scope development, field investigation and development of the Site Investigation Report (SIR).

- **State-Owned Lands.** In support of the FDEP-managed state-owned lands program, I was a project manager for the investigation of sites on state-owned lands, primarily including state parks and correctional institutions. I conducted site reconnaissance-level surveys involving interviews, site walkovers, and the production of the site reconnaissance reports identifying potential areas of concern at sites. Upon review I developed the scope of work for any required field investigation, oversaw the field work, and developed the SIR.

Petroleum Section Team 6, Florida. As a member of Team 6 that provided program administration assistance to FDEP's Bureau of Petroleum Storage Systems, I was responsible for site management and coordination in accordance with state laws, FDEP rules and guidance, and preapproval program SOPs. As required, my responsibilities included reviewing proposals, preparing work orders, negotiating scopes of work with the designated preapproval contractors, and reviewing reports to verify the completeness of tasked activities in accordance with program SOPs and related guidance. I reviewed invoices and change orders, performed site visits and site inspections, and entered site-specific data into FDEP tracking system.

In addition to my Team 6 site manager responsibilities, I reviewed limited contamination assessment reports and site rehabilitation funding allocation applications for non-program discharges on behalf of FDEP. I provided detailed reviews of site history and files, developed draft cost-share agreements, conducted cost-share negotiations with environmental contractors and responsible parties, and developed final cost share agreements

Statewide Hazardous Sites Response Program, Georgia. For the Georgia Department of Natural Resources, I managed the ambient air sampling project at the Corner Shopping Center site in Marietta. The project included development of the work plan and site-specific health and safety plan, followed by ambient air sampling to evaluate exposure to chlorinated solvent vapors from an adjacent drycleaning site. Under the same program, I was field task manager for ambient air sampling at the Cachet Cleaners site in Duluth.

Naval Air Station (NAS) Whiting Field, Florida. To support the remedial investigation/feasibility study and CERCLA field investigations at this NAS, I was the field operations lead for the base wide groundwater sampling, responsible for all on-site technical decisions, team (including subcontractor) and equipment scheduling, and the preparation of Installation Restoration Program reports.

Naval Station Mayport, Florida. As project chemist/data management lead for the RCRA RFI and facility assessment (RFA) program, I oversaw analytical program operations to ensure compliance with analytical and regulatory protocol, coordinated the subcontracted analytical laboratory and data validators, reviewed data validation reports, and developed/maintained the analytical database.

Stormwater Management:

I have extensive experience in stormwater management and NPDES projects. For approximately 15-years I was contract manager for several multi-year contracts for the City of Tallahassee. Under these contracts I managed numerous projects for the City's Stormwater Management Division. Examples of stormwater projects include:

Municipal Separate Storm Sewer System, Tallahassee, Florida. Under a multitask contract with the City of Tallahassee, I managed the stormwater sampling program and dry-weather monitoring for the City's National Pollution Discharge Elimination System (NPDES) for the Municipal Separate Storm Sewer System (MS4) permit. I was responsible for the setup, maintenance, and operation of five automated stormwater samplers, as well as for the monitoring of five dry-weather samplers set up at selected storm pipes throughout the city. In addition, I managed stormwater sampling projects at Florida State University Football Stadium; the John Knox Road, Lake Ella, Lake Elberta, and Weems Pond stormwater management facilities; and high-risk industrial facilities. At the John Knox Road location, I also oversaw the removal of nuisance plants and installation of preferred wetland plants.

Tallahassee Regional Airport, Florida. I managed several stormwater pollution prevention plan (SWPPP) projects for Tallahassee Regional Airport. The projects included annual inspections of tenant facilities and provision of annual tenant training to ensure that best management practices were being followed in accordance with the approved SWPPP. Additionally, I updated the airport's SWPPP to comply with the new Multi-Sector General Permit.

Airport Properties, Dade County, Florida. For the Miami-Dade Aviation Department, I was project chemist for the stormwater program at Miami International Airport (MIA). I reviewed and interpreted analytical data to support the renewal of stormwater permits issued by the South Florida Water Management District (SFWMD) and presented the collected data in three MIA annual reports to SFWMD.

Little River Pipeline, Florida. For Southern Natural Gas Company, I was an environmental inspector during the construction and turbidity monitoring program for the gas pipeline lowering project. He oversaw construction activities to ensure compliance with the State of Florida turbidity variance permit, as well as to ensure that construction through a delineated wetland complied with best management practices; provided liaison between Southern Natural and FDEP; and compiled data for the final turbidity monitoring report.

Employment History:

S&S Environmental Consultants, LLC. 2018 – Present
Partner and Principal Scientist

Ecology and Environment Inc. 1998 – 2003 and 2005 – 2017
Environmental Scientist, Contract/Project Manager and Solar Sector Lead

Severn Trent Laboratories, Inc. (now TestAmerica) 2003-2004.
Project Manager, Client Services

ABB Environmental Services, Inc. 1994-1998.
Project chemist/scientist, Comprehensive Long-Term Environmental Action, Navy (CLEAN) program

Savannah Laboratories and Environmental Services, Inc. (now TestAmerica). 1989 – 1994
Volatile Organics Analyst and Volatile Organics Department Manager.

Personnel Interests and Other Activities

Boy Scouts of America, Suwannee River Area Council – Assistant Scoutmaster and Associate Crew Advisor

USA Swimming – Non Athlete member and certified Deck Referee, Starter, and Stroke and Turn judge

USA Triathlon member and Gulf Winds Track Club Member

Leon County
Board of County Commissioners

Notes for Agenda Item #5

Leon County Board of County Commissioners

Agenda Item #5

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Amended and Restated Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Nicki Paden, Management Analyst

Statement of Issue:

This item seeks Board approval of the Amended and Restated Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff that realigns the County's share of the annual budget for the Consolidated Dispatch Agency's from the Sheriff's annual budget request directly to the County's operating budget.

Fiscal Impact:

This item does not have a fiscal impact. Beginning in FY 2020, the County's share of the Consolidated Dispatch Agency budget would no long be appropriated in the Sheriff's operating budget, but would instead be accounted for in the County's operating budget.

Staff Recommendation:

Option #1: Approve the Amended and Restated Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff (Attachment #1).

Report and Discussion

Background:

As requested by the Leon County Sheriff, the Fifth Amendment to the Consolidation of Public Safety Dispatch Communication Interlocal Agreement between the City of Tallahassee, Leon County, and the Leon County Sheriff aligns the County and City's budget processes for the jointly funded Consolidated Dispatch Agency (CDA) (Attachment #1).

On May 31, 2012, the City, County, and Sheriff entered into the Consolidation of Public Safety Dispatch Communication Interlocal Agreement (Agreement). The Agreement, which has since been amended four times, establishes the creation, government, and management of the CDA. The CDA is jointly funded through the City and County; however, the County's contribution is allocated as part of the Sheriff's annual operating budget and then reallocated to the CDA. In an effort to align the County and City's allocation processes, the Sheriff requested for the County's contribution to the CDA budget be directly allocated through the County's annual budget, consistent with the City's respective allocation process.

To effectuate this modification, this item seeks Board approval of the Fifth Amendment to the Consolidation of Public Safety Dispatch Communication Interlocal Agreement. As approved, the Fifth Amendment will be codified in an Amended and Restated Interlocal Agreement between the City, County, and Sheriff. The Amended and Restated Interlocal Agreement incorporates each of the previously approved Amendments into one unified agreement.

Analysis:

The attached Amended and Restated Agreement effectuates minor modifications to the budgeting process of the County's proportionate share of the CDA budget. Similar to the City's process, the Amendment authorizes the County's share to be directly allocated through the County's budget. The minor modification alleviates the Sheriff from reallocating these funds to the CDA on an annual basis and provides for a more efficient budgetary and accounting process.

As approved, the Fifth Amendment to the Agreement will be codified in an Amended and Restated Interlocal Agreement between the City, County, and Sheriff. The amendment would take effect for the FY 2020 budget cycle. The City Commission will be considering the Amended and Restated Agreement at their July 11, 2018 meeting.

Options:

1. Approve the Amended and Restated Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff (Attachment #1).
2. Do not approve the Amended and Restated Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff.
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. Amended and Restated Public Safety Dispatch Consolidation Interlocal Agreement with the City of Tallahassee and Leon County Sheriff

AMENDED AND RESTATED INTERLOCAL AGREEMENT BETWEEN THE CITY OF TALLAHASSEE, LEON COUNTY, FLORIDA AND LEON COUNTY SHERIFF REGARDING THE CONSOLIDATION OF PUBLIC SAFETY DISPATCH COMMUNICATIONS

THIS AMENDED AND RESTATED INTERLOCAL AGREEMENT ("Agreement") is made and entered into by and among the City of Tallahassee, a Florida municipal corporation (the "City"); Leon County, Florida, a charter county and political subdivision of the State of Florida (the "County"); and the Leon County Sheriff (the "Sheriff").

RECITALS

WHEREAS, the City, County and Sheriff are authorized to establish a separate legal entity pursuant to Section 163.01, Florida Statutes, which provides that any public agency, including any city, county, and any independently elected county officer, shall have the power to establish a separate legal entity by interlocal agreement to administer the provision of public safety consolidated dispatch services on a countywide basis; and

WHEREAS, the City, County and Sheriff wish to enter into an agreement that creates a consolidated dispatch agency for the purposes of dispatching law enforcement, fire and emergency medical services personnel; and

WHEREAS, the City currently dispatches Tallahassee Police Officers and the Tallahassee Fire Department; and the Sheriff's Office currently dispatches Leon County Sheriff Deputies; and Leon County currently dispatches Leon County Emergency Medical Services personnel; and

WHEREAS, the consolidation of the dispatch function of all law enforcement and emergency personnel is found and declared to be in the best interest of the health, safety and welfare of all Leon County and City of Tallahassee residents; and

WHEREAS, the City, County and Sheriff entered into a Memorandum of Agreement dated December 13, 2006 and an Amendment to Memorandum of Agreement dated November 3, 2011, collectively, the "MOA", to create a Public Safety Communications Board to manage the existing 800 MHz Public Safety Communications system and develop a plan for public safety consolidated dispatch services on a county-wide basis; and

WHEREAS, the City, County and Sheriff hereby find it appropriate to dissolve the Public Safety Communications Board, terminate the MOA, and replace same with this Chapter 163 Interlocal Agency Agreement; and

WHEREAS the City, County, and Sheriff entered into an Interlocal Agreement for the Consolidation of Public Safety Dispatch Communications dated May 31, 2012; and

WHEREAS Section 15(B) of the Interlocal Agreement provides authority to amend the terms of the Interlocal Agreement; and

WHEREAS all Parties have agreed to incorporate the First Amendment dated October 4, 2012; the Second Amendment dated March 27, 2013; the Third Amendment dated May 14, 2013; and the Fourth Amendment dated December 14, 2016 into this, Amended and Restated Interlocal Agreement Between the City of Tallahassee, Leon County, Florida and Leon County Sheriff Regarding the Consolidation of Public Safety Dispatch Communications.

NOW, THEREFORE, in consideration of the following mutual promises, covenants and representations set forth herein, the sufficiency of which being acknowledged, the City, County and Sheriff do hereby agree as follows:

SECTION 1. CONSOLIDATED DISPATCH AGENCY

Pursuant to Section 163.01(7), Florida Statutes, the City, County and Sheriff, collectively the Parties, hereby create a Consolidated Dispatch Intergovernmental Agency ("Consolidated Dispatch Agency" or "CDA") to govern and manage the provision of public safety consolidated dispatch services on a county-wide basis. This Agreement is intended to replace the MOA, which will be terminated by a separate agreement that also will dissolve the Public Safety Communications Board.

SECTION 2. POWERS AND DUTIES OF CONSOLIDATED DISPATCH AGENCY

The CDA, being established and charged with the responsibility of providing public safety consolidated dispatch services for the Leon County Sheriff, Leon County Emergency Medical Services, and the City of Tallahassee Police and Fire Departments, shall have all of the powers granted to it by this Agreement and the general laws of the State of Florida as may be necessary and proper to carry out the intent and purposes of this Agreement. In addition thereto, the CDA shall have the following specific powers and authority:

1. To sue and be sued in the name of the CDA.
2. To pay any and all costs of the CDA, including but not limited to, the acquisition of equipment and services for the provision of public safety consolidated dispatch services.
3. To hire, employ and retain any and all persons deemed necessary to carry out the purposes of this Agreement.
4. To enter into contracts, including but not limited to, those with emergency service providers, municipalities, counties and state and federal governmental units, for the purposes of obtaining financial aid, grants, assistance or benefits, and otherwise, for the purpose of carrying out the intent of this Agreement.
5. To participate in state and city retirement and pension plans for the benefit of its employees.
6. To exercise any other powers provided by this Agreement supplemental, incidental or amendatory hereto, as adopted by the Parties.

SECTION 3. GOVERNING BODY; POWER AND DUTIES OF THE BOARD

A. The governing body of the CDA established hereby shall consist of the City of Tallahassee City Manager, the Leon County Administrator and the Leon County Sheriff, hereinafter called the "Board", and shall meet as necessary to conduct its duties and responsibilities in accordance with the powers set forth in this Agreement. The Board shall govern itself wholly within the purview of the Government-in-the-Sunshine-Act. A quorum shall be required to take any official action by the Board, which shall consist of all three (3) members. Action by the Board shall be upon unanimous vote.

B. The Board shall have all the powers granted to it by this Agreement, and as may be necessary to carry its duties as set forth herein. In addition thereto, the Board shall have the specific authority to adopt an annual operating budget, subject to approval by the Parties, and shall be required to meet, and adopt said annual operating budget by August 30. Failure to adopt a budget by August 30 shall cause the immediate past (or current) fiscal year annual operating budget to be adopted for the next fiscal year by the Board. The Board shall also have the specific authority to appoint a CDA Director, and shall have the authority to terminate the employment of the CDA Director, as it deems appropriate. The Board shall evaluate the performance of the CDA Director on not less than an annual basis.

C. The Board, upon the recommendation of the CDA Management Committee, shall adopt standard operating procedures that shall govern the operations and performance of the CDA.

D. The Board, upon recommendation of the CDA Management Committee, may adopt personnel policies for administration of CDA personnel matters, including but not limited to layoff, leave, anti-harassment, anti-discrimination, hiring, payroll, and grievance. In the absence of such an adoption, CDA personnel matters shall be administered in accordance with City personnel policies. Any changes to personnel policies after the Commencement Date which apply to CDA employees shall be binding on the CDA unless and until otherwise rejected by the Board. The City shall provide the CDA Management Committee with copies of its current personnel policies; and, thereafter, shall provide copies of all amendments to such policies.

SECTION 4. CONSOLIDATED DISPATCH AGENCY MANAGEMENT COMMITTEE

A. A CDA Management Committee is hereby established as primarily an advisory body to make recommendations on policy to the Board, and to carry out the Board's direction on policy. The CDA Management Committee shall meet at least annually and shall consist of the Sheriff's appointee; the Police Chief, the Fire Chief and the Emergency Medical Services Chief, or their respective designees. The CDA Management Committee shall govern itself wholly within the purview of the Government-in-the-Sunshine-Act. A quorum shall be required to take any official action by the CDA Management Committee, which shall consist of not less than three members. Action by the CDA Management Committee shall be upon majority vote of the members present at a meeting.

B. The CDA Management Committee shall be responsible for making recommendations to the Board in regard to the hiring of the CDA Director. The CDA Management Committee duties shall include but not be limited to, the following: making recommendations to the Board with respect to adopting standard operating procedures; making recommendations to the Board with respect to adopting personnel policies for administration of CDA personnel matters; monitoring the operations of the CDA; monitoring the budgetary, insurance, purchasing, human resource, fleet and facilities management, technology and dispatch needs of the CDA; recommending approval of an operating budget to the Board; and recommending approval of long and short term plans for the operation of the CDA.

C. The CDA Management Committee shall be responsible for the general administration and operation of the Digital Trunked Simulcast Radio System, owned by the Parties, in accordance with that certain Agreement among the Parties dated December 20, 2007, as the same may be amended from time to time.

SECTION 5. CONSOLIDATED DISPATCH AGENCY DIRECTOR

A. There is hereby established the position of the CDA Director. The CDA Director shall be hired by the Board and may be terminated by the Board or by the City Manager, the Leon County Administrator or the Sheriff, individually. The CDA Director shall be an at-will position and shall report directly to the Board.

B. The CDA Director shall direct the CDA towards its primary objective and assume overall management control of all public safety consolidated dispatch services county-wide. The CDA Director's duties shall include, but not be limited to, the following: developing policies, procedures and an annual operating budget for the CDA, subject to the review of the CDA Management Committee and approval of the Board; updating the CDA Management Committee with project status reports, as necessary; managing the daily operations of the CDA; supervising and evaluating CDA employees; and implementing an annual financial audit conducted by an independent public accounting firm licensed under Chapter 473, Florida Statutes.

SECTION 6. LOCATION

The primary location for the Consolidated Dispatch Agency shall be in the Public Safety Complex Facility located at 911 Easterwood Drive, Tallahassee, Florida. A separate Agreement shall govern the operation and maintenance of the Public Safety Complex Facility. A back-up facility for the Consolidated Dispatch Agency shall be located at the Leon County Jail.

SECTION 7. PERSONNEL

A. All existing dispatch operations personnel of the City, the Sheriff and the County shall become employees of the Consolidated Dispatch Agency upon the Commencement Date of the Agreement.

B. For purposes of retirement, existing Sheriff and County employees may elect, not later than the Commencement Date, to maintain their current retirement plan through the Florida

Retirement System. Alternatively, existing Sheriff and County employees may elect, not later than the Commencement Date, to switch to the City's Pension Plan. Existing Sheriff and County employees will be provided professional financial support in evaluating the election described above. All new employees of the CDA hired after the Commencement Date shall become members of the City pension plan. The CDA will be the retirement administrator for all CDA employees, although the City will act as its agent.

C. The CDA shall be the benefit administrator for all CDA employees. The City will be the retirement benefit administrator for all CDA employees.

D. The sole authority to hire and terminate employees of the CDA shall rest with the CDA Director.

SECTION 8. FUNDING

A. The City and County shall fund the CDA budget proportionately based upon the per capita population within the corporate limits of the City of Tallahassee for the City, and the per capita population within the unincorporated area of Leon County for the County, as established in the most recent certified census ("Proportionate Share"). The CDA budget shall include costs associated with the provision of public safety consolidated dispatch services contemplated under this Agreement, including the operation and maintenance of work space, personnel, equipment and other Service Cost Allocations attributable to the CDA. The budgeted allocations will be made net of any other resources utilized to support the CDA, such as Fire and/or Emergency Medical Services revenues, grants in aid, etc. The allocation of costs for operation and maintenance of the Public Safety Complex shall be governed by a separate Agreement.

B. Service Cost Allocations are defined as those costs associated with services provided to the CDA by the Parties, which include but are not limited to, human resources, accounting, purchasing, information services, risk management, insurance, legal, finance, revenue collection, treasury management, records management, retirement administration, payroll, accounting services and equipment. The respective Party providing each service shall be entitled to reimbursement or credit through a cost allocation which shall be included in the CDA's annual budget.

C. The annual budget for each fiscal year, inclusive of pay adjustments, of the CDA which is to be funded as set forth above, shall be prepared by the CDA Director, reviewed and upon the recommendation of the CDA Management Committee, adopted by the Board prior to the inception of each fiscal year, and approved by each Party before such budget shall become effective. The CDA budget request shall be submitted by the CDA Director in a format consistent with the City's budget process. The budget shall be amended and approved as part of the budget process of each Party. Not later than December 15 of each year, all unspent budgeted funds for the preceding fiscal year shall be returned to the Parties, based upon their Proportionate Share. Not later than the first day of each fiscal year quarter, the City and the County shall transfer funds to the CDA an amount equal to one quarter (1/4) of their Proportionate Share of the approved annual budget for the CDA.

D. Funding to support the hiring of the CDA Director prior to the Commencement Date shall be allocated to the Sheriff and City based on the Proportionate Share.

SECTION 9. OPERATIONS

A. All standard operational procedures of the CDA must be approved by the Board, upon the recommendation of the CDA Management Committee, pursuant to Section 4.B, and shall be implemented by the CDA Director.

B. The Board is authorized to utilize employees, property, equipment and services of the Parties in assisting the CDA in performing its obligations and duties as set forth in this Agreement, upon the consent of the Parties, and the subject Party may charge the CDA the reasonable costs associated therewith. By accepting the use of such employees, property, equipment and services, the CDA thereby agrees to pay the reasonable costs associated therewith.

C. The County shall provide support for the CDA's telephone system. The Sheriff shall provide support for the E-911 system. The City shall provide support for the following: CDA's computer hardware (e.g., personal computers, servers, network, etc.); software; Computer-Aided Dispatch ("CAD") Systems: installation, maintenance, training, and management of the hardware and software supporting Motorola systems (including but not limited to systems used for CAD such as Premier One CAD, NCIC/FCIC, ProQA, Aqua, Adore DOR Tracking, etc.) in coordination with Motorola and/or its vendors. The City and the County, in accordance with the existing GIS Agreement, will support the county-wide Geographical Information System, used by CDA employees and other users, in accordance with that certain Agreement among the City, the County, and the Leon County Property Appraiser dated May 30, 1990, and all amendments thereto (if any). All services provided by or through the City or County shall be billable to, and paid by, the CDA.

D. To the extent possible, and for purposes of interoperability and resource sharing, the Parties agree to maintain compatible Records Management Systems.

SECTION 10. ADMINISTRATIVE

The CDA shall follow the City administrative policies and procedures relating to purchasing, finance, and accounting unless other policies or procedures are adopted by the Board.

SECTION 11. ATTORNEY TO CONSOLIDATED DISPATCH AGENCY

The Sheriff's designee may serve as attorney of record to the CDA for liability related issues. The City Attorney, or his designee, may serve as attorney of record to the CDA for employment related issues. The Board may appoint an attorney to represent the CDA and Board who shall be a member of the Florida Bar and in good standing with sufficient relevant experience. Attorney's fees for services rendered may be paid by the CDA as approved by the

Board. Each Party's legal representative may serve as an attorney of record for legal matters where that Party's interests are directly affected.

SECTION 12. WITHDRAWAL FROM CONSOLIDATED DISPATCH AGENCY AND DISSOLUSION

A. The CDA shall continue to exist until dissolved in accordance with the general laws of the State of Florida and this Interlocal Agreement. Should any Party desire to withdraw from the CDA, it may do so by adopting an appropriate resolution so declaring its intent to withdraw and notify the Board and the other Parties by April 1st of the ninth year of the then current term, with such termination to be effective at the end of the then current term (10th year). In the event said Party should withdraw from the CDA, the CDA shall be deemed dissolved and upon the Effective Date of such dissolution, all property, real and personal, conveyed to the CDA by the Parties, if any, shall revert to the ownership of the Party that conveyed same.

B. Should all Parties desire to withdraw from the CDA, the CDA shall be deemed dissolved and upon the effective date of such dissolution, all property, real and personal, conveyed to the CDA by the Parties, if any, shall revert to the ownership of the Party that conveyed such property to the CDA. The Board shall determine the disposition of all property, real and personal, owned by the CDA.

SECTION 13. AGENCY LIABILITY

The CDA, upon the Effective Date of this Agreement, (i) shall be responsible and liable, in accordance with Florida law, for all acts and omissions of the CDA, its officers, agents or employees arising out of, or relating in any way to, the CDA's provision of joint dispatch services under this Agreement and its use or occupancy of the Public Safety Complex and (ii) shall defend, indemnify and hold the Parties harmless from and against any and all suits, damages, and costs, including attorney's fees and costs of defense and litigation, arising out of such provision of services or such use or occupancy. The liability of the CDA under this section is intended to be consistent with the state's waiver of sovereign immunity pursuant to Section 768.28, Florida Statutes, and is not intended to alter said waiver nor extend the liability of the CDA beyond the limits established in said Section 768.28. Nothing in this Section shall be construed as requiring the CDA to so indemnify a Party for that Party's own acts or omissions or the acts or omission of that Party's officers, agents or employees.

SECTION 14. INSURANCE

The CDA shall obtain, and keep in force and effect at all times, (i) liability insurance in such amounts, and providing such coverage, as may be deemed appropriate by the Board, and (ii) workers' compensation insurance in such amounts as may be required by Florida law.

SECTION 15. MISCELLAENOUS PROVISIONS

A. Liability for Prior Claims.

The Parties shall remain liable for any and all claims of property damage, liability, workers' compensation, etc., including but not limited to, payment of claims, judgments, awards, and legal fees for injuries, illnesses, or events occurring prior to the Commencement Date of this Agreement and which is attributable to that respective Party.

B. Amendments.

The Parties hereby acknowledge that the terms hereof constitute the entire understanding and agreement of the Parties with respect to the subject matter hereof. No modification hereof shall be effective unless in writing, executed with the same formalities as this Agreement, in accordance with general law.

C. Assignment.

The Parties agree not to assign any of the services specified by this Agreement to a third-party without the prior written consent of the other Parties.

D. Conflict Resolution.

1. The Parties shall attempt to resolve all disputes that arise under this Agreement in good faith and in accordance with this section. The provision of the "Florida Governmental Conflict Resolution Act" shall not apply to disputes under this Agreement, as an alternative dispute resolution process is hereby set forth in this section. The aggrieved Party shall give written notice to the other Parties in writing, setting forth the name of the Party or Parties involved in the dispute, the nature of the dispute, date of occurrence (if known), and proposed resolution, hereinafter referred to as the "Dispute Notice."

2. Should the Parties be unable to reconcile any dispute, the appropriate City, County and Sheriff personnel shall meet at the earliest opportunity, but in any event within ten (10) days from the date that the Dispute Notice is received, to discuss and resolve the dispute. If the dispute is resolved to the mutual satisfaction of the Parties, they shall report their decision, in writing, to the Board. If the Parties are unable to reconcile their dispute, they shall report their impasse to the Board who shall then convene a meeting at their earliest opportunity, but in any event within twenty (20) days following receipt of a Dispute Notice, to attempt to reconcile the dispute.

3. If a dispute is not resolved by the foregoing steps within thirty (30) days after receipt of the Dispute Notice, unless such time is extended by mutual agreement of the Parties, then any Party may require the dispute to be submitted to mediation by delivering written notice thereof (the "Mediation Notice") to the other Parties. The mediator shall meet the qualifications set forth in Rule 10.010(c), Florida Rules for Mediators, and shall be selected by the Parties within ten (10) days following receipt of the Mediation Notice. The mediator shall also have sufficient knowledge and experience in emergency services matters. If

agreement on a mediator cannot be reached in that ten (10) day period, then either Party can request that a mediator be selected by an independent conflict resolution organization, and such selection shall be binding on the Parties. The costs of the mediator shall be borne equally by the Parties.

4. If an amicable resolution of a dispute has not been reached within sixty (60) calendar days following selection of the mediator, or by such later date as may be mutually agreed upon by the Parties, then such dispute may be referred to binding arbitration by either of the Parties. Such arbitration shall be conducted in accordance with the Florida Arbitration Code (Chapter 682, Florida Statutes).

   a. Such arbitration shall be initiated by delivery, from one Party (the "Claimant") to the other Parties (the "Respondent(s)"), of a written demand therefore containing a statement of the nature of the dispute and the amount, if any, involved. The Respondent(s), within ten (10) days following its receipt of such demand, shall deliver an answering statement to the Claimant. After the delivery of such statements, either Party may make new or different claims by providing the other(s) with written notice thereof specifying the nature of such claims and the amount, if any, involved.

   b. Within ten (10) days following the delivery of such demand, each Party shall select an arbitrator and shall deliver written notice of that selection to the other. If either Party fails to select an arbitrator within such time, the other Party may make application to the court for such appointment in accordance with the Florida Arbitration Code. Within ten (10) days following delivery of the last of such written notices, the two arbitrators so selected shall confer and shall select an additional arbitrator.

   c. The arbitration hearing shall be commenced in Leon County, Florida within sixty (60) days following selection of the additional arbitrator. Except as may be specifically provided herein, the arbitration shall be conducted in accordance with Rules R-23 – R-48 of the Commercial Arbitration Rules of the American Arbitration Association.

E. Recordation.

The County shall record this Agreement with the Leon County Clerk of the Court upon execution of the Parties and prior to the Commencement Date. Upon return of the recorded Agreement, the County shall deliver a recorded copy of this Agreement to the City and Sheriff.

SECTION 16. EFFECTIVE DATE

This Agreement shall be effective ("Effective Date") upon execution by all Parties.

SECTION 17. TERM; COMMENCEMENT DATE; RENEWAL

The term of this Agreement shall be for a period of ten (10) years commencing April 1, 2013 ("Commencement Date") and shall be renewed automatically at the end of that, and each subsequent, ten-year period, except as may be provided in Section 12.

IN WITNESS WHEREOF, the Parties cause this Interlocal Agreement to be executed by their duly authorized representatives this _____ day of _____, 2018.

CITY OF TALLAHASSEE, FLORIDA

By:_____
Andrew Gillum, Mayor

Attest:

By:_____
James O. Cooke, IV, City Treasurer-Clerk

Approved as to form:

By:_____
Cassandra Jackson, City Attorney

LEON COUNTY, FLORIDA

By:_____
Nick Maddox, Chairman
Board of County Commissioners

Attest:
Gwendolyn Marshall, Clerk of Court &
Comptroller, Leon County

By:_____

Approved as to form:
County Attorney's Office

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

LEON COUNTY SHERIFF

_____
Walt McNeil, Sheriff

Approved as to form:

By:_____
James W. Pimentel, Esq.
Sheriff Attorney

Leon County
Board of County Commissioners

Notes for Agenda Item #6

Leon County Board of County Commissioners

Agenda Item #6

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Proposed Revisions to Leon County Personnel Policies and Procedures to Reduce Compensatory Leave Balances

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Candice Wilson, Director of Human Resources
Lead Staff/ Project Team:	Amy Cox, Human Resources Manager Sherry Marson, Compensation Analyst

Statement of Issue:

This item proposes amendments to the Leon County Personnel Policies and Procedures Manual to clarify the County's compensatory leave policy and seek authorization for one-time payments to reduce compensatory leave balances in excess of 80 hours.

Fiscal Impact:

This item has a fiscal impact. A one-time payment to reduce excess accumulated compensatory leave balances, estimated at approximately $32,000, will be paid for within existing departmental personnel budgets.

Staff Recommendation:

Option #1: Adopt proposed amendments to the Leon County Personnel Policies and Procedures Manual Section V clarifying the County's compensatory leave policy (Attachment #1).

Option #2: Approve a one-time payment to reduce Career Service employees' compensatory leave balances in excess of 80 hours and all Senior Management employees' earned compensatory leave balances.

Report and Discussion

Background:

This item seeks Board approval of revisions to the Leon County Personnel Policies and Procedures Manual, Section V *Pay Plan*, to reduce the balance of compensatory leave time accrued by County employees.

As provided in Section 5.11 of the Personnel Policies and Procedures Manual Section V, eligible employees may accrue compensatory leave credits for overtime hours worked (described in greater detail in the Analysis section below). The policy allows employees to accrue a maximum of 80 hours of compensatory leave time, and additional accumulation may be extended with the approval of the County Administrator. Some employees have accrued more than the policy maximum of 80 hours as a result of work performed during times of critical staffing needs, such as hurricanes or other emergency situations. Additionally, some Senior Management staff carry compensatory leave balances that were accrued while working in an overtime-eligible position prior to a promotion. Managing compensatory leave balances is critical to the County's commitment to exercising responsible stewardship of organizational resources and sound fiscal management. Accordingly, at the direction of the County Administrator, staff conducted an analysis to determine the feasibility and fiscal impact of reducing excess compensatory leave balances by providing one-time payments (or "buying out") to employees with excess compensatory leave balances, as well as all compensatory leave balances of Senior Management employees.

In accordance with the FY 2017-2021 Strategic Plan, Leon County is committed to attracting and retaining a highly skilled, diverse, and innovative workforce by providing competitive wages and benefits to County employees. As a part of the County's compensation and benefits package, the County provides for paid and sick leave, compensatory leave, as well as a variety of other attractive benefits such as paid parental leave, health care coverage, retirement cash match savings plans, tuition reimbursement, staff training and development assistance, disability salary continuation, and others to remain competitive in recruiting and retaining talented staff.

Analysis:

In accordance with the Fair Labor Standards Act (FLSA), Leon County's classification and pay plan provides for employees to be classified as "exempt" or "non-exempt." The FLSA requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at 1.5 times the regular rate of pay for all hours worked over 40 hours in a workweek (non-exempt employees). However, the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as executive, administrative, professional and outside sales employees, as well as certain information technology employees (exempt employees).

As provided in the Leon County Personnel Policies and Procedures Manual Section V, the rules for accumulation of compensatory leave vary depending on the type of position:

- Career Service and Executive Support Service employees in positions that are classified as non-exempt, and who are authorized to work overtime, are eligible to receive compensation or compensatory leave at the rate of 1.5 hours for each overtime hour worked.

- Some Career Service, Executive Support, and EMS employees are classified as exempt under the FLSA and are therefore not eligible for overtime compensation. However, County policy allows these employees to earn compensatory leave credits equal to the number of overtime hours worked.

- All Senior Management employees are classified as exempt employees, and are therefore not eligible to receive overtime or compensatory leave. Although Senior Management employees are not eligible for overtime compensation or compensatory leave, there have been prior instances where compensatory leave credits were accumulated while working in a non-exempt position. In all instances, the maximum allowable accumulation is 80 compensatory leave hours unless authorized by the County Administrator.

Staff conducted an internal analysis of all Leon County employees with compensatory leave balances. The analysis found that 14 Career Service employees and 2 Senior Management employees currently have compensatory leave balances of over 80 hours. This item recommends authorization of a one-time payment to reduce all Career Service employees' compensatory leave balances to 80 hours and to eliminate all compensatory leave balances held by Senior Management employees. The total value of this excess leave based on each employee's regular rate of pay is $32,156. Adequate funding is available within existing departmental personnel budgets to pay these payments.

In order to prevent the accumulation of excess leave balances in the future, this item recommends the following revisions to the County's Personnel Policies and Procedures Manual:

- Require all employees to utilize compensatory leave as a first choice (unless sick leave is applicable) when taking leave for absences;
- Require that all employees who transfer to another department or office within the County are paid out their entire compensatory leave balance at that time to prevent transferring compensatory leave balances to the new department/office;
- Require that all employees are paid out their entire compensatory leave balance at the time they are promoted from Career Service to Senior Management;
- Clarify that the maximum accumulation of compensatory time for all eligible employees is 80 hours, and can only be extended with the approval of the County Administrator;
- Eliminate compensatory leave for Career Service exempt employees, with the exception of Career Service exempt employees who are required to report to work in an "on-call" capacity outside of normal working hours (these employees would receive compensatory leave at the rate of one hour for each overtime hour worked).

Attachment #1 indicates the recommended revisions to Section V of the Personnel Policies and Procedures in subsection 5.11 *Overtime*.

Options:

1. Adopt proposed amendments to the Leon County Personnel Policies and Procedures Manual Section V clarifying the County's compensatory leave policy (Attachment #1).
2. Approve a one-time payment to reduce Career Service employees' compensatory leave balances in excess of 80 hours and all Senior Management employees' earned compensatory leave balances.
3. Do not adopt proposed revisions to Section V of the Leon County Personnel Policies and Procedures Manual regarding compensatory leave balances.
4. Do not approve a one-time payment to reduce Career Service employees' compensatory leave balances in excess of 80 hours and all Senior Management employees' earned compensatory leave balances.
5. Board direction.

Recommendation:

Options #1 and #2.

Attachment:

1. Proposed revised Leon County Human Resources Policies and Procedures, Section V-Pay Plan, Subsection 5.11 *Overtime*

5.09 Compensation for Temporary Work in Higher Classification

In situations where the assignment or scheduling of work requires an employee to perform in a higher level classification to fill a temporary need, a new rate may be established by the Department Director after consultation with the Human Resources Director for the period of temporary assignment. In cases where a budget amendment is necessary to fund the temporary pay rate, County policies on budget amendment approvals shall apply. This provision is not to be applied in a situation of vacation replacement or cross training opportunities. An employee must work in the higher classification a minimum of three (3) full weeks and not more than three (3) months.

The rate of pay for the temporary assignment will be determined using the guidelines for a promotional increase. At the conclusion of the assignment, the employee's pay shall revert to his or her previous rate of pay. When it is established that the need may exceed three (3) months, and it is not for training, the replacement employee may be compensated at the higher rate immediately. Extensions may be approved by the County Administrator.

Any such temporary assignment shall not affect the employee's eligibility for merit pay.

5.10 Temporary Work in Training Status

Temporary Work in a training status may be initiated by either the employee or management by sending a Training Plan signed by the employee and a line manager to the Training Coordinator with a statement of understanding that there will be no adjustment in pay for training.

5.10.1 Procedure: Temporary Work in Training Status

If the assignment is solely for training purposes, the request must be accompanied by a Training Plan. The Training Plan must include a description of the task(s) to be learned, the standard measurement which will be used to determine if task(s) was/were learned, and time table for accomplishment.

5.11 Overtime

The established workweek is forty (40) hours within a seven (7) day period, Saturday through Friday. Overtime is calculated at 1-1/2 times an hour on hours worked over the established workweek. All overtime work must have prior authorization by Department/Division Director or designee. Not securing this authorization may result in disciplinary action.

Workers' Compensation Leave and Administrative Leave are "paid leave," not "hours worked." They will not be counted toward overtime.

Leave time earned and used is recorded daily on the Official time sheet (See Appendix H1 & H2) for Career Service, Executive Support, and EMS employees. For Senior Management Service employees, time used is recorded on the Official Leave/Compensation Request Form. (See Appendix H3)

Compensation for overtime shall be administered by the following guidelines:

Executive Service and Senior Management Service employees are not eligible for overtime compensation.

Career Service, Executive Support, and EMS employees in exempt positions, according to F.L.S.A., shall not be eligible for overtime compensation. However, if a Career Service exempt employee is required to report to work in an "on-call" capacity outside of normal working hours, the employee can receive compensation leave at the rate of one hour for each hour worked.~~However, if overtime is worked, compensatory leave credits equal to the overtime hours worked shall be granted. The maximum accumulation is 80 hours. Additional accumulation can only be extended with the approval of the County Administrator.~~

Career Service and Executive Support Service employees in non-exempt positions, according to F.L.S.A., who are authorized to work overtime, shall be granted either time off (compensatory leave) at the rate of one and one-half (1-1/2) hours for each overtime hour worked or cash payment for overtime worked at the rate of one and one-half (1-1/2) times that employee's regular hourly rate of pay. EMS employees in non-exempt positions, according to the FLSA, who are authorized to work overtime, shall be paid for overtime worked at the rate of one and one-half (1-1/2) times that employee's regular hourly rate of pay. EMS employees are not eligible for compensatory leave unless authorized by the EMS Chief.

The maximum accumulation of Compensatory Leave is 80 hours. Additional accumulation can only be extended with the approval of the County Administrator.

Employees who transfer to another department or office within the County will be paid out their Compensatory Leave balance at that time.

Additionally, employees must use Compensatory leave first (unless Sick Leave is applicable) when taking leave for absences.

Compensatory leave or cash compensation for overtime may only be granted when actual hours of work exceed forty (40) hours during the workweek. Holidays, however, shall be considered as hours worked for purposes of this section.

If overtime is authorized using compensatory leave only, employees must be notified before the overtime is worked. Every effort should be made to schedule such leave at the earliest possible date. Requests for compensatory leave shall be made on an Official Leave/Compensation Request Form or on the Official time sheet.

Leon County
Board of County Commissioners

Notes for Agenda Item #7

Leon County Board of County Commissioners

Agenda Item #7

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Herbert W. A. Thiele, County Attorney

Title: Approval to Participate in the AIG-VALIC 401(a) Retirement Savings Plan

Review and Approval:	Vincent S. Long, County Administrator Herbert W. A. Thiele, County Attorney
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Candice Wilson, Director of Human Resources
Lead Staff/ Project Team:	Amy Cox, Human Resources Manager

Statement of Issue:

This agenda seeks approval for AIG-VALIC to be added as a 401(a) Retirement Savings Plan for contract employees in order to diversify retirement savings options available to these employees. Currently, the County only offers one provider for these types of savings plans.

Fiscal Impact:

This item has no fiscal impact to the County. Any fees associated with the plan are paid by the participants.

Staff Recommendation:

Option #1: Approve an Agreement with AIG-VALIC to participate in their 401(a) Retirement Saving Plan for contracted employees, and authorize the County Administrator to execute all plan documents in a form approved by the County Attorney.

Option #2: Approve a resolution established the participation in the AIG-VALIC 401(a) Retirement Savings Plan in a form approved by the County Attorney.

Report and Discussion

Background:

This agenda seeks approval for AIG-VALIC to be added as a 401(a) Retirement Savings Plan for contract employees in order to diversify retirement savings options available to these employees. Currently, the County only offers one provider for these types of savings plans. AIG-VALIC is currently a County provider for all non-contracted employees for retirement savings plans.

Leon County currently offers two types of retirement savings plans for employees. A 457(b) Deferred Compensation Plan and a 401(a) Retirement Match Plan. The County's current vendors are Nationwide Retirement Solutions (NRS), ICMA-RC, AIG-VALIC and the National Life Group. Each of the vendors provides for the administration of the Leon County 457(b) Deferred Compensation and the 401(a) Retirement Match Plan Assets. However, only ICMA-RC's 401(a) is available for contract employees.

Analysis:

Currently, contracted employees are limited to a single vendor (ICMA-RC), for the administration of their 401(a) Retirement Savings Plan. The addition of AIG-VALIC as a 401(a) Retirement Savings Plan provider gives contracted employees the ability to diversify the management of all of their retirement funds. There is no cost to the County for the addition of AIG-VALIC as a 401(a) provider for contracted employees, as all fees are paid by the plan participants.

Options:

1. Approve an Agreement with AIG-VALIC to participate in their 401(a) Retirement Saving Plan for contracted employees, and authorize the County Administrator to execute all plan documents in a form approved by the County Attorney.
2. Approve a resolution established the participation in the AIG-VALIC 401(a) Retirement Savings Plan in a form approved by the County Attorney.
3. Do not approve an Agreement with AIG-VALIC to participate in their 401(a) Retirement Saving Plan for contracted employees and the associated resolution.
4. Board direction

Recommendation:

Option #1.

Leon County
Board of County Commissioners

Notes for Agenda Item #8

Leon County Board of County Commissioners

Agenda Item #8

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Federal Emergency Management Performance Grant Agreement and State Emergency Management Preparedness and Assistance Trust Fund Base Grant Agreement for Fiscal Year 2018-2019

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Mathieu Cavell, Assistant to the County Administrator Scott Ross, Director of the Office of Financial Stewardship
Lead Staff/ Project Team:	Kevin Peters, Director, Division of Emergency Management Tim Barden, Budget Manager Eryn Calabro, Senior Management and Budget Analyst

Statement of Issue:

This agenda item seeks Board acceptance of State and Federal Emergency Management Grant Agreements for FY 2018-2019.

Fiscal Impact:

This item has a fiscal impact. Two state and federal emergency management grants totaling $193,945 have been awarded to the County for the state fiscal year FY2018-FY2019. Both grants require a 100% County match. The matching funds are contemplated in the current FY 2018 budget and the tentative FY 2019 budget. In addition, this item allocates $1,478 in additional FY 2017-2018 emergency management grant funding.

Staff Recommendation:

Option #1: Accept the Emergency Management Performance Grant Agreement in the amount of $88,139 (Attachment #1), and authorize the County Administrator to execute; and, authorize the County Administrator to execute any future modifications, in a form approved by the County Attorney.

Option #2: Accept the Emergency Preparedness and Assistance Trust Fund Base Grant Agreement in the amount of $105,806 (Attachment #2), and authorize the County Administrator to execute; and, authorize the County Administrator to execute any future modifications, in a form approved by the County Attorney.

Option #3: Approve the Resolution and associated Budget Amendment Request (Attachment #3).

Report and Discussion

Background:

This agenda item seeks Board acceptance of State and Federal Emergency Management Grant Agreements for FY 2018-2019. Annually, the County receives these two emergency management grants to assist with operating the Emergency Operation Center. Prior to FY 2017, these grants were received and administered by the Sheriff's Department who managed the Emergency Operation Center (EOC). The County provided the matching dollars for the grants through the budget process. Since the County has taken over the management of the EOC, these grants are now presented to the Board for approval.

The purpose of the Emergency Management Performance Grant (EMPG) Program is to provide federal funds to states to assist state, local, territorial, and tribal governments in preparing for all hazards, as authorized by Section 662 of the *Post Katrina Emergency Management Reform Act* (6 U.S.C. § 762) and the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (42 U.S.C. §§ 5121 et seq.). Title VI of the *Stafford Act* authorizes DHS/FEMA to make grants for the purpose of providing a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the Federal Government, states, and their political subdivisions. The Emergency Management Performance Grant program supports the Quadrennial Homeland Security Review Mission to Strengthen National Preparedness and Resilience.

During the 1993 Legislative Session, the Florida Legislature amended Florida Statutes Chapter 252, the "State Emergency Management Act." As part of this revision, the legislature created the Emergency Management Preparedness and Assistance Trust Fund. Sixty percent (60%) of this trust fund is allocated annually to implement and administer state and County Emergency Management programs. These funds will be accepted on a quarterly reimbursement basis. Leon County has received funding from this Trust Fund since April 1993.

The State of Florida, Division of Emergency Management, as the pass-through entity for this federal funding, has allocated $88,139 for the Emergency Management Performance Grant to Leon County for FY 2018-2019, beginning July 1, 2018 through June 30, 2019. These funds will be accepted on a quarterly reimbursement basis. A 100% County match is required as a condition of this grant. Federal funds provided under this Agreement shall be matched by the County, as the Sub-Recipient, dollar for dollar from non-federal funds. The requirement for matching funds is in the current FY 2018 budget and in the FY 2019 Tentative Budget. The matching funds cover both fiscal years due to the State fiscal year running from July 1 – June 30.

The County also receives direct state funding from the Division of Emergency Management. They have allocated $105,806 to Leon County as a Base Grant for Emergency Management for Fiscal Year 2018-2019, beginning July 1, 2018 through June 30, 2019. A 100% County match is also required as a condition of this grant, and funds are budgeted in the current FY 2018 budget and the FY 2019 Tentative Budget.

Analysis:

The Federal Emergency Management Performance Grant Agreement is designed to assist the County in facilitating the administration of the County's Emergency Management function. A few requirements of the grant include the following:

- Maintain a County Emergency Operations Center capable of 24-7 operation, 7 days a week
- Maintain a communications capability with the Florida Division of Emergency Management's State Watch Office
- Complete the National Incident Management System basic training curriculum
- Complete the FEMA Professional Development Series training curriculum
- Participate in no less than three exercises within the agreement period
- Complete the National Incident Management System implementation status survey
- Develop a Multi-Year Training and Exercise Plan
- Participate in the Florida Division of Emergency Management's Regional Training and Exercise Planning Workshop

The State Emergency Management Preparedness and Assistance (EMPA) Trust Fund Base Grant Agreement is designed to assist the County in facilitating the administration of the County's Emergency Management function. A few requirements of the grant include the following:

- Employment of a full-time County Emergency Management Director
- Completion of continuing education in preparedness, response, recovery, mitigation, and finance/procurement activities by the County Emergency Management Director
- Participation in the Florida Division of Emergency Management's Current Issues in Emergency Management seminar
- Update points of contacts for activation of the Statewide Mutual Aid Agreement
- Maintain a database critical facilities
- Provide updates for the statewide hurricane shelter space deficit strategy
- Maintain the County disaster logistics strategy

These tasks are supportive of the requirements for a County Emergency Management Agency found in Chapter 252, Florida Statutes.

In addition, this item seeks to allocate additional funding for the FY 2017-2018 Federal Emergency Management Performance Grant federal pass-through grant program. During the FY 2017-2018 budget process, the EMPG grant was budgeted consistent with the previous fiscal year ($85,801). The State received funding notification from the federal government of the full

award amount after the County's budget process ended. The State subsequently notified the County that the award amount would be increased by $1,478, for a total award amount of $87,854 for FY 2017-2018. The budget amendment increases the FY 2017-2018 EMPG grant budget to reflect the full award amount.

Options:

1. Accept the Emergency Management Performance Grant Agreement in the amount of $88,139 (Attachment #1) and authorize the County Administrator to execute; and, authorize the County Administrator to execute any future modifications, in a form approved by the County Attorney.
2. Accept the Emergency Preparedness and Assistance Trust Fund Base Grant Agreement in the amount of $105,806 (Attachment #2), and authorize the County Administrator to execute; and, authorize the County Administrator to execute any future modifications, in a form approved by the County Attorney.
3. Approve the Resolution and associated Budget Amendment Request (Attachment #3).
4. Do not accept the Federal or State Emergency Management Performance Grant Agreements.
5. Board direction.

Recommendation:

Options # 1, #2 and #3.

Attachments:

1. FY 2018-2019 Emergency Management Performance Grant Agreement
2. FY 2018-2019 Emergency Management Preparedness and Assistance Trust Fund Base Grant Agreement
3. Resolution and associated Budget Amendment Request

Contract Number: 19-FG- -02-47-01-

FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENT

2 C.F.R. §200.92 states that a "sub-award may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract."

As defined by 2 C.F.R. §200.74, "pass-through entity" means "a non-Federal entity that provides a sub-award to a sub-recipient to carry out part of a Federal program."

As defined by 2 C.F.R. §200.93, "Sub-Recipient" means "a non-Federal entity that receives a sub-award from a pass-through entity to carry out part of a Federal program."

As defined by 2 C.F.R. §200.38, "Federal award" means "Federal financial assistance that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity."

As defined by 2 C.F.R. §200.92, "sub-award" means "an award provided by a pass-through entity to a sub-recipient for the sub-recipient to carry out part of a Federal award received by the pass-through entity."

The following information is provided pursuant to 2 C.F.R. §200.331(a)(1):

Sub-Recipient's name:	**LEON COUNTY, FLORIDA**
Sub-Recipient's unique entity identifier:	
Federal Award Identification Number (FAIN):	**EMA-2018-EP-00003**
Federal Award Date:	
Subaward Period of Performance Start and End Date:	**July 1, 2018 – June 30, 2019**
Amount of Federal Funds Obligated by this Agreement:	**$88,139.00**
Total Amount of Federal Funds Obligated to the Sub-Recipient by the pass-through entity to include this Agreement:	**$88,139.00**
Total Amount of the Federal Award committed to the Sub-Recipient by the pass-through entity:	**$**

Federal award project description (see FFATA):

The purpose of the Emergency Management Performance Grant (EMPG) Program is to provide federal funds to states to assist state, local, territorial, and tribal governments in preparing for all hazards, as authorized by Section 662 of the *Post Katrina Emergency Management Reform Act* (6 U.S.C. § 762) and the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (42 U.S.C. §§ 5121 et seq.). Title VI of the *Stafford Act* authorizes DHS/FEMA to make grants for the purpose of providing a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the Federal Government, states, and their political subdivisions. The Federal Government, through the EMPG Program, provides necessary direction, coordination, and guidance, and provides necessary assistance, as authorized in this title, to support a comprehensive all hazards emergency preparedness system. The FY 2018 EMPG will provide federal funds to assist state, local, tribal, and territorial emergency management agencies to obtain the resources required to support the National Preparedness Goal's (the Goal's) associated mission areas and core capabilities. The EMPG program supports the Quadrennial Homeland Security Review Mission to Strengthen National Preparedness and Resilience.

Name of Federal awarding agency:	Department of Homeland Security
Name of pass-through entity:	Florida Division of Emergency Management
Contact information for the pass-through entity:	2555 Shumard Oak Blvd. Tallahassee, FL 32399
Catalog of Federal Domestic Assistance (CFDA) Number and Name:	97.042
Whether the award is R&D:	No (N/A)
Indirect cost rate for the Federal award:	28.33%

THIS AGREEMENT is entered into by the State of Florida, Division of Emergency Management, with headquarters in Tallahassee, Florida (hereinafter referred to as the "Division"), and **LEON COUNTY, FLORIDA**, (hereinafter referred to as the "Sub-Recipient").

For the purposes of this Agreement, the Division serves as the pass-through entity for a Federal award, and the Sub-Recipient serves as the recipient of a sub-award.

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING REPRESENTATIONS:

- The Sub-Recipient represents that it is fully qualified and eligible to receive these grant funds to provide the services identified herein;
- The State of Florida received these grant funds from the Federal government, and the Division has the authority to subgrant these funds to the Sub-Recipient upon the terms and conditions outlined below; and,
- The Division has statutory authority to disburse the funds under this Agreement.

THEREFORE, the Division and the Sub-Recipient agree to the following:

1. LAWS, RULES, REGULATIONS AND POLICIES

The Division and the Sub-Recipient shall be governed by all applicable State and Federal laws, rules and regulations, including those identified in Attachment C. Any express reference in this Agreement to a particular statute, rule, or regulation in no way implies that no other statute, rule, or regulation applies.

A. The Sub-Recipient's performance under this Agreement is subject to 2 C.F.R. Part 200, entitled “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”

B. 2 C.F.R. §200.302 provides: “Each state must expend and account for the Federal award in accordance with state laws and procedures for expending and accounting for the state's own funds.” Therefore, section 215.971, Florida Statutes, entitled “Agreements funded with federal or state assistance”, applies to this Agreement.

C. This Agreement involves “Federal financial assistance,” as that term is defined in section 215.97(2)(f), Florida Statutes.

D. As required by Section 215.971(1), Florida Statutes, this Agreement includes:

(1) A provision specifying a scope of work that clearly establishes the tasks that the Sub-Recipient is required to perform.

(2) A provision dividing the agreement into quantifiable units of deliverables that must be received and accepted in writing by the Division before payment. Each deliverable must be directly related to the scope of work and specify the required minimum level of service to be performed and the criteria for evaluating the successful completion of each deliverable.

(3) A provision specifying the financial consequences that apply if the Sub-Recipient fails to perform the minimum level of service required by the agreement.

(4) A provision specifying that the Sub-Recipient may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period.

(5) A provision specifying that any balance of unobligated funds which has been advanced or paid must be refunded to the Division.

(6) A provision specifying that any funds paid in excess of the amount to which the Sub-Recipient is entitled under the terms and conditions of the agreement must be refunded to the Division.

2. TERMS AND CONDITIONS

This Agreement, to include the attachments, contains all the terms and conditions agreed upon by the parties, which terms and conditions shall govern all transactions between the Division and the Sub-Recipient.

3. EXECUTION

This Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

4. MODIFICATION

This Agreement may only be modified or amended upon mutual written agreement of the Division and the Sub-Recipient. No oral agreements or representations shall be valid or binding upon either party to this Agreement.

5. SCOPE OF WORK

The Sub-Recipient shall perform the work in accordance with the Budget and Scope of Work, Attachment A and Attachment B of this Agreement.

6. CONTACT

A. In accordance with section 215.971(2), Florida Statutes, the Division's Grant Manager shall be responsible for enforcing performance of this Agreement's terms and conditions and shall serve as the Division's liaison with the Sub-Recipient. As part of his/her duties, the Grant Manager for the Division shall:

(1) Monitor and document Sub-Recipient performance; and,

(2) Review and document all deliverables for which the Sub-Recipient requests payment.

B. The Division's Grant Manager for this Agreement is:

Owen Roach
2555 Shumard Oak Blvd.
Tallahassee, FL 32399
Telephone: (850) 815-4344
Fax:_____
Email: owen.roach@em.myflorida.com

C. The name and address of the Representative of the Sub-Recipient responsible for the administration of this Agreement is:

Tim Barden, Budget Manager
301 S. Monroe St., Suite 202
Tallahassee, Florida 32301
Telephone: 850-606-5100
Fax: 850-606-5101
Email: BardenT@leoncountyfl.gov

D. In the event that different representatives or addresses are designated by either party after execution of this Agreement, notice of the name, title and address of the new representative will be provided to the other party.

7. PERIOD OF AGREEMENT.

This Agreement shall begin on **July 1, 2018** and shall end on **June 30, 2019**, unless terminated earlier in accordance with the provisions of Paragraph (19) of this Agreement. Consistent with the definition of "period of performance" contained in 2 C.F.R. §200.77, the term "period of agreement" refers to the time during which the Sub-Recipient "may incur new obligations to carry out the work authorized under" this Agreement. In accordance with 2 C.F.R. §200.309, the Sub-Recipient may receive reimbursement under this Agreement only for "allowable costs incurred during the period of performance." In accordance with section 215.971(1)(d), Florida Statutes, the Sub-Recipient may expend funds authorized by this Agreement "only for allowable costs resulting from obligations incurred during" the period of agreement. Pre-award costs are allowable only with the prior written approval of FDEM and are included in the award agreement. To request pre-award costs, a written request must be included with the application and be signed by the Authorized Representative of the entity. The letter must outline what the pre-award costs are for, including a detailed budget break-out of pre-award costs from the post-award costs, and a justification for approval.

8. FUNDING

A. This is a cost-reimbursement Agreement, subject to the availability of funds.

B. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature, and subject to any modification in accordance with either Chapter 216, Florida Statutes, or the Florida Constitution.

C. The Division will reimburse the Sub-Recipient only for allowable costs incurred by the Sub-Recipient in the successful completion of each deliverable. The maximum reimbursement amount for each deliverable is outlined in Attachment A and Attachment B of this Agreement ("Budget and Scope of Work"). The maximum reimbursement amount for the entirety of this Agreement is **$88,139.00.**

D. If authorized by the Federal Awarding Agency, then the Division will reimburse the Sub-Recipient for overtime expenses in accordance with 2 C.F.R. §200.430 ("Compensation—personal services") and 2 C.F.R. §200.431 ("Compensation—fringe benefits"). If the Sub-Recipient seeks reimbursement for overtime expenses for periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause (*see* 29 U.S.C. §207(e)(2)), then the Division will treat the expense as a fringe benefit. 2 C.F.R. §200.431(a) defines fringe benefits as "allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages." Fringe benefits are allowable under this Agreement as long as the benefits are reasonable and are required by law, Sub-Recipient-employee agreement, or an established policy of the Sub-Recipient. 2 C.F.R. §200.431(b) provides that the cost of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, family-related leave, sick leave, holidays, court leave, military leave, administrative leave, and other similar benefits, are allowable if all of the following criteria are met:

(1) They are provided under established written leave policies;

(2) The costs are equitably allocated to all related activities, including Federal awards; and,

(3) The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the non-Federal entity or specified grouping of employees.

E. If authorized by the Federal Awarding Agency, then the Division will reimburse the Sub-Recipient for travel expenses in accordance with 2 C.F.R. §200.474. As required by the Reference Guide for State Expenditures, reimbursement for travel must be in accordance with section 112.061, Florida Statutes, which includes submission of the claim on the approved state travel voucher. If the Sub-Recipient seeks reimbursement for travel costs that exceed the amounts stated in section 112.061(6)(b), Florida Statutes ($6 for breakfast, $11 for lunch, and $19 for dinner), then the Sub-Recipient must provide documentation that:

(1) The costs are reasonable and do not exceed charges normally allowed by the Sub-Recipient in its regular operations as a result of the Sub-Recipient's written travel policy; and,

(2) Participation of the individual in the travel is necessary to the Federal award.

F. If authorized by the Federal Awarding Agency, then the Division will reimburse the Sub-Recipient for attendance at a conference.

(1) 2 C.F.R. §200.432 defines the term conference as "a meeting, retreat, seminar, symposium, workshop or event whose primary purpose is the dissemination of technical information beyond the non-Federal entity and is necessary and reasonable for successful performance under the Federal award."

(2) Any reimbursement from the Division to the Sub-Recipient for the costs associated with attending a conference is subject to the Department of Financial Services' Reference Guide for State Expenditures, which states: "Reimbursement for registration fees and travel expenses in connection with attendance at conferences or conventions will not be paid unless:

a) "The main purpose of the convention or conference is directly related to the statutory duties and responsibilities of the agency;

b) "The duties and responsibilities of the traveler is related to the objectives of the convention or conference; and,

c) "The activity provides a direct benefit supporting the work and public purpose of the person attending."

9. PAYMENTS

A. Invoices shall be submitted at least quarterly and shall include the supporting documentation for all costs of the project or services. The final invoice shall be submitted within sixty (60) days after the expiration date of the agreement. An explanation of any circumstances prohibiting the submittal of quarterly invoices shall be submitted to the Division grant manager as part of the Sub-Recipient's quarterly reporting as referenced in Paragraph 15 of this Agreement.

B. As required by 2 C.F.R. §200.415(a), any request for payment under this Agreement must include a certification, signed by an official who is authorized to legally bind the Sub-Recipient, which reads as follows: "By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the

purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)."

C. The Division will review any request for reimbursement by comparing the documentation provided by the Sub-Recipient against a performance measure, outlined in Attachment A and Attachment B, that clearly delineates:

(1) The required minimum acceptable level of service to be performed; and,

(2) The criteria for evaluating the successful completion of each deliverable.

D. The Division's grant manager, as required by section 215.971(2)(c), Florida Statutes, shall reconcile and verify all funds received against all funds expended during the grant agreement period and produce a final reconciliation report. The final report must identify any funds paid in excess of the expenditures incurred by the Sub-Recipient.

E. As defined by 2 C.F.R. §200.53, the term "improper payment" means or includes:

(1) Any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and,

(2) Any payment to an ineligible party, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), any payment that does not account for credit for applicable discounts, and any payment where insufficient or lack of documentation prevents a reviewer from discerning whether a payment was proper.

F. Any advance payment under this Agreement is subject to 2 C.F.R. §200.305 and, as applicable, section 216.181(16), Florida Statues. All advances are required to be held in an interest-bearing account. If an advance payment is requested, the budget data on which the request is based and a justification statement shall be included in this Agreement as Attachment E. Attachment E will specify the amount of advance payment needed and provide an explanation of the necessity for and proposed use of these funds. No advance shall be accepted for processing if a reimbursement has been paid prior to the submittal of a request for advanced payment. After the initial advance, if any, payment shall be made on a reimbursement basis as needed.

G. If the necessary funds are not available to fund this Agreement as a result of action by the United States Congress, the federal Office of Management and Budgeting, the State Chief Financial Officer or under subparagraph (9) B. of this Agreement, all obligations on the part of the Division to make any further payment of funds shall terminate, and the Sub-Recipient shall submit its closeout report within thirty days of receiving notice from the Division.

10. REPAYMENTS

A. All refunds or repayments due to the Division under this Agreement are to be made payable to the order of "Division of Emergency Management", and mailed directly to the following address:

Division of Emergency Management

Cashier

2555 Shumard Oak Boulevard

Tallahassee FL 32399-2100

B. In accordance with Section 215.34(2), Florid Statutes, if a check or other draft is returned to the Division for collection, Sub-Recipient shall pay the Division a service fee of $15.00 or 5% of the face amount of the returned check or draft, whichever is greater.

11. PROCUREMENT

A. The Sub-Recipient shall ensure that any procurement involving funds authorized by the Agreement complies with all applicable federal and state laws and regulations, to include 2 C.F.R. §§200.318 through 200.326 as well as Appendix II to 2 C.F.R. Part 200 (entitled “Contract Provisions for Non-Federal Entity Contracts Under Federal Awards”).

B. As required by 2 C.F.R. §200.318(b), the Sub-Recipient shall “maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.”

C. As required by 2 C.F.R. §200.318(i), the Sub-Recipient shall “maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.” In order to demonstrate compliance with this requirement, the Sub-Recipient shall document, in its quarterly report to the Division, the progress of any and all subcontractors performing work under this Agreement.

D. Except for procurements by micro-purchases pursuant to 2 C.F.R. §200.320(a) or procurements by small purchase procedures pursuant to 2 C.F.R. §200.320(b), if the Sub-Recipient chooses to subcontract any of the work required under this Agreement, then the Sub-Recipient shall forward to the Division a copy of any contemplated contract prior to contract execution. The Division shall review the unexecuted contract and provide comments, if any, to the Sub-Recipient within three (3) business days. Consistent with 2 C.F.R. §200.324, the Division will review the unexecuted contract for compliance with the procurement standards outlined in 2 C.F.R. §§200.318 through 200.326 as well as Appendix II to 2 C.F.R. Part 200. Consistent with 2 C.F.R. §200.318(k), the Division will not substitute its judgment for that of the Sub-Recipient. While the Sub-Recipient does not need the approval of the Division in order to execute a subcontract, this review may allow the Division to identify deficiencies in the terms and conditions of the subcontract as well as deficiencies in the procurement process that led to the subcontract. The Division’s review and comments shall not constitute an approval of the subcontract. Regardless of the Division’s review, the Sub-Recipient remains bound by all applicable laws, regulations, and agreement terms. If during its review the Division identifies any deficiencies, then the Division shall communicate those deficiencies to the Sub-Recipient as quickly as possible within the three (3) business day window outlined above. If the Sub-Recipient executes a subcontract after receiving a communication from the Division that the subcontract is non-compliant, then the Division may:

(1) Terminate this Agreement in accordance with the provisions outlined in paragraph 19 below; and,

(2) Refuse to reimburse the Sub-Recipient for any costs associated with that subcontract.

E. The Sub-Recipient agrees to include in the subcontract that (i) the subcontractor is bound by the terms of this Agreement, (ii) the subcontractor is bound by all applicable state and federal laws and regulations, and (iii) the subcontractor shall hold the Division and Sub-Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law.

F. As required by 2 C.F.R. §200.318(c)(1), the Sub-Recipient shall "maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts."

G. As required by 2 C.F.R. §200.319(a), the Sub-Recipient shall conduct any procurement under this agreement "in a manner providing full and open competition." Accordingly, the Sub-Recipient shall not:

(1) Place unreasonable requirements on firms in order for them to qualify to do business;

(2) Require unnecessary experience or excessive bonding;

(3) Use noncompetitive pricing practices between firms or between affiliated companies;

(4) Execute noncompetitive contracts to consultants that are on retainer contracts;

(5) Authorize, condone, or ignore organizational conflicts of interest;

(6) Specify only a brand name product without allowing vendors to offer an equivalent;

(7) Specify a brand name product instead of describing the performance, specifications, or other relevant requirements that pertain to the commodity or service solicited by the procurement;

(8) Engage in any arbitrary action during the procurement process; or,

(9) Allow a vendor to bid on a contract if that bidder was involved with developing or drafting the specifications, requirements, statement of work, invitation to bid, or request for proposals.

H. "[E]xcept in those cases where applicable Federal statutes expressly mandate or encourage" otherwise, the Sub-Recipient, as required by 2 C.F.R. §200.319(b), shall not use a geographic preference when procuring commodities or services under this Agreement.

I. The Sub-Recipient shall conduct any procurement involving invitations to bid (i.e. sealed bids) in accordance with 2 C.F.R. §200.320(c) as well as section 287.057(1)(a), Florida Statutes.

J. The Sub-Recipient shall conduct any procurement involving requests for proposals (i.e. competitive proposals) in accordance with 2 C.F.R. §200.320(d) as well as section 287.057(1)(b), Florida Statutes.

K. For each subcontract, the Sub-Recipient shall provide a written statement to the Division as to whether that subcontractor is a minority business enterprise, as defined in Section 288.703, Florida Statutes. Additionally, the Sub-Recipient shall comply with the requirements of 2 C.F.R. §200.321

("Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms").

12. RECORDS

A. As required by 2 C.F.R. §200.336, the Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the Division, or any of their authorized representatives, shall enjoy the right of access to any documents, papers, or other records of the Sub-Recipient which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right of access also includes timely and reasonable access to the Sub-Recipient's personnel for the purpose of interview and discussion related to such documents. Finally, the right of access is not limited to the required retention period but lasts as long as the records are retained.

B. As required by 2 C.F.R. §200.331(a)(5), the Division, the Chief Inspector General of the State of Florida, the Florida Auditor General, or any of their authorized representatives, shall enjoy the right of access to any documents, financial statements, papers, or other records of the Sub-Recipient which are pertinent to this Agreement, in order to make audits, examinations, excerpts, and transcripts. The right of access also includes timely and reasonable access to the Sub-Recipient's personnel for the purpose of interview and discussion related to such documents.

C. As required by 2 C.F.R. §200.333, the Sub-Recipient shall retain sufficient records to show its compliance with the terms of this Agreement, as well as the compliance of all subcontractors or consultants paid from funds under this Agreement, for a period of three (3) years from the date of submission of the final expenditure report. The following are the only exceptions to the three (3) year requirement:

(1) If any litigation, claim, or audit is started before the expiration of the 3-year period, then the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

(2) When the Division or the Sub-Recipient is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.

(3) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.

(4) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the Sub-Recipient.

(5) Records for program income transactions after the period of performance. In some cases, recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.

(6) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

D. In accordance with 2 C.F.R. §200.334, the Federal awarding agency must request transfer of certain records to its custody from the Division or the Sub-Recipient when it determines that the records possess long-term retention value.

E. In accordance with 2 C.F.R. §200.335, the Division must always provide or accept paper versions of Agreement information to and from the Sub-Recipient upon request. If paper copies are submitted, then the Division must not require more than an original and two copies. When original records are electronic and cannot be altered, there is no need to create and retain paper copies. When original records are paper, electronic versions may be substituted through the use of duplication or other forms of electronic media provided that they are subject to periodic quality control reviews, provide reasonable safeguards against alteration, and remain readable.

F. As required by 2 C.F.R. §200.303, the Sub-Recipient shall take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or the Division designates as sensitive or the Sub-Recipient considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

G. Florida's Government in the Sunshine Law (Section 286.011, Florida Statutes) provides the citizens of Florida with a right of access to governmental proceedings and mandates three, basic requirements:

(1) Meetings of public boards or commissions must be open to the public;

(2) Reasonable notice of such meetings must be given; and,

(3) Minutes of the meetings must be taken and promptly recorded.

The mere receipt of public funds by a private entity, standing alone, is insufficient to bring that entity within the ambit of the open government requirements. However, the Government in the Sunshine Law applies to private entities that provide services to governmental agencies and that act on behalf of those agencies in the agencies' performance of their public duties. If a public agency delegates the performance of its public purpose to a private entity, then, to the extent that private entity is performing that public purpose, the Government in the Sunshine Law applies. For example, if a volunteer fire department provides firefighting services to a governmental entity and uses facilities and equipment purchased with public funds, then the Government in the Sunshine Law applies to board of directors for that volunteer fire department. Thus, to the extent that the Government in the Sunshine Law applies to the Sub-Recipient based upon the funds provided under this Agreement, the meetings of the Sub-Recipient's governing board or the meetings of any subcommittee making recommendations to the governing board may be subject to open government requirements. These meetings shall be publicly noticed, open to the public, and the minutes of all the meetings shall be public records, available to the public in accordance with Chapter 119, Florida Statutes.

H. Florida's Public Records Law provides a right of access to the records of the state and local governments as well as to private entities acting on their behalf. Unless specifically exempted from disclosure by the Legislature, all materials made or received by a governmental agency (or a private entity acting on behalf of such an agency) in conjunction with official business which are used to perpetuate, communicate, or formalize knowledge qualify as public records subject to public inspection. The mere receipt of public funds by a private entity, standing alone, is insufficient to bring that entity

within the ambit of the public record requirements. However, when a public entity delegates a public function to a private entity, the records generated by the private entity's performance of that duty become public records. Thus, the nature and scope of the services provided by a private entity determine whether that entity is acting on behalf of a public agency and is therefore subject to the requirements of Florida's Public Records Law.

I. The Sub-Recipient shall maintain all records for the Sub-Recipient and for all subcontractors or consultants to be paid from funds provided under this Agreement, including documentation of all program costs, in a form sufficient to determine compliance with the requirements and objectives of the Budget and Scope of Work - Attachment A - and all other applicable laws and regulations.

13. INTELLECTUAL PROPERTY

A. Except as provided below, intellectual property rights to all property created or otherwise developed under or in connection with the performance of this Agreement are hereby reserved to and shall be owned by the State of Florida.

B. If the Sub-Recipient has pre-existing intellectual property rights, then the Sub-Recipient shall retain all rights and entitlements to that pre-existing intellectual property unless the Agreement provides otherwise.

C. If any intellectual property is developed in the course of or as a result of work or services performed under this Agreement, or in any way connected with it, the Sub-Recipient shall refer the intellectual property to the Division for a determination whether the State of Florida will seek patent, copyright, trademark, or other intellectual property protection in its name.

D. Within thirty days of execution of this Agreement, the Sub-Recipient shall disclose all intellectual properties relating to the performance of this Agreement which he or she knows or should know could give rise to a patent, copyright, trademark, or other intellectual property protection. Failure to disclose will indicate that no such property exists. The Division shall then, under Subparagraph A above, have the right to all intellectual property which accrues during performance of the Agreement.

E. If the Sub-Recipient qualifies as a state university under Florida law, then, pursuant to section 1004.23, Florida Statutes, any invention conceived exclusively by the employees of the Sub-Recipient shall become the sole property of the Sub-Recipient. In the case of joint inventions, that is inventions made jointly by one or more employees of both parties hereto, each party shall have an equal, undivided interest in and to such joint inventions. The Division shall retain a perpetual, irrevocable, fully-paid, nonexclusive license, for its use and the use of its contractors of any resulting patented, copyrighted or trademarked work products, developed solely by the Sub-Recipient, under this Agreement, for Florida government purposes.

14. AUDITS

A. The Sub-Recipient shall comply with the audit requirements contained in 2 C.F.R. Part 200, Subpart F.

B. In accounting for the receipt and expenditure of funds under this Agreement, the Sub-Recipient shall follow Generally Accepted Accounting Principles (“GAAP”). As defined by 2 C.F.R.

§200.49, GAAP "has the meaning specified in accounting standards issued by the Government Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB)."

C. When conducting an audit of the Sub-Recipient's performance under this Agreement, the Division shall use Generally Accepted Government Auditing Standards ("GAGAS"). As defined by 2 C.F.R. §200.50, GAGAS, "also known as the Yellow Book, means generally accepted government auditing standards issued by the Comptroller General of the United States, which are applicable to financial audits."

D. If an audit shows that all or any portion of the funds disbursed were not spent in accordance with the conditions of this Agreement, the Sub-Recipient shall be held liable for reimbursement to the Division of all funds not spent in accordance with these applicable regulations and Agreement provisions within thirty days after the Division has notified the Sub-Recipient of such non-compliance.

E. The Sub-Recipient shall have all audits completed by an independent auditor, which is defined in section 215.97(2)(h), Florida Statutes, as "an independent certified public accountant licensed under chapter 473." The independent auditor shall state that the audit complied with the applicable provisions noted above. The audit must be received by the Division no later than nine months from the end of the Sub-Recipient's fiscal year.

F. The Sub-Recipient shall send copies of reporting packages for audits conducted in accordance with 2 C.F.R. Part 200, by or on behalf of the Sub-Recipient, to the Division at the following address:

DEMSingle_Audit@em.myflorida.com

DEMSingle_Audit@em.myflorida.com

OR

Office of the Inspector General

2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100

G. The Sub-Recipient shall send the Single Audit reporting package and Form SF-SAC to the Federal Audit Clearinghouse by submission online at:

http://harvester.census.gov/fac/collect/ddeindex.html

H. The Sub-Recipient shall send any management letter issued by the auditor to the Division at the following address:

DEMSingle_Audit@em.myflorida.com

DEMSingle_Audit@em.myflorida.com

OR

Office of the Inspector General

2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100

15. REPORTS

A. Consistent with 2 C.F.R. §200.328, the Sub-Recipient shall provide the Division with quarterly reports and a close-out report. These reports shall include the current status and progress by

the Sub-Recipient and all subcontractors in completing the work described in the Scope of Work and the expenditure of funds under this Agreement, in addition to any other information requested by the Division.

B. Quarterly reports are due to the Division no later than 30 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30 and December 31.

C. The close-out report is due 60 days after termination of this Agreement or 60 days after completion of the activities contained in this Agreement, whichever first occurs.

D. If all required reports and copies are not sent to the Division or are not completed in a manner acceptable to the Division, then the Division may withhold further payments until they are completed or may take other action as stated in Paragraph (18) REMEDIES. "Acceptable to the Division" means that the work product was completed in accordance with the Budget and Scope of Work.

E. The Sub-Recipient shall provide additional program updates or information that may be required by the Division.

F. The Sub-Recipient shall provide additional reports and information identified in Attachment D.

16. MONITORING.

A. The Sub-Recipient shall monitor its performance under this Agreement, as well as that of its subcontractors and/or consultants who are paid from funds provided under this Agreement, to ensure that time schedules are being met, the Schedule of Deliverables and Scope of Work are being accomplished within the specified time periods, and other performance goals are being achieved. A review shall be done for each function or activity in Attachment A and Attachment B to this Agreement, and reported in the quarterly report.

B. In addition to reviews of audits, monitoring procedures may include, but not be limited to, on-site visits by Division staff, limited scope audits, and/or other procedures. The Sub-Recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Division. In the event that the Division determines that a limited scope audit of the Sub-Recipient is appropriate, the Sub-Recipient agrees to comply with any additional instructions provided by the Division to the Sub-Recipient regarding such audit. The Sub-Recipient further agrees to comply and cooperate with any inspections, reviews, investigations or audits deemed necessary by the Florida Chief Financial Officer or Auditor General. In addition, the Division will monitor the performance and financial management by the Sub-Recipient throughout the contract term to ensure timely completion of all tasks.

17. DEFAULT.

If any of the following events occur ("Events of Default"), all obligations on the part of the Division to make further payment of funds shall terminate and the Division has the option to exercise any of its remedies set forth in Paragraph (18); however, the Division may make payments or partial payments after any Events of Default without waiving the right to exercise such remedies, and without becoming liable to make any further payment if:

A. Any warranty or representation made by the Sub-Recipient in this Agreement or any previous agreement with the Division is or becomes false or misleading in any respect, or if the Sub-

Recipient fails to keep or perform any of the obligations, terms or covenants in this Agreement or any previous agreement with the Division and has not cured them in timely fashion, or is unable or unwilling to meet its obligations under this Agreement;

B. Material adverse changes occur in the financial condition of the Sub-Recipient at any time during the term of this Agreement, and the Sub-Recipient fails to cure this adverse change within thirty days from the date written notice is sent by the Division;

C. Any reports required by this Agreement have not been submitted to the Division or have been submitted with incorrect, incomplete or insufficient information; or,

D. The Sub-Recipient has failed to perform and complete on time any of its obligations under this Agreement.

18. REMEDIES.

If an Event of Default occurs, then the Division shall, after thirty calendar days written notice to the Sub-Recipient and upon the Sub-Recipient's failure to cure within those thirty days, exercise any one or more of the following remedies, either concurrently or consecutively:

A. Terminate this Agreement, provided that the Sub-Recipient is given at least thirty days prior written notice of the termination. The notice shall be effective when placed in the United States, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address in paragraph (6) herein;

B. Begin an appropriate legal or equitable action to enforce performance of this Agreement;

C. Withhold or suspend payment of all or any part of a request for payment;

D. Require that the Sub-Recipient refund to the Division any monies used for ineligible purposes under the laws, rules and regulations governing the use of these funds.

E. Exercise any corrective or remedial actions, to include but not be limited to:

(1) Request additional information from the Sub-Recipient to determine the reasons for or the extent of non-compliance or lack of performance,

(2) Issue a written warning to advise that more serious measures may be taken if the situation is not corrected,

(3) Advise the Sub-Recipient to suspend, discontinue or refrain from incurring costs for any activities in question or

(4) Require the Sub-Recipient to reimburse the Division for the amount of costs incurred for any items determined to be ineligible;

F. Exercise any other rights or remedies which may be available under law.

Pursuing any of the above remedies will not stop the Division from pursuing any other remedies in this Agreement or provided at law or in equity. If the Division waives any right or remedy in this Agreement or fails to insist on strict performance by the Sub-Recipient, it will not affect, extend or waive any other right or remedy of the Division, or affect the later exercise of the same right or remedy by the Division for any other default by the Sub-Recipient.

19. TERMINATION.

A. The Division may terminate this Agreement for cause after thirty days written notice. Cause can include misuse of funds, fraud, lack of compliance with applicable rules, laws and regulations, failure to perform on time, and refusal by the Sub-Recipient to permit public access to any document, paper, letter, or other material subject to disclosure under Chapter 119, Florida Statutes, as amended.

B. The Division may terminate this Agreement for convenience or when it determines, in its sole discretion, that continuing the Agreement would not produce beneficial results in line with the further expenditure of funds, by providing the Sub-Recipient with thirty calendar days prior written notice.

C. The parties may agree to terminate this Agreement for their mutual convenience through a written amendment of this Agreement. The amendment will state the effective date of the termination and the procedures for proper closeout of the Agreement.

D. In the event that this Agreement is terminated, the Sub-Recipient will not incur new obligations for the terminated portion of the Agreement after the Sub-Recipient has received the notification of termination. The Sub-Recipient will cancel as many outstanding obligations as possible. Costs incurred after receipt of the termination notice will be disallowed. The Sub-Recipient shall not be relieved of liability to the Division because of any breach of Agreement by the Sub-Recipient. The Division may, to the extent authorized by law, withhold payments to the Sub-Recipient for the purpose of set-off until the exact amount of damages due the Division from the Sub-Recipient is determined.

20. LIABILITY

A. Unless Sub-Recipient is a State agency or subdivision, as defined in section 768.28(2), Florida Statutes, the Sub-Recipient is solely responsible to parties it deals with in carrying out the terms of this Agreement; as authorized by section 768.28(19), Florida Statutes, Sub-Recipient shall hold the Division harmless against all claims of whatever nature by third parties arising from the work performance under this Agreement. For purposes of this Agreement, Sub-Recipient agrees that it is not an employee or agent of the Division, but is an independent contractor.

B. As required by section 768.28(19), Florida Statutes, any Sub-Recipient which is a state agency or subdivision, as defined in section 768.28(2), Florida Statutes, agrees to be fully responsible for its negligent or tortious acts or omissions which result in claims or suits against the Division, and agrees to be liable for any damages proximately caused by the acts or omissions to the extent set forth in Section 768.28, Florida Statutes. Nothing herein is intended to serve as a waiver of sovereign immunity by any Sub-Recipient to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

21. ATTACHMENTS

A. All attachments to this Agreement are incorporated as if set out fully.

B. In the event of any inconsistencies or conflict between the language of this Agreement and the attachments, the language of the attachments shall control, but only to the extent of the conflict or inconsistency.

C. This Agreement has the following attachments:

(1) Attachment A – Budget

(2) Attachment B – Scope of Work/Deliverables

(3) Attachment C – Program Statutes and Regulations

(4) Attachment D – Reports

(5) Attachment E – Justification of Advance Payment

(6) Attachment F – Warranties and Representations

(7) Attachment G – Certification Regarding Debarment

(8) Attachment H – Statement of Assurances

(9) Attachment I – Mandatory Contract Provisions

(10) Attachment J – Allowable Costs and Eligible Activities

22. MANDATED CONDITIONS

A. The validity of this Agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the Sub-Recipient in this Agreement, in any later submission or response to a Division request, or in any submission or response to fulfill the requirements of this Agreement. All of said information, representations, and materials are incorporated by reference. The inaccuracy of the submissions or any material changes shall, at the option of the Division and with thirty days' written notice to the Sub-Recipient, cause the termination of this Agreement and the release of the Division from all its obligations to the Sub-Recipient.

B. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall be in the Circuit Court of Leon County. If any provision of this Agreement is in conflict with any applicable statute or rule, or is unenforceable, then the provision shall be null and void to the extent of the conflict, and shall be severable, but shall not invalidate any other provision of this Agreement.

C. Any power of approval or disapproval granted to the Division under the terms of this Agreement shall survive the term of this Agreement.

D. The Sub-Recipient agrees to comply with the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), which prohibits discrimination by public and private entities on the basis of disability in employment, public accommodations, transportation, State and local government services, and telecommunications.

E. Those who have been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of $25,000.00 for a period of 36 months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

F. Any Sub-Recipient which is not a local government or state agency, and which receives funds under this Agreement from the federal government, certifies, to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency;

(2) Have not, within a five-year period preceding this proposal been convicted of or had a civil judgment rendered against them for fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offenses enumerated in paragraph 22(F)(2). of this certification; and,

(4) Have not within a five-year period preceding this Agreement had one or more public transactions (federal, state or local) terminated for cause or default.

G. If the Sub-Recipient is unable to certify to any of the statements in this certification, then the Sub-Recipient shall attach an explanation to this Agreement.

H. In addition, the Sub-Recipient shall send to the Division (by email or by facsimile transmission) the completed "Certification Regarding Debarment, Suspension, Ineligibility And Voluntary Exclusion" (Attachment G) for each intended subcontractor which Sub-Recipient plans to fund under this Agreement. The form must be received by the Division before the Sub-Recipient enters into a contract with any subcontractor.

I. The Division reserves the right to unilaterally cancel this Agreement if the Sub-Recipient refuses to allow public access to all documents, papers, letters or other material subject to the provisions of Chapter 119, Florida Statutes, which the Sub-Recipient created or received under this Agreement.

J. If the Sub-Recipient is allowed to temporarily invest any advances of funds under this Agreement, any interest income shall either be returned to the Division or be applied against the Division's obligation to pay the contract amount.

K. The State of Florida will not intentionally award publicly-funded contracts to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e) [Section 274A(e) of the Immigration and Nationality Act ("INA")]. The Division shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the Sub-Recipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this Agreement by the Division.

L. All unmanufactured and manufactured articles, materials and supplies which are acquired for public use under this Agreement must have been produced in the United States as required under 41 U.S.C. 10a, unless it would not be in the public interest or unreasonable in cost.

(23)<u>LOBBYING PROHIBITION</u>

A. 2 C.F.R. §200.450 prohibits reimbursement for costs associated with certain lobbying activities.

B. Section 216.347, Florida Statutes, prohibits "any disbursement of grants and aids appropriations pursuant to a contract or grant to any person or organization unless the terms of the grant

or contract prohibit the expenditure of funds for the purpose of lobbying the Legislature, the judicial branch, or a state agency."

C. No funds or other resources received from the Division under this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

D. The Sub-Recipient certifies, by its signature to this Agreement, that to the best of his or her knowledge and belief:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sub-Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the Sub-Recipient shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities."

(3) The Sub-Recipient shall require that this certification be included in the award documents for all subawards (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Sub-Recipients shall certify and disclose.

(4) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

(24)<u>EQUAL OPPORTUNITY EMPLOYMENT</u>

L. In accordance with 41 C.F.R. §60-1.4(b), the Sub-Recipient hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

i. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during

employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

ii. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.

iii. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

iv. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

v. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

vi. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order

11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

vii. The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

M. The Sub-Recipient further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: provided, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

N. The Sub-Recipient agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

O. The Sub-Recipient further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the Sub-Recipient agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the Sub-Recipient under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such Sub-Recipient; and refer the case to the Department of Justice for appropriate legal proceedings.

(25)COPELAND ANTI-KICKBACK ACT

The Sub-Recipient hereby agrees that, unless exempt under Federal law, it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, the following clause:

i. Contractor. The contractor shall comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 C.F.R. pt. 3 as may be applicable, which are incorporated by reference into this contract.

ii. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clause above and such other clauses as the FEMA may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all of these contract clauses.

iii. Breach. A breach of the contract clauses above may be grounds for termination of the contract, and for debarment as a contractor and subcontractor as provided in 29 C.F.R. § 5.12.

(26)CONTRACT WORK HOURS AND SAFETY STANDARDS

If the Sub-Recipient, with the funds authorized by this Agreement, enters into a contract that exceeds $100,000 and involves the employment of mechanics or laborers, then any such contract must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation.

(27)CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT

If the Sub-Recipient, with the funds authorized by this Agreement, enters into a contract that exceeds $150,000, then any such contract must include the following provision:

Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387), and will report violations to FEMA and the Regional Office of the Environmental Protection Agency (EPA).

(28)SUSPENSION AND DEBARMENT

If the Sub-Recipient, with the funds authorized by this Agreement, enters into a contract, then any such contract must include the following provisions:

i. This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

ii. The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

iii. This certification is a material representation of fact relied upon by the Division. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the Division, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

iv. The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

(29)BYRD ANTI-LOBBYING AMENDMENT

If the Sub-Recipient, with the funds authorized by this Agreement, enters into a contract, then any such contract must include the following clause:

Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352 (as amended). Contractors who apply or bid for an award of $100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal

award. Such disclosures are forwarded from tier to tier up to the recipient.

(30)CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS

A. If the Sub-Recipient, with the funds authorized by this Agreement, seeks to procure goods or services, then, in accordance with 2 C.F.R. §200.321, the Sub-Recipient shall take the following affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used whenever possible:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

B. The requirement outlined in subparagraph A. above, sometimes referred to as "socioeconomic contracting," does not impose an obligation to set aside either the solicitation or award of a contract to these types of firms. Rather, the requirement only imposes an obligation to carry out and document the six affirmative steps identified above.

C. The "socioeconomic contracting" requirement outlines the affirmative steps that the Sub-Recipient must take; the requirements do not preclude the Sub-Recipient from undertaking additional steps to involve small and minority businesses and women's business enterprises.

D. The requirement to divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises, does not authorize the Sub-Recipient to break a single project down into smaller components in order to circumvent the micro-purchase or small purchase thresholds so as to utilize streamlined acquisition procedures (e.g. "project splitting").

(31)ASSURANCES.

The Sub-Recipient shall comply with any Statement of Assurances incorporated as Attachment H.

(32)LEGAL AUTHORIZATION.

The Sub-Recipient certifies that it has the legal authority to receive the funds under this Agreement and that its governing body has authorized the execution and acceptance of this Agreement.

The Sub-Recipient also certifies that the undersigned person has the authority to legally execute and bind Sub-Recipient to the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

LEON COUNTY,FLORIDA

By:_____

Name and Title: Vince Long, County Administrator

Date: _____

FID# 59-6000708

DUNS# 193730645

Include a copy of the designation of authority for the signatory, if applicable.

STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT

By: _____

Name and Title: **Michael Kennett, Deputy Director (by Authority from the Director)**

Date: _____

ATTACHMENT A

PROPOSED PROGRAM BUDGET

- Funding from the Emergency Management Performance Grant is intended for use by the Sub-Recipient to perform eligible activities as identified in Notice of Funding Opportunity (NOFO), Fiscal Year 2018 EMPG, Appendix B – FY 2018 EMPG Funding Guidelines and programs that are consistent with 2 C.F.R. Part 200and Chapter 252, Florida Statutes.

- Below is a general budget which outlines eligible categories under this award. The Sub-recipient is to utilize the "Proposed Program Budget" as a guide for completing the "Budget Detail Worksheet" below.

- The Equipment category will require Authorized Equipment List (AEL) reference number. The Authorized Equipment List (AEL) is a list of approved equipment types allowed under FEMA's preparedness grant programs.. The AEL can be found at https://www.fema.gov/authorized-equipment-list.

- The transfer of funds between the categories listed in the Proposed Program Budget is permitted. If funds need to be moved in categories, send a revised Proposed Program Budget to your grant manager.

Grant	Sub-Recipient Agency	Category	Amount Allocated
FY 2018 – Emergency Management Performance Grant Program (EMPG)	**LEON COUNTY FLORIDA**	Planning	
		Organization	$88,139
		Training	
		Exercise	
		Equipment	
		Management and Administration Expenditures (up to 5% of amount received)	
Total Award		**$88,139.00**	

FY 2018 BUDGET DETAIL WORKSHEET - ELIGIBLE ACTIVITIES (Not limited to activities below)			
Allowable Planning Costs	**Quantity**	**Unit Cost**	**Total Cost**
Emergency Operation Plan			

Communications Plans			
Administrative Plans			
Whole Community Engagement/Planning			
Resource Management Planning			
Shelter and Evacuation Planning			
Recovery Planning			
Continuity Planning			
Hiring of full or part-time staff or contractors/consultants to assist with planning activities (not for the purpose of hiring public safety personnel fulfilling traditional public safety duties)			
Materials required to conduct planning activities			
Travel/per diem related to planning activities			
TOTAL PLANNING EXPENDITURES			**$**
Allowable Organization Costs	**Quantity**	**Unit Cost**	**Total Cost**
Hiring of full or part-time staff or contractors/consultants (temporary employees, student or graduate assistant fellowships, part time academic employment, consultants and other services)	1	$88,139	$88,139
Utility (electric, water and sewage)			
Telephone Bills (landlines, cellular and satellite)			
Internet Services			
Maintenance and Sustainment (maintenance contracts, warranties, repair or replacement costs, upgrades and user fees)			
Storage			
Postage			
Publications			
Memberships			
TOTAL ORGANIZATION EXPENDITURES			**$**
Allowable Exercise Costs	**Quantity**	**Unit Cost**	**Total Cost**
Design, Develop, Conduct and Evaluate an Exercise			
Full or Part-Time Staff or Contractors/Consultants - (Full or part-time staff may be hired to support exercise -related activities. Payment of salaries and fringe benefits must be in accordance with the policies of the state or local unit(s) of government and have the approval of the state or the awarding agency, whichever is applicable.)			
Overtime and backfill costs – related to backfilling personnel, that are direct results of time spent on design, development and conduct of exercise.			

Travel - allowable expenses by employees who are on travel status for official business related to planning and conduct of exercise activities			
Supplies - items that are expended or consumed during the conduct of the exercise activities (e.g., copying paper, gloves, tape, non-sterile masks, and disposable protective equipment).			
TOTAL EXERCISE EXPENDITURES			**$**
Allowable Training Costs	**Quantity**	**Unit Cost**	**Total Cost**
Develop, Deliver and Evaluate Training			
Overtime and backfill direct result of attendance at DHS/FEMA and/or approved training course or program			
Conferences			
Full or Part-Time Staff or Contractors/Consultants			
Certification/Recertification of Instructors			
Travel			
Supplies items that are expended or consumed during the course of the training activities (e.g., , gloves, tape, non-sterile masks, and disposable protective equipment)			
TOTAL TRAINING EXPENDITURES			**$**
Eligible Equipment Acquisition Costs	**Quantity**	**Unit Cost**	**Total Cost**
Personal protective equipment			
Information technology			
Cybersecurity enhancement equipment			
Interoperable communications equipment			
Detection Equipment			
Power equipment			

CBRNE Reference Materials			
CBRNE Incident Response Vehicles			
Physical Security Enhancement Equipment			
CBRNE Logistical Support Equipment			
Other authorized equipment costs			
21GN-00-OCEQ (EOC Supplies and equipment)			
General Purpose Vehicles			
TOTAL EQUIPMENT EXPENDITURES			**$**
TOTAL EXPENDITURES			**$**

Eligible Management and Administration Costs	**Quantity**	**Unit Cost**	**Total Cost**
Hiring of full-time or part-time staff or contractors/consultants: to assist with the management of the respective grant program; application requirements, and compliance with reporting and data collection requirements			
TOTAL M&A EXPENDITURES			**$**
TOTAL EXPENDITURES			**$88,139.00**

ATTACHMENT B
SCOPE OF WORK/DELIVERABLES

BACKGROUND
The Emergency Management Performance Grant (EMPG) subgrant agreement authorizes reimbursement for eligible activities as identified in the Notice of Funding Opportunity (NOFO), Fiscal Year 2018 EMPG, Appendix B – FY 2018 EMPG Funding Guidelines. EMPG Program Guidance, FY2018 allowable costs are divided into the following categories:

- **Planning;**
- **Organization;**
- **Training;**
- **Exercise;**
- **Equipment; and,**
- **Management and Administration**.

Eligible activities are outlined in Allowable Costs and Eligible Activities. The EMPG's allowable costs support efforts to build and sustain core capabilities across the Prevention, Protection, Mitigation, Response, and Recovery mission areas described in the National Preparedness Goal. The intent of the EMPG Base Grant Agreement is to provide each county with the means to successfully manage and operate an Emergency Management Program by enhancing county emergency management plans and programs that are consistent with the State Comprehensive Emergency Management Plan and Chapter 252, Florida Statutes.

Counties must be able to prepare for, respond to, recover from, and mitigate against natural and man-made disasters/ emergencies. Each Emergency Management staff person must work the number of hours and assume the responsibilities for the duties in their official position description as well as provide the coordination and support for all incidents within their jurisdiction.

By signing this Agreement, the Sub-Recipient certifies that it will use these funds to enhance the county's Emergency Management Program.

MONITORING
Monitoring will be accomplished through desk-based reviews, on-site monitoring visits, or both. Monitoring will involve the review and analysis of the financial, programmatic, performance, compliance and administrative processes, policies, activities, and other attributes of each county and will identify areas where technical assistance, corrective actions and other support may be needed.

Desk monitoring is the review of projects, financial activity and technical assistance between the Division and the applicant via e-mail and telephone. On-Site Monitoring are actual visits to the Sub-Recipient agencies by a Division representative who examines records, procedures and equipment.

The Division may request additional monitoring/information if the activity, or lack thereof, generates questions from the region, the sponsoring agency or Division leadership. The method of gathering this information will be determined on a case-by-case basis.

PROCUREMENT

All Procurement transactions will be conducted in a manner providing full and open competition and shall comply with the standards articulated in:

- 2 C.F.R. Part 200;
- Chapter 287, Florida Statues; and,
- Any local procurement policy.

Piggy-backing: The practice of one agency using another's procurement process and contractual agreement is called piggybacking. For the piggybacking agency to receive reimbursement under this Agreement, the original agency's procurement process must comply with all applicable laws and regulations (e.g. 2 CFR 200.318-326). Additionally, the original contract must contain language or other legal authority authorizing third parties to make purchases from the contract with the vendor's consent. The terms and conditions of the new contract, including the scope of work, must be substantially the same as those of the existing contract. For example, the piggyback contract may not exceed the existing contract in the scope of volume of goods or services. Finally, an agency may not use the preexisting contract merely as a "basis to begin negotiations" for a broader or materially different contract.

Tasks:

At a minimum the County is to successfully complete the following tasks throughout the period of performance. Quarterly Tasks (Form1B) will need to be provided each quarter to show completion or working towards the completion of each task. All back-up documentation listed below shall be uploaded to the Division's SharePoint portal, https://portal.floridadisaster.org

1. **Match.** Throughout the period of performance for this Agreement, the Sub-Recipient shall use non-Federal funds to match dollar for dollar all funds provided under this Agreement.

   Proposed Match Plan (Form 3) is **due** with the signed agreement and will be used to compare with the match portion of your close out report. If your proposed match plan changes, an update shall be provided. **NOTE**: If the federal obligation exceeds EMPA then you need to identify the other non-federal match. In the space provided on the form, provide a narrative description on how you plan to meet the dollar for dollar match requirement.

   Deliverables (due each quarter):
   - Quarterly Match Form (Form 3A); and,
   - Receipts, expense reports, or similar pieces of documentation that demonstrate Sub-Recipient expenditures at least equal to the amount of reimbursement requested for that quarter.

2. **National Incident Management System ("NIMS").** Throughout the period of performance for this Agreement, the Sub-Recipient shall utilize NIMS.

   NIMS is a comprehensive, national approach to incident management that is applicable at all jurisdictional levels and across functional disciplines. It is intended to:
   - Be applicable across a full spectrum of potential incidents, hazards, and impacts, regardless of size, location or complexity;
   - Improve coordination and cooperation between public and private entities in a variety of incident management activities; and,
   - Provide a common standard for overall incident management.

   NIMS provides a consistent nationwide framework and approach to enable government at all levels (Federal, State, tribal, and local), the private sector, and nongovernmental organizations (NGOs) to work together to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents regardless of the incident's cause, size, location, or complexity.

   Consistent application of NIMS lays the groundwork for efficient and effective responses, from a single agency fire response to a multiagency, multijurisdictional natural disaster or terrorism response. Entities that have integrated NIMS into their planning and incident management structure

can arrive at an incident with little notice and still understand the procedures and protocols governing the response, as well as the expectations for equipment and personnel. NIMS provides commonality in preparedness and response efforts that allow diverse entities to readily integrate and, if necessary, establish unified command during an incident.

Deliverable (due second quarter):

- The Sub-Recipient shall complete a NIMS survey in the Division's SharePoint portal. This survey is designed to provide a self-assessment instrument to evaluate and report on your jurisdiction's implementation of the National Incident Management System (NIMS).

3. **Capabilities.** Each person serving in a position that is funded at least in part by this Agreement **SHALL** complete the following training requirements and record proof of completion:

   - NIMS Training, Independent Study (IS) 100 (any version), IS 200 (any version), IS 700 (any version), and IS 800 (any version)
   - Professional Development Series (PDS) *or* the Emergency Management Professional Program (EMPP) Basic Academy (E/L101 thru 105) delivered either by the Emergency Management Institute (EMI) or at a sponsored State, local, tribal, territorial, regional or other, designated location.

   Deliverable (due each quarter):

   - Provide a current version of the Staffing Detail Form (Form 4); and,
   - Provide current course completion documentation for all personnel listed on Form 4.

   NOTE: For quarters 2, 3, and 4, additional course completion documentation is required only if:

   - Personnel listed on the Staffing Detail Form successfully complete additional courses; and/or,
   - New personnel are listed on the Staffing Detail Form.

4. **Planning, Training, and Exercises.** The Sub-Recipient shall develop and maintain a Multi-Year Training and Exercise Plan ("MYTEP") that identifies a combination of exercises and associated training requirements that address priorities identified in the TEPW and builds from training gaps identified in the THIRA/SPR process.

   Planning efforts should demonstrate whole community engagement to create a strategic, operational, and/or community-based approach to preparedness.

   Training activities must enhance the capabilities of emergency management personnel, including establishing, supporting, conducting, and attending training deliveries. Training activities should align to a current, MYTEP developed through an annual Training and Exercise Plan Workshop (TEPW) and should reflect efforts to address training capabilities gaps through the RTIIP.

   Exercises conducted with grant funds should test and evaluate performance towards meeting capability targets established in a jurisdiction's THIRA for the core capabilities needed to address its greatest risks. Exercise priorities should align to a current, Multi-Year TEP developed through an annual TEPW.

   Deliverable (due every quarter):

   - The percentage of completed training and exercise activities listed on the current MYTEP.

5. **Strengthening Governance Integration.** Each quarter, the Sub-Recipient shall conduct Strengthening Governance Integration ("Stakeholder") conference calls or meetings and shall invite the following stakeholders:

   - The County Sheriff;
   - Each Fire Control District in the County;
   - Each municipal Emergency Management Director in the County;
   - Each municipality in the County (only if there is no EM Director for the municipality);
   - Each school district in the County (to include the Florida School for the Deaf and Blind, the Florida Virtual School, the Okeechobee Youth Development Center, as well as the laboratory schools operated by university and colleges in your jurisdiction);

- Each state university and state college in the County; and,
- Each Voluntary Organization Active in Disasters ("VOAD") with a significant presence in the County.

Attendance at a conference call or meeting is not mandatory for the Stakeholders listed above; however, the Sub-Recipient must invite each Stakeholder to at least one call or meeting each quarter.

The Sub-Recipient is not required to invite each Stakeholder to every call or meeting; but, each stakeholder must be invited to at least one call or meeting with the Sub-Recipient every quarter.

For the Florida Virtual School, which lists a physical address in Orlando, Florida, only Orange County is required to include that particular school district as a Stakeholder.

DHS/FEMA preparedness grant programs are intended to support the core capabilities across the five mission areas of Prevention, Protection, Mitigation, Response, and Recovery that are necessary to prepare for incidents that pose the greatest risk to the Nation's security. Each program reflects the Department's intent to build and sustain an integrated network of national capabilities across all levels of government and the whole community. Disparate governance structures must be integrated and refined to ensure resources are targeted to support the most critical needs of a community based on risk-driven, capabilities-based planning. Strong and inclusive governance systems better ensure that disparate funding streams are coordinated and applied for maximum impact.

DHS/FEMA requires that all governance processes that guide the allocation of preparedness grant funds adhere to the following guiding principles:

- Coordination of Investments: Resources must be allocated to address the most critical capability needs as identified in the SPR and coordinated among affected preparedness stakeholders;
- Transparency: Stakeholders must be provided visibility on how preparedness grant funds are allocated and distributed, and for what purpose;
- Substantive Local Involvement: The tools and processes that are used to inform the critical priorities, which DHS/FEMA grants support, must include local government representatives. At the state and regional levels, local risk assessments must be included in the overarching analysis to ensure that all threats and hazards are accounted for;
- Accountability: DHS/FEMA recognizes that unique preparedness gaps exist at the local level. Grantees are responsible for ensuring the effective use of funds to address those gaps and for maintaining and sustaining existing capabilities; and,
- Support of Regional Coordination: Inter/intra-state partnerships and dependencies at the state and regional levels, including those within metropolitan areas, must be recognized.

Deliverables (due each quarter):

- Provide the Division with a list of each stakeholder invited to each Stakeholder conference call or meeting; and,
- Provide the Division with meeting notes that accurately document the content of the discussions during each Stakeholder conference call or meeting.

6. **Strengthening Governance Integration.** The Integrated Public Alert and Warning System (IPAWS) is a comprehensive, coordinated, integrated system that can be used by authorized public officials to deliver effective alert messages to the American public. IPAWS is the nation's next-generation infrastructure of alert and warning networks. IPAWS ensures the President can alert and warn the public under any condition. Additionally, IPAWS will provide Federal, State, territorial, tribal, and local warning authorities the capabilities to alert and warn their communities of all hazards impacting public safety and well-being via multiple communication pathways. FEMA is upgrading the alert and warning infrastructure so that no matter what the crisis, the public will receive life-saving information via at least one path. The following steps need to be accomplished not later than quarter 3 to satisfy deliverable requirements:

    1. https://www.fema.gov/how-sign-ipaws
    2. County emails FEMA requesting IPAWS capability IPAWS@fema.dhs.gov
    3. FEMA sends the county an application
    4. County completes application and returns to FEMA IPAWS@fema.dhs.gov

5. FEMA sends the county an unsigned MOA, unsigned PAA form, and link to IPAWS online training
6. https://training.fema.gov/is/courseoverview.aspx?code=IS-247.a
7. County signs MOA, obtains state signature on PAA form, takes online training...sends everything to FEMA
8. FEMA signs the MOA, sends completed paperwork and digital certificate to county, and enables their access in the system

Other recommendations:
If you are using Everbridge and EMnet please put both on the applications.
https://training.fema.gov/is/courseoverview.aspx?code=IS-251

Deliverable (due third quarter):

- The sub-recipient shall upload FEMA IPAWS MOA in the Division's SharePoint portal.

REIMBURSEMENT CONDITIONS:

Subject to the funding limitations of this Agreement, the Division shall reimburse the Sub-Recipient on a quarterly basis for the documented costs incurred during the successful completion of the task(s) required by this Agreement. However, the following limitations shall apply:

- In any quarter, the Division shall not reimburse the Sub-Recipient for an amount that exceeds 40% of the overall amount authorized by this Agreement; and,
- The cumulative amount of reimbursement for quarters 1, 2, and 3 shall not exceed 85% of the overall amount authorized by this Agreement.

If extraordinary circumstances exist, then the Sub-Recipient can request permission from the Division to exceed the 40% cap for a particular quarter. However, under no circumstances shall the cumulative reimbursement amount for quarters 1, 2, and 3 exceed 85% of the overall amount authorized by this Agreement.

FINANCIAL CONSEQUENCES:

Failure to successfully complete each of the required tasks, as demonstrated by the failure to satisfy the applicable deliverables, shall result in the following penalty:

- A 10% reduction of the overall amount authorized by this Agreement.

The Division shall apply the penalty each quarter during which the Sub-Recipient fails to successfully complete each of the required tasks. During this Agreement, up to four penalties may be imposed; and, each penalty shall be applied cumulatively.

If, because of circumstances beyond the Sub-Recipient's control, the Sub-Recipient is unable to successfully perform a task required by this Agreement, then the Sub-Recipient shall notify the Division immediately. If the Division agrees that the inability to perform was directly due to circumstances beyond the control of the Sub-Recipient, then the Division will consider waiving the imposition of a financial consequence.

ATTACHMENT C

PROGRAM STATUTES AND REGULATIONS

1. Age Discrimination Act of 1975 42 U.S.C. § 6101 *et seq.*
2. Americans with Disabilities Act of 1990 42 U.S.C. § 12101-12213
3. Chapter 473, Florida Statutes
4. Chapter 215, Florida Statutes
5. Chapter 252, Florida Statutes
6. Title VI of the Civil Rights Act of 1964 42 U.S.C. § 2000 *et seq.*
7. Title VIII of the Civil Rights Acts of 1968 42 U.S.C. § 3601 et seq.
8. Copyright notice 17 U.S.C. §§ 401 or 402
9. Assurances, Administrative Requirements and Cost Principles 2 C.F.R. Part 200
10. Debarment and Suspension Executive Orders 12549 and 12689
11. Drug Free Workplace Act of 1988 41 U.S.C. § 701 et seq.
12. Duplication of Benefits 2 C.F.R. Part 200, Subpart E
13. Energy Policy and Conservation Act 42 U.S.C. § 6201
14. False Claims Act and Program Fraud Civil Remedies 31 U.S.C. § 3729 also 38 U.S.C. § 3801-3812
15. Fly America Act of 1974 49 U.S.C. § 41102 also 49 U.S.C. § 40118
16. Hotel and Motel Fire Safety Act of 1990 15 U.S.C. § 2225a
17. Lobbying Prohibitions 31 U.S.C. § 1352
18. Patents and Intellectual Property Rights 35 U.S.C. § 200 et seq.
19. Procurement of Recovered Materials section 6002 of Solid Waste Disposal Act
20. Terrorist Financing Executive Order 13224
21. Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act) U.S.C. § 1681 et seq.
22. Trafficking Victims Protection Act of 2000 22 U.S.C. § 7104
23. Rehabilitation Act of 1973 Section 504, .29 U.S.C. § 794
24. USA Patriot Act of 2001 18 U.S.C. § 175-172c
25. Whistleblower Protection Act 10 U.S.C. § 2409, 41 US.C. 4712, and 10 U.S.C. §
26. 2324, 41 U.S.C. § § 4304 and 4310
27. 53 Federal Register 8034
28. Rule Chapters 27P-6, 27P-11 , and 27P-19, Florida Administrative Code
29. 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
30. To the extent that 2 C.F.R. Part 200 supersedes any provision outlined above, 2 C.F.R. Part 200 shall apply

ATTACHMENT D

REPORTS

The Sub-Recipient shall provide the Division with quarterly financial reports and a final close-out report. Quarterly financial reports are due to the Division no later than thirty days after the end of each quarter of the program year; and shall continue to be submitted each quarter until submission of the final close-out report. The ending dates for each quarter of this program year are September 30, December 31, March 31 and June 30.

Reporting Period	Report due to FDEM no later than
July 1 through September 30	October 30
October 1 through December 31	January 30
January 1 through March 31	April 30
April 1 through June 30	July 30

The Sub-Recipient shall provide the Division with <u>full</u> support documentation for the quarterly financial reports.

A. **The Quarterly Tasks Form is due with your quarterly financial report each quarter. This form identifies EMPG funded employees, the required training completed (or working towards completion), and the required amount of exercises during the agreement period.**
B. Proposed Match Plan (Form 3) is due with the signed agreement and will be used to compare with the match portion of your close out report. If your proposed match plan changes an update shall be provided. Federal funds provided under this Agreement shall be matched by the Sub-Recipient dollar for dollar from non-federal funds. NOTE: If the amount is NOT EMPA or if the federal obligation exceeds EMPA then you need to identify the other non-federal match. In the space provided on the form, provide a narrative description on how you plan to meet the dollar for dollar match requirement. The Proposed Match form must be signed by the Chief Financial Officer or equal authority.
C. The Quarterly Match Form (Form 3A) is due each quarter for Sub-Recipients using local funds to match the federal obligation. The Sub-Recipient must provide supporting documentation of matching funds (i.e. invoices, canceled checks, general ledger, earning statements, payroll registries, etc.). Cost-matching requirements are in accordance with 2 C.F.R. 200.306. To meet matching requirements, the Sub-Recipient contributions must be verifiable, reasonable, allowable, allocable, and necessary under the grant program and must comply with all Federal requirements and regulations.
D. The final Close Out report is due sixty (60) days after termination of this Agreement. Federal funds provided under this agreement shall be matched by the Sub-Recipient dollar for dollar from non-federal funds. If the funds are being matched with EMPA and are less than the expended EMPA, no additional back-up/supporting documentation is needed. However, if your EMPG funds exceed EMPA, or if you are not using EMPA for match, the appropriate back-up/supporting documentation needs to be provided (i.e. invoices, canceled checks, general ledger, earning statements, payroll registries, etc.).

E. **Programmatic Point of Contact:**

Contractual Point of Contact	Programmatic Point of Contact
Owen Roach FDEM 2555 Shumard Oak Blvd. Tallahassee, FL 32399-2100 (850) 815-4344 owen.roach@em.myflorida.com	Isabell Parker FDEM 2555 Shumard Oak Blvd. Tallahassee, FL 32399-2100 (850) 815-4315 isabell.parker@em.myflorida.com

- The Division shall determine eligibility of projects and approve changes in Scope of Work.
- The Division shall administer the financial processes.

ATTACHMENT E

JUSTIFICATION OF ADVANCE PAYMENT

SUB-RECIPIENT:

If you are requesting an advance, indicate same by checking the box below.

[ ] **ADVANCE REQUESTED**

Advance payment of $ _____ is requested. Balance of payments will be made on a reimbursement basis. These funds are needed to pay staff, award benefits to clients, duplicate forms and purchase start-up supplies and equipment. We would not be able to operate the program without this advance.

If you are requesting an advance, complete the following chart and line item justification below.

ESTIMATED EXPENSES

BUDGET CATEGORY/LINE ITEMS (list applicable line items)	**20___-20___ Anticipated Expenditures for First Three Months of Contract**
For example ADMINISTRATIVE COSTS (Include Secondary Administration.)	
For example PROGRAM EXPENSES	
TOTAL EXPENSES	

LINE ITEM JUSTIFICATION **(For each line item, provide a detailed justification explaining the need for the cash advance. The justification must include supporting documentation that clearly shows the advance will be expended within the first ninety (90) days of the contract term. Support documentation should include quotes for purchases, delivery timelines, salary and expense projections, etc. to provide the Division reasonable and necessary support that the advance will be expended within the first ninety (90) days of the contract term. Any advance funds not expended within the first ninety (90) days of the contract term shall be returned to the Division Cashier, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, within thirty (30) days of receipt, along with any interest earned on the advance)**

_____

_____

_____

_____

ATTACHMENT F

WARRANTIES AND REPRESENTATIONS

Financial Management

The Sub-Recipient's financial management system must comply with 2 C.F.R. §200.302.

Procurements

Any procurement undertaken with funds authorized by this Agreement must comply with the requirements of 2 C.F.R. §200, Part D—Post Federal Award Requirements—Procurement Standards (2 C.F.R. §§200.317 through 200.326).

Business Hours

The Sub-Recipient shall have its offices open for business, with the entrance door open to the public, and at least one employee on site, from: Monday - Friday, 8:00 a.m. - 5:00 p.m.

Licensing and Permitting

All subcontractors or employees hired by the Sub-Recipient shall have all current licenses and permits required for all of the particular work for which they are hired by the Sub-Recipient.

ATTACHMENT G

Certification Regarding
Debarment, Suspension, Ineligibility
And Voluntary Exclusion

Subcontractor Covered Transactions

(1) The prospective subcontractor of the Sub-Recipient, _____, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the Sub-Recipient's subcontractor is unable to certify to the above statement, the prospective subcontractor shall attach an explanation to this form.

SUBCONTRACTOR:

_____

By: _____ _____
Signature Sub-Recipient's Name

_____ _____
Name and Title DEM Contract Number

_____ _____
Street Address Project Number

_____
City, State, Zip

_____
Date

ATTACHMENT H

STATEMENT OF ASSURANCES

The Sub-Recipient hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including 2 C.F.R. Part 200; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies that:

1. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.

2. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501,et. seq.)

3. It will comply with the minimum wage and maximum hour's provisions of the Federal Fair Labor Standards Act.

4. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

5. It will give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.

6. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.

7. It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

8. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

9. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and

Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of Investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

10. It will comply, and assure the compliance of all its sub-recipients and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.

11. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.

12. It will comply, and all its contractors will comply, with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C,D,E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

13. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the Grounds of race, color, religion, national origin, sex, or disability against a Sub-Recipient of funds, the Sub-Recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

14. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for $500,000 or more.

15. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

16. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS) As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620.

ATTACHMEMT L
MANDATORY CONTRACT PROVISIONS

Any contract or subcontract funded by this Agreement must contain the applicable provisions outlined in Appendix II to 2 C.F.R. Part 200. It is the responsibility of the sub-recipient to include the require provisions. The Division provides the following list of sample provisions that may be required:

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141–3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141–3144, and 3146–3148) as supplemented by Department of Labor regulations (29 CFR Part 5, ''Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction''). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland ''Anti-Kickback'' Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, ''Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States''). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701–3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of ''funding agreement'' under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that ''funding agreement,'' the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, ''Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,'' and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387), as amended—Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).

(I) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), ''Debarment and Suspension.'' The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(J) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award of $100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any

other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(K) See §200.322 Procurement of recovered materials.

Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)

A. General

This appendix provides criteria for identifying and computing indirect (or indirect (F&A)) rates at IHEs (institutions). Indirect (F&A) costs are those that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular sponsored project, an instructional activity, or any other institutional activity. See subsection B.1, Definition of Facilities and Administration, for a discussion of the components of indirect (F&A) costs.

1. Major Functions of an Institution

Refers to instruction, organized research, other sponsored activities and other institutional activities as defined in this section:

a. *Instruction* means the teaching and training activities of an institution. Except for research training as provided in subsection b, this term includes all teaching and training activities, whether they are offered for credits toward a degree or certificate or on a non-credit basis, and whether they are offered through regular academic departments or separate divisions, such as a summer school division or an extension division. Also considered part of this major function are departmental research, and, where agreed to, university research.

(1) *Sponsored instruction and training* means specific instructional or training activity established by grant, contract, or cooperative agreement. For purposes of the cost principles, this activity may be considered a major function even though an institution's accounting treatment may include it in the instruction function.

(2) *Departmental research* means research, development and scholarly activities that are not organized research and, consequently, are not separately budgeted and accounted for. Departmental research, for purposes of this document, is not considered as a major function, but as a part of the instruction function of the institution.

b. *Organized research* means all research and development activities of an institution that are separately budgeted and accounted for. It includes:

(1) *Sponsored research* means all research and development activities that are sponsored by Federal and non-Federal agencies and organizations. This term includes activities involving the training of individuals in research techniques (commonly called research training) where such activities utilize the same facilities as other research and development activities and where such activities are not included in the instruction function.

(2) *University research* means all research and development activities that are separately budgeted and accounted for by the institution under an internal application of institutional funds. University research, for purposes of this document, must be combined with sponsored research under the function of organized research.

c. *Other sponsored activities* means programs and projects financed by Federal and non-Federal agencies and organizations which involve the performance of work other than instruction and organized research. Examples of such programs and projects are health service projects and community service programs. However, when any of these activities are undertaken by the institution without outside support, they may be classified as other institutional activities.

d. *Other institutional activities* means all activities of an institution except for instruction, departmental research, organized research, and other sponsored activities, as defined in this section; indirect (F&A) cost activities identified in this Appendix paragraph B, Identification and assignment of indirect (F&A) costs; and specialized services facilities described in §200.468 Specialized service facilities of this Part.

Examples of other institutional activities include operation of residence halls, dining halls, hospitals and clinics, student unions, intercollegiate athletics, bookstores, faculty housing, student apartments, guest houses, chapels, theaters, public museums, and other similar auxiliary enterprises. This definition also includes any other categories of activities, costs of which are "unallowable" to Federal awards, unless otherwise indicated in an award.

2. Criteria for Distribution

a. *Base period.* A base period for distribution of indirect (F&A) costs is the period during which the costs are incurred. The base period normally should coincide with the fiscal year established by the institution, but in any event the base period should be so selected as to avoid inequities in the distribution of costs.

b. *Need for cost groupings.* The overall objective of the indirect (F&A) cost allocation process is to distribute the indirect (F&A) costs described in Section B, Identification and assignment of indirect (F&A) costs, to

ATTACHMENT J

ALLOWABLE COST AND ELIGIBLE ACTIVITIES

I. Categories and Eligible Activities

The 2018 EMPG Funding Guidance allowable costs are divided into the following categories: **planning, organization, training, exercise, equipment, and management and administration.**

Allowable Costs

A. Planning

Planning spans all five National Preparedness Goal (the Goal) mission areas and provides a baseline for determining potential threats and hazards, required capabilities, required resources, and establishes a framework for roles and responsibilities. Planning provides a methodical way to engage the whole community in the development of a strategic, operational, and/or community-based approach to preparedness.

Plans should have prior review and approval from the respective DEM state program. Funds may not be reimbursed for any plans that are not approved.

EMPG Program funds may be used to develop or enhance emergency management planning activities.
Some examples include:

- Emergency Operation Plans
- Communications Plans
- Administrative Plans
- Whole Community Engagement/Planning
- Resource Management Planning
- Sheltering and Evacuation planning
- Recovery Planning
- Continuity Plans
- Federal (and Mutual Aid) Emergency Response Official (F/ERO) Credentialing and Validation

Planning Costs Supporting Documentation: Provide copies of completed plan, contracts, MOUs or agreements with consultants or sub-contractors providing services. Copies of invoices/receipts and canceled checks or general ledger for proof of payment.

B. Organization

EMPG Program funds may be used for all-hazards emergency management operations, staffing, and other day-to-day activities in support of emergency management. Sub-Recipients are encouraged to fund at least one dedicated Planner, Training Officer, and Exercise Officer. Personnel costs, including salary, overtime, compensatory time off, and associated fringe benefits, are allowable costs with EMPG Program funds. These costs must comply with 2 C.F.R. Part 200, Subpart E – Cost Principles.

The Quarterly Tasks (Form 1B) is due every quarter with your quarterly financial report. This is to identify all EMPG funded employees, the completion of the required training (or working towards completion) and the required amount of exercises during the agreement period.

Eligible “Organization Cost” items include, but are not limited to:

- Utility (electric, water and sewage)

- Telephone Bills (landlines, cellular, and satellite)
- Internet Services
- Maintenance and Sustainment Agreements (reimbursement can only be claimed for services within the Agreement period)
- Publications
- Memberships
- Postage
- Other Personal/Contractual Services
  - Reimbursement for services by a person(s) who is not a regular or full time employee filling established positions. This includes but is not limited to, temporary employees, student or graduate assistants, fellowships, part time academic employment, board members, consultants, and other services.
  - Consultant Services require a pre-approved Contract or purchase order by the Division. Copies of additional quotes should also be supplied when requesting pre-approval. These requests should be sent to the grant manager for the Division for review.
- Maintenance and Enhancement
  - Major repairs to the County Emergency Operations Center
  - Central Heat/Air
  - Out buildings for storage of Emergency Management Equipment (Need prior EHP approval)
  - Security Improvements (i.e. Cameras and equipment to operate)
  - Generators and Installation (Need prior EHP approval)

Organization Costs Supporting Documentation: For salaries and expenses, supply copies of certified timesheets documenting hours worked and proof employee was paid (i.e., earning statements/payroll registries). Expense items need to have copies of invoices/receipts and canceled checks or general ledger for proof of payment. All documentation for reimbursement MUST include exact amounts and MUST be clearly visible and defined (i.e., highlighted, underlined, circled &/or individually identified on a spreadsheet).

C. Training

EMPG Program funds may be used for a range of emergency management-related training activities to enhance the capabilities of local emergency management personnel through the establishment, support, conduct, and attendance of training. Training activities should align to a current, Multi-Year TEP developed through an annual TEPW. Further guidance concerning the TEP and the TEPW can be found at http://www.fema.gov/exercise. Training should foster the development of a community oriented approach to emergency management that emphasizes engagement at the community level, strengthens best practices, and provides a path toward building sustainable resilience.

EMPG Program funds used for training should support the nationwide implementation of NIMS. The NIMS Training Program establishes a national curriculum for NIMS and provides information on NIMS courses; Sub-Recipients are encouraged to place emphasis on the core competencies as defined in the NIMS Training Program. The NIMS Training Program can be found at http://www.fema.gov/training-0.

The NIMS *Guideline for Credentialing of Personnel* provides guidance on the national credentialing standards. The NIMS Guidelines for Credentialing can be found at http://www.fema.gov/nims-doctrine-supporting-guides-tools.

Professional Development Series courses include:

- IS-120.a An Introduction to Exercises
- IS-230.d Fundamentals of Emergency Management
- IS-235.b Emergency Planning
- IS-240.b Leadership and Influence

- IS-241.b Decision Making and Problem Solving
- IS-242.b Effective Communication
- IS-244.b Developing and Managing Volunteers

To ensure the professional development of the emergency management workforce, the Sub-Recipients must ensure a routine capabilities assessment is accomplished and a TEP is developed and implemented.
For additional information on review and approval requirements for training courses funded with preparedness grants please refer to the following policy: http://www.fema.gov/media-library-data/1115d44e06367bb89510aafbe79c1875/FINAL_GPD+Training+Three+for+Free+Policy_09+10+13.pdf.

Additional types of training or training related activities include, but are not limited to, the following:
- Developing/enhancing systems to monitor training programs
- Conducting all hazards emergency management training
- Attending Emergency Management Institute (EMI) training or delivering EMI train-the-trainer courses
- Attending other FEMA-approved emergency management training
- State-approved, locally-sponsored CERT training
- Mass evacuation training at local, state, and tribal levels

Allowable training-related costs include the following:
- ***Develop, Deliver, and Evaluate Training.*** This includes costs related to administering the training: planning, scheduling, facilities, materials and supplies, reproduction of materials, and equipment. Training should provide the opportunity to demonstrate and validate skills learned, as well as to identify any gaps in these skills. Any training or training gaps, including those for children and individuals with disabilities or access and functional needs, should be identified in the Multi-year TEP and addressed in the training cycle. States are encouraged to use existing training rather than developing new courses. When developing new courses states are encouraged to apply the Analysis Design Development and Implementation Evaluation (ADDIE) model for instruction design.
- ***Overtime and Backfill.*** The entire amount of overtime costs, including payments related to backfilling personnel, which are the direct result of attendance at FEMA and/or approved training courses and programs are allowable. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the state or unit(s) of local government and has the approval of the state or FEMA, whichever is applicable. In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities.
- ***Travel.*** Travel costs (e.g., airfare, mileage, per diem, and hotel) are allowable as expenses by employees who are on travel status for official business related to approved training.
- ***Hiring of Full or Part-Time Staff or Contractors/Consultants.*** Full or part-time staff or contractors/consultants may be hired to support direct training-related activities. Payment of salaries and fringe benefits must be in accordance with the policies of the state or unit(s) of local government and have the approval of the state or FEMA, whichever is applicable.
- ***Certification/Recertification of Instructors.*** Costs associated with the certification and re-certification of instructors are allowed. States are encouraged to follow the FEMA Instructor Quality Assurance Program to ensure a minimum level of competency and corresponding levels of evaluation of student learning. This is particularly important for those courses which involve training of trainers.
- ***Conferences.***
  The Division recognizes the important role that conferences can play in the professional development of emergency managers.

2 C.F.R. §200.432 defines the term conference as "a meeting, retreat, seminar, symposium, workshop or event whose primary purpose is the dissemination of technical information beyond the non-Federal entity and is necessary and reasonable for successful performance under the Federal award."

Rule 69I-42.002(3), Florida Administrative Code, defines the term conference as:

> [T]he coming together of persons with a common interest or interests for the purpose of deliberation, interchange of views, or for the removal of differences or disputes and for discussion of their common problems and interests. The term also includes similar meetings such as seminars and workshops which are large formal group meetings that are programmed and supervised to accomplish intensive research, study, discussion and work in some specific field or on a governmental problem or problems. A conference does not mean the coming together of agency or interagency personnel.

In order for travel to a conference or convention to qualify for reimbursement, the cost must be reasonable and attendance at the conference must be necessary for the successful completion of a task required by this Agreement.

Provided the cost qualifies as reasonable and necessary for the successful completion of a task required by this Agreement, travel to a conference that complies with the requirements of Rule 69I-42.004, Florida Administrative Code, satisfies the minimum level of service for conference travel under this Agreement.

In pertinent part, Rule 69I-42.004(1), Florida Administrative Code, states "No public funds shall be expended for attendance at conferences or conventions unless:

- The main purpose of the conference or convention is in connection with the official business of the state and directly related to the performance of the statutory duties and responsibilities of the agency participating;
- The activity provides a direct educational or other benefit supporting the work and public purpose of the person attending;
- The duties and responsibilities of the traveler attending such meetings are compatible with the objectives of the particular conference or convention; and
- The request for payment of travel expenses is otherwise in compliance with these rules."

Provided the cost qualifies as reasonable and necessary for the successful completion of a task required by this Agreement, and provided any related travel complies with the requirements of Rule 69I-42.004, Florida Administrative Code, conferences may qualify for reimbursement under this Agreement:

Requests for reimbursement for payment of the registration fee or for a conference or convention must include:

- A statement explaining how the expense directly relates to the Recipient's successful performance of a task outlined in this Agreement;
- A copy of those pages of the agenda that itemizes the registration fee;
- A copy of local travel policy; and,
- A copy of the travel voucher or a statement that no travel costs were incurred, if applicable.

When a meal is included in a registration fee, the meal allowance must be deducted from the reimbursement claim, even if the traveler decides for personal reasons not to eat the meal. *See* section 112.061(6)(c), Florida Statutes ("No one, whether traveling out of or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state."). A continental breakfast is considered a meal and must be deducted if included in a registration fee for a convention or conference. However, in the case where a meal is provided by a hotel or airline, the traveler shall be allowed to claim the meal allowance provided by law.

Class A, Class B, and Class C Travel:

- Class A travel is continuous travel of 24 hours or more away from official headquarters. The travel day for Class A is based on a calendar day (midnight to midnight).
- Class B travel is continuous travel of less than 24 hours which involves overnight absence away from official headquarters. The travel day for Class B travel begins at the same time as the travel period.
- Class C travel is short or day trips in which the traveler is not away from his/her official headquarters overnight. Class C allowances are currently not authorized for reimbursement.

Meal Allowance and Per Diem:
Section 112.061(6)(b), Florida Statutes, establishes the meal allowance for each meal during a travel period as follows:

- $6 for breakfast (when travel begins before 6 a.m. and extends beyond 8 a.m.);
- $11 for lunch (when travel begins before 12 noon and extends beyond 2 p.m.); and,
- $19 for dinner (When travel begins before 6 p.m. and extends beyond 8 p.m. or when travel occurs during nighttime hours due to special assignment.).

Section 112.061(a), Florida Statutes, establishes the per diem amounts. All travelers are allowed:

- The authorized per diem for each day of travel; or,
- If actual expenses exceed the allowable per diem, the amount allowed for meals as provided in s. 112.061(6) (b), F.S., plus actual expenses for lodging at a single occupancy rate.

Per diem shall be calculated using four six-hour periods (quarters) beginning at midnight for Class A or when travel begins for Class B travel. Travelers may only switch from actual to per diem while on Class A travel on a midnight to midnight basis. A traveler on Class A or B travel who elects to be reimbursed on a per diem basis is allowed $20.00 for each quarter from the time of departure until the time of return.

Reimbursement for Meal Allowances That Exceed the State Rates:
The Division shall not reimburse for any meal allowance that exceeds $6 for breakfast, $11 for lunch, or $19 for dinner unless:

- For counties – the requirements of section 112.061(14), Florida Statutes, are satisfied;
- The costs do not exceed charges normally allowed by the Recipient in its regular operations as the result of the Recipient's written travel policy (in other words, the reimbursement rates apply uniformly to all travel by the Recipient); and,
- The costs do not exceed the reimbursement rates established by the United States General Services Administration ("GSA") for that locale (see https://www.gsa.gov/portal/content/104877).

Hotel Accommodations:
A traveler may not claim per diem or lodging reimbursement for overnight travel within 50 miles (one-way) of his or her headquarters or residence unless the circumstances necessitating the overnight stay are fully explained by the traveler and approved by the Division.

Absent prior approval from the Division, the cost of any hotel accommodation shall not exceed $150 per night.

Travel Reimbursement Forms:
Unless the Recipient has received prior approval from the Florida Department of Financial Services ("DFS"), the Recipient shall use the travel forms incorporated by reference in Rule 69I-42.003, Florida Administrative Code. Those forms include:

- The Authorization to Incur Travel Expense, Form DFS-AA-13;
- The Application for Advance on Travel Expenses, Form DFS-AA-25; and,
- The Voucher for Reimbursement of Travel Expenses, Form DFS-AA-15.

If the Recipient has not received permission from DFS to use an alternate form, and if the Recipient submits a request for reimbursement without including the applicable DFS forms listed above, then the Division shall not provide any reimbursement for that travel.

Training Costs Supporting Documentation: Provide copies of contracts, MOUs or agreements with consultants or sub-contractors providing services. Copies of invoices/receipts and canceled checks or general ledger for proof of payment and a copy of the agenda and sign in rosters (if using pre populated sign in sheets they must be certified by the Emergency Management Director or Lead Instructor verifying attendance).

For travel and conferences related to EMPG activities, copies of all receipts must be submitted (i.e., airfare, proof of mileage, toll receipts, hotel receipts, car rental receipts, etc.) Receipts must be itemized and match the dates of travel/conference. If conference, a copy of the agenda must be provided. Proof of payment is also required for all travel and conferences. If the Sub-Recipient seeks reimbursement for travel costs that exceed the amounts stated in section 112.061(6)(b), Florida Statutes ($6 for breakfast, $11 for lunch, and $19 for dinner), then the Sub-Recipient must provide documentation that: The costs are reasonable and do not exceed charges normally allowed by the Sub-Recipient in its regular operations as a result of the Sub-Recipient's written travel policy; and participation of the individual in the travel is necessary to the Federal award.

If cancelled checks are NOT available, copies of the general ledger MUST be provided.

D. Exercises

Allowable exercise-related costs include:

- ***Design, Develop, Conduct and Evaluate an Exercise.*** This includes costs related to planning, meeting space and other meeting costs, facilitation costs, materials and supplies, travel, and documentation. Sub-Recipients are encouraged to use free public space/locations/facilities, whenever available, prior to the rental of space/locations/facilities. Exercises should provide the opportunity to demonstrate and validate skills learned, as well as to identify any gaps in these skills. Gaps identified during an exercise including those for children and individuals with

disabilities or access and functional needs, should be identified in the AAR/IP and addressed in the exercise cycle.

- ***Hiring of Full or Part-Time Staff or Contractors/Consultants.*** Full or part–time staff may be hired to support direct exercise activities. Payment of salaries and fringe benefits must be in accordance with the policies of the state or unit(s) of local government and have the approval of the state or FEMA, whichever is applicable. The services of contractors/consultants may also be procured to support the design, development, conduct and evaluation of exercises.
- ***Overtime and Backfill.*** The entire amount of overtime costs, including payments related to backfilling personnel, which are the direct result of time spent on the design, development and conduct of exercises are allowable expenses. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the state or unit(s) of local government and has the approval of the state or FEMA, whichever is applicable. In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities.
- ***Travel.*** Travel costs (e.g., airfare, mileage, per diem, hotel) are allowable as expenses by employees who are on travel status for official business related to the planning and conduct of the exercise activities.
- ***Supplies.*** Supplies are items that are expended or consumed during the course of the planning and conduct of the exercise activities (e.g., gloves, non-sterile masks, and disposable protective equipment).
- ***Other Items.*** These costs are limited to items consumed in direct support of exercise activities such as the rental of space/locations for planning and conducting an exercise, rental of equipment, and the procurement of other essential nondurable goods. Sub-Recipients are encouraged to use free public space/locations, whenever available, prior to the rental of space/locations. Costs associated with inclusive practices and the provision of reasonable accommodations and modifications that facilitate full access for children and adults with disabilities are allowable.

Unauthorized exercise-related costs include:

- Reimbursement for the maintenance and/or wear and tear costs of general use vehicles (e.g., construction vehicles) and emergency response apparatus (e.g., fire trucks, ambulances). The only vehicle costs that are reimbursable are fuel/gasoline or mileage.
- Equipment that is purchased for permanent installation and/or use, beyond the scope of exercise conduct (e.g., electronic messaging signs)
- Durable and non-durable goods purchased for installation and/or use beyond the scope of exercise conduct

Exercise Costs Supporting Documentation: Provide copies of contracts, MOUs or agreements with consultants or sub-contractors providing services. Copies of invoices/receipts and canceled checks or general ledger for proof of payment and a copy of Exercise Plan (EXPLAN), After-Action Report/Improvement Plan (AAR/IP) and sign in sheets (if using pre populated sign in sheets they must be certified by the Emergency Management Director or Lead Exercise Planner verifying attendance).

E. Equipment

Allowable equipment categories for the EMPG Program are listed on the web-based version of the Authorized Equipment List (AEL) at https://www.fema.gov/authorized-equipment-list. Unless otherwise stated, equipment must meet all mandatory regulatory and/or FEMA-adopted standards to be eligible for purchase using these funds. In addition, agencies will be responsible for obtaining and maintaining all necessary certifications and licenses for the requested equipment.
Allowable equipment includes equipment from the following AEL categories:

- Personal Protective Equipment (PPE) (Category 1)
- Information Technology (Category 4)
- Cybersecurity Enhancement Equipment (Category 5)
- Interoperable Communications Equipment (Category 6)
- Detection Equipment (Category 7)
- Power Equipment (Category 10)
- Chemical**,** Biological**,** Radiological**,** Nuclear**,** and Explosive (CBRNE) Reference Materials (Category 11)
- CBRNE Incident Response Vehicles (Category 12)
- Physical Security Enhancement Equipment (Category 14)
- CBRNE Logistical Support Equipment (Category 19)
- Other Authorized Equipment (Category 21)

In addition to the above, general purpose vehicles are allowed to be procured in order to carry out the responsibilities of the EMPG Program. If Sub-Recipients have questions concerning the eligibility of equipment not specifically addressed in the AEL, they should contact their Grant Manager for clarification.

Sub-Recipients should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Large equipment purchases must be identified and explained. For more information regarding property management standards for equipment, please reference 2 C.F.R. Part 200, including 2 C.F.R. §§ 200.310, 200.313, and 200.316.

Controlled Equipment
Grant funds may be used for the purchase of Controlled Equipment, however, because of the nature of the equipment and the potential impact on the community, there are additional and specific requirements in order to acquire this equipment. Refer to Information Bulletin 407 *Use of Grant Funds for Controlled Equipment* for the complete *Controlled Equipment List,* information regarding the *Controlled Equipment Request Form*, and a description of the specific requirements for acquiring controlled equipment with DHS/FEMA grant funds. For additional information on controlled equipment refer to
Executive Order (EO) 13688 Federal Support for Local Law Enforcement Equipment Acquisition (https://www.gpo.gov/fdsys/pkg/DCPD-201500033/pdf/DCPD-201500033.pdf), and the Recommendations Pursuant to Executive Order 13688 (https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf).
Requirements for Small Unmanned Aircraft System
All requests to purchase Small Unmanned Aircraft System (SUAS) with FEMA grant funding must also include the policies and procedures in place to safeguard individuals' privacy, civil rights, and civil liberties of the jurisdiction that will purchase, take title to, or otherwise use the SUAS equipment, see Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties, in Domestic Use of Unmanned Aircraft Systems(https://www.whitehouse.gov/the-press-office/2015/02/15/presidential-memorandum-promoting-economic-competitiveness-while-safegua), issued February 20, 2015.

Equipment Acquisition Costs Supporting Documentation: Copies of invoices/receipts and cancelled checks or general ledger for proof of payment. AEL# for each purchase (if applicable).

F. Management and Administration (M&A)
M&A activities are those defined as directly relating to the management and administration of EMPG Program funds, such as financial management and monitoring. It should be noted that salaries of

state and local emergency managers are not typically categorized as M&A, unless the state or local EMA chooses to assign personnel to specific M&A activities.

Management and Administrative Costs Supporting Documentation: Supply copies of certified timesheets documenting hours worked and proof employee was paid (i.e., earning statements/payroll registries).

Indirect Costs

Indirect costs are allowable under this program as described in 2 C.F.R. § 200.414. With the exception of Sub-Recipients who have never received a negotiated indirect cost rate as described in 2 C.F.R. § 200.414(f), Sub-Recipients must have an approved indirect cost rate agreement with their cognizant federal agency to charge indirect costs to this award. A copy of the approved rate (a fully executed, agreement negotiated with the applicant's cognizant federal agency) is required at the time of application, and must be provided to FEMA before indirect costs are charged to the award.

II. Construction and Renovation

Construction and renovation projects for a state, local, territorial, or Tribal government's principal Emergency Operations Center (EOC) as defined by the SAA are allowable under the EMPG Program.

Written approval must be provided by FEMA prior to the use of any EMPG Program funds for construction or renovation. Requests for EMPG Program funds for construction of an EOC must be accompanied by an EOC Investment Justification (FEMA Form 089-0-0-3; OMB Control Number 1660-0124 (http://www.fema.gov/pdf/government/grant/2011/fy11_eoc_inv.pdf) to their Regional EMPG Program Manager for review. Additionally, Sub-Recipients are required to submit a SF-424C Budget and Budget detail citing the project costs.

When applying for funds to construct communication towers Sub-Recipients must submit evidence that the Federal Communication Commission's (FCC) Section 106 review process has been completed and submit all documentation resulting from that review to GPD prior to submitting materials for EHP review. Sub-Recipients are also encouraged to have completed as many steps as possible for a successful EHP review in support of their proposal for funding (e.g., coordination with their State Historic Preservation Office to identify potential historic preservation issues and to discuss the potential for project effects, compliance with all state and EHP laws and requirements). Projects for which the Sub-Recipient believes an Environmental Assessment (EA) may be needed, as defined in 44 C.F.R. § 10.8, must also be identified to the FEMA EMPG Regional Program Manager within six months of the award and completed EHP review materials must be submitted no later than 12 months before the end of the period of performance. EHP review packets should be sent to gpdehpinfo@fema.gov.

EMPG Program Sub-Recipients using funds for construction projects must comply with the *Davis-Bacon Act* (40 U.S.C. §§ 3141 *et seq*.). Grant Sub-Recipients must ensure that their contractors or subcontractors for construction projects pay workers no less than the prevailing wages for laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the state in which the work is to be performed. Additional information regarding compliance with the *Davis-Bacon Act*, including Department of Labor (DOL) wage determinations, is available from the following website:
http://www.dol.gov/compliance/laws/comp-dbra.htm.

III. Maintenance and Sustainment

The use of FEMA preparedness grants funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable under all active grant awards, unless otherwise noted.

EMPG Program grant funds are intended to support the Goal and fund activities and projects that build and sustain the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation. In order to provide Sub-Recipients the ability to meet this objective, the policy set forth in GPD's IB 379 (http://www.fema.gov/grant-programs-directorate-information-bulletins) (Guidance to State Administrative Agencies to Expedite the Expenditure of Certain DHS/FEMA Grant Funding) allows for the expansion of eligible maintenance and sustainment costs, which must be in: (1) direct support of existing capabilities; (2) must be an otherwise allowable expenditure under the applicable grant program; (3) be tied to one of the core capabilities in the five mission areas contained within the Goal, and (4) shareable through the EMAC. Additionally, eligible costs may also be in support of equipment, training, and critical resources that have previously been purchased with either federal grant funding or any other source of funding other than DHS/FEMA preparedness grant program dollars. Additional guidance is provided in FEMA Policy FP 205-402-125-1, *Maintenance Contracts and Warranty Coverage Funded by Preparedness Grants*, located at: http://www.fema.gov/media-library/assets/documents/32474.

Unallowable Costs

- Expenditures for weapons systems and ammunition
- Costs to support the hiring of sworn public safety officers for the purposes of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities
- Activities and projects unrelated to the completion and implementation of the EMPG Program

In general, Sub-Recipients should consult with their Grant Manager prior to making any investment that does not clearly meet the allowable expense criteria established in this Guidance.

IV. Environmental Planning and Historic Preservation (EHP) Compliance

As a federal agency, FEMA is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and programs funded by the agency, including grants-funded projects, comply with federal EHP regulations, laws and Executive Orders as applicable. Sub-Recipients proposing projects that have the potential to impact the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the FEMA EHP review process. The EHP review process involves the submission of a detailed project description that explains the goals and objectives of the proposed project along with supporting documentation so that FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, FEMA also is required to consult with other regulatory agencies and the public in order to complete the review process. The EHP review process must be completed and approved before funds are released to carry out the proposed project. FEMA will not fund projects that are initiated without the required EHP review. Additionally, all Sub-Recipients are required to comply with FEMA EHP Policy Guidance. This EHP Policy Guidance can be found in FP 108-023-1, Environmental Planning and Historic Preservation Policy Guidance (http://www.fema.gov/media-library-data/1421336453304-d48abd61f8b2a35d2bad325ae49ae531/FP1080231_Environmental_Planning_Historic_Preservation_Policy.pdf) , and FP 108.24.4, Environmental Planning and Historical Preservation Policy (http://www.fema.gov/media-library-data/1388411752234-6ddb79121951a68e9ba036d2569aa488/18Dec13-NoNEPAReview.pdf)

EHP Technical Assistance, including the EHP Screening Form, can be found at (http://www.fema.gov/media-library-data/20130726-1806-25045-2839/gpd_ehp_screening_form_omb_1660_0115_june_2011.pdf)

Contract Number: 19-BG-XX-02-47-01-XXX
Catalog of State Financial Assistance (CSFA) #: 31.063

STATE-FUNDED GRANT AGREEMENT

BASE GRANT

THIS AGREEMENT is entered into by the State of Florida, Division of Emergency Management, with headquarters in Tallahassee, Florida (hereinafter referred to as the "Division"), and **Leon County, Florida**, (hereinafter referred to as the "Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING REPRESENTATIONS:

- The Recipient represents that it is fully qualified and eligible to receive these grant funds to provide the services identified herein; and
- The Division has the authority to grant these funds to the Recipient upon the terms and conditions below; and,
- The Division has statutory authority to disburse the funds under this Agreement.

THEREFORE, the Division and the Recipient agree to the following:

1. LAWS, RULES, REGULATIONS AND POLICIES

A. This Agreement involves "state financial assistance," as that term is defined in section 215.97(2)(r), Florida Statutes.

B. This Agreement involves a "Base Grant", defined by Rule 27P-19.002(1), Florida Administrative Code, as "those funds allocated in accordance with the formula in Rule 27P-19.005, F.A.C., as a minimum allocation to County Emergency Management Agencies."

C. As defined by Rule 27P-19.002, Florida Administrative Code, the term "Division" means "the Division of Emergency Management, Executive Office of the Governor."

D. Under this Agreement, the Division serves as the "State awarding agency" as that term is defined by section 215.97(2)(q), Florida Statutes.

E. Under this Agreement, the term "Recipient", as defined by section 215.97(2)(o), Florida Statutes, means a "nonstate entity that receives state financial assistance directly from a state awarding agency." As defined by Rule 27P-19.002(12), Florida Administrative Code, the term "Recipient" also means "an Applicant that is offered and accepts an award from the Division."

F. The Recipient is a "County Emergency Management Agency," as that term is defined by Rule 27P-19.002(3), Florida Administrative Code.

G. As required by section 215.97(5)(a), Florida Statutes, this Agreement provides the recipient with "information needed by the recipient to comply with the requirements of" the Florida Single Audit Act.

H. As required by section 215.971(1), Florida Statutes, this Agreement includes:

(1) A provision specifying a scope of work that clearly establishes the tasks that the Recipient is required to perform.

(2) A provision dividing the agreement into quantifiable units of deliverables that must be received and accepted in writing by the Division before payment. Each deliverable must be directly related to the scope of work and specify the required minimum level of service to be performed and the criteria for evaluating the successful completion of each deliverable.

(3) A provision specifying the financial consequences that apply if the Recipient fails to perform the minimum level of service required by the agreement.

(4) A provision specifying that the Recipient may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period.

(5) A provision specifying that any balance of unobligated funds which has been advanced or paid must be refunded to the Division.

(6) A provision specifying that any funds paid in excess of the amount to which the Recipient is entitled under the terms and conditions of the agreement must be refunded to the Division.

I. In addition to the foregoing, the Recipient and the Division shall be governed by all applicable State and Federal laws, rules and regulations. Any express reference in this Agreement to a particular statute, rule, or regulation in no way implies that no other statute, rule, or regulation applies.

2. CONTACT

A. In accordance with section 215.971(2), Florida Statutes, the Division's Grant Manager shall be responsible for enforcing performance of this Agreement's terms and conditions and shall serve as the Division's liaison with the Recipient. As part of his/her duties, the Grant Manager for the Division shall:

(1) Monitor and document Recipient performance; and,

(2) Review and document all deliverables for which the Recipient requests payment.

B. The Division's Grant Manager for this Agreement is:

Owen Roach
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
Telephone: (850) 815-4344
Email: Owen.Roach@em.myflorida.com

C. The name and address of the Representative of the Recipient responsible for the administration of this Agreement is:

Tim Barden, Budget Manager
301 S. Monroe St., Suite 202

Tallahassee, Florida 32301
Telephone: 850-606-5100
Fax: 850-606-5101
Email: BardenT@leoncountyfl.gov

D. In the event that different representatives or addresses are designated by either party after execution of this Agreement, notice of the name, title and address of the new representative will be provided to the other party.

3. TERMS AND CONDITIONS

This Agreement contains all the terms and conditions agreed upon by the parties.

4. EXECUTION

This Agreement may be executed in any number of counterparts, any one of which may be taken as an original.

5. MODIFICATION

Either party may request modification of the provisions of this Agreement. Changes which are agreed upon shall be valid only when in writing, signed by each of the parties, and attached to the original of this Agreement.

6. SCOPE OF WORK

The Recipient shall perform the work in accordance with the Program Budget and Scope of Work, Attachments A and C of this Agreement.

7. PERIOD OF AGREEMENT

This Agreement shall begin **July 1, 2018** and shall end on **June 30, 2019**, unless terminated earlier in accordance with the provisions of Paragraph (16) of this Agreement. In accordance with section 215.971(1)(d), Florida Statutes, the Recipient may expend funds authorized by this Agreement "only for allowable costs resulting from obligations incurred during" the period of agreement.

8. FUNDING

A. This is a cost-reimbursement Agreement, subject to the availability of funds. In accordance with Rule 27P-19.010(4), Florida Administrative Code, the Division shall reimburse the Recipient on a quarterly basis.

B. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature, and subject to any modification in accordance with either Chapter 216, Florida Statutes, or the Florida Constitution.

C. Rule 27P-19.010(11), Florida Administrative Code, states: "Allowable costs shall be determined in accordance with applicable Federal Office of Management and Budget Circulars…" Therefore, 2 CFR Part 200, Subpart A (Definitions) and Subpart E (Cost Principles) shall apply to this Agreement.

D. As required by Rule 27P-19.010(8), Florida Administrative Code, "The Recipient shall establish a separate account in an interest bearing account for tracking all deposits, expenditures and interest pertaining to [this] award."

E. The Division will reimburse the Recipient only for allowable costs incurred by the Recipient in the successful completion of each deliverable. The maximum reimbursement amount for each deliverable is outlined in Attachments A and C of this Agreement ("Program Budget and Scope of Work"). The maximum reimbursement amount for the entirety of this Agreement is **$105,806**.

F. The Division will review any request for reimbursement by comparing the documentation provided by the Recipient against a performance measure, outlined in Attachment C, that clearly delineates:

(1) The required minimum acceptable level of service to be performed; and,

(2) The criteria for evaluating the successful completion of each deliverable.

G. The Division's grant manager, as required by section 215.971(2)(c), Florida Statutes, shall reconcile and verify all funds received against all funds expended during the grant agreement period and produce a final reconciliation report. The final report must identify any funds paid in excess of the expenditures incurred by the Recipient.

H. For the purposes of this Agreement, the term "improper payment" means or includes:

(1) Any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and,

(2) Any payment to an ineligible party, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), any payment that does not account for credit for applicable discounts, and any payment where insufficient or lack of documentation prevents a reviewer from discerning whether a payment was proper.

I. As required by the Reference Guide for State Expenditures, reimbursement for travel must be in accordance with section 112.061, Florida Statutes, which includes submission of the claim on the approved state travel voucher.

9. <u>RECORDS</u>

A. As a condition of receiving state financial assistance, and as required by sections 20.055(6)(c) and 215.97(5)(b), Florida Statutes, the Chief Inspector General of the State of Florida, the Division, the Department of Financial Services, the Florida Auditor General, or any of their authorized representatives, shall enjoy the right of access to any documents, financial statements, papers, or other records of the Recipient which are pertinent to this Agreement, in order to make audits, examinations, excerpts, and transcripts. The right of access also includes timely and reasonable access to the Recipient's personnel for the purpose of interview and discussion related to such documents. For the

purposes of this section, the term “Recipient” includes employees or agents, including all subcontractors or consultants to be paid from funds provided under this Agreement.

B. The Recipient shall maintain all records related to this Agreement for the period of time specified in the appropriate retention schedule published by the Florida Department of State. Information regarding retention schedules can be obtained at: http://dos.myflorida.com/library-archives/records-management/general-records-schedules/.

C. Florida's Government in the Sunshine Law (Section 286.011, Florida Statutes) provides the citizens of Florida with a right of access to governmental proceedings and mandates three, basic requirements: (1) meetings of public boards or commissions must be open to the public; (2) reasonable notice of such meetings must be given; and, (3) minutes of the meetings must be taken and promptly recorded. The mere receipt of public funds by a private entity, standing alone, is insufficient to bring that entity within the ambit of the open government requirements. However, the Government in the Sunshine Law applies to private entities that provide services to governmental agencies and that act on behalf of those agencies in the agencies' performance of their public duties. If a public agency delegates the performance of its public purpose to a private entity, then, to the extent that private entity is performing that public purpose, the Government in the Sunshine Law applies. For example, if a volunteer fire department provides firefighting services to a governmental entity and uses facilities and equipment purchased with public funds, then the Government in the Sunshine Law applies to board of directors for that volunteer fire department. Thus, to the extent that the Government in the Sunshine Law applies to the Recipient based upon the funds provided under this Agreement, the meetings of the Recipient's governing board or the meetings of any subcommittee making recommendations to the governing board may be subject to open government requirements. These meetings shall be publicly noticed, open to the public, and the minutes of all the meetings shall be public records, available to the public in accordance with Chapter 119, Florida Statutes.

D. Florida's Public Records Law provides a right of access to the records of the state and local governments as well as to private entities acting on their behalf. Unless specifically exempted from disclosure by the Legislature, all materials made or received by a governmental agency (or a private entity acting on behalf of such an agency) in conjunction with official business which are used to perpetuate, communicate, or formalize knowledge qualify as public records subject to public inspection. The mere receipt of public funds by a private entity, standing alone, is insufficient to bring that entity within the ambit of the public record requirements. However, when a public entity delegates a public function to a private entity, the records generated by the private entity's performance of that duty become public records. Thus, the nature and scope of the services provided by a private entity determine whether that entity is acting on behalf of a public agency and is therefore subject to the requirements of Florida's Public Records Law.

E. The Recipient shall maintain all records for the Recipient and for all subcontractors or consultants to be paid from funds provided under this Agreement, including documentation of all program costs, in a form sufficient to determine compliance with the requirements and objectives of the Program Budget and Scope of Work - Attachments A and C - and all other applicable laws and regulations.

10. AUDITS

A. As required by Rule 27P-19.010(5), Florida Administrative Code, "All recipients of trust funds shall cause a financial audit to be performed in accordance with [the Florida Single Audit Act, section 215.97, Florida Statutes]. A report of the audit will be forwarded to the Division within 60 days of its completion."

B. In accounting for the receipt and expenditure of funds under this Agreement, the Recipient shall follow Generally Accepted Accounting Principles ("GAAP"). As defined by Rule 10.554(1)(g) of the Rules of the Auditor General, GAAP are "those accounting principles generally accepted in the United States of America, as defined by the GASB *Codification of Governmental Accounting and Financial Reporting Standards*, Section 1000 *The Hierarchy of Generally Accepted Accounting Principles*." As defined by 2 C.F.R. §200.49, GAAP "has the meaning specified in accounting standards issued by the Government Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB)."

C. When conducting an audit of the Recipient's performance under this Agreement, the Division shall use Generally Accepted Government Auditing Standards ("GAGAS"). As defined by Rule 10.554(1)(h) of the Rules of the Auditor General, GAGAS are "those audit standards set forth in the publication *Government Auditing Standards* issued by the Comptroller General of the United States." As defined by 2 C.F.R. §200.50, GAGAS, "also known as the Yellow Book, means generally accepted government auditing standards issued by the Comptroller General of the United States, which are applicable to financial audits."

D. As defined by section 215.97(2)(a), Florida Statutes, the term "audit threshold" means "the threshold amount used to determine when a state single audit or project-specific audit of a nonstate entity shall be conducted in accordance with" the Florida Single Audit Act. The current audit threshold is $750,000.

E. As required by sections 215.97(2)(a) and 215.97(8)(a), Florida Statutes, "[e]ach nonstate entity that expends a total amount of state financial assistance equal to or in excess of $750,000 in any fiscal year of such nonstate entity shall be required to have a state single audit, or a project-specific audit, for such fiscal year in accordance with" the requirements of the Florida Single Audit Act and in accordance with "additional requirements established in rules of the Department of Financial Services and rules of the Auditor General." In determining the State financial assistance expended in its fiscal year, the Recipient shall include all sources of State financial assistance, including State funds received from the Division, other state agencies, and other nonstate entities. State financial assistance does not

include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

F. In accordance with section 215.97(8)(f), Florida Statutes, the Recipient shall have all audits completed by an independent auditor, which is defined in section 215.97(2)(i), Florida Statutes, as "an independent certified public accountant licensed under chapter 473." The independent auditor shall state that the audit complied with the applicable provisions noted above. The audit must be received by the Division no later than nine months from the end of the Recipient's fiscal year.

G. If an audit shows that all or any portion of the funds disbursed were not spent in accordance with the conditions of this Agreement, then the Recipient shall be held liable for reimbursement to the Division of all funds not spent in accordance with these applicable regulations and Agreement provisions within thirty days after the Division has notified the Recipient of such non-compliance.

H. If the Recipient expends less than $750,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the Recipient expends less than $750,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the Recipient's resources obtained from other than State entities).

I. As required by section 215.97(5)(d), Florida Statutes, the Recipient shall provide the Division with "one copy of each financial reporting package prepared in accordance with" the requirements of the Florida Single Audit Act.

J. As defined by section 215.97(2)(e), Florida Statutes, the term "financial reporting package" means the Recipient's "financial statements, Schedule of Expenditures of State Financial Assistance, auditor's reports, management letter, auditee's written responses or corrective action plan, correspondence on followup of prior years' corrective actions taken, and such other information determined by the Auditor General to be necessary and consistent with the purposes" of the Florida Single Audit Act.

K. In addition to the information listed in paragraph 10I above, the financial reporting package shall include a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and Agreement number.

L. Copies of financial reporting packages required by the Florida Single Audit Act shall be submitted by or on behalf of the Recipient directly to each of the following:

(1) The Division of Emergency Management at the following addresses:

Division of Emergency Management
Office of Inspector General
2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100

OR

DEMSingle_Audit@em.myflorida.com

(2) The Auditor General's Office at the following address:

Auditor General's Office

Room 401, Claude Pepper Building

111 West Madison Street

Tallahassee, Florida 32399-1450

M. Additional information on the Florida Single Audit Act may be found at the following website: https://apps.fldfs.com/fsaa/singleauditact.aspx.

11. REPORTS

A. As stated in Rule 27P-19.010(4), Florida Administrative Code, "Each Recipient may receive trust funds from the Division on a quarterly basis, based on the submittal of reports. Said reports shall be provided using the forms included in the grant agreement, as supplemented by any particular information requested in writing by the Division prior to the due date of the report."

B. The Recipient shall provide the Division with quarterly reports and a close-out report. These reports shall include the current status and progress by the Recipient and all subrecipients and subcontractors in completing the work described in the Scope of Work and the expenditure of funds under this Agreement, in addition to any other information requested by the Division.

C. Quarterly reports are due to the Division no later than 30 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are September 30, December 31, March 31 and June 30.

D. The close-out report is due 60 days after termination of this Agreement or 60 days after completion of the activities contained in this Agreement, whichever occurs first.

E. If all required reports and copies are not sent to the Division or are not completed in a manner acceptable to the Division, the Division may withhold further payments until they are completed or may take other action as stated in paragraph 15 REMEDIES. "Acceptable to the Division" means that the work product was completed in accordance with the Budget and Scope of Work.

F. The Recipient shall provide additional program updates or information that may be required by the Division.

G. The Recipient shall provide additional reports and information identified in Attachment D.

12. MONITORING

A. Rule 27P-19.010(9), Florida Administrative Code, expressly states: "The Division shall be permitted to inspect and monitor the records and facilities of funded projects and award recipients. Such inspections may occur without notice at any reasonable time, which shall be presumed to be normal business hours on Monday through Friday."

B. The Recipient shall monitor its performance under this Agreement, as well as that of its subcontractors and/or consultants who are paid from funds provided under this Agreement, to ensure that time schedules are being met, the Schedule of Deliverables and Scope of Work are being accomplished within the specified time periods, and other performance goals are being achieved. A review shall be done for each function or activity in Attachment C to this Agreement, and reported in the quarterly report.

C. In addition to reviews of audits conducted in accordance with paragraph 10 above, monitoring procedures may include, but not be limited to, on-site visits by Division staff, limited scope audits, and/or other procedures. The Recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Division. In the event that the Division determines that a limited scope audit of the Recipient is appropriate, the Recipient agrees to comply with any additional instructions provided by the Division to the Recipient regarding such audit. The Recipient further agrees to comply and cooperate with any inspections, reviews, investigations or audits deemed necessary by the Florida Chief Financial Officer or Auditor General. In addition, the Division will monitor the performance and financial management by the Recipient throughout the contract term to ensure timely completion of all tasks.

13. LIABILITY

A. Unless Recipient is a State agency or subdivision, as defined in Section 768.28, Florida Statutes, the Recipient is solely responsible to parties it deals with in carrying out the terms of this Agreement, and shall hold the Division harmless against all claims of whatever nature by third parties arising from the work performance under this Agreement. For purposes of this Agreement, Recipient agrees that it is not an employee or agent of the Division, but is an independent contractor.

B. Any Recipient which is a state agency or subdivision, as defined in Section 768.28, Florida Statutes, agrees to be fully responsible for its negligent or tortious acts or omissions which result in claims or suits against the Division, and agrees to be liable for any damages proximately caused by the acts or omissions to the extent set forth in Section 768.28, Florida Statutes. Nothing herein is intended to serve as a waiver of sovereign immunity by any Recipient to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

14. DEFAULT

A. If any of the following events occur ("Events of Default"), all obligations on the part of the Division to make further payment of funds shall, if the Division elects, terminate and the Division has the option to exercise any of its remedies set forth in paragraph 15.

B. If any of the following occur, then the Division may make payments or partial payments without waiving the right to exercise such remedies, and without becoming liable to make any further payment:

(1) Any warranty or representation made by the Recipient in this Agreement or any previous agreement with the Division is or becomes false or misleading in any respect, or if the Recipient fails to keep or perform any of the obligations, terms or covenants in this Agreement or any previous agreement with the Division and has not cured them in timely fashion, or is unable or unwilling to meet its obligations under this Agreement;

(2) Material adverse changes occur in the financial condition of the Recipient at any time during the term of this Agreement, and the Recipient fails to cure this adverse change within thirty days from the date written notice is sent by the Division.

(3) Any reports required by this Agreement have not been submitted to the Division or have been submitted with incorrect, incomplete or insufficient information;

(4) The Recipient has failed to perform and complete on time any of its obligations under this Agreement.

15. REMEDIES

A. If an Event of Default occurs, then the Division shall, after thirty calendar days written notice to the Recipient and upon the Recipient's failure to cure within those thirty days, exercise any one or more of the following remedies, either concurrently or consecutively:

(1) Terminate this Agreement, provided that the Recipient is given at least thirty days prior written notice of the termination. The notice shall be effective when placed in the United States, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address in paragraph 2 above;

(2) Begin an appropriate legal or equitable action to enforce performance of this Agreement;

(3) Withhold or suspend payment of all or any part of a request for payment;

(4) Require that the Recipient refund to the Division any monies used for ineligible purposes under the laws, rules and regulations governing the use of these funds.

(5) Exercise any corrective or remedial actions, to include but not be limited to:

(a) Request additional information from the Recipient to determine the reasons for or the extent of non-compliance or lack of performance;

(b) Issue a written warning to advise that more serious measures may be taken if the situation is not corrected;

(c) Advise the Recipient to suspend, discontinue or refrain from incurring costs for any activities in question;

(d) Require the Recipient to reimburse the Division for the amount of costs incurred for any items determined to be ineligible; or,

(e) Exercise any other rights or remedies which may be available under law.

B. Pursuing any of the above remedies will not stop the Division from pursuing any other remedies in this Agreement or provided at law or in equity.

C. If the Division waives any right or remedy in this Agreement or fails to insist on strict performance by the Recipient, it will not affect, extend or waive any other right or remedy of the Division, or affect the later exercise of the same right or remedy by the Division for any other default by the Recipient.

16. TERMINATION.

A. The Division may terminate this Agreement for cause after thirty days written notice. Cause can include misuse of funds, fraud, lack of compliance with applicable rules, laws and regulations, failure to perform on time, and refusal by the Recipient to permit public access to any document, paper, letter, or other material subject to disclosure under Chapter 119, Florida Statutes, as amended.

B. The Division may terminate this Agreement for convenience or when it determines, in its sole discretion, that continuing the Agreement would not produce beneficial results in line with the further expenditure of funds, by providing the Recipient with thirty calendar days prior written notice.

C. The parties may agree to terminate this Agreement for their mutual convenience through a written amendment of this Agreement. The amendment will state the effective date of the termination and the procedures for proper closeout of the Agreement.

D. In the event that this Agreement is terminated, the Recipient will not incur new obligations for the terminated portion of the Agreement after the Recipient has received the notification of termination. The Recipient will cancel as many outstanding obligations as possible. Costs incurred after receipt of the termination notice will be disallowed. The Recipient shall not be relieved of liability to the Division because of any breach of Agreement by the Recipient. The Division may, to the extent authorized by law, withhold payments to the Recipient for the purpose of set-off until the exact amount of damages due the Division from the Recipient is determined.

17. PROCUREMENT

A. As required by Rule 27P-19.010(7), Florida Administrative Code, the Recipient “shall comply with all applicable procurement rules and regulations in securing goods and services…”

B. The Recipient shall maintain records sufficient to detail the history of any procurement. These records will include, but are not necessarily limited to the following:

(1) Rationale for the method of procurement;

(2) Selection of contract type;

(3) Contractor selection or rejection; and,

(4) The basis for the contract price.

C. The Recipient shall maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. In order to demonstrate compliance with this requirement, the Recipient shall document, in its quarterly report to the Division, the progress of any and all subcontractors performing work under this Agreement.

D. Except for procurements below the competitive threshold (state or local threshold, whichever is lower), if the Recipient chooses to subcontract any of the work required under this Agreement, then the Recipient shall forward to the Division a copy of any solicitation (whether competitive or non-competitive) at least fifteen (15) days prior to the publication or communication of the solicitation. The Division shall review the solicitation and provide comments, if any, to the Recipient within three (3) business days. While the Recipient does not need the approval of the Division in order to publish a competitive solicitation, this review may allow the Division to identify deficiencies in the vendor requirements or in the commodity or service specifications. The Division's review and comments shall not constitute an approval of the solicitation. Regardless of the Division's review, the Recipient remains bound by all applicable laws, regulations, and agreement terms. If during its review the Division identifies any deficiencies, then the Division shall communicate those deficiencies to the Recipient as quickly as possible within the three (3) business day window outlined above. If the Recipient publishes a competitive solicitation after receiving comments from the Division that the solicitation is deficient, then the Division may:

(1) Terminate this Agreement in accordance with the provisions outlined in paragraph 16 above; and,

(2) Refuse to reimburse the Recipient for any costs associated with that solicitation.

E. Except for procurements below the competitive threshold (state or local threshold, whichever is lower), if the Recipient chooses to subcontract any of the work required under this Agreement, then the Recipient shall forward to the Division a copy of any contemplated contract prior to contract execution. The Division shall review the unexecuted contract and provide comments, if any, to the Recipient within three (3) business days. The Division will review the unexecuted contract for compliance with all applicable procurement standards. The Division will not substitute its judgment for that of the Recipient. While the Recipient does not need the approval of the Division in order to execute a subcontract, this review may allow the Division to identify deficiencies in the terms and conditions of the

subcontract as well as deficiencies in the procurement process that led to the subcontract. The Division's review and comments shall not constitute an approval of the subcontract. Regardless of the Division's review, the Recipient remains bound by all applicable laws, regulations, and agreement terms. If during its review the Division identifies any deficiencies, then the Division shall communicate those deficiencies to the Recipient as quickly as possible within the three (3) business day window outlined above. If the Recipient executes a subcontract after receiving a communication from the Division that the subcontract is non-compliant, then the Division may:

(1) Terminate this Agreement in accordance with the provisions outlined in paragraph 16 above; and,

(2) Refuse to reimburse the Recipient for any costs associated with that subcontract.

F. The Recipient agrees to include in any subcontract the following:

(1) The subcontractor is bound by the terms of this Agreement;

(2) The subcontractor is bound by all applicable state and federal laws and regulations; and,

(3) The subcontractor shall hold the Division and Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law.

G. The Recipient shall maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

H. The Recipient shall conduct any procurement under this agreement in a manner providing full and open competition. Accordingly, the Recipient shall not:

(1) Place unreasonable requirements on firms in order for them to qualify to do business;

(2) Require unnecessary experience or excessive bonding;

(3) Use noncompetitive pricing practices between firms or between affiliated companies;

(4) Execute noncompetitive contracts to consultants that are on retainer contracts;

(5) Authorize, condone, or ignore organizational conflicts of interest;

(6) Specify only a brand name product without allowing vendors to offer an equivalent;

(7) Specify a brand name product instead of describing the performance, specifications, or other relevant requirements that pertain to the commodity or service solicited by the procurement;

(8) Engage in any arbitrary action during the procurement process; or,

(9) Allow a vendor to bid on a contract if that bidder was involved with developing or drafting the specifications, requirements, statement of work, invitation to bid, or request for proposals.

I. The Recipient shall not use a geographic preference when procuring commodities or services under this Agreement.

J. The Recipient shall conduct any procurement involving invitations to bid (i.e. sealed bids) in accordance with section 287.057(1)(a), Florida Statutes.

K. The Recipient shall conduct any procurement involving requests for proposals (i.e. competitive proposals) in accordance with section 287.057(1)(b), Florida Statutes.

L. For each subcontract, the Recipient shall provide a written statement to the Division as to whether that subcontractor is a minority business enterprise, as defined in Section 288.703, Florida Statutes.

18. ATTACHMENTS

A. All attachments to this Agreement are incorporated as if set out fully.

B. In the event of any inconsistencies or conflict between the language of this Agreement and the attachments, the language of the attachments shall control, but only to the extent of the conflict or inconsistency.

C. This Agreement has the following attachments:

(1) Attachment A – Proposed Program Budget and Budget Detail Worksheet

(2) Attachment B – Allowable Costs and Eligible Activities

(3) Attachment C – Scope of Work

(4) Attachment D – Quarterly Reports

(5) Attachment E – Information Management

(6) Attachment F – Hurricane Shelter Retrofit

(7) Attachment G – Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

(8) Attachment H – Justification for Advance Payment

19. PAYMENTS

A. Any advance payment under this Agreement is subject to Section 216.181(16), Florida Statues. All advances are required to be held in an interest-bearing account. If an advance payment is requested, the budget data on which the request is based and a justification statement shall be included in this Agreement as Attachment H. Attachment H will specify the amount of advance payment needed and provide an explanation of the necessity for and proposed use of these funds. No advance shall be accepted for processing if a reimbursement has been paid prior to the submittal of a

request for advanced payment. After the initial advance, if any, payment shall be made on a reimbursement basis as needed.

B. Invoices shall be submitted at least quarterly and shall include the supporting documentation for all costs of the project or services. The final invoice shall be submitted within sixty (60) days after the expiration date of the agreement. An explanation of any circumstances prohibiting the submittal of quarterly invoices shall be submitted to the Division grant manager as part of the Recipient's quarterly reporting as referenced in paragraph 11 of this Agreement.

C. If the necessary funds are not available to fund this Agreement as a result of action by the United States Congress, the federal Office of Management and Budgeting, the State Chief Financial Officer or under paragraph 8 of this Agreement, all obligations on the part of the Division to make any further payment of funds shall terminate, and the Recipient shall submit its closeout report within thirty days of receiving notice from the Division.

All payments relating to the Agreement shall be mailed to the following address:

_____

_____

_____

_____

20. REPAYMENTS

A. All refunds or repayments due to the Division under this Agreement are to be made payable to the order of "Division of Emergency Management", and mailed directly to the following address:

Division of Emergency Management
Cashier
2555 Shumard Oak Boulevard
Tallahassee FL 32399-2100

B. In accordance with Section 215.34(2), Florida Statutes, if a check or other draft is returned to the Division for collection, Recipient shall pay the Division a service fee of $15.00 or 5% of the face amount of the returned check or draft, whichever is greater.

21. MANDATED CONDITIONS

A. The validity of this Agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the Recipient in this Agreement, in any later submission or response to a Division request, or in any submission or response to fulfill the requirements of this Agreement. All of said information, representations, and materials is incorporated by reference. The inaccuracy of the submissions or any material changes shall, at the option of the Division

and with thirty days written notice to the Recipient, cause the termination of this Agreement and the release of the Division from all its obligations to the Recipient.

B. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall be in the Circuit Court of Leon County. If any provision of this Agreement is in conflict with any applicable statute or rule, or is unenforceable, then the provision shall be null and void to the extent of the conflict, and shall be severable, but shall not invalidate any other provision of this Agreement.

C. Any power of approval or disapproval granted to the Division under the terms of this Agreement shall survive the term of this Agreement.

D. The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), which prohibits discrimination by public and private entities on the basis of disability in employment, public accommodations, transportation, State and local government services, and telecommunications.

E. Those who have been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of $25,000.00 for a period of 36 months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

F. Any Recipient which is not a local government or state agency, and which receives funds under this Agreement from the federal government, certifies, to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency;

(2) Have not, within a five-year period preceding this proposal been convicted of or had a civil judgment rendered against them for fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offenses enumerated in paragraph 21F(2) of this certification; and

(4) Have not within a five-year period preceding this Agreement had one or more public transactions (federal, state or local) terminated for cause or default.

G. If the Recipient is unable to certify to any of the statements in this certification, then the Recipient shall attach an explanation to this Agreement.

H. **In addition, the Recipient shall send to the Division (by email or by facsimile transmission) the completed "Certification Regarding Debarment, Suspension, Ineligibility And Voluntary Exclusion" (Attachment G) for each intended subcontractor which Recipient plans to fund under this Agreement. The form must be received by the Division before the Recipient enters into a contract with any subcontractor.**

I. All bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper preaudit and postaudit thereof.

J. The Division reserves the right to unilaterally cancel this Agreement if the Recipient refuses to allow public access to all documents, papers, letters or other material subject to the provisions of Chapter 119, Florida Statutes, which the Recipient created or received under this Agreement.

K. If the Recipient is allowed to temporarily invest any advances of funds under this Agreement, any interest income shall either be returned to the Division or be applied against the Division's obligation to pay the contract amount.

L. The State of Florida will not intentionally award publicly-funded contracts to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e) [Section 274A(e) of the Immigration and Nationality Act ("INA")]. The Division shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the Recipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this Agreement by the Division.

M. All expenditures of state financial assistance shall be in compliance with the laws, rules and regulations applicable to expenditures of State funds, including but not limited to, the Reference Guide for State Expenditures.

22. LOBBYING PROHIBITION

A. Section 216.347, Florida Statutes, prohibits "any disbursement of grants and aids appropriations pursuant to a contract or grant to any person or organization unless the terms of the grant or contract prohibit the expenditure of funds for the purpose of lobbying the Legislature, the judicial branch, or a state agency."

B. No funds or other resources received from the Division under this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

23. COPYRIGHT, PATENT AND TRADEMARK

A. EXCEPT AS PROVIDED BELOW, ANY AND ALL PATENT RIGHTS ACCRUING UNDER OR IN CONNECTION WITH THE PERFORMANCE OF THIS AGREEMENT ARE HEREBY RESERVED TO THE STATE OF FLORIDA. ANY AND ALL COPYRIGHTS ACCRUING UNDER OR IN

CONNECTION WITH THE PERFORMANCE OF THIS AGREEMENT ARE HEREBY TRANSFERRED BY THE RECIPIENT TO THE STATE OF FLORIDA.

B. If the Recipient has a pre-existing patent or copyright, the Recipient shall retain all rights and entitlements to that pre-existing patent or copyright unless the Agreement provides otherwise.

C. If any discovery or invention is developed in the course of or as a result of work or services performed under this Agreement, or in any way connected with it, the Recipient shall refer the discovery or invention to the Division for a determination whether the State of Florida will seek patent protection in its name. Any patent rights accruing under or in connection with the performance of this Agreement are reserved to the State of Florida. If any books, manuals, films, or other copyrightable material are produced, the Recipient shall notify the Division. Any copyrights accruing under or in connection with the performance under this Agreement are transferred by the Recipient to the State of Florida.

D. Within thirty days of execution of this Agreement, the Recipient shall disclose all intellectual properties relating to the performance of this Agreement which he or she knows or should know could give rise to a patent or copyright. The Recipient shall retain all rights and entitlements to any pre-existing intellectual property which is disclosed. Failure to disclose will indicate that no such property exists. The Division shall then, under Paragraph 23.B, have the right to all patents and copyrights which accrue during performance of the Agreement.

E. If the Recipient qualifies as a state university under Florida law, then, pursuant to section 1004.23, Florida Statutes, any invention conceived exclusively by the employees of the Recipient shall become the sole property of the Recipient. In the case of joint inventions, that is inventions made jointly by one or more employees of both parties hereto, each party shall have an equal, undivided interest in and to such joint inventions. The Division shall retain a perpetual, irrevocable, fully-paid, nonexclusive license, for its use and the use of its contractors of any resulting patented, copyrighted or trademarked work products, developed solely by the Recipient, under this Agreement, for Florida government purposes.

24. LEGAL AUTHORIZATION

The Recipient certifies that it has the legal authority to receive the funds under this Agreement and that its governing body has authorized the execution and acceptance of this Agreement. The Recipient also certifies that the undersigned person has the authority to legally execute and bind Recipient to the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

LEON COUNTY, FLORIDA

By:_____

Name and title: Vince Long, County Administrator

Date:_____

FID# 59-6000708

DUNS# 193730645

Include a copy of the delegation of authority for the signatory, if applicable.

STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT

By:_____

Name and Title: Michael Kennett, Deputy Director (by authority from the Director)

Date:_____

ATTACHMENT A
PROPOSED PROGRAM BUDGET AND
BUDGET DETAIL WORKSHEET

The Recipient shall use the Emergency Management Preparedness and Assistance ("EMPA") Trust Fund monies authorized by this Agreement in order to complete the tasks outlined in the Scope of Work (Attachment C).

The "Proposed Program Budget" and the "Budget Detail Worksheet" serve as a guide for both the Recipient and the Division during the performance of the tasks outlined in the Scope of Work (Attachment C).

Prior to execution of this Agreement, the Recipient shall complete the "Proposed Program Budget" and the "Budget Detail Worksheet" listed below. If the Recipient fails to complete either the "Proposed Program Budget" or the "Budget Detail Worksheet", then the Division shall not execute this Agreement.

After execution of this Agreement, the Recipient may change the allocation amounts in the "Proposed Program Budget" as well as the information listed in the "Budget Detail Worksheet." If the Recipient changes the "Proposed Program Budget" or the "Budget Detail Worksheet", then the Recipient's next quarterly report must include an updated "Proposed Program Budget" and/or "Budget Detail Worksheet."

Additionally, if the Recipient submits a request for reimbursement to the Division, then the "Proposed Program Budget" as well as the information listed in the "Budget Detail Worksheet" must match the information contained in the request for reimbursement.

Grant	Recipient Agency	Category	Amount Allocated
FY 2018-2019 Emergency Management Preparedness and Assistance Grant	LEON COUNTY, FLORIDA	Planning Expenditures	
		Training Expenditures	
		Exercise Expenditures	
		Emergency Management Agency Administration Expenditures	$105,806
		Equipment Expenditures	
Total Award			**$105,806**

FY 2018-19 BUDGET DETAIL WORKSHEET - ELIGIBLE ACTIVITIES (Not limited to activities below)			
Allowable Planning Costs	**Quantity**	**Unit Cost**	**Total Cost**
Emergency Management/Operation Plan			
Communications Plans			
Continuity/Administration Plans			
Whole Community Engagement/Planning			
Resource Management Planning			
Evacuation Planning			
Recovery Planning			
Credentialing and Validation			
Hiring of full or part-time staff or contractors/consultants to assist with planning activities (not for the purpose of hiring public safety personnel fulfilling traditional public safety duties)			
Materials required to conduct planning activities			
Travel/per diem related to planning activities			
TOTAL PLANNING EXPENDITURES			**$**
Allowable EM Agency Administration Costs	**Quantity**	**Unit Cost**	**Total Cost**
Hiring of full or part-time staff or contractors/consultants (temporary employees, student or graduate assistant fellowships, part time academic employment, consultants and other services)	**1**	**$105,806**	**$105,806**
Utility (electric, water and sewage)			
Telephone Bills (landlines, cellular and satellite)			
Internet Services			
Maintenance agreements			
Supplies			
Software and Upgrades			
Computers, printers, copiers and fax machines			
Radios			
Satellite telephones			
Storage			
Postage			
Memberships			

Publications			
TOTAL EM AGENCY ADMINISTRATION EXPENDITURES			**$105,806**
Allowable Exercise Costs	**Quantity**	**Unit Cost**	**Total Cost**
Design, Develop, Conduct and Evaluate an Exercise			
Exercise Planning Workshop - Funds may be used to plan and conduct an Exercise Planning Workshop to include costs related to planning, meeting space and other meeting costs, materials and supplies, travel and exercise plan development.			
Full or Part-Time Staff or Contractors/Consultants - (Full or part-time staff may be hired to support exercise -related activities. Payment of salaries and fringe benefits must be in accordance with the policies of the state or local unit(s) of government and have the approval of the state or the awarding agency, whichever is applicable.)			
Overtime and backfill costs – Overtime and backfill costs, including expenses for part-time and volunteer emergency response personnel participating in approved exercises.			
Implementation of Homeland Security Exercise and Evaluation Program			
Travel - Travel costs (i.e., airfare, mileage, per diem, hotel, etc.) are allowable as expenses by employees who are on travel status for official business related to the planning and conduct of the exercise project(s). These costs must be in accordance with state law. States must also follow state regulations regarding travel. If a state or territory does not have a travel policy they must follow federal guidelines and rates.			
Supplies - Supplies are items that are expended or consumed during the course of the planning and conduct of the exercise project(s) (e.g., copying paper, gloves, tape, non-sterile masks, fuel, and disposable protective equipment).			
TOTAL EXERCISE EXPENDITURES			**$**
Allowable Training Costs	**Quantity**	**Unit Cost**	**Total Cost**
Develop, Deliver and Evaluate Training			
Overtime and backfill for emergency preparedness and response personnel attending sponsored and approved training classes			
Overtime and backfill expenses for part-time and volunteer emergency response personnel participating in approved training			
Training Workshops and Conferences			
Full or Part-Time Staff or Contractors/Consultants			

Certification/Recertification of Instructors			
Travel			
Supplies are items that are expended or consumed during the course of the planning and conduct of the exercise project(s) (e.g., copying paper, gloves, tape, non-sterile masks, fuel, and disposable protective equipment)			
Instructor certification/re-certification			
TOTAL TRAINING EXPENDITURES			**$**
Eligible Equipment Acquisition Costs	**Quantity**	**Unit Cost**	**Total Cost**
Personal protective equipment			
Information technology			
Cybersecurity enhancement equipment			
Interoperable communications equipment			
Detection Equipment			
Power equipment			
CBRNE Reference Materials			
CBRNE Incident Response Vehicles			
Physical Security Enhancement Equipment			
CBRNE Logistical Support Equipment			
Other authorized equipment costs			
21GN-00-OCEQ			
TOTAL EQUIPMENT EXPENDITURES			**$**
TOTAL EXPENDITURES			**$105,806**

ATTACHMENT B
ALLOWABLE COSTS AND ELIGIBLE ACTIVITIES

2 CFR Part 200:
Rule 27P-19.010(11), Florida Administrative Code, states: "Allowable costs shall be determined in accordance with applicable Federal Office of Management and Budget Circulars…" Therefore, unless a specific exception applies, 2 CFR Part 200 Subpart A (Definitions) and Subpart E (Cost Principles) shall apply to this Agreement.

Expenses:
In order to qualify for reimbursement under the terms of this Agreement, an expense incurred by the Recipient must be reasonable and necessary for the successful completion of a task required by this Agreement. If an expense fails to qualify as either reasonable or necessary to successfully compete a task, then the Division shall not provide any reimbursement for that expense.

NOTE: This Scope of Work recognizes that each Recipient:

- Might be at a different level of preparedness than another Recipient;
- Operates within a unique geography;
- Faces unique threats and hazards; and,
- Serves a unique population.

Therefore, what might qualify as reasonable and necessary for one Recipient to successfully complete a task under this Agreement might not qualify as reasonable and necessary for another Recipient to successfully complete a task. Conversely, what might not qualify for one may qualify for another.

In order to avoid a "one size fits all" approach, this Agreement provides some level of flexibility. If a unique cost (e.g. equipment not listed on the EMPG AEL) qualifies as reasonable and necessary for the successful completion of a task under this Agreement, and if the Recipient receives permission from the Division prior to incurring that unique cost, then the Division shall reimburse the Recipient for that cost.

Performance:
In order to qualify for reimbursement under the terms of this Agreement, the Recipient's performance must satisfy the minimum level of service required for the successful completion of a task required by this Agreement. If the performance fails to satisfy the minimum level of service, then the Division shall not provide any reimbursement for that performance.

Planning:
Planning spans all five National Preparedness Goal (the Goal) mission areas and provides a baseline for determining potential threats and hazards, required capabilities, required resources, and establishes a framework for roles and responsibilities. Planning provides a methodical way to engage the whole community in the development of a strategic, operational, and/or community-based approach to preparedness.

Some examples of authorized planning activities include:

- Emergency Management/Operation Plans;
- Communications Plans;
- Continuity/Administration Plans;
- Whole Community Engagement/Planning;
- Resource Management Planning;

- Evacuation planning;
- Recovery Planning; and,
- Credentialing and Validation.

In order for planning expenditures to qualify for reimbursement under this Agreement, the Recipient must submit a final plan to the Division and the Division's Preparedness Bureau Chief must approve that plan. As part of any request for reimbursement for planning expenditures, the Recipient shall submit the following to the Division:

- Copies of contracts, Memorandum of Understandings or agreements with consultants or sub-contractors providing services;
- Documentation that clearly indicates hours worked for full or part-time staff or contractors/consultants and proof employee was paid;
- Time and attendance forms for full or part-time staff or contractors/consultants who participated in the planning;
- Invoice from any consultant/contractor involved in the planning (Note – grant agreement must be referenced on the invoice);
- Copies of all planning materials and work product (e.g. meeting documents, copies of plans);
- If a meeting was held by Recipient, an agenda and signup sheet with meeting date must be included;
- Proof of payment (e.g. canceled check, electronic funds transfer, credit card statement and payment to credit card company for that statement);
- Complete Debarment form for any contractors/consultants;
- Proof of purchase methodology (e.g. sole source, state contract, competitive bid results);
- Invoices and proof of payment for Travel costs (e.g., airfare, mileage, per diem, hotel) related to planning activities; and,
- If billing for overtime and/or backfill, provide documentation that list attendee names, department, # of hours spent at training, hourly rate and total amount paid to each attendee.

Administration:
EMPA Program funds may be used for all day-to-day activities in support of the four phases of emergency management (preparedness, response, recovery, and mitigation). Reimbursable personnel costs include salary, compensatory time off, and associated fringe benefits. For the purposes of this Agreement, overtime and backfill are not authorized Administration costs; however, overtime and backfill may qualify for reimbursement under other Scope of Work categories like Planning, Training, and Exercises.

Rules 27P-11.004 and 27P-11.0061, F.A.C., outline the minimum performance level (definition below). Each Emergency Management staff person must be available to work the number of hours and assume the responsibilities for the duties in their official position description as well as provide the coordination and support for all incidents within the jurisdiction on a 24 hour basis.

Personnel costs 27P-11.004, 27P-11.0061:

(1) Counties with populations of 75,000 or more must have a full time emergency management director. Counties with populations of less than 75,000 or party to an inter-jurisdictional emergency management agreement entered into pursuant to Section 252.38(3)(b), F.S., that is recognized by the Governor by executive order or rule, are encouraged to have a full time director. However, as a minimum, such a county must have an emergency management coordinator who works at least 20 hours a week in that capacity. "Full-time Emergency Management Director" means a single professional emergency management program Administrator working full-time as identified in the position description established by the governing body of the jurisdiction.

(2) The county must have an emergency management program that has been approved by the Division of Emergency Management. Program approval shall require: compliance with appropriate federal and state laws, rules and regulations; satisfactory completion of work elements of the previous year; and, a current proposal containing work elements commensurate with the needs of that county and a proposed budget.

Eligible "Administration" items include, but are not limited to:

- Salary and Benefits, but not overtime or backfill (include timesheets with employee & supervisor signatures or Time and Effort form – focus is on proof of hours ***actually*** worked)
- Utility (electric, water and sewage) and Telephone Bills (landlines, cellular, and satellite)
- Internet Service
- Maintenance Agreements for equipment or services (reimbursement can only be claimed for services within the Agreement period)
- Supplies
- Memberships (reimbursement is allowed in agreement period in which memberships are paid)
- Software and upgrades
- Publications
- Postage
- Other Personnel/Contractual Services
    - Reimbursement for services by a person(s) who is not a regular or full time employee filling established positions. This includes but is not limited to, temporary employees, student or graduate assistants, fellowships, part time academic employment, board members, consultants, and other services. Position descriptions are required.
    - Consultant Services require a pre-approved Contract or purchase order by the Division. Copies of additional quotes shall also be supplied when requesting pre-approval. These requests shall be sent to the grant manager for the Division for review.

If the recipient seeks reimbursement for administration activities, then the following shall be submitted:

- Documentation that clearly indicates hours worked for full or part-time staff or contractors/consultants, position descriptions, and proof employee was paid.
- Time and attendance form for full or part-time staff or contractors/consultants.
- Receipts and proof of payment (e.g. canceled check, electronic funds transfer confirmation, credit card statement and payment to credit card company for that statement) for any expenditures in support of administration costs.
- An agenda for any attending meeting/conference.
- Invoices and proof of payment for Travel costs (e.g., airfare, mileage, per diem, hotel) related to administration activities.

Exercises:
Allowable exercise-related costs include:

- ***Funds Used to Design, Develop, Conduct and Evaluate an Exercise.*** This includes costs related to planning, meeting space and other meeting costs, facilitation costs, materials and supplies, travel, and documentation. Recipients are encouraged to use free public space/locations/facilities, whenever available, prior to the rental of space/locations/facilities. Exercises shall provide the opportunity to demonstrate and validate skills learned, as well as to identify any gaps in these skills. Gaps identified during an exercise including those for children and individuals with disabilities or access and functional needs, shall be identified in the AAR/IP and addressed in the exercise cycle.
- ***Hiring of Full or Part-Time Staff or Contractors/Consultants.*** Full or part–time staff may be hired to support direct exercise activities. Payment of salaries and fringe benefits must be in accordance with the policies of the state or unit(s) of local government and have the approval of the state. The services of contractors/consultants may also be procured to support the design, development, conduct and evaluation of exercises.
- ***Overtime and Backfill.*** The entire amount of overtime costs, including payments related to backfilling personnel, which are the direct result of time spent on the design, development and conduct of exercises are allowable expenses. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the state or unit(s) of local government and has the approval of the state. In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities.
- ***Travel.*** Travel costs (e.g., airfare, mileage, per diem, hotel) are allowable as expenses by employees who are on travel status for official business related to the planning and conduct of the exercise activities.
- ***Supplies.*** Supplies are items that are expended or consumed during the course of the planning and conduct of the exercise activities (e.g., gloves, non-sterile masks, fuel, and disposable protective equipment).
- ***Implementation of HSEEP.*** This refers to costs related to developing and maintaining an exercise program consistent with HSEEP.
- ***Other Items.*** These costs are limited to items consumed in direct support of exercise activities such as the rental of space/locations for planning and conducting an exercise, rental of equipment, and the procurement of other essential nondurable goods. Costs associated with inclusive practices and the provision of reasonable accommodations and modifications that facilitate full access for children and adults with disabilities are allowable.

Unauthorized exercise-related costs include:

- Reimbursement for the maintenance and/or wear and tear costs of general use vehicles (e.g., construction vehicles) and emergency response apparatus (e.g., fire trucks, ambulances). The only vehicle costs that are reimbursable are fuel/gasoline or mileage.
- Equipment that is purchased for permanent installation and/or use, beyond the scope of exercise conduct (e.g., electronic messaging signs)
- Durable and non-durable goods purchased for installation and/or use beyond the scope of exercise conduct

If the recipient seeks reimbursement for exercise activities, then the following shall be submitted:

- Documentation clearly indicating the purpose/objectives of the exercise (e.g. Situation Manual, Exercise Plan);
- After-action report, Sign-In sheets, Agenda, Rosters;

- Receipts and proof of payment (e.g. canceled check, electronic funds transfer confirmation, credit card statement and payment to credit card company for that statement) for supplies expenditures (e.g. copying paper, gloves, tap, etc.);
- Invoices and proof of payment for Travel costs (e.g., airfare, mileage, per diem, hotel) related to exercise activities; and,
- Proof of purchase methodology (e.g. sole source, state contract, competitive bid results).

No later than 90 days after completion of an exercise, the recipient shall upload to the Division's SharePoint portal at: https://portal.floridadisaster.org an After Action Report (AAR) that includes the following:

- An Improvement Plan; and,
- A roster of participants.

Training:
The Recipient can successfully complete an authorized course either by attending or by conducting that course.

- In order to receive payment for successfully attending a training course, the Recipient must provide the Division with a certificate of course completion; additionally, the Recipient must provide the Division with all receipts that document the costs incurred by the Recipient in order to attend the course.

- In order to receive payment for successfully conducting a course, the Recipient must provide the Division with the course materials and a roster sign-in sheet; additionally, the Recipient must provide the Division with all receipts that document the costs incurred by the Recipient in order to conduct the course."

- For the conduct of training workshops, the Recipient must provide a copy of the course materials and sign-in sheets.

Allowable training-related costs include the following:

- ***Funds Used to Develop, Deliver, and Evaluate Training.*** This includes costs related to administering the training: planning, scheduling, facilities, materials and supplies, reproduction of materials, and equipment. Training shall provide the opportunity to demonstrate and validate skills learned, as well as to identify any gaps in these skills. ***Overtime and Backfill.*** The entire amount of overtime costs, including payments related to backfilling personnel, which are the direct result of attendance at approved training courses and programs are allowable. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the state or unit(s) of local government and has the approval of the state. In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities.
- ***Travel.*** Travel costs (e.g., airfare, mileage, per diem, and hotel) are allowable as expenses by employees who are on travel status for official business related to approved training.
- ***Supplies.*** Supplies are items that are expended or consumed during the course of the planning and conduct of the exercise activities (e.g., gloves, non-sterile masks, fuel, and disposable protective equipment).
- ***Hiring of Full or Part-Time Staff or Contractors/Consultants.*** Full or part-time staff or contractors/consultants may be hired to support direct training-related activities. Payment of

salaries and fringe benefits must be in accordance with the policies of the state or unit(s) of local government and have the approval of the state.

- ***Certification/Recertification of Instructors.*** Costs associated with the certification and re-certification of instructors are allowed. States are encouraged to follow the FEMA Instructor Quality Assurance Program to ensure a minimum level of competency and corresponding levels of evaluation of student learning. This is particularly important for those courses involving the training of trainers.

For training, the number of participants must be a minimum of 15 in order to justify the cost of holding a course. For questions regarding adequate number of participants, please contact the FDEM State Training Officer for course specific guidance. Unless the recipient receives advance written approval from the State Training Officer for the number of participants, then the Division shall reduce the amount authorized for reimbursement on a pro-rata basis for any training with less than 15 participants.

If the recipient seeks reimbursement for training activities, then the following shall be submitted:

- Sign-in sheets, rosters and an agenda;
- Documentation from recipient's financial system showing attendees were paid;
- Receipts and proof of payment (e.g. canceled check, electronic funds transfer confirmation, credit card statement and payment to credit card company for that statement) for any expenditures in support of the training (e.g. printing costs, costs related to administering the training, planning, scheduling, facilities, materials and supplies, reproduction of materials, and equipment);
- Invoices and proof of payment for Travel costs (e.g., airfare, mileage, per diem, hotel) related to training activities; and,
- Proof of purchase methodology (e.g. sole source, state contract, competitive bid results).

Equipment:
Provided the cost of the item qualifies as reasonable and necessary for the successful completion of a task required by this Agreement, an item on the FEMA AEL that is specifically coded for the Emergency Management Performance Grant ("EMPG") Program satisfies the minimum level of service for an equipment purchase under this Agreement. If an item qualifies as reasonable and necessary, and if the item is EMPG-coded on the FEMA AEL, then the Recipient does not need to obtain permission from the Division prior to purchasing the item in order to seek reimbursement.

If the Recipient seeks reimbursement for the purchase of an item that is not EMPG-coded on the FEMA AEL, then the Recipient must receive permission from the Division prior to purchasing the item. If the Recipient purchases such an item without receiving permission from the Division beforehand, then the Division shall not provide any reimbursement for that purchase.

Of note, AEL 21GN-00-OCEQ (Equipment and Supplies, Information/Emergency Operations/Fusion Centers) provides authorization for the purchase of equipment and supplies that are necessary to establish and maintain an Emergency Operations Center.

Allowable equipment includes equipment from the following AEL categories:

- Personal Protective Equipment (PPE) (Category 1)
- Information Technology (Category 4)
- Cybersecurity Enhancement Equipment (Category 5)
- Interoperable Communications Equipment (Category 6)
- Detection Equipment (Category 7)
- Power Equipment (Category 10)

- Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Reference Materials (Category 11)
- CBRNE Incident Response Vehicles (Category 12)
- Physical Security Enhancement Equipment (Category 14)
- CBRNE Logistical Support Equipment (Category 19)
- Other Authorized Equipment (Category 21)

If Recipients have questions concerning the eligibility of equipment, they shall contact their Grant Manager for clarification.

Recipients shall analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances.

For more information regarding property management standards for equipment, please reference 2 C.F.R. Part 200, including 2 C.F.R. §§ 200.310, 200.313, and 200.316.

If the recipient seeks reimbursement for equipment activities, then the following shall be submitted:

- All invoices;
- The AEL # for each purchase;
- Proof of payment (e.g. canceled check, electronic funds transfer, credit card statement and payment to credit card company for that statement); and,
- Proof of purchase methodology (e.g. sole source, state contract, competitive bid results).

Conferences:
The Division recognizes the important role that conferences can play in the professional development of emergency managers.

2 C.F.R. §200.432 defines the term conference as "a meeting, retreat, seminar, symposium, workshop or event whose primary purpose is the dissemination of technical information beyond the non-Federal entity and is necessary and reasonable for successful performance under the Federal award."

Rule 69I-42.002(3), Florida Administrative Code, defines the term conference as:

> [T]he coming together of persons with a common interest or interests for the purpose of deliberation, interchange of views, or for the removal of differences or disputes and for discussion of their common problems and interests. The term also includes similar meetings such as seminars and workshops which are large formal group meetings that are programmed and supervised to accomplish intensive research, study, discussion and work in some specific field or on a governmental problem or problems. A conference does not mean the coming together of agency or interagency personnel.

This Agreement requires the Recipient to attend Current Issues in Emergency Management (“CIEM”), a meeting hosted by the Division.

In order for travel to a conference or convention to qualify for reimbursement, the cost must be reasonable and attendance at the conference must be necessary for the successful completion of a task required by this Agreement.

Provided the cost qualifies as reasonable and necessary for the successful completion of a task required by this Agreement, travel to a conference that complies with the requirements of Rule 69I-42.004, Florida Administrative Code, satisfies the minimum level of service for conference travel under this Agreement.

In pertinent part, Rule 69I-42.004(1), Florida Administrative Code, states "No public funds shall be expended for attendance at conferences or conventions unless:

- The main purpose of the conference or convention is in connection with the official business of the state and directly related to the performance of the statutory duties and responsibilities of the agency participating;
- The activity provides a direct educational or other benefit supporting the work and public purpose of the person attending;
- The duties and responsibilities of the traveler attending such meetings are compatible with the objectives of the particular conference or convention; and
- The request for payment of travel expenses is otherwise in compliance with these rules."

Provided the cost qualifies as reasonable and necessary for the successful completion of a task required by this Agreement, and provided any related travel complies with the requirements of Rule 69I-42.004, Florida Administrative Code, conferences may qualify for reimbursement under this Agreement:

Requests for reimbursement for payment of the registration fee or for a conference or convention must include:

- A statement explaining how the expense directly relates to the Recipient's successful performance of a task outlined in this Agreement;
- A copy of those pages of the agenda that itemizes the registration fee;
- A copy of local travel policy; and,
- A copy of the travel voucher or a statement that no travel costs were incurred, if applicable.

When a meal is included in a registration fee, the meal allowance must be deducted from the reimbursement claim, even if the traveler decides for personal reasons not to eat the meal. *See* section 112.061(6)(c), Florida Statutes ("No one, whether traveling out of or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state."). A continental breakfast is considered a meal and must be deducted if included in a registration fee for a convention or conference. However, in the case where a meal is provided by a hotel or airline, the traveler shall be allowed to claim the meal allowance provided by law.

Class A, Class B, and Class C Travel:

- Class A travel is continuous travel of 24 hours or more away from official headquarters. The travel day for Class A is based on a calendar day (midnight to midnight).
- Class B travel is continuous travel of less than 24 hours which involves overnight absence away from official headquarters. The travel day for Class B travel begins at the same time as the travel period.
- Class C travel is short or day trips in which the traveler is not away from his/her official headquarters overnight. Class C allowances are currently not authorized for reimbursement.

Meal Allowance and Per Diem:
Section 112.061(6)(b), Florida Statutes, establishes the meal allowance for each meal during a travel period as follows:

- $6 for breakfast (when travel begins before 6 a.m. and extends beyond 8 a.m.);
- $11 for lunch (when travel begins before 12 noon and extends beyond 2 p.m.); and,
- $19 for dinner (When travel begins before 6 p.m. and extends beyond 8 p.m. or when travel occurs during nighttime hours due to special assignment.).

Section 112.061(a), Florida Statutes, establishes the per diem amounts. All travelers are allowed:

- The authorized per diem for each day of travel; or,
- If actual expenses exceed the allowable per diem, the amount allowed for meals as provided in s. 112.061(6) (b), F.S., plus actual expenses for lodging at a single occupancy rate.

Per diem shall be calculated using four six-hour periods (quarters) beginning at midnight for Class A or when travel begins for Class B travel. Travelers may only switch from actual to per diem while on Class A travel on a midnight to midnight basis. A traveler on Class A or B travel who elects to be reimbursed on a per diem basis is allowed $20.00 for each quarter from the time of departure until the time of return.

Reimbursement for Meal Allowances That Exceed the State Rates:
The Division shall not reimburse for any meal allowance that exceeds $6 for breakfast, $11 for lunch, or $19 for dinner unless:

- For counties – the requirements of section 112.061(14), Florida Statutes, are satisfied;
- The costs do not exceed charges normally allowed by the Recipient in its regular operations as the result of the Recipient's written travel policy (in other words, the reimbursement rates apply uniformly to all travel by the Recipient); and,
- The costs do not exceed the reimbursement rates established by the United States General Services Administration ("GSA") for that locale (see https://www.gsa.gov/portal/content/104877).

Hotel Accommodations:
A traveler may not claim per diem or lodging reimbursement for overnight travel within 50 miles (one-way) of his or her headquarters or residence unless the circumstances necessitating the overnight stay are fully explained by the traveler and approved by the Division.

Absent prior approval from the Division, the cost of any hotel accommodation shall not exceed $150 per night.

Travel Reimbursement Forms:
Unless the Recipient has received prior approval from the Florida Department of Financial Services ("DFS"), the Recipient shall use the travel forms incorporated by reference in Rule 69I-42.003, Florida Administrative Code. Those forms include:

- The Authorization to Incur Travel Expense, Form DFS-AA-13;
- The Application for Advance on Travel Expenses, Form DFS-AA-25; and,
- The Voucher for Reimbursement of Travel Expenses, Form DFS-AA-15.

If the Recipient has not received permission from DFS to use an alternate form, and if the Recipient submits a request for reimbursement without including the applicable DFS forms listed above, then the Division shall not provide any reimbursement for that travel.

ATTACHMENT C
SCOPE OF WORK

BACKGROUND:

Emergency Management, Preparedness, and Assistance ("EMPA")
In 1993, in the aftermath of Hurricane Andrew, the Florida Legislature passed C.S.S.B. No. 1858, entitled "Disaster and Emergency Preparedness – Trust Fund." In addition to modifying other statutory sections, the legislation created sections 252.371 through 252.373, Florida Statutes.

Section 252.371, Florida Statutes, establishes the Emergency Management, Preparedness, and Assistance ("EMPA") Trust Fund, which the Division administers. Section 252.372, Florida Statutes, imposes:

- An annual $2 surcharge on "every homeowner's, mobile home owner's, tenant homeowner's, and condominium unit owner's policy"; and,
- An annual $4 surcharge on "every commercial fire, commercial multiple peril, and business owner's property insurance policy."

In accordance with Section 252.372, Florida Statutes, all proceeds from the surcharges "shall be deposited in the [EMPA] Trust Fund…" Section 252.373, Florida Statutes, provides for the allocation of monies from the EMPA Trust Fund, authorizes the Division to promulgate rules, and establishes minimum requirements.

Emergency Management an Innate Responsibility
Section 252.38, Florida Statutes, states: "Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state."

Definitions

- Emergency

Section 252.34(4), Florida Statutes, defines the term "emergency" as "any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property."

- Emergency Management

Section 252.34(5), Florida Statutes, defines the term "emergency management" as "the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters."

- County Emergency Management Agency

Rule 27P-19.002(3), Florida Administrative Code, defines the term "County Emergency Management Agency" as "one of the sixty-seven (67) emergency management agencies authorized, established and maintained by each county pursuant to Section 252.38, [Florida Statutes]."

- Base Grant

Rule 27P-19.002(1), Florida Administrative Code, defines the term "base grant" as "those funds allocated in accordance with the formula in Rule 27P-19.005, F.A.C., as a minimum allocation to County Emergency Management Agencies."

Base Grant Funds
Consistent with Rule 27P-19.010(11), Florida Administrative Code, the Division shall determine allowable costs in accordance with 2 C.F.R. Part 200, entitled "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."

In accordance with Rule 27P-19.005(1), Florida Administrative Code, the Division awards base grant funds to each county "for the use and benefit of the County Emergency Management Agency."

In accordance with Rule 27P-19.005(2), Florida Administrative Code, the recipient may use base grant funds for any of the following categories:

- Planning, Training, and Exercises ("PT&E");
- EM Agency Administration; and,
- Equipment.

Supplanting Prohibited
Section 252.372, Florida Statutes, states that the monies from the EMPA Trust Fund "may not be used to supplant existing funding." Additionally, Rule 27P-19.003(3), Florida Administrative Code, states: "Funds received from the [EMPA] Trust Fund may not be used to supplant existing funding, nor shall funds from one program under the Trust Fund be used to match funds received from another program under the Trust Fund."

Annual Certification
Rule 27P-19.004(1), Florida Administrative Code, requires that, in order to receive EMPA funding, "each County Emergency Management Agency shall annually certify their commitment to employ and maintain either a Full-time Director or Part-time Coordinator consistent with subsections 27P-19.005(4) and (5), F.A.C."

TASKS & DELIVERABLES:

Task One: All-Hazards County Emergency Management Agency Administration

Throughout the period of this Agreement, the Recipient shall administer an all-hazard, county emergency management agency that includes preparedness, mitigation, response, and recovery components and capabilities.

Pursuant to Section 252.38(1)(c), F.S., the County Emergency Management Agency shall perform emergency management functions throughout the territorial limits of the county in which it is organized. Additionally, the County Emergency Management Agency shall conduct such activities outside its territorial limits as required by law and in accordance with state and county emergency management plans and mutual aid agreements.

The County Emergency Management Agency shall serve as liaison for and coordinator of municipalities' requests for state and federal assistance during post-disaster emergency operations. If the Recipient is a county with a population of 75,000 or more, then the Recipient shall employ a full-time county emergency management director. If the Recipient is a county with a population less than 75,000, or if the Recipient is a county that is a party to an inter-jurisdictional emergency management agreement entered into pursuant to Section 252.38(3)(b), F.S., then the Recipient shall employ either:

- An Emergency Management Coordinator who works at least 20 hours a week in that capacity; or,
- A full-time director.

Task One Deliverables:

In order to demonstrate successful completion of Task 1, the Recipient shall submit to the Division the following:

- For quarter 1, the following certification: "As required by Rule 27P-19.004(1), Florida Administrative Code, and as a condition precedent to receiving any funds under this Agreement, the Recipient certifies its commitment to continuously employ and maintain a full-time County Emergency Management Agency Director or a part-time County Emergency Management Agency Coordinator consistent with subsections 27P-19.005(4) and (5), Florida Administrative Code.";
- For quarter 1, provide Form 4 - Staffing Detail and position descriptions;
- For quarters 1, 2, 3, and 4, the quarterly report outlined in Attachment D;
- For quarters 1, 2, 3, and 4, and for each category listed below, the Recipient must identify on Form 4 – Staffing Detail at least one employee of the Recipient who is responsible for that area (this can include any employee of the County, not just an employee of the County Emergency Management Agency):
    - Preparedness;
    - Response;
    - Recovery;
    - Mitigation; and,
    - Finance (to include procurement).

- For quarters 1, 2, 3, and 4, timesheets or paystubs for a full-time County Emergency Management Director or a part-time Coordinator if a part-time coordinator is authorized under Rule 27P-19.004(3), F.A.C.; and,
- For quarter 1, all employees of the County Emergency Management Agency, and any employee identified in subparagraph 3 above, shall upload into the Division's SERT TRAC the course completion certificates for any FEMA course ("G", "IS", or other FEMA course) and any Division course ("FL" or other Division course) that pertains to the following areas:
    - Preparedness;
    - Response;
    - Recovery;
    - Mitigation; and,
    - Finance (to include procurement).

For Task 1, the person who executes the certification must possess the legal authority to bind the Recipient.

Task Two - 24-7 Emergency Operations Response Capabilities

Throughout the period of this Agreement, the Recipient shall maintain the capability to respond to all hazards, 24 hours a day, 7 days a week.

Task Two Deliverables:

In order to demonstrate successful completion of Task 2, the Recipient shall submit to the Division the following:

- For quarters 1, 2, 3, and 4, proof that, at least 10 times each quarter, the Recipient has successfully participated in the Division's weekly communication tests (the Division's grant manager will verify this Deliverable by coordinating with the State Watch Office; consequently, the Recipient is not required to submit communication reports unless a justification is needed for failure to meet the 10 required communications);
- For quarters 1, 2, 3, and 4, proof that the Recipient satisfied the Information Management requirements contained in Attachment E;
- For quarter 4, proof that the Recipient satisfied the Hurricane Shelter Retrofit requirements contained in Attachment F.

Task Three - Local Budget Match

Throughout the period of this Agreement, and as required by Rule 27P-19.011(1), Florida Administrative Code, the Recipient shall match base grant funds "at the amount either equal to the average of the previous three years' level of county general revenue funding of the County Emergency Management Agency or the level of funding for the County Emergency Management Agency for the last fiscal year, whichever is lower."

NOTE: Rule 27P-19.011(1), Florida Administrative Code, states: "County general revenue funding for 911 services, emergency medical services, law enforcement, criminal justice, public works or other services outside the emergency management responsibilities assigned to the County Emergency Management Agency by Section 252.38, F.S., shall not be included in determining the level of county funding of the County Emergency Management Agency."

Task Three Deliverables:

In order to demonstrate successful completion of Task 3, the Recipient shall submit to the Division the following:

- For quarter 1, the following certification executed by the Recipient: "As required by Rule 27P-19.011, Florida Administrative Code, and as a condition precedent to receiving any funds under this Agreement, the Recipient certifies compliance with all of the requirements contained in Chapter 27P-19, Florida Administrative Code.";
- For quarters 1, 2, 3, and 4, a current and accurate Local Budget Match Requirement Form (Form 3); and,
- For quarters 1, 2, 3, and 4, a current and accurate County Emergency Management Local Budget (General Revenue).

For Task 3, the person who executes the certification must possess the legal authority to bind the Recipient.

In accordance with Rule 27P-19.011(2), Florida Administrative Code, and if "exceptional financial circumstances" exist, then the Recipient may request from the Division a match reduction:

> If the Base Grant recipient demonstrates that exceptional financial circumstances prevent the Base Grant recipient from complying with the match requirements in subsection 27P-19.011(1), F.A.C., then the Base Grant recipient may request that the Division authorize a reduction in the amount of match required. The match required shall not be reduced by a percentage amount in excess of reductions in funding for county 911 services, emergency medical services, law enforcement, criminal justice, public works or other emergency management related services. To be eligible for any reduction, the Base Grant recipient shall demonstrate and certify that the reduction is due to reductions in county general revenue funding and that the amount of the requested reduction is equivalent to across the board reductions in all county budgets. County requests for reduction shall be signed by the county's chief elected officer and the certification of reduction in county budget funding shall be signed by the county's chief financial officer.

> Requests shall certify the intent to return to pre-reduced funding as soon as practicable, and shall provide an estimate of the date at which the county will return to the current level of funding. Requests for reduction shall also be accompanied by financial data for the previous three years indicating: the level of county funding for the County Emergency Management Agency budget; budget detail regarding all individual items of the County Emergency Management Agency budget; and the proposed level of funding, for all budget items, if the reduction is authorized by the Division. All requests for match reduction shall be submitted no later than forty-five (45) days after the county budget has been approved by the governing body of the jurisdiction, or the opportunity to request shall be waived.

In lieu of submitting physical copies of the Local Budget Match Requirement Form and the County Emergency Management Local Budget via mail, the Recipient may upload those documents to the Division's SharePoint portal at: https://portal.floridadisaster.org. If the Recipient chooses to upload those documents to SharePoint, then the Recipient shall annotate that fact on its quarterly report.

As long as the information uploaded to SharePoint is current and accurate, the Recipient does not need to upload those documents more than once.

Task Four – Current Issue in Emergency Management (CIEM)

During the quarter that the meeting is held, the full-time County Emergency Management Director or the part-time Coordinator if a part-time coordinator is authorized under Rule 27P-19.004(3), F.A.C., shall attend the Current Issues in Emergency Management ("CIEM") meeting hosted by the Division.

Task Four Deliverables:

In order to demonstrate successful completion of Task 4, the recipient shall submit to the Division the following:

- Certificate of attendance; and,
- If requesting grant reimbursement, a completed DFS state travel form.

REIMBURSEMENT CONDITIONS:

Subject to the funding limitations of this Agreement, the Division shall reimburse the Recipient on a quarterly basis for the documented costs incurred during the successful completion of the task(s) required by this Agreement. However, the following limitations shall apply:

- In any quarter, the Division shall not reimburse the Recipient for an amount that exceeds 40% of the overall amount authorized by this Agreement; and,
- The cumulative amount of reimbursement for quarters 1, 2, and 3 shall not exceed 85% of the overall amount authorized by this Agreement.

If extraordinary circumstances exist, then the Recipient can request permission from the Division to exceed the 40% cap for a particular quarter. However, under no circumstances shall the cumulative reimbursement amount for quarters 1, 2, and 3 exceed 85% of the overall amount authorized by this Agreement.

FINANCIAL CONSEQUENCES:

Failure to successfully complete each of the required tasks, as demonstrated by the failure to satisfy the applicable deliverables, shall result in the following penalty:

- A 10% reduction of the overall amount authorized by this Agreement.

The Division shall apply the penalty each quarter during which the Recipient fails to successfully complete each of the required tasks. During this Agreement, up to four penalties may be imposed; and, each penalty shall be applied cumulatively.

If, because of circumstances beyond the Recipient's control, the Recipient is unable to successfully perform a task required by this Agreement, then the Recipient shall notify the Division immediately. If the Division agrees that the inability to perform was directly due to circumstances beyond the control of the Recipient, then the Division will consider waiving the imposition of a financial consequence.

ATTACHMENT D
QUARTERLY REPORTS

Recipients must provide the Division with quarterly financial reports and a final close-out report.

- Quarterly financial reports are due to the Division no later than thirty days after the end of each quarter of the program year; and must continue to be submitted each quarter until submission of the final close-out report. The ending dates for each quarter of this program year are September 30, December 31, March 31 and June 30.

Reporting Period	Report due to FDEM no later than
July 1 through September 30	October 31
October 1 through December 31	January 31
January 1 through March 31	April 30
April 1 through June 30	July 31

- The Recipient must provide the Division with supporting documentation for the quarterly financial reports. To eliminate large files and mailings, the Division shall accept back up documentation on a CD if desired by the county.
- The Quarterly Tasks form is due with your quarterly financial report each quarter. This form identifies all Emergency Management personnel's required training completed (or working towards completion) during the agreement period.
- In order to ensure compliance with Rule 27P-19.011, the Local Budget Match Requirement Form shall be completed and sent when the Local County Budget is approved or by the end of the first quarter. The County shall provide a copy of the current Emergency Management Local Budget (General Revenue) with the form. If the County's current budget is lower than the previous year, or the average of the last three years, the county is required to request a Waiver no later than 45 days after the county budget is approved.
- In a format provided by the Division, Form 4 - Staffing Detail must be submitted by October 31, 2018. Also, each funded county emergency management position description must be submitted to the Division no later than October 31, 2018.
- **The final close-out report is due sixty (60) days after termination of this Agreement.** Any requests received after August 30, 2019, at the discretion of the Division, may not be reimbursed from this Agreement.

- **Programmatic Point of Contact:**

Contractual Point of Contact	Programmatic Point of Contact
Owen Roach FDEM 2555 Shumard Oak Blvd. Tallahassee, FL 32399-2100 (850) 815-4344 Owen.Roach@em.myflorida.com	Karen Lyons FDEM 2555 Shumard Oak Blvd. Tallahassee, FL 32399-2100 (850) 815-4325 Karen.Lyons@em.myflorida.com

- The Division shall determine eligibility of projects and approve changes in Scope of Work.
- The Division shall administer the financial processes.

ATTACHMENT E
INFORMATION MANAGEMENT

Contacts - The Recipient shall maintain current county emergency management and other contacts through the Division's SharePoint portal available at https://portal.floridadisaster.org.

From the Portal main page, click "County Links", then pulldown and select "Update County Contacts."

This information includes:

- County Director and Alternate contacts
- State Mutual Aid Agreement contacts
- and many more….

Site Identification - The Recipient shall upload current GIS Data to the Division's SharePoint portal available at https://portal.floridadisaster.org or WebEOC available at https://eoc.floridadisaster.org. Site Identification data includes:

- Through SharePoint - location and attribute information of all –
  - fire rescue
  - law enforcement
  - public safety
  - emergency service stations
- Through WebEOC - location and attribute information of all pre-identified --
  - County Logistics Staging Areas (LSAs)
  - Points of Distribution (PODs)
  - Disaster Recovery Centers (DRCs)

Attribute information shall include at a minimum: facility name, facility type, physical address, and USNG coordinates OR Latitude/Longitude in decimal degrees (only one or the other is required).

NOTES:
For Site Identification data uploaded through SharePoint –
To facilitate emergency sites review, FDEM GIS will annually upload a spreadsheet extracted from the critical facility inventory. This spreadsheet is intended to assist counties without GIS resources. Critical facility inventory spreadsheets provided will contain more facility types than are required to be reviewed.

Counties with GIS resources may, instead of reviewing this spreadsheet –

- Upload zipped shapefiles or geodatabases extracted from a county GIS system,
- Upload a zipped geodatabase of Essential Facilities created using HAZUS Comprehensive Data Management System (https://www.fema.gov/comprehensive-data-management-system)
- Provide URL to a GIS data download website maintained by the county

If counties have no changes since the last agreement period, a statement of "no change" shall be submitted via the SharePoint portal.

ATTACHMENT F
HURRICANE SHELTER RETROFIT

Hurricane Shelter Retrofit - In accordance with Florida's statewide hurricane shelter space deficit elimination program, the Recipient must upload items A- E on the Division's SharePoint portal by the end of the 4th Quarter at: https://portal.floridadisaster.org. The responses collected in this task are the basis for the Shelter Retrofit Report as required by 252.38 F.S. Each county's current Shelter Inventory Spreadsheet shall be available on SharePoint for reference.

A. Hurricane shelter deficit reduction progress information.
    1. Submit a list of newly constructed "as-is", retrofit and or Enhanced Hurricane Protection Areas (EHPA) facilities. If none, enter "none".
    2. Submit any corrections needed on the Shelter Inventory Spreadsheet. If none, enter "no corrections needed, the information is correct".

B. Current or newly completed hurricane shelter retrofit projects.
    1. List all hurricane shelter retrofit projects completed in the previous fiscal year regardless of funding source(s). If none, enter "none".
    2. List potential hurricane shelter retrofit projects. Listing projects is the first step for grant eligibility. If none, enter "none".

C. Update Special Needs Shelters' (SpNS) power systems.
    1. Respond yes or no to this statement on the SharePoint portal:
    All designated SpNS have a standby power system or capability with adequate capacity to support life-safety systems, essential lighting and outlet receptacles, air-conditioning, and necessary medical equipment.
    2. If no, upload a strategy so that all designated SpNS shall have a standby power capability with adequate capacity to support life-safety systems, essential lighting and outlet receptacles, air-conditioning, and necessary medical equipment. For those designated SpNS facilities without a permanently equipped standby electric generating capacity, a locally sourced temporary electric generator with adequate capacity to support the standby power system requirements shall be provided.

D. Update SpNS client space capacity.
    1. Respond yes or no to this statement on the SharePoint portal:
    The county has designated sufficient SpNS client spaces to meet the anticipated five-year demands as determined by the 2018 Statewide Emergency Shelter Plan (published January 31, 2018).
    2. If no, upload a strategy to achieve sufficient SpNS client spaces to meet the anticipated five-year demands as determined by the 2018 Statewide Emergency Shelter Plan (January 31, 2018).

E. Upload a brief report on results of the year's coordination with school boards, community colleges and universities (as applicable). The most recent published Statewide Emergency Shelter Plan provides guidance for implementation of the criteria. The Report to the Division shall discuss, at an executive level, the results of the meeting(s) including:
    1. Status of EHPA or new construction projects from previous reports to the Division
    2. List of planned facilities/buildings (e.g., initial name/title of the project (such as, High School AAA), location and estimate of shelter space floor area or spaces) that the educational agency shall design and/or build in the coming **two (2) years**; and **five (5) years.**
    3. List of facilities/buildings that shall be designed and constructed as EHPA, include (if available) anticipated hurricane shelter space capacity.
    4. List of facilities/buildings for which an exemption from EHPA shall be requested, and anticipated statute or code-based cause(s) for such exemption(s).
    5. List of facilities/buildings where future retrofitting may be practical to assist in creating shelter space.
    6. Upload a copy of the participant sign-in sheet with agency affiliation shown, and a copy of any meeting minutes (or similar documentation).

ATTACHMENT G
Certification Regarding
Debarment, Suspension, Ineligibility
And Voluntary Exclusion

Subcontractor Covered Transactions

(1) The prospective subcontractor of the Recipient, _____, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the Recipient's subcontractor is unable to certify to the above statement, the prospective subcontractor shall attach an explanation to this form.

SUBCONTRACTOR:

_____

By:_____ _____
Signature Recipient's Name

_____ _____
Name and Title FDEM Contract Number

_____ _____
Street Address Project Number

_____
City, State, Zip

_____
Date

ATTACHMENT H

JUSTIFICATION OF ADVANCE PAYMENT

RECIPIENT:

If you are requesting an advance, indicate same by checking the box below.

[ ] **ADVANCE REQUESTED**

Advance payment of $ _____ is requested. Balance of payments will be made on a reimbursement basis. These funds are needed to pay staff, award benefits to clients, duplicate forms and purchase start-up supplies and equipment. We would not be able to operate the program without this advance.

If you are requesting an advance, complete the following chart and line item justification below.

ESTIMATED EXPENSES

BUDGET CATEGORY/LINE ITEMS (list applicable line items)	**20___-20___ Anticipated Expenditures for First Three Months of Contract**
For example ADMINISTRATIVE COSTS (Include Secondary Administration.)	
For example PROGRAM EXPENSES	
TOTAL EXPENSES	

LINE ITEM JUSTIFICATION **(For each line item, provide a detailed justification explaining the need for the cash advance. The justification must include supporting documentation that clearly shows the advance will be expended within the first ninety (90) days of the contract term. Support documentation should include quotes for purchases, delivery timelines, salary and expense projections, etc. to provide the Division reasonable and necessary support that the advance will be expended within the first ninety (90) days of the contract term. Any advance funds not expended within the first ninety (90) days of the contract term shall be returned to the Division Cashier, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, within thirty (30) days of receipt, along with any interest earned on the advance)**

_____

_____

_____

_____

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2017/2018; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 10th day of July, 2018.

LEON COUNTY, FLORIDA

BY: _____
Nick Maddox, Chairman
Board of County Commissioners

ATTEST:
Gwendolyn Marshall, Clerk of the Court and Comptroller
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esq.
County Attorney

FISCAL YEAR 2017/2018
BUDGET AMENDMENT REQUEST

No: BAB18030 **Agenda Item No:**
Date: 6/18/2018 **Agenda Item Date:** 7/10/2018

County Administrator **Deputy County Administrator**

Vincent S. Long **Alan Rosenzweig**

Request Detail:

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
125	952005	334271	000	FY18-19 EMPG Base Grant Federal	-	88,139	88,139
125	952001	331271	000	FY17-18 EMPG Base Grant Federal	85,801	1,478	87,854
				Subtotal:		89,617	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
125	952005	51200	525	FY18-19 Regular Salaries and Wages	-	88,139	88,139
125	952001	51200	525	FY17-18 Regular Salaries and Wages	85,801	1,478	87,854
				Subtotal:		89,617	

Revenues

125	952006	334271	000	FY18-19 EMPA Base Grant State	-	105,806	105,806
				Subtotal		105,806	

Expenditures

125	952006	51200	525	FY18-19 Regular Salaries and Wages	-	105,806	105,806
				Subtotal		105,806	

Purpose of Request:

This amendment allocates funds in the amount of $88,139 for the new FY18-19 Federal Emergency Management Performance (EMPG) grant, and also adds $1,478 for the Federal Florida Division of Emergency Management's FY17-18 Emergency Management Performance Grant Program (EMPG) to reflect the total award amount allocated for FY17-18. In addition, this amendment allocates funds in the amount of $105,806 for the new State of Florida FY18-19 Emergency Management Preparedness and Assistance Trust Fund Base Grant (EMPA).

Group/Program Director **Budget Manager**

Scott Ross, Director, Office of Financial Stewardship

Approved By: **Resolution** [X] **Motion** [ ] **Administrator** [ ]

Leon County
Board of County Commissioners

Notes for Agenda Item #9

Leon County Board of County Commissioners

Agenda Item #9

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Status Report on Further Serving and Engaging Neighborhoods

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Mathieu Cavell, Assistant to the County Administrator Britney Smith, Public Information and Communications Manager

Statement of Issue:

As requested by the Board at the May 22, 2018 meeting, this agenda item provides an update on the ongoing efforts of Leon County to engage and serve neighborhoods, while also recommending the creation of an online resource for neighborhood leaders to learn more about County services, news and alerts, recognition programs, and national best practices for building and growing homeowner associations.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Accept the status report on further serving and engaging neighborhoods, and direct staff to create an online resource for neighborhood leaders.

Report and Discussion

Background:

At the May 22, 2018 meeting, the Board requested an update on the County's year-round efforts to engage homeowner and neighborhood associations and directed staff to evaluate any other efforts to better serve and educate neighbors.

This agenda item provides an update to the Board on the ongoing efforts of Leon County to engage and serve neighborhoods, while also recommending the creation of an online resource for neighborhood leaders to learn more about County services, news and alerts, recognition programs, and national best practices for building and growing homeowner associations.

Leon County works closely with the Council of Neighborhood Associations (CONA) and the Capital Area Neighborhood Network Initiative (CANN) to raise neighborhood leader awareness of County services and programs. The County and CONA have worked jointly on neighborhood cleanups, area revitalization, and the County's annual 9/11 Day of Service. Also, in June, Leon County, the City of Tallahassee, and CONA hosted the 38th annual Neighborhood Awards Recognition program, which celebrated the strength and resilience of exceptional neighborhoods like Crawfordville Trace, Arvah Branch, and Greater Bond.

Throughout the year, County staff also presents to neighborhood associations on topics ranging from disaster preparedness to Animal Control. Development Support and Environmental Management (DSEM) in coordination with Tallahassee-Leon County Geographic Information Systems (GIS) maintain a database of registered homeowners and neighborhood associations. This database is used to notify association officers about ongoing development in or around their neighborhoods that could be of interest. County staff also uses the association database to perform targeted outreach to neighborhood representatives, such as park openings or updates on County services.

Analysis:

Following the evaluation on ways the County engages neighborhoods throughout the year, this item recommends developing a comprehensive Neighborhood Services webpage that aggregates information of interest to neighborhood and homeowner associations. The webpage would include the following features:

- **Request a County Speaker** – oftentimes neighborhood leaders want to hear from County experts on issues that matter most to their area residents. The webpage would include an easy-to-use speaker request to book subject matter experts from Animal Control to Stormwater and more.
- **National Resources for Starting and Growing an Association** – not all neighborhoods that need information and resources are already established. However, some neighborhoods are taking the first few steps and may need further information on how to start and grow an association. The new webpage will include links and documents

reflecting state and national best practices for newly started and long-standing associations.

- **Sign Up for Neighborhood News and Alerts** – the webpage will include a sign up process to receive Leon County news and alerts, as well as direct visitors to the County's social media accounts (Facebook, Twitter, Instagram, Pinterest, LinkedIn, YouTube, etc.). Those who sign up will also be made aware of the County's Neighborhood Recognition Program when the application window opens in early 2019.
- **List Frequently Requested County Services** – neighborhood leaders often seek additional information about code enforcement, solid waste, community gardening, and disaster preparedness. The webpage will feature quick links to County services and will continue to be updated over time as requests change or increase.
- **Highlight Past Neighborhood Award Winners** – annually, Leon County, the City of Tallahassee, and CONA host an awards program recognizing County neighborhoods for their accomplishments. The webpage will feature past winners, tips on submitting a winning application, and a technical assistance document of the award process.
- **Interactive Neighborhood Map** – hosted online, the interactive neighborhood map allows interested residents and neighborhood leaders to see established neighborhood boundaries in their area. Also, if any information needs to update, citizens are directed to Tallahassee-Leon County GIS.
- **Submit Association Information to County Staff** – at this time, citizens can submit contact information to DSEM so as to be kept aware in a timely manner of development in their area. Through a more unified submission process, neighborhoods will also be informed by Community and Media Relations of County programs and service changes, such as holiday hours and closures.
- **Feature the Council of Neighborhood Associations** – a portion of the webpage will be dedicated to encouraging neighborhood leaders affiliate with CONA, our community's best provider of professional development and relationship building for neighborhood and homeowner associations.

Once completed, Community and Media Relations will conduct a public information campaign informing citizens of the new Neighborhood Services webpage.

Options:

1. Accept the status report and direct staff to create an online resource for neighborhood leaders.
2. Do not accept the status report and do not direct staff to create an online resource for neighborhood leaders.
3. Board direction.

Recommendation:

Option #1.

Leon County
Board of County Commissioners

Notes for Agenda Item #10

Leon County Board of County Commissioners

Agenda Item #10

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Proposed Amendment to the State Housing Initiative Partnership Local Housing Assistance Plan

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator
Lead Staff/ Project Team:	Shington Lamy, Director, Office of Human Services and Community Partnerships

Statement of Issue:

This item recommends an amendment to the State Housing Initiative Partnership Local Housing Assistance Plan (SHIP-LHAP) which increases the funding allowance for emergency long-term repairs.

Fiscal Impact:

This item does not have a fiscal impact.

Staff Recommendation:

Option #1: Approve the amendment to the Leon County State Housing Initiative Partnership Local Housing Assistance Plan (Attachment #1) for the Emergency Housing Repair Strategy and adopt the associated Resolution (Attachment #2) for submittal to the Florida Housing Finance Corporation.

Report and Discussion

Background:

This item recommends an amendment to the State Housing Initiative Partnership Local Housing Assistance Plan (SHIP-LHAP) which increases the funding allowance for emergency long-term repairs.

In accordance with Fla. Admin. Code R.67-37.005, local governments that participate in the SHIP program must maintain a State Housing Initiative Partnership Local Housing Assistance Plan (SHIP-LHAP) which describes the affordable housing strategies or programs, to be implemented with SHIP funds. The current SHIP-LHAP was adopted by the Board on May 23, 2017. Local governments may amend the SHIP-LHAP in order to address changing housing needs in their respective communities.

On February 13, 2018, the Board approved several amendments to the SHIP-LHAP to incorporate the recommendations of the Tallahassee-Leon County Affordable Housing Workgroup and best practices utilized by other affordable housing programs. Included in those amendments was a recommendation to increase the maximum funding allowance for the Emergency Housing Repair Strategy from $1,650 to $2,500 in order to assist low-income homeowners with the costs associated with emergency repairs intended to reduce the immediate risk to health and/or safety after an emergency or disaster. Since implementation of this strategy, some projects have required additional funds due to the costs associated with long-term repairs. The proposed amendment to the SHIP-LHAP Emergency Housing Repair Strategy (Attachment #1) will ensure adequate funding is available to provide homeowners a more permanent, long-term solution to the emergency repair.

Analysis:

Among its many services, the County's Housing Services Division provides financial assistance for emergency home repairs to low-income residents in the unincorporated areas of Leon County. This assistance covers the costs of labor and materials, such as tarps, to minimize damage from roof leaks and septic-tank pump-out services as short-term remedies to an underlying problem. Emergency assistance is typically provided within 24-48 hours upon confirmation that the homeowner meets income eligibility requirements. The Housing Finance Authority (HFA) allocates $30,000 annually for the Program. The maximum award amount is $1,650 per household. Even with the increase to the SHIP allowance from $1,650 to $2,500 for emergency repairs, these funds are inadequate to address the cost of long-term, permanent repair solutions. Since the start of FY 2018, emergency repair funding has been used to assist 13 low-income homeowners, five of which have utilized the maximum award amount.

The proposed change to the SHIP-LHAP's Emergency Housing Repair Strategy would increase the maximum award from $2,500 to $15,000 in order to provide long-term solutions to the emergency housing repair needs of low-income residents. HFA funding would continue to be utilized to provide the immediate, emergency relief (e.g. tarps for roof leaks, pump outs for failing septic systems, etc.) needed to mitigate risk to the homeowner's health and safety.

Subsequently, SHIP funds would be utilized to provide long-term solutions such as roof repairs and septic tank replacements within 30 days. In order to utilize SHIP funds for this purpose, the Florida Housing Finance Corporation (FHFC) requires the SHIP-LHAP (Attachment #1) be amended and an associated Resolution (Attachment #2) must be adopted by the Board. The FHFC has preliminary approved the proposed amendment to the SHIP-LHAP Emergency Housing Repair Strategy. Upon the Board's approval, the amended SHIP-LHAP and the associated Resolution will be submitted to the FHFC.

Options:

1. Approve the amendment to the Leon County State Housing Initiative Partnership Local Housing Assistance Plan (Attachment #1) for the Emergency Housing Repair Strategy and adopt the associated Resolution (Attachment #2) for submittal to the Florida Housing Finance Corporation.
2. Do not approve the amendment to the Leon County State Housing Initiative Partnership Local Housing Assistance Plan for the Emergency Housing Repair Strategy.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Amended Leon County SHIP-LHAP for 2017-18, 2018-19, and 2019-20.
2. Resolution approving the amendment to the Leon County State Housing Initiatives Partnership Local Housing Assistance Plan (SHIP-LHAP) for 2017-18, 2018-19, 2019-20

LEON COUNTY, FLORIDA

STATE HOUSING INITIATIVE PARTNERSHIP (SHIP)
LOCAL HOUSING ASSISTANCE PLAN (LHAP)

2017-2018, 2018-2019 and 2019-2020

As Revised by the Leon County Board of County Commissioners on February 13, 2018

Table of Contents

Description	Page #
SECTION I. PROGRAM DETAILS	**3**
SECTION II. HOUSING STRATEGIES	**7**
A. Purchase Assistance for Existing Units without Repair	**7**
B. Purchase Assistance for Existing Units Needing Repair	**9**
C. Home Rehabilitation	**11**
D. Home Replacement	**13**
E. Disaster Mitigation	**15**
F. Emergency Housing Repair	**17**
G. Foreclosure Avoidance	**18**
H. Housing Rental Assistance	**21**
SECTION III. INCENTIVE STRATEGIES	**22**
A. Expedited Permitting	**22**
B. Ongoing Review Process	**22**
C. Other Incentives Strategies Adopted	**23**
SECTION IV. EXHIBITS	**24**
A. Administrative Budget for each fiscal year covered in the Plan	**24**
B. Timeline for Estimated Encumbrance and Expenditure	**25**
C. Housing Delivery Goals Chart (HDGC) For Each Fiscal Year Covered in the plan	**26**
D. Signed LHAP Certification	**29**
E. Signed, dated, witnessed or attested adopting resolution	**31**
F. Ordinance: No changes – N/A	
G. Interlocal Agreement: N/A	

SECTION I. PROGRAM DETAILS:

A. Name of the participating local government: Leon County

Is there an Interlocal Agreement: Yes _____ No: X

B. Purpose of the program:
1. To meet the housing needs of the extremely low, very low, low and moderate income households;
2. To expand production of and preserve affordable housing; and
3. To further the housing element of the local government comprehensive plan specific to affordable housing.

C. Fiscal years covered by the Plan: 2017-2018, 2018-2019 and 2019-2020

D. Governance: The State Housing Initiatives Partnership (SHIP) Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37, Florida Administrative Code. Cities and Counties must be in compliance with these applicable statutes, rules and any additional requirements as established through the Legislative process.

E. Local Housing Partnership: The SHIP Program encourages building active partnerships between government, lenders, builders and developers, real estate professionals, advocates for low-income persons and community groups.

F. Leveraging: The Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing. SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation (FHFC) programs and to provide local match to obtain federal housing grants or programs.

G. Public Input: Public input was solicited through face to face meetings with housing providers, social service providers, local lenders, neighborhood associations, and convening Leon County's citizen Affordable Housing Advisory Committee. Public input was solicited through the local newspaper in the advertising of the Local Housing Assistance Plan and the Notice of Funding Availability, when applicable.

H. Advertising and Outreach: SHIP funding availability shall be advertised in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

I. Waiting List/Priorities: A waiting list will be established when there are eligible applicants for strategies that no longer have funding available. Those households on the waiting list will be notified of their status annually. Applicants will be maintained in an order that is consistent with the time applications were submitted as well as any established funding priorities as described in this plan.

The following priorities for funding described/listed here apply to all strategies:

The County will accept applications during the advertised "Application Period" which will be 30 days. From the end of the application period, applicants will have 30 days to submit all required documentation in order to be deemed eligible. Applications will be placed in order of receipt and separated based on strategy applied for. When funds are available for a particular strategy, the applicants from the waiting list will be contacted to complete/update the application for SHIP assistance. Applicants will be placed in the queue for assistance once they have provided all required documentation and been deemed SHIP eligible.

Once there is a list of eligible applicants, they will be ranked giving first priority to households qualifying as Special Needs households. These applicants will further be ranked with priority given to very-low income, then low, then moderate. The second priority will be to serve Essential Services Personnel (ESP). These applicants will further be ranked with priority given to very-low income, then low, then moderate. After serving enough Special Needs households to meet set-asides and any qualified ESP for the funding year, all applicants deemed eligible will be considered equally with priority given to very-low, then low, then moderate income groups.

Ranking Priority:

1. Special Needs Households
    a. Very low
    b. Low
    c. Moderate
2. Essential Services Personnel
    a. Very low
    b. Low
    c. Moderate
3. After Special Needs Set-asides and ESP goals are met
    a. Very Low
    b. Low
    c. Moderate

J. Discrimination : In accordance with the provisions of ss.760.20-760.37, it is unlawful to discriminate on the basis of race, color, religion, sex, national origin, age, handicap, or marital status in the award application process for eligible housing.

K. Support Services and Counseling: Support services are available from various sources. The County will provide Homeownership Counseling (Pre and Post), Credit Counseling, Tenant Counseling, and Foreclosure Counseling through qualified HUD approved agencies.

L. Purchase Price Limits: The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units, which can be lower but may not exceed 90% of the median area purchase price established by the U.S.

Treasury Department or as described above.

The methodology used is:

X U.S. Treasury Department

_____ Local HFA Numbers

M. Income Limits, Rent Limits and Affordability: The Income and Rent Limits used in the SHIP Program are updated annually by the Department of Housing and Urban Development and posted at www.floridahousing.org.

"Affordable" means that monthly rents or mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in Sections 420.9071, F.S. However, it is not the intent to limit an individual household's ability to devote more than 30% of its income for housing, and housing for which a household devotes more than 30% of its income shall be deemed Affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size.

N. Welfare Transition Program: Should an eligible sponsor be used, a qualification system and selection criteria for applications for Awards to eligible sponsors shall be developed, which includes a description that demonstrates how eligible sponsors that employ personnel from the Welfare Transition Program will be given preference in the selection process.

O. Monitoring and First Right of Refusal: In the case of rental housing, the staff and any entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides periodic monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of $10,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored annually for no less than 15 years or the term of assistance, whichever is longer unless as specified above.

Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

P. Administrative Budget: A line-item budget of proposed Administrative Expenditures is attached as Exhibit A. Leon County finds that the moneys deposited in the local housing assistance trust fund shall be used to administer and implement the local housing assistance plan.

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, states: *"A county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan."*

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, further states: "*The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(19), and eligible municipalities receiving a local housing distribution of up to $350,000 may use up to 10 percent of program income for administrative costs."*

The applicable local jurisdiction has adopted the above findings in the resolution attached as Exhibit E.

Q. Program Administration: Administration of the local housing assistance plan will be wholly performed and maintained by Leon County.

R. Project Delivery Costs: In addition to the administrative costs listed above, the County will charge a reasonable project delivery cost to cover inspections performed by non-county employees for rehabilitation projects. The fee will not exceed 2% of the contracted SHIP award and will be included in the amount of the recorded mortgage and note.

S. Essential Service Personnel Definition: For the purpose of SHIP funding, the County considers the following groups as Essential Services to our county: First Responders, Educators in K-12, Nurses, Active Military, and National Guard stationed in the county.

T. Describe efforts to incorporate Green Building and Energy Saving products and processes:

The County will, when economically feasible, employ the following Green Building requirements on rehabilitation and emergency repairs:

1. Low or No-VOC paint for all interior walls (Low-VOC means 50 grams per liter or less for flat paint; 150 grams per liter or less for non-flat paint);
2. Low-flow water fixtures in bathrooms—WaterSense labeled products or the following specifications:
    a. Toilets: 1.6 gallons/flush or less,
    b. Faucets: 1.5 gallons/minute or less,
    c. Showerheads: 2.2 gallons/minute or less;
3. Energy Star qualified refrigerator;
4. Energy Star qualified dishwasher, if provided;
5. Energy Star qualified washing machine, if provided in units;
6. Energy Star qualified exhaust fans in all bathrooms; and
7. Air conditioning: Minimum SEER of 14. Packaged units are allowed in studios and one bedroom units with a minimum of 11.7 EER.

U. Describe efforts to meet the 20% Special Needs set-aside: The County will partner with social service agencies serving the designated special needs population to achieve the goal of the special needs set-aside. The goal will be met through owner occupied housing rehabilitation and housing replacement, down payment assistance, emergency repair, and rental assistance strategies.

V. Describe efforts to reduce homelessness: The County will work with agencies serving the homeless populations primarily through Leon County's Housing Rental Strategy

(Strategy H) to place these individuals or families in rental or transitional housing for the purpose of providing a stable housing situation for twelve (12) months.

SECTION II. HOUSING STRATEGIES:

A. Purchase Assistance for Existing Units Without Repair	*Code 2*

a. Summary of Strategy: SHIP funds will be awarded for down payment and closing costs associated with the purchase of a home that does not require repair.

Prospective homebuyers must qualify as a First Time Homebuyer under the HUD definition: *An individual who has had no ownership in a principal residence during the 3-year period ending on the date of purchase of the property. This includes a spouse (if either meets the above test, they are considered first-time homebuyers). A single parent who has only owned a home with a former spouse while married. An individual who is a displaced homemaker and has only owned with a spouse. An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations. An individual who has only owned a property that was not in compliance with state, local or model building codes and which cannot be brought into compliance for less than the cost of constructing a permanent structure.*

b. Fiscal Years Covered: 2017-2018, 2018-2019 and 2019-2020

c. Income Categories to be served: Very low, Low, and Moderate

d. Maximum award: Very Low: $10,000
Low: $10,000
Moderate: $7,500

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as deferred loan secured by a recorded subordinate mortgage and note.
2. Interest Rate: 0%
3. Years in loan term: 10 years
4. Forgiveness: Loan will be forgiven if recipient maintains ownership and primary residence through the term of the loan.
5. Repayment: Not required as long as this loan is in good standing.
6. Default: The loan will be determined to be in default if any of the following occurs:
   (1) Home owner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.);
   (2) Home owner no longer occupies the unit as his/her principal residence;
   (3) Home owner dies, or if a married couple, the survivor dies. However, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding

balance of the loan will be due and payable.

(4) Home owner refinances the assisted unit. However, refinancing is allowed for the following conditions:
   i. purpose of preventing foreclosure;
   ii. lowering the interest rate; the refinancing to lower the interest rate must result in a minimum monthly mortgage payment reduction of at least seventy-five ($75.00) dollars per month
   iii. to change from an adjustable rate mortgage (ARM) to a fixed rate mortgage;
   iv. for payment of outstanding bills with no cash out to homeowner.

(5) Home owner fails to meet standard property maintenance requirements as dictated by the Leon County Building Official through Code Enforcement Policies currently enforced.

f. Recipient Selection Criteria: Applicants will be ranked for assistance based on a first-qualified, first-served basis with the priorities for Special Needs, Essential Services Personnel and income groups.

g. Sponsor/Developer Selection Criteria: Sub-recipient(s) may administer a portion or this entire program for which a SHIP service delivery fee is paid for this activity. Sub-recipients would be selected in accordance with Leon County's Purchasing Policy. A sub-recipient must be a licensed mortgage broker and have staff that are licensed mortgage loan originators. A sub-recipient's past experience and performance with similar programs, personnel and financial capacity to administer the program, and ability to leverage funds or additional services will be taken into consideration as part of the selection process.

h. Additional Information: Applicants must complete a homebuyer education program with a HUD-approved counseling agency before closing. Applicants must secure a first mortgage by an approved lender and must be able to contribute five hundred dollars ($500.00) towards the down payment or closing costs. At that point, funds are reserved for the applicant for no more than 90 days. Leon County will be placed in second place behind the first mortgage for all Down Payment Assistance transactions unless authorization is received from the Leon County Division of Housing Services to be placed in third (3rd) or fourth (4th).

Mobile homes are not eligible to receive assistance from this program.

All eligible units must be located in unincorporated Leon County. Applicants are eligible to receive SHIP assistance once every ten (10) years with the exception of those affected by disaster and who require emergency assistance.

B. Purchase Assistance for Existing Units Needing Repair	*Code 1*

a. Summary of Strategy: SHIP funds will be awarded for down payment and closing costs to purchase the home in need of repair.

Prospective homebuyers must qualify as a First Time Homebuyer under the HUD definition: *An individual who has had no ownership in a principal residence during the 3-year period ending on the date of purchase of the property. This includes a spouse (if either meets the above test, they are considered first-time homebuyers). A single parent who has only owned a home with a former spouse while married. An individual who is a displaced homemaker and has only owned with a spouse. An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations. An individual who has only owned a property that was not in compliance with state, local or model building codes and which cannot be brought into compliance for less than the cost of constructing a permanent structure.*

b. Fiscal Years Covered: 2017-2018, 2018-2019 and 2019-2020

c. Income Categories to be served: Very low, Low, and Moderate

d. Maximum award: Very low: $15,000 (up to $1,500 for temporary relocation)
Low: $10,000 (up to $1,500 for temporary relocation)
Moderate: $10,000 (up to $1,500 for temporary relocation)

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as deferred loan secured by a recorded subordinate mortgage and note.
2. Interest Rate: 0%
3. Years in loan term: 10 years
4. Forgiveness: Loan will be forgiven if recipient maintains ownership and primary residence through the term of the loan.
5. Repayment: Not required as long as this loan is in good standing.
6. Default: The loan will be determined to be in default if any of the following occurs:
   (1) Home owner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.);
   (2) Home owner no longer occupies the unit as his/her principal residence;
   (3) Home owner dies, or if a married couple, the survivor dies. However, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.
   (4) Home owner refinances the assisted unit. However, refinancing is allowed for the following conditions:
      i. purpose of preventing foreclosure;
      ii. lowering the interest rate; the refinancing to lower the interest rate must result in a minimum monthly mortgage

payment reduction of at least seventy-five ($75.00) dollars per month

iii. to change from an adjustable rate mortgage (ARM) to a fixed rate mortgage;

iv. for payment of outstanding bills with no cash out to homeowner.

(5) Home owner fails to meet standard property maintenance requirements as dictated by the Leon County Building Official through Code Enforcement Policies currently enforced.

f. Recipient Selection Criteria: Applicants will be ranked for assistance based on a first-qualified, first-served basis with the priorities for Special Needs, Essential Services Personnel and income groups. Applicants must secure an FHA 203K Loan.

g. Sponsor/Developer Selection Criteria: Sub-recipient(s) may administer a portion or this entire program for which a SHIP service delivery fee is paid for this activity. Sub-recipients would be selected in accordance with Leon County's Purchasing Policy. A sub-recipient must be a licensed mortgage broker and have staff that are licensed mortgage loan originators. A sub-recipient's past experience and performance with similar programs including the FHA 203K Loan Program, personnel and financial capacity to administer the program, and ability to leverage funds or additional services will be taken into consideration as part of the selection process.

h. Additional Information: Applicants must complete a homebuyer education program with HUD-approved counseling agency before closing. Applicants must secure a first mortgage by an approved lender and must be able to contribute five hundred dollars ($500.00) towards the down payment or closing costs. At that point, funds are reserved for the applicant for no more than 90 days. Leon County will be placed in second place behind the first mortgage for all Down Payment Assistance transactions unless authorization is received from the Leon County Division of Housing Services to be placed in third (3rd) or fourth (4th).

Mobile homes are not eligible to receive assistance from this program.

All eligible units must be located in unincorporated Leon County. Applicants are eligible to receive SHIP assistance once every ten (10) years with the exception of those affected by disaster and who require emergency assistance.

C. Home Rehabilitation	*Code 3*

a. Summary of Strategy: SHIP funds will be awarded to owner-occupied households in need of repairs for health, safety, insurability, and to correct code violations. This will include structural improvements, accessibility rehabilitation, and water and sewer connections including tap fees.

b. Fiscal Years Covered: 2017-2018, 2018-2019 and 2019-2020

c. Income Categories to be served: Very low, Low, and Moderate

d. Maximum award: $50,000 for rehabilitation
$1,500 for temporary relocation

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a deferred loan secured by a recorded subordinate mortgage and note.
2. Interest Rate: 0%
3. Years in loan term: Five (5) years: $0 - $10,000
Ten (10) years: $10,001 - $50,000
4. Forgiveness: Loans are forgiven in the following manner:
   (1) Five-year loans on a prorated basis of 20% per year
   (2) Ten-year loans on a prorated basis of 10% per year
5. Repayment: Not required as long as this loan is in good standing
6. Default: The loan will be determined to be in default if any of the following occurs:
   (1) Home owner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.);
   (2) Home owner no longer occupies the unit as his/her principal residence;
   (3) Home owner dies, or if a married couple, the survivor dies. However, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.
   (4) Home owner refinances the assisted unit. However, refinancing is allowed for the following conditions:
      i. purpose of preventing foreclosure;
      ii. lowering the interest rate; the refinancing to lower the interest rate must result in a minimum monthly mortgage payment reduction of at least seventy-five ($75.00) dollars per month
      iii. to change from an adjustable rate mortgage (ARM) to a fixed rate mortgage;
      iv. for payment of outstanding bills with no cash out to homeowner.
   (5) Home owner fails to meet standard property maintenance requirements as dictated by the Leon County Building Official

through Code Enforcement Policies currently enforced.

f. Recipient Selection Criteria: Applicants will be ranked for assistance based on a first-qualified, first-served basis with the priorities for Special Needs, Essential Services Personnel and income groups.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: Eligible units shall be either stick-built or block structures; modular homes; or mobile homes (built after 1994). Mobile homes assisted with SHIP funds must be registered as real property with the Leon County Tax Collector's Office

SHIP funds may be used alone or in conjunction with CDBG and any other Housing funds to cover the cost of repairs described under this strategy.

No rehabilitation contractor may have more than five home replacement/rehabilitation contracts at one time unless the contractor is the sole bidder for a home replacement/rehabilitation project.
Rehabilitation projects of $20,000 or more will be eligible for relocation assistance.

All eligible units must be located in unincorporated Leon County. Applicants are eligible to receive SHIP assistance once every ten (10) years with the exception of those affected by disaster and who require emergency assistance.

D. Home Replacement	*Code 4*

a. Summary of Strategy: SHIP funds will be awarded for the removal and replacement of existing owner-occupied single family homes if the county finds that rehabilitation of the home surpasses 50% of the current value of the home.

b. Fiscal Years Covered: 2017-2018, 2018-2019 and 2019-2020

c. Income Categories to be served: Very low and Low

d. Maximum award: $125,000 for stick built and modular homes

$108,000 for mobile homes located in a flood plain

$75,000 for mobile homes not located in a flood plain

$1,500 for temporary relocation assistance

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a deferred loan secured by a recorded subordinate mortgage and note.
2. Interest Rate: 0%
3. Years in loan term: 20 years
4. Forgiveness: Loan is forgiven on a prorated basis of 5% per year
5. Repayment: Not required as long as the loan is in good standing.
6. Default: The loan will be determined to be in default if any of the following occurs:
   (1) Home owner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.);
   (2) Home owner no longer occupies the unit as his/her principal residence;
   (3) Home owner dies, or if a married couple, the survivor dies. However, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.
   (4) Home owner refinances the assisted unit. However, refinancing is allowed for the following conditions:
      i. purpose of preventing foreclosure;
      ii. lowering the interest rate; the refinancing to lower the interest rate must result in a minimum monthly mortgage payment reduction of at least seventy-five ($75.00) dollars per month
      iii. to change from an adjustable rate mortgage (ARM) to a fixed rate mortgage;
      iv. for payment of outstanding bills with no cash out to homeowner.
   (5) Home owner fails to meet standard property maintenance

requirements as dictated by the Leon County Building Official through Code Enforcement Policies currently enforced.

f. Recipient Selection Criteria: Applicants will be ranked for assistance based on a first-qualified, first-served basis with the priorities for Special Needs, Essential Services Personnel and income groups.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: Eligible units shall be either stick-built or block structures; modular homes; or mobile homes (built after 1994). Mobile homes assisted with SHIP funds must be registered as real property with the Leon County Tax Collector's Office.

SHIP funds may be used alone or in conjunction with CDBG and any other Housing funds to cover the cost of repairs described under this strategy.

No rehabilitation contractor may have more than five home replacement/rehabilitation contracts at one time unless the contractor is the sole bidder for a home replacement/rehabilitation project.

All eligible units must be located in unincorporated Leon County. Applicants are eligible to receive SHIP assistance once every ten (10) years with the exception of those affected by disaster and who require emergency assistance.

E. Disaster Mitigation	*Code 5*

a. Summary of Strategy: SHIP funds will be awarded to applicants in need of home repairs directly caused by a disaster that is declared by an Executive Order of the President of the United States or Florida Governor.

Eligible repairs may include repairs to damage associated with a disaster, including but not limited to: the purchase of emergency supplies for eligible households to weather proof damaged homes, repairs to prevent further damage, tree and debris removal to make housing units habitable, relocation expenses, insurance deductible reimbursements, and post-disaster repairs. Post disaster rehabilitation activity may include repairing structural damage, roof repair/replacement, demolition costs, and retrofitting activities such as waterproofing or elevating a structure to meet requirements of the National Flood Insurance Program.

Repairs will be prioritized as follows:

1. Immediate threats to health and life safety (sewage, damaged windows, roofing) in cases where the home is still habitable.
2. Imminent residual damage to the home (such as damage caused by a leaking roof) in cases where the home is still habitable.
3. Repairs necessary to make the home habitable.
4. Repairs to mitigate dangerous situations (exposed wires)

b. Fiscal Years Covered: 2017-2018, 2018-2019 and 2019-2020

c. Income Categories to be served: Very Low, Low, and Moderate

d. Maximum award: $10,000

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a deferred loan secured by a recorded subordinate mortgage and note.
2. Interest Rate: 0%
3. Years in loan term: Five (5) years
4. Forgiveness: Loan is forgiven on a prorated basis of 20% per year
5. Repayment: Not required as long as the loan is in good standing.
6. Default: The loan will be determined to be in default if any of the following occurs:
    (1) Home owner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.);
    (2) Home owner no longer occupies the unit as his/her principal residence;
    (3) Home owner dies, or if a married couple, the survivor dies. However, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.
    (4) Home owner refinance the assisted unit. However, refinancing is allowed for the following conditions:
        i. purpose of preventing foreclosure;

ii. lowering the interest rate; the refinancing to lower the interest rate must result in a minimum monthly mortgage payment reduction of at least seventy-five ($75.00) dollars per month
iii. to change from an adjustable rate mortgage (ARM) to a fixed rate mortgage;
iv. for payment of outstanding bills with no cash out to homeowner.

(5) Home owner fails to meet standard property maintenance requirements as dictated by the Leon County Building Official through Code Enforcement Policies currently enforced.

f. Recipient Selection Criteria: Applicants will be assisted on a first-qualified, first-served basis with the following additional requirements:
1. Must provide proof of homeowner's insurance
2. Must file for and use proceeds from insurance as first option

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: Eligible units shall be either stick-built or block structures; modular homes; or mobile homes (built after 1994). Mobile homes assisted with SHIP funds must be registered as real property with the Leon County Tax Collector's Office.

SHIP funds may be used alone or in conjunction with CDBG and any other Housing funds to cover the cost of repairs described under this strategy.

All eligible units must be located in unincorporated Leon County.

F. Emergency Housing Repair	*Code 6*

a. Summary of Strategy: SHIP Funds will be awarded to applicants in need of rehabilitation of their home related to a dire situation that needs to be mitigated immediately. This includes: damaged roofing that is leaking, damaged windows causing exposure to the elements, or electrical or plumbing problems that could cause damage (fire) to the home or is an immediate health hazard to the occupants. This strategy will only be used for an applicant who has applied for, but will not receive assistance through the owner occupied rehabilitation strategy within the next three months of application submittal. When an applicant is assisted with emergency repairs, they will not lose their place on the rehabilitation waiting list. However, the amount of funds expended for the emergency repairs will be counted towards the maximum award if the applicant receives subsequent assistance through the rehabilitation strategy. Funds may also be awarded to pay insurance deductibles for any emergency repairs covered by the homeowner's policy.

b. Fiscal Years Covered: 2017-2018, 2018-2019 and 2019-2020

c. Income Categories to be served: Very low and Low

d. Maximum award: ~~$2,500~~ $15,000

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a deferred loan secured by a recorded subordinate mortgage and note. ~~Funds will be awarded as a grant with no recapture terms.~~
2. Interest Rate: 0% ~~N/A~~
3. Years in loan term: Five (5) years ~~N/A~~
4. Forgiveness: Loan is forgiven on a prorated basis of 20% per year ~~N/A~~
5. Repayment: Not required as long as the loan is in good standing. ~~N/A~~
6. Default: The loan will be determined to be in default if any of the following occurs:
   - (1) Home owner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.);
   - (2) Home owner no longer occupies the unit as his/her principal residence;
   - (3) Home owner dies, or if a married couple, the survivor dies. However, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.
   - (4) Home owner refinance the assisted unit. However, refinancing is allowed for the following conditions:
     - i. purpose of preventing foreclosure;
     - ii. lowering the interest rate; the refinancing to lower the interest rate must result in a minimum monthly mortgage payment reduction of at least seventy-five ($75.00) dollars per month
     - iii. to change from an adjustable rate mortgage (ARM) to a

fixed rate mortgage;

iv. for payment of outstanding bills with no cash out to homeowner.

~~(1)~~(5) Home owner fails to meet standard property maintenance requirements as dictated by the Leon County Building Official through Code Enforcement Policies currently enforced.

~~Default: N/A~~

f. Recipient Selection Criteria: Applicants will be ranked for assistance based on a first-qualified, first-served basis with the priorities for Special Needs, Essential Services Personnel and income groups.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: Eligible units shall be either stick-built or block structures; modular homes; or mobile homes (built after 1994). Mobile homes assisted with SHIP funds must be registered as real property with the Leon County Tax Collector's Office.

SHIP funds may be used alone or in conjunction with CDBG and any other Housing funds to cover the cost of repairs described under this strategy.

All eligible units must be located in unincorporated Leon County.

G. Foreclosure Avoidance	*Code 7*

a. Summary of Strategy: SHIP Funds will be awarded to applicants to bring current the existing first mortgage of their primary residences to avoid foreclosure.

b. Fiscal Years Covered: 2017-2018, 2018-2019 and 2019-2020

c. Income Categories to be served: Very low, Low, and Moderate

d. Maximum award: $7,500

e. Terms:
   1. Repayment loan/deferred loan/grant: Funds will be awarded as a deferred loan secured by a recorded subordinate mortgage and note.
   2. Interest Rate: 0%
   3. Years in loan term: Five (5) years
   4. Forgiveness: Loan is forgiven on a prorated basis of 20% per year
   5. Repayment: Not required as long as the loan is in good standing.
   6. Default: The loan will be determined to be in default if any of the following occurs:
      (1) Home owner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.);
      (2) Home owner no longer occupies the unit as his/her principal residence;
      (3) Home owner dies, or if a married couple, the survivor dies. However, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.
      (4) Home owner refinance the assisted unit. However, refinancing is allowed for the following conditions:
         i. purpose of preventing foreclosure;
         ii. lowering the interest rate; the refinancing to lower the interest rate must result in a minimum monthly mortgage payment reduction of at least seventy-five ($75.00) dollars per month
         iii. for payment of outstanding bills with no cash out to homeowner.
      (5) Home owner fails to meet standard property maintenance requirements as dictated by the Leon County Building Official through Code Enforcement Policies currently enforced.

f. Recipient Selection Criteria:
   1. Applicants will be ranked for assistance based on a first-qualified, first-served basis with the priorities for Special Needs, Essential Services Personnel and income groups.

2. Applicant(s) must be at least 2 months in arrears in mortgage payments and have received notification in writing from their lender that proceeding to foreclosure is eminent. The maximum arrears for eligibility will be determined by the Lender's willingness to accept program maximum award to solve the client's issue via direct payment, modification, repayment plan, reinstatement, or any other viable solution acceptable to the client and Lender.

3. Applicant(s) must have received in writing, from their lender, a denial of default resolution, forbearance, or payment arrangement.

4. Applicant(s) have sufficient income required to maintain their mortgage after foreclosure assistance is received.

5. A hardship letter, as detailed in the Qualification Criteria must demonstrate the nonpayment of the mortgage is due to: sudden loss of income, sudden medical expenses, divorce or separation, death of spouse or joint-property owner, or unforeseen home repair bills.

6. If approved to receive assistance, the applicant(s) must demonstrate:

    (1) Their ability to pay the affordable mortgage after receiving program assistance. Affordable means that monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in Sections 420.9071 (19), (20) and (28), F.S.

    (2) The enrollment in a credit counseling/budgeting course offered by an approved local provider.

    (3) Proof of residency in the unincorporated area of Leon County.

    (4) Assistance being sought is for the applicant(s) primary residence.

    (5) Applicant(s) must demonstrate proof of extraordinary hardship.

        i. Assistance will be provided where an extraordinary hardship exists and has been demonstrated through adequate documentation, resulting in the delinquency on the first mortgage. If the applicant(s) has a variable rate mortgage, they must agree and be approved for a modified fixed rate mortgage. Examples of an extraordinary hardship are listed below but not limited to:

            a. Loss of employment, through no fault of the applicant; however, the applicant has regained employment.

b. Substantial decrease in the household income, through no fault of the applicant(s).

c. Temporary or permanent disability that reduces income.

d. Changes in the household composition that reduces income.

e. Demonstrated medical hardship.

f. Weather events such as fire, hurricane, or other disaster, resulting in unforeseen home repair bills not covered by the Federal Emergency Management (FEMA).

g. Substantial increase to the mortgage payment due to participation in an adjustable rate mortgage or "ramp up" mortgage.

h. Substantial increase to payments due to escrow shortages.

g. Sponsor/Developer Selection Criteria: N/A

h. Additional Information: Eligible units shall be either stick-built or block structures; modular homes; or mobile homes (built after 1994). Mobile homes assisted with SHIP funds must be registered as real property with the Leon County Tax Collector's Office.

All eligible units must be located in unincorporated Leon County. Applicants are eligible to receive SHIP assistance once every ten (10) years with the exception of those affected by disaster and who require emergency assistance.

H. Housing Rental Assistance	*Code 13*

a. Summary of Strategy: SHIP Funds will be awarded to renter households that are in need of assistance for:
   1. Security and utility deposit assistance;
   2. Eviction prevention not to exceed 6 months' rent; and/or
   3. Rent subsidies for up to 12 months. To be eligible for rent subsidies, the household receiving assistance must include at least one adult who is a person with special needs, as defined in s. 420.0004, Florida Statutes.

b. Fiscal Years Covered: 2017-2018, 2018-2019 and 2019-2020

c. Income Categories to be served: Very low and Low

d. Maximum award: $10,000

e. Terms:
   1. Repayment loan/deferred loan/grant: Funds will be awarded as a grant with no recapture terms.
   2. Interest Rate: N/A
   3. Years in loan term: N/A
   4. Forgiveness: N/A
   5. Repayment: N/A
   6. Default: N/A

f. Recipient Selection Criteria: Applicants who are homeless or at risk of homelessness (i.e., seeking eviction prevention) will be referred to the Leon County Housing Division by the local Continuum of Care Coordinated Entry system, and be assisted on a first-qualified, first-served basis. Applicants with one or more special needs household members may apply directly to the Leon County Housing Division or may be referred by a special needs service provider. If applications are received simultaneously, priority will be given to the household with the lowest income.

g. Sponsor/Developer Selection Criteria: Sponsors may be selected to administer the Rental Assistance program. Criteria for selection of sponsor organization will include:
   1. past experience working with the target population;
   2. past experience administering similar rental assistance programs;
   3. financial and human resource capacity to administer the program;
   4. participation in the Continuum of Care Coordinated Entry system; and
   5. such other criteria as may be determined appropriate.

h. Additional Information:
   Applicants are eligible to receive SHIP assistance once every ten (10) years with the exception of those affected by disaster and who require emergency assistance.

   All eligible units must be located in unincorporated Leon County.

III. LHAP Incentive Strategies

In addition to the **required Incentive Strategy A and Strategy B**, include all adopted incentives with the policies and procedures used for implementation as provided in Section 420.9076, F.S.:

A. **Expedited Permitting**
Permits as defined in s. 163.3177 (6) (f) (3) for affordable housing projects are expedited to a greater degree than other projects

Provide a description of the procedures used to implement this strategy: Leon County expedites permitting of affordable housing projects by administrative direction, close coordination and team work. Specific processes that have been established include:

1) Using pre-permitting review to determine project status, identify and resolve potential legal problems that might preempt permitting, and otherwise expedite affordable housing.

2) Obtain assistance and cross-training from Building Inspection with the initial inspection of rehabilitation projects to ensure all code compliance issues are addressed in write-ups and permit applications. This expedites plan review and minimizes changes that delay permitting and project completion.

3) The Director of the Office of Human Services & Community Partnerships and the staff are the designated liaisons with the Affordable Housing Program and assists with the resolution of difficult permitting issues. These processes will promote a reduction in building permitting time for affordable housing projects by 50% from the average of ten (10) days to an average of five (5) days.

B. **Ongoing Review Process**
An ongoing process for review of local policies, ordinances, regulations and plan provisions that increase the cost of housing prior to their adoption

Provide a description of the procedures used to implement this strategy: By administrative direction, all Local Comprehensive Plan and Land Development Regulations (LDR) with the potential to impact the cost of affordable housing are referred to the Leon County Division of Housing Services. Any of these Plan or LDR amendments potentially affecting affordable housing costs can be brought up to a meeting of the Department of Development Support and Environmental Management, the Planning Department, and the Division of Housing Services for modification and transmittal to the Board of County Commissioners or other appropriate review or approval entities.

C. **Other Incentive Strategies Adopted:**

Modification of Impact Fee Requirements
The County eliminated its transportation impact fee in 1995; therefore housing developers do not pay any county impact fees. The Public Works Department supports affordable housing by waiving landfill dumping (tipping) fees for disposal of construction debris by the County's affordable housing contractors.

Modification of Site Plan Requirements (Reduction of Parking Setbacks)
Site design modifications such as reduced lot size, street layout and design, setback reductions, and decreased parking requirements can be obtained by the developers of affordable housing subdivisions under Articles X and XI of the current Leon County land development code. The Building Plans Review and Inspection Division administratively allows developers to utilize master building permits consistent with the provisions outlined in F.S. 55.794 as a methodology for reducing the cost of home design and minimizing the associated time frames required for building plans review and permit approval.

Inventory of Public Lands Suitable for Affordable Housing
When foreclosing on Code Enforcement Board liens, the County considers the use of foreclosed property for affordable housing.

IV. EXHIBITS:

A. Administrative Budget for each fiscal year covered in the Plan.

B. Timeline for Estimated Encumbrance and Expenditure.

C. Housing Delivery Goals Chart (HDGC) For Each Fiscal Year Covered in the plan.

D. Signed LHAP Certification.

E. Signed, dated, witnessed or attested adopting resolution.

F. Ordinance – No change

G. Interlocal Agreement – N/A

RESOLUTION NO. 18-___

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, APPROVING AMENDMENTS TO THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP ACT, SECTIONS 420.907-420.9079, FLORIDA STATUTES; AND CHAPTER 67-37 OF THE FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE COUNTY ADMINISTRATOR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE AMENDED LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida enacted the William E. Sadowski Affordable Housing Act in chapter 92-317, Laws of Florida, allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing; and

WHEREAS, the State Housing Initiatives Partnership (SHIP) Act, Sections 420.907-420.9079, Florida Statutes (1992), and Chapter 67-37 of the Florida Administrative Code, requires local governments to develop a one- to three-year Local Housing Assistance Plan outlining how funds will be used; and

WHEREAS, the SHIP Act requires local governments to establish the maximum SHIP funds allowable for each strategy; and

WHEREAS, the SHIP Act further requires local governments to establish an average area purchase price for new and existing housing benefiting from awards made pursuant to the Act and the methodology and purchase prices used are defined in the attached Local Housing Assistance Plan; and

WHEREAS, on May 23, 2017 the County Commission approved the submittal of the Local Housing Assistance Plan for fiscal years 2018, 2019, and 2020 as well as adopted an associated Resolution to the Florida Housing Finance Corporation; and

WHEREAS, the Local Housing Assistance Plan was subsequently approved by the Florida Housing Finance Corporation; and

WHEREAS, the County Commission finds that it is in the best interest of the public for Leon County Government to submit amendments to the Local Housing Assistance Plan for review and approval so as to qualify for said documentary stamp tax funds; and

WHEREAS, Rule 67-37 of the Florida Administrative Code requires amendments to an approved local housing assistance plan be adopted by resolution.

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

1. The Board of County Commission of Leon County hereby approves the amendments to the Local Housing Assistance Plan, as attached and incorporated hereto for submission to the Florida Housing Finance Corporation as required by ss. 420.907-420-9079, Florida Statutes, for fiscal years 2018, 2019 and 2020.

2. The County Administrator is hereby designated and authorized to execute any documents and certifications required by the Florida Housing Finance Corporation as related to the Local Housing Assistance Plan, and to do all things necessary and proper to carry out the term and conditions of said program.

3. This Resolution shall become effective immediately upon its adoption.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida, this 10th day of July, 2018.

LEON COUNTY, FLORIDA

BY: _____
Nick Maddox, Chairman
Board of County Commissioners

ATTEST:
Gwendolyn Marshall, Clerk of the Court
Leon County, Florida

BY: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

BY:_____
Herbert W. A. Thiele
County Attorney

Leon County
Board of County Commissioners

Notes for Agenda Item #11

Leon County Board of County Commissioners

Agenda Item #11

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Florida Department of Health EMS Matching Grants

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator Chad Abrams, Chief, Emergency Medical Services
Lead Staff/ Project Team:	Timothy Carlson, Financial Compliance Manager

Statement of Issue:

This agenda item seeks Board acceptance of two Florida Department of Health Emergency Medical Services Matching Grants in the amount of $70,267, for the purchase of 20 video laryngoscopes and citizen CPR training programs.

Fiscal Impact:

This item has a fiscal impact. The two grants require a 25% local match totaling $23,423. The match funding is available in the current EMS operating budget.

Staff Recommendation:

Option # 1: Accept the two Florida Department of Health Emergency Medical Services Matching Grants which total $70,267, and authorize the County Administrator to execute all documents related to the grant projects (Attachment #1).

Option # 2: Approve the Resolution and associated Budget Amendment Request (Attachment #2).

Report and Discussion

Background:

This item seeks Board acceptance of two Florida Department of Health Emergency Medical Services Matching Grants. Annually, the Florida Department of Health makes competitive grant funding available to EMS organizations in Florida. The grant program provides 75% of the funding towards the project and requires the County to provide 25% as local match funding. The purpose of this grant program is to improve and enhance pre-hospital emergency medical services. The County submitted grant funding applications for video laryngoscopes and citizen CPR training.

These grant projects are essential to the following FY2017-FY2020 Strategic Initiative and five-year Target:

- Continue to evaluate emergency medical response strategies to improve medical outcomes and survival rates. (2016-26)
- Train 8,500 citizens in CPR/AEDs. (T11)

This particular Strategic Initiative aligns with the Board's Quality of Life Strategic Priority:

- (Q3) Provide essential public safety infrastructure and services.

Analysis:

On June 12, 2018, the County was notified by the Department of Health of the award of the following grant projects (Attachment #1):

- *Video Laryngoscopes*– The total project budget is $48,035 ($36,026 grant/$12,009 County match). This grant is for video assisted laryngoscopes that will be placed on EMS ambulances. These devices will provide visual aid to paramedics assisting patients who are experiencing difficulty breathing and will result in improved primary intubation success rates.
- *Cardio Pulmonary Resuscitation Training* – The total project budget is $45,655 ($34,241 grant /$11,414 County match). This grant provides the funding necessary to produce the annual Press the Chest community CPR training event and covers expenses such as the CPR Anytime kits utilized during the training, advertising of the event, and the facility rental costs. Residual CPR Anytime kits will be used to conduct additional CPR training programs for citizens.

The local match funding totals $23,423 and is available in the current EMS operating budget.

Options:

1. Accept the two Florida Department of Health Emergency Medical Services Matching Grants which total $70,267, and authorize the County Administrator to execute all documents related to the grant projects (Attachment #1).
2. Approve the Resolution and associated Budget Amendment Request (Attachment #2).
3. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. Grant Award Notifications
2. Resolution and associated Budget Amendment Request

Mission:
To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

Florida HEALTH

Rick Scott
Governor

Celeste Philip, MD, MPH
Surgeon General and Secretary

Vision: To be the **Healthiest State** in the Nation

May 23, 2018

RECEIVED
2018 JUN 12 PM 3:03
LEON COUNTY
EMS DIVISION

Vincent Long, County Administrator
Leon County Emergency Medical Services
301 South Monroe Street
Tallahassee, Florida 32301

Dear Mr. Long:

The Department of Health is pleased to award an Emergency Medical Services (EMS) Matching Grant, ID Code M6038, in the amount of $36,026.00, to Leon County Emergency Medical Services. This grant program is funded through the Florida Department of Health, EMS Trust Fund. There are no federal funds involved. The purpose of this grant is to improve and expand EMS by assisting your organization in the purchase of 20 video laryngoscopes.

The grant begins the date of this letter and ends June 30, 2019. Your required local cash match is $12,009.00, with a total budget of $48,035.00. You are required to report grant activities and purchases to the state pursuant to section 401.113(2)(b), Florida Statutes, and in compliance with the Florida Catalog of State Financial Assistance, number 64.003. The reports are due the third week of October 2018, February 2019, and July 2019.

Your signed grant application affirms you have read, understand and will comply with the conditions and requirements in the "Florida EMS Matching Grant Program Application Packet, December 2008." You may obtain a copy of the grant application packet from your identified contact person.

Thank you for your participation in this state EMS grant program. If you need assistance, please contact the Bureau of Emergency Medical Oversight, EMS Section, Health Services and Facilities Consultant, Alan Van Lewen at (850) 558-9550.

Sincerely,

Doug Woodlief
Interim Division Director
Emergency Preparedness and Community Support

DW/avl

cc: Mac Kemp, Deputy Chief

Florida Department of Health
Division of Emergency Preparedness and Community Support
Bureau of Emergency Medical Oversight
4052 Bald Cypress Way, Bin A-22 • Tallahassee, FL 32399-1722
PHONE: 850/245-4440 • FAX: 850/245-4378
FloridaHealth.gov

Accredited Health Department
Public Health Accreditation Board

Mission:
To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

Florida HEALTH

Rick Scott
Governor

Celeste Philip, MD, MPH
Surgeon General and Secretary

Vision: To be the **Healthiest State** in the Nation

May 23, 2018

RECEIVED
2018 JUN 12 PM 3:03
LEON COUNTY
EMS DIVISION

Vincent Long, County Administrator
Leon County Emergency Medical Services
301 South Monroe Street
Tallahassee, Florida 32301

Dear Mr. Long:

The Department of Health is pleased to award an Emergency Medical Services (EMS) Matching Grant, ID Code M6039, in the amount of $34,241.00, to Leon County Emergency Medical Services. This grant program is funded through the Florida Department of Health, EMS Trust Fund. There are no federal funds involved. The purpose of this grant is to improve and expand EMS by assisting your organization in the purchase of 1,000 Family and Friends CPR Anytime Kits.

The grant begins the date of this letter and ends June 30, 2019. Your required local cash match is $11,414.00, with a total budget of $45,655.00. You are required to report grant activities and purchases to the state pursuant to section 401.113(2)(b), Florida Statutes, and in compliance with the Florida Catalog of State Financial Assistance, number 64.003. The reports are due the third week of October 2018, February 2019, and July 2019.

Your signed grant application affirms you have read, understand and will comply with the conditions and requirements in the "Florida EMS Matching Grant Program Application Packet, December 2008." You may obtain a copy of the grant application packet from your identified contact person.

Thank you for your participation in this state EMS grant program. If you need assistance, please contact the Bureau of Emergency Medical Oversight, EMS Section, Health Services and Facilities Consultant, Alan Van Lewen at (850) 558-9550.

Sincerely,

Doug Woodlief
Interim Division Director
Emergency Preparedness and Community Support

DW/avl

cc: Mac Kemp, Deputy Chief

Florida Department of Health
Division of Emergency Preparedness and Community Support
Bureau of Emergency Medical Oversight
4052 Bald Cypress Way, Bin A-22 • Tallahassee, FL 32399-1722
PHONE: 850/245-4440 • FAX: 850/245-4378
FloridaHealth.gov

PHAB Accredited Health Department
Public Health Accreditation Board

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2017/2018; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 10th day of July, 2018.

LEON COUNTY, FLORIDA

BY: _____
Nick Maddox, Chairman
Board of County Commissioners

ATTEST:
Gwendolyn Marshall, Clerk of the Court and Comptroller
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esq.
County Attorney

FISCAL YEAR 2017/2018
BUDGET AMENDMENT REQUEST

No: BAB18032
Date: 6/18/2018

Agenda Item No:
Agenda Item Date: 7/10/2018

County Administrator
Vincent S. Long

Deputy County Administrator
Alan Rosenzweig

Request Detail:

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
135	185	53400	526	Other Contractual Services	4,254,120	(23,423)	4,230,697
135	950	591127	581	Transfer to Grant Fund	-	23,423	23,423
				Subtotal:		-	

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
127	961059	381135	000	Transfer from EMS Fund	-	12,009	12,009
127	961059	334202	000	EMS Matching Grant (video laryngoscopes)	-	36,026	36,026
				Subtotal:		48,035	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
127	961059	56400	526	Machinery & Equipment	-	48,035	48,035
				Subtotal:		48,035	

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
127	961060	381135	000	Transfer from EMS Fund	-	11,414	11,414
127	961060	334202	000	EMS Matching Grant (CPR Training)	-	34,241	34,241
				Subtotal:		45,655	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
127	961060	54800	526	Promotional Activities	-	45,655	45,655
				Subtotal:		45,655	

Purpose of Request:

This budget amendment appropriates $70,267 in funding from the Florida Department of Health for two Emergency Medical Services matching grants. The grant program requires a 25% local match. The first grant is for the purchase of 20 video laryngoscopes in the amount of $36,026 with a county match of $12,009 for a total of $48,035. The second grant is for CPR training to the public in the amount of $34,241 with a county match of $11,414 for a total of $45,655.

Group/Program Director

Tim Barden, Budget Manager

Scott Ross, Director, Office of Financial Stewardship

Approved By: **Resolution** [x] **Motion** [ ] **Administrator** [ ]

Leon County
Board of County Commissioners

Notes for Agenda Item #12

Leon County Board of County Commissioners

Agenda Item #12

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Resolution of Support for the Honorary Designation of a Portion of U.S. 90/S.R. 10 between Chaires Cross Road and S.R. 59 in Leon County and Jefferson County as "Deputy Christopher Smith Memorial Highway"

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Tony Park, P.E., Director of Public Works
Lead Staff/ Project Team:	Andy Johnson, Assistant to the County Administrator for Legislative and Strategic Initiatives

Statement of Issue:

This agenda item seeks the Board's adoption of a Resolution of support for the honorary designation of a portion of U.S. 90/S.R. 10 between Chaires Cross Road and S.R. 59 in Leon County and Jefferson County as "Deputy Christopher Smith Memorial Highway."

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Adopt the Resolution of support for the honorary designation of a portion of U.S. 90/S.R. 10 between Chaires Cross Road and S.R. 59 in Leon County and Jefferson County as "Deputy Christopher Smith Memorial Highway."

Report and Discussion

Background:

On March 23, 2018, Governor Rick Scott approved Senate Bill 382 (codified in Chapter 2018-161, Laws of Florida) to provide for the honorary designations of certain public roads and highways in specified counties, including Leon County. Included in the Bill is the designation of the portion of U.S. 90/S.R. 10 between Chaires Cross Road and S.R. 59 in Leon County and Jefferson County as "Deputy Christopher Smith Memorial Highway" in honor of a Leon County Sheriff's Deputy who was killed in the line of duty on November 22, 2014. Deputy Smith served with the Leon County Sheriff's Office for almost six years as a dispatcher, corrections officer, and Sheriff's Deputy. He served in law enforcement for almost 26 years during his career.

Analysis:

Section 334.071, F.S., provides for the legislative designations of transportation facilities for honorary or memorial purposes. This designation requires the Florida Department of Transportation to place highway markers at the two termini of the designated road segment. Before the markers honoring Deputy Smith may be erected, Section 334.071(3), Florida Statutes, requires that the Board of County Commissioners adopt a resolution in support of the designation (Attachment #1). When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before installation of the markers. This item recommends the Board's adoption of the required resolution in support of the roadway designation, and staff will coordinate with Jefferson County for the adoption of a similar resolution.

Options:

1. Adopt the Resolution of support (Attachment #1) for the honorary designation of a portion of U.S. 90/S.R. 10 between Chaires Cross Road and S.R. 59 in Leon County and Jefferson County as "Deputy Christopher Smith Memorial Highway."
2. Do not adopt the Resolution of support for the honorary designation of a portion of U.S. 90/S.R. 10 between Chaires Cross Road and S.R. 59 in Leon County and Jefferson County as "Deputy Christopher Smith Memorial Highway."
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. Resolution of support

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, SUPPORTING THE HONORARY DESIGNATION OF A PORTION OF U.S. 90/S.R. 10 BETWEEN CHAIRES CROSS ROAD AND S.R. 59 IN LEON COUNTY AND JEFFERSON COUNTY AS "DEPUTY CHRISTOPHER SMITH MEMORIAL HIGHWAY"; RECOGNIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION AS THE AGENCY RESPONSIBLE FOR THE DESIGN, ERECTION, AND MAINTENANCE OF THE ASSOCIATED HONORARY DESIGNATION MARKERS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Chapter 2018-161, Laws of Florida, provides for the erection of honorary designations of certain transportation facilities in specified counties and directs the Florida Department of Transportation ("FDOT") to erect suitable markers; and

WHEREAS, FDOT has been directed to erect two markers designating the portion of U.S. 90/S.R. 10 between Chaires Cross Road and S.R. 59 in Leon County and Jefferson County as "Deputy Christopher Smith Memorial Highway"; and

WHEREAS, the Roadway is within FDOT's jurisdictional limits, and FDOT will be responsible for the design, erection, and maintenance of the honorary designation markers; and

WHEREAS, Section 334.071(3), Florida Statutes, requires that the appropriate city or county commission pass a resolution in support of any proposed honorary designation markers prior to their erection; and

WHEREAS, the Roadway where the proposed honorary designation will be erected lies within Leon and Jefferson Counties.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

SECTION 1. The foregoing "Whereas" clauses are true and correct and are made part of this Resolution.

SECTION 2. The Board of County Commissioners of Leon County, Florida ("Board"), recognizes FDOT as the agency responsible for the design, erection, and maintenance of the honorary designation markers.

SECTION 3. The Board supports this Resolution.

SECTION 4. SEVERABILITY.

If any portion of this Resolution is determined by any court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Resolution. If any court determines that this Resolution, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

SECTION 5. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this the _____ day of _____ 20_____.

LEON COUNTY, FLORIDA

BY:_____
Nick Maddox, Chairman
Board of County Commissioners

ATTEST:

Gwendolyn Marshall, Clerk of Court and
Comptroller, Leon County, Florida

By:_____

APPROVED AS TO FORM:

Office of the County Attorney
Leon County, Florida

By:_____
Herbert W. A. Thiele
County Attorney

Leon County
Board of County Commissioners

Notes for Agenda Item #13

Leon County Board of County Commissioners

Agenda Item #13

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Replat of Bannerman Crossing – Unit 2 Subdivision

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Tony Park, P.E., Director Public Works Charles Wu, P.E., Director of Engineering Services
Lead Staff/ Project Team:	Joseph D. Coleman, P.S.M., County Surveyor

Statement of Issue:

In accordance with Leon County Code of Laws, this agenda item seeks approval of the replat of the Bannerman Crossing – Unit 2 Subdivision for recording in the Public Record.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the replat of the Bannerman Crossing – Unit 2 Subdivision for recording in the Public Record, contingent upon staff's final review and approval (Attachment #1).

Report and Discussion

Background:

In accordance with Leon County land development regulations, this agenda item seeks Board approval of the replat of the Bannerman Crossing – Unit 2 Subdivision for recording in the Public Record. Bannerman Crossing Replat was approved by the Department of Development Support and Environmental Management on September 2, 2015 (Attachment #2). The approved development is a replat of Bannerman Crossing Lots 1, 2, and 3. This project consists of the reconfiguration of the existing three lots.

As per Chapter 10, Article VII, Division 6 of the Leon County Code of Laws, plats or replats submitted to the Board of County Commissioners for approval must meet all requirements of Chapter 10 and be certified by the County Engineer. Once approved, the original approved replat will be forwarded to the Clerk of Court for recording in the public records.

Analysis:

Bannerman Crossing – Unit 2 is located in Section 22, Township 2 North, Range 1 East, laying southwesterly of Bannerman Road (Attachment #3).

The Subdivision will create two new lots from the existing three lots, one commercial and the other residential. Existing Lots two and three will be combined into a single commercial parcel, with a portion of existing Lot two reconfigured to better serve Lot one which is the residential. The development is a private commercial subdivision and the replat is for the purpose of reconfiguring the lots. All infrastructure within the commercial development are completed in accordance with the approved construction plans.

As of the date of the preparation of this agenda item, the final plat of the Subdivision is still under review by the appropriate departments and agencies. Staff recommends the Board accept the plat and approve the recording upon completion of staff's final review and approval. Should there be a need for any substantive changes to the plat, staff will resubmit the plat for approval at a future Board meeting.

Options:

1. Approve the replat of the Bannerman Crossing – Unit 2 Subdivision for recording in the Public Record, contingent upon staff's final review and approval (Attachment #1).
2. Do not approve the replat of the Bannerman Crossing – Unit 2 Subdivision for recording in the Public Record.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. The Bannerman Crossing – Unit 2 Replat
2. Development Review Letter
3. Location Map

BANNERMAN CROSSING - UNIT 2

A REPLAT OF A LOTS 1, 2, & 3 OF BANNERMAN CROSSING (PLAT BOOK 21, PAGE 68), LYING IN SECTION 22, TOWNSHIP 2 NORTH, RANGE 1 EAST, LEON COUNTY FLORIDA

PLAT BOOK _____,PAGE _____

MooreBass CONSULTING
TALLAHASSEE ATLANTA
805 N. GADSDEN STREET TALLAHASSEE, FL 32303 TELEPHONE (850) 222-5678
CERTIFICATE OF AUTHORIZATION NO. 0000745
www.moorebass.com

GRAPHIC SCALE
0 150 300 600
1 inch = 300 ft.

DEDICATION:
KNOW ALL MEN BY THESE PRESENTS THAT BANNERMAN FOREST, LLC; SUMMIT HOLDINGS VIII, LLC; AND LEON COUNTY A CHARTER COUNTY AND POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, OWNERS IN FEE SIMPLE OF THE LANDS SHOWN HEREON PLATTED AS THE BANNERMAN CROSSING - UNIT 2, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION:
All of Lots 1, 2, and 3 of Bannerman Crossing, a map or plat as recorded in Plat Book 21, page 68 of the public records of Leon County, Florida, lying in Section 22, Township 2 North, Range 1 East, Leon County, Florida, being more particularly described by survey as follows:

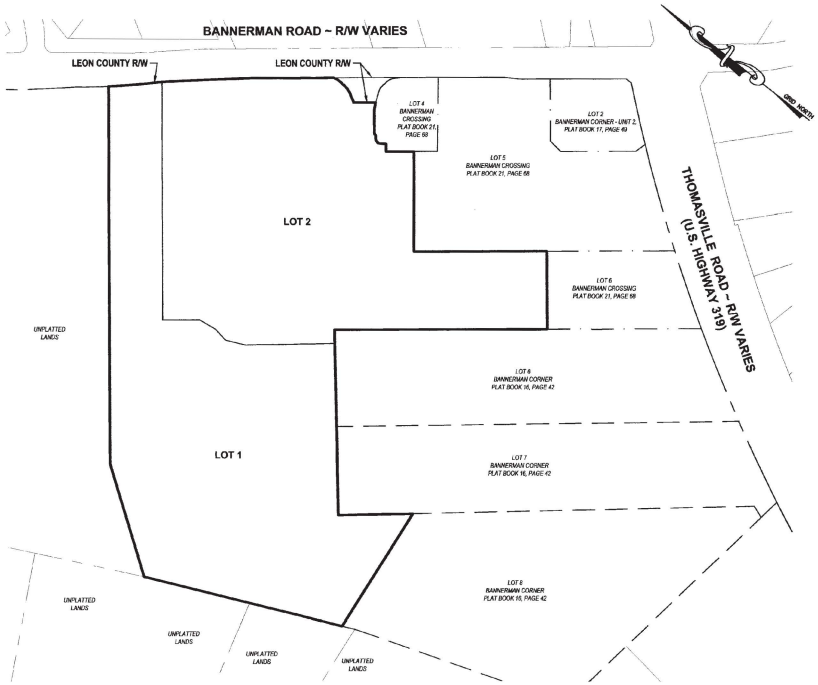
COMMENCE at Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 1 North, Range 1 East, Leon County, Florida; thence S 89° 54' 48" W, 710.55 feet to the centerline of Thomasville Road (U.S. Highway 319) (Variable Width Right-of-Way); thence S 40° 35' 16" W along said centerline, 426.00 feet to a curve to the left, having a radius of 5729.65 feet; thence Southwesterly along said curved centerline through a central angle of 0° 06' 14" for an arc length of 10.39 feet, thence leaving said centerline, N 49° 30' 56" W, 75.00 feet to the Southeast corner of Lot 2 of Bannerman Corner - Unit 2, a map or plat as recorded in Plat Book 17, page 49 of the aforesaid records, and the intersection of the Northwesterly Right-of-Way boundary of said Thomasville Road with the Southwesterly Right-of-Way boundary of Bannerman Road (Variable Width Right-of-Way); thence along the Northeasterly boundary of said Lot 2, the Northeasterly boundaries of Lots 5 and 4 of said Bannerman Crossing (Plat Book 21, page 68), and along said Southwesterly Right-of-Way boundary the following four courses: N 01° 08' 57" E, 23.17 feet; thence N 38° 18' 53" W, 369.23 feet; thence N 30° 45' 05" W, 51.27 feet; thence N 36° 14' 02" W, 587.45 feet to a point lying on the Southerly right of way boundary of Bannerman Road, and the POINT OF BEGINNING. From said POINT OF BEGINNING and leaving said right of way boundary run along a curve concave Westerly having a radius of 68.00 feet through a central angle of 22° 08' 25" for an arc length of 34.01 feet (chord bears: S 03° 16' 19" E 33.80 feet) to a point of reverse curve having a radius of 164.50 feet through a central angle of 04° 42' 15" for an arc length of 8.58 feet (chord bears: S 05° 26' 47" W 8.58 feet) to a point of reverse curve having a radius of 96.00 feet through a central of 27° 08' 35" for an arc length of 41.68 feet (chord bears: S 16° 39' 57" W 41.30 feet); thence S 30° 14' 15" W 28.81 feet, thence S 38° 12' 51" E 76.21 feet, thence S 67° 20' 00" W 12.58 feet to a point of curve concave Northeasterly having a radius of 60.00 feet through a central angle of 15° 32' 51" for an arc length of 16.28 feet (chord bears: S 59° 33' 34" W 16.23 feet); thence S 51° 47' 09" W 79.86 feet, thence S 56° 47' 09" W 7.75 feet, S 51°47'09" W 12.63 feet to a curve concave Northeasterly having a radius of 17.00 feet through a central angle of 90°00'00" for an arc length of 26.70 feet (chord bears: S 96°47'09" W 24.04 feet); thence S 38° 12' 51" E 17.29 feet, thence S 51° 47' 09" W 26.50 feet, thence S 38° 12' 51" E 96.72 feet to a point marking the Northwest corner of Lot 6 Bannerman Crossing (Plat Book 21, page 68); thence Westerly along said boundary S 52° 06' 47" W 344.45 feet to the Southwest corner of said Lot 5, thence along the Southerly boundary of Lot 5 S 38° 13' 38" E 458.70 feet to a point marking the Northwest corner of Lot 6 of Bannerman Crossing (Plat Book 21, page 68); thence along the Westerly boundary of said Lot 6 S 51° 46' 19" W, 270.00 feet to a point lying on the Northerly boundary of Lot 6 Bannerman Corner (Plat Book 16, page 42) thence the following four (4) courses along the Northerly boundary of Bannerman Corner (Plat Book 16, page 42): N 38° 13' 41" W, 732.30 feet; S 50° 50' 12" W, 641.39 feet; thence S 35° 18' 53" E, 255.96 feet; thence S 83° 57' 47" W, 459.67 feet; thence leaving the Northerly boundary of Bannerman Corner (Plat Book 16, page 42) run N 24° 02' 34" W, 704.64 feet; thence N 35° 17' 55" E, 408.61 feet; thence N 51° 43' 13" E, 1303.45 feet to the Southwesterly Right-of-Way boundary of Bannerman Road, said point lying on a curve concave Northerly having a radius of 2048.00 feet through a central angle of 03° 30' 55" for an arc length of 125.66 feet (chord bears: S 42° 27' 47" E 125.64 feet) to a point of reverse curve having a radius of 1952.00 feet through a central angle of 03° 45' 38" for an arc length of 128.12 feet (chord bears: S 42° 20' 26" E 128.09 feet); thence along said Southwesterly Right-of-Way boundary the following two courses: S 40° 27' 36" E, 239.16 feet; thence S 38° 14' 02" E, 285.56 feet to the POINT OF BEGINNING. Containing 40.06 acres; more or less.

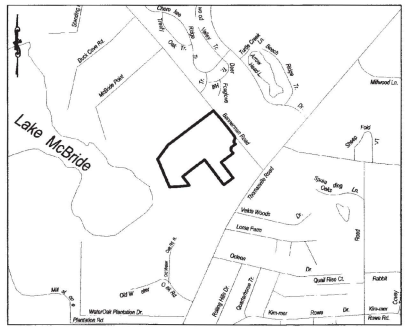
HAS CAUSED SAID LANDS TO BE DIVIDED AND SUBDIVIDED AS SHOWN HEREON AND DO HEREBY DEDICATE THE FOLLOWING:

TO THE PERPETUAL USE OF THE PUBLIC, THE RIGHT-OF-WAY AS DEPICTED HEREON.

TO THE PERPETUAL USE OF THE PUBLIC AND THE OWNERS OF THE LOTS DEPICTED HEREON, THE STORMWATER MANAGEMENT FACILITIES AND DRAINAGE EASEMENTS.

RESERVING, HOWEVER, THE REVERSION OR REVERSIONS THEREOF SHOULD THE SAME BE RENOUNCED, DISCLAIMED, ABANDONED OR THE USE THEREOF DISCONTINUED OR PRESCRIBED BY LAW BY APPROPRIATE OFFICIAL ACTION OF THE PROPER OFFICIALS HAVING CHARGE OR JURISDICTION THEREOF.





VICINITY MAP
NOT TO SCALE

JOINDERS IN DEDICATION		
Name	Date	O.R. / Pg.
TALQUIN ELECTRIC COOPERATIVE		

GENERAL NOTES:
1. DATE OF BOUNDARY SURVEY 2014.12.23.
2. BEARINGS ARE BASED ON STATE PLANE COORDINATES, FLORIDA NORTH ZONE. NAD 83 DATUM.
3. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA.
4. TITLE OPINION LETTER FROM CLAUDE R. WALKER, ESQ., DATED SEPTEMBER 6, 2015.
5. ALL PERMANENT CONTROL POINTS AND PERMANENT CONTROL MONUMENTS ARE MARKED AS SHOWN UNLESS OTHERWISE NOTED ON PLAT.
6. LOTS SHALL NOT BE DIVIDED OR SUBDIVIDED WITHOUT COMPLYING WITH THE PLATTING PROCESS PURSUANT TO CHAPTER 177, FLORIDA STATUTES AND THE LEON COUNTY SUBDIVISION REGULATIONS.
7. THE CONSTRUCTION OF PERMANENT STRUCTURES, EXCLUDING DRIVEWAYS, IS PROHIBITED WITHIN DRAINAGE AND UTILITY EASEMENTS.
8. FIXED IMPROVEMENTS ON THIS PROPERTY HAVE NOT BEEN LOCATED.
9. SECTION 177.091 (28) ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FEDERAL PUBLIC SERVICE COMMISSION.
10. SUBJECT TO AN ACCESS AND PARKING EASEMENT AND MAINTENANCE AGREEMENT AS RECORDED IN O.R. BOOK 3329, PAGE 1346.

STANDARD ABBREVIATIONS:

#000	PROFESSIONAL LAND SURVEY CERTIFICATE
C/L	CENTERLINE
CH	CHORD BEARING AND DISTANCE
C.O.T.	CITY OF TALLAHASSEE
Δ=	DELTA OR CENTRAL ANGLE
E	EAST
FCM	FOUND 4"x4" CONCRETE MONUMENT
FIP	FOUND IRON PIPE (AS LABELED)
FIR	FOUND IRON ROD (AS LABELED)
FIRC	FOUND IRON ROD W/ CAP (AS LABELED)
FNC	FOUND NAIL IN CAP (AS LABELED)
FND	FOUND
FPIP	FOUND PINCHED IRON PIPE (AS LABELED)
GPS	GLOBAL POSITIONING SYSTEM
H.O.A.	PRESERVE AT BUCK LAKE OWNERS ASSOCIATION, INC.
I.D.	IDENTIFICATION
L=	ARC LENGTH
N	NORTH
O.R.B./P.G.	OFFICIAL RECORDS BOOK AND PAGE
P.B./P.G.	PLAT BOOK AND PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PCP	PERMANENT CONTROL POINT
PRM	PERMANENT REFERENCE MONUMENT
R=	RANGE
R=	RADIUS
R/W	RIGHT-OF-WAY
S	SOUTH
SCM	SET 4"x4" CONCRETE MONUMENT LB#7245
SEC.	SECTION
SIRC	SET 1/2" IRON ROD W/ CAP LB#7245
SNC	SET NAIL IN 1" CAP LB#7245
SWMF	STORMWATER MANAGEMENT FACILITY
T=	TOWNSHIP
W	WEST
°	DEGREES
'	MINUTES/FEET
"	SECONDS/INCHES

MONUMENT LEGEND:
- PRM (LB #7245): ALL PERMANENT REFERENCE MONUMENTS ARE MARKED WITH A 4"x4" CONCRETE MONUMENT HAVING A METAL CAP AS SHOWN, UNLESS NOTED OTHERWISE.
- PCP (LB #7245): ALL PERMANENT CONTROL POINTS ARE MARKED WITH A NAIL HAVING A METAL CAP AS SHOWN, UNLESS NOTED OTHERWISE.
- TIP #7245 M.B.C.: ALL INTERIOR CORNERS ARE MARKED WITH A 1/2" IRON ROD HAVING A PLASTIC CAP AS SHOWN, UNLESS NOTED OTHERWISE.

SYMBOL LEGEND:
- ▲ FOUND NAIL AND CAP AS LABELED
- ○ FOUND 1/2" IRON ROD W/CAP (#7245) UNLESS LABELED OTHERWISE
- ⊡ FOUND 4X4 CONCRETE MONUMENT (PRM) (#7245) (UNLESS LABELED OTHERWISE)
- ■ SET PRM (PERMANENT REFERENCE MONUMENT): 4"x4" CONCRETE MONUMENT (#7245) (UNLESS LABELED OTHERWISE)
- ▲ SET PCP (PERMANENT CONTROL POINT): NAIL & CAP (#7245)
- ● SET ½" IRON ROD W/CAP (#7245)

NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

SUMMIT HOLDINGS VIII, LLC
a Florida limited liability corporation

By: Tierra Vista Group, LLC,
a Florida limited liability company,
its Manager

By:_____
Claude R, Walker, its Manager

_____ WITNESS

_____ WITNESS

ACKNOWLEDGMENT:
STATE OF FLORIDA
COUNTY OF LEON

BEFORE ME THIS DAY, PERSONALLY APPEARED CLAUDE R. WALKER, AND HAS ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING DEDICATION FREELY AND VOLUNTARILY FOR THE PURPOSES THEREIN STATED, THIS _____ DAY OF _____, 2018, A.D. HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION AND DID (DID NOT) TAKE AN OATH.

_____ _____
NOTARY PUBLIC, STATE OF FLORIDA

_____
MY COMMISSION EXPIRES

BANNERMAN CROSSINGS II, LLC
a Florida limited liability corporation

By: Tierra Vista Group, LLC,
a Florida limited liability company,
its Manager

By:_____
Claude R, Walker, its Manager

_____ WITNESS

_____ WITNESS

ACKNOWLEDGMENT:
STATE OF FLORIDA
COUNTY OF LEON

BEFORE ME THIS DAY, PERSONALLY APPEARED CLAUDE R. WALKER, AND HAS ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING DEDICATION FREELY AND VOLUNTARILY FOR THE PURPOSES THEREIN STATED, THIS _____ DAY OF _____, 2018, A.D. HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION AND DID (DID NOT) TAKE AN OATH.

_____ _____
NOTARY PUBLIC, STATE OF FLORIDA

_____
MY COMMISSION EXPIRES

COUNTY COMMISSION:
APPROVED AND JOINED IN BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA THIS ___ DAY OF _____, 2018.

_____
CHAIRMAN

_____
COUNTY ATTORNEY

_____
COUNTY ENGINEER

SITE PLAN REVIEW APPROVAL:
THIS PLAT CONFORMS TO THE SITE PLAN APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA THIS _____ DAY OF _____, 2018 A.D.

_____
LEON COUNTY DEVELOPMENT SUPPORT AND ENVIRONMENTAL SERVICES

CLERK OF THE CIRCUIT COURT:
ACCEPTED FOR THE FILES AND RECORDED THIS ____ DAY OF , 2018, IN PLAT BOOK _____, PAGE _____ OF THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA.

BY:_____
CLERK OF THE CIRCUIT COURT, LEON COUNTY, FLORIDA (SEAL)

PLAT REVIEW APPROVAL:
PLAT REVIEWED FOR COMPLIANCE WITH CHAPTER 177 (PART 1) OF THE FLORIDA STATUTES.
THIS _____ DAY OF _____, 2018 A.D.

_____
JOSEPH D. COLEMAN, P.S.M.
PROFESSIONAL SURVEYOR FLORIDA CERTIFICATE #5590

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION, IS A CORRECT REPRESENTATION OF THE LAND SURVEYED, THAT THE PERMANENT REFERENCE MONUMENTS AND PERMANENT CONTROL POINTS HAVE BEEN SET AND THAT THE SURVEY DATA AND MONUMENTATION COMPLIES WITH BOTH CHAPTER 177, PART 1,PLATTING, OF THE FLORIDA STATUTES AND WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA (F.A.C. 5J-17).

_____
LARRY D. DAVIS
REGISTERED FLORIDA SURVEYOR NO. 5254
MOORE BASS CONSULTING 805 NORTH GADSDEN STREET
TALLAHASSEE, FLORIDA 32303 LICENSED BUSINESS NO.7245

SHEET 1/2

© Moore Bass Consulting

Moore Bass CONSULTING
TALLAHASSEE ATLANTA
1409 TH 805 N. GADSDEN STREET TALLAHASSEE, FL 32303 TELEPHONE (850) 222-5678
CERTIFICATE OF AUTHORIZATION NO. 00001245
www.moorebass.com

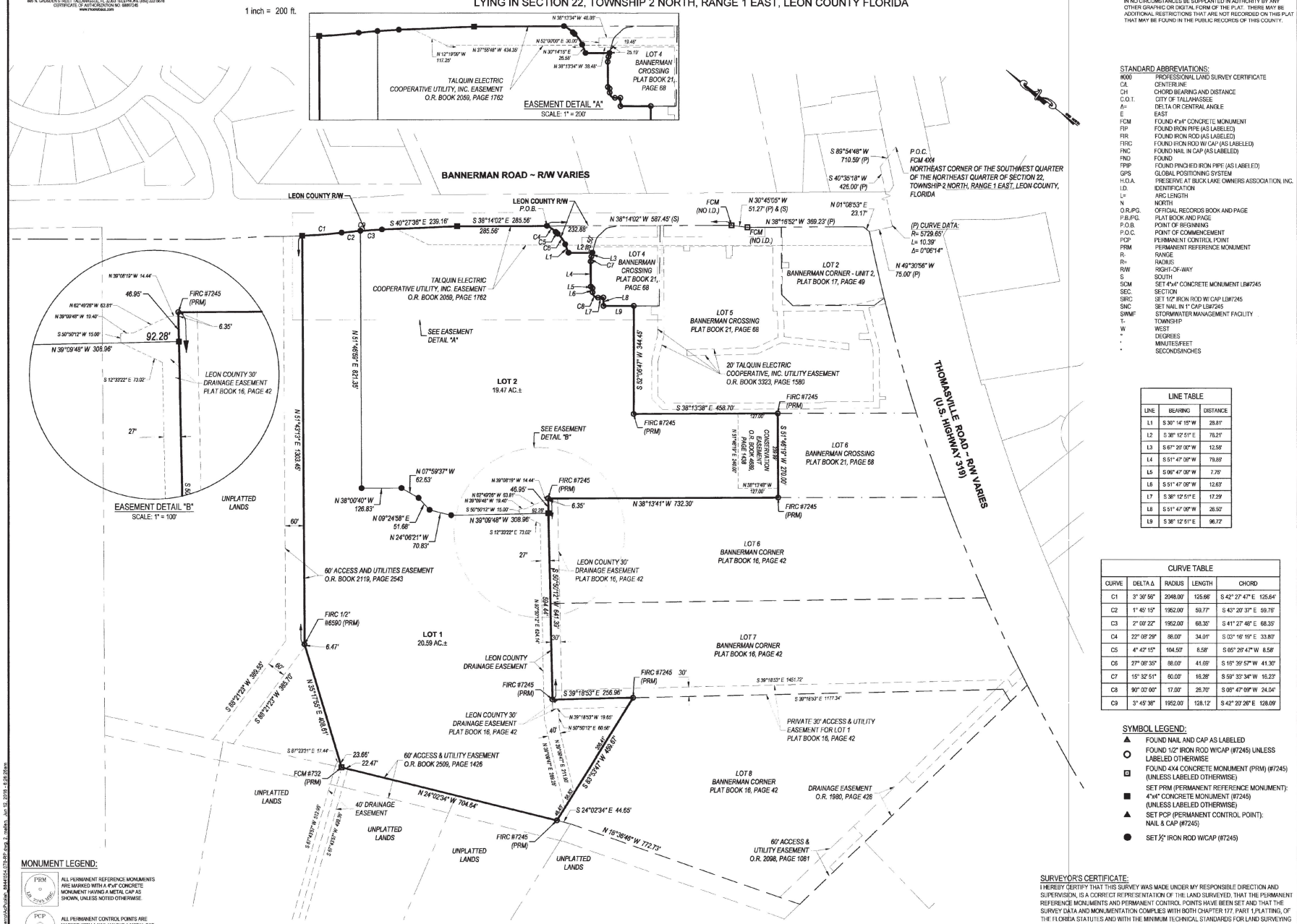
BANNERMAN CROSSING - UNIT 2

A REPLAT OF A LOTS 1, 2, & 3 OF BANNERMAN CROSSING (PLAT BOOK 21, PAGE 68),
LYING IN SECTION 22, TOWNSHIP 2 NORTH, RANGE 1 EAST, LEON COUNTY FLORIDA

PLAT BOOK _____,PAGE _____

GRAPHIC SCALE
0 100 200 400
1 inch = 200 ft.

NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.



STANDARD ABBREVIATIONS:

#000	PROFESSIONAL LAND SURVEY CERTIFICATE
CL	CENTERLINE
CH	CHORD BEARING AND DISTANCE
C.O.T.	CITY OF TALLAHASSEE
Δ=	DELTA OR CENTRAL ANGLE
E	EAST
FCM	FOUND 4"x4" CONCRETE MONUMENT
FIP	FOUND IRON PIPE (AS LABELED)
FIR	FOUND IRON ROD (AS LABELED)
FIRC	FOUND IRON ROD W/ CAP (AS LABELED)
FNC	FOUND NAIL IN CAP (AS LABELED)
FND	FOUND
FPIP	FOUND PINCHED IRON PIPE (AS LABELED)
GPS	GLOBAL POSITIONING SYSTEM
H.O.A.	PRESERVE AT BUCK LAKE OWNERS ASSOCIATION, INC.
I.D.	IDENTIFICATION
L=	ARC LENGTH
N	NORTH
O.R./P.G.	OFFICIAL RECORDS BOOK AND PAGE
P.B./P.G.	PLAT BOOK AND PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PCP	PERMANENT CONTROL POINT
PRM	PERMANENT REFERENCE MONUMENT
R=	RANGE
R=	RADIUS
R/W	RIGHT-OF-WAY
S	SOUTH
SCM	SET 4"x4" CONCRETE MONUMENT LB#7245
SEC.	SECTION
SIRC	SET 1/2" IRON ROD W/ CAP LB#7245
SNC	SET NAIL IN 1" CAP LB#7245
SWMF	STORMWATER MANAGEMENT FACILITY
T=	TOWNSHIP
W	WEST
°	DEGREES
'	MINUTES/FEET
"	SECONDS/INCHES

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 39° 14' 15" W	28.81'
L2	S 38° 12' 51" E	78.21'
L3	S 67° 29' 00" W	12.58'
L4	S 51° 47' 09" W	79.88'
L5	S 06° 47' 09" W	7.76'
L6	S 51° 47' 09" W	12.63'
L7	S 38° 12' 51" E	17.29'
L8	S 51° 47' 09" W	26.52'
L9	S 38° 12' 51" E	96.72'

CURVE TABLE				
CURVE	DELTA Δ	RADIUS	LENGTH	CHORD
C1	3° 36' 56"	2048.00'	129.66'	S 42° 27' 47" E 129.64'
C2	1° 45' 15"	1952.00'	59.77'	S 43° 29' 37" E 59.76'
C3	2° 09' 22"	1952.00'	68.35'	S 41° 27' 46" E 68.35'
C4	22° 08' 29"	88.00'	34.01'	S 03° 16' 15" E 33.80'
C5	4° 47' 15"	104.50'	8.58'	S 05° 29' 47" W 8.58'
C6	27° 06' 35"	88.00'	41.69'	S 16° 39' 57" W 41.30'
C7	15° 32' 51"	60.00'	16.28'	S 59° 33' 34" W 16.23'
C8	90° 00' 00"	17.00'	26.70'	S 06° 47' 09" W 24.04'
C9	3° 45' 36"	1952.00'	128.12'	S 42° 20' 26" E 128.09'

SYMBOL LEGEND:

- ▲ FOUND NAIL AND CAP AS LABELED
- ○ FOUND 1/2" IRON ROD W/CAP (#7245) UNLESS LABELED OTHERWISE
- ⊡ FOUND 4X4 CONCRETE MONUMENT (PRM) (#7245) (UNLESS LABELED OTHERWISE)
- ■ SET PRM (PERMANENT REFERENCE MONUMENT): 4"x4" CONCRETE MONUMENT (#7245) (UNLESS LABELED OTHERWISE)
- ▲ SET POP (PERMANENT CONTROL POINT): NAIL & CAP (#7245)
- ● SET ½" IRON ROD W/CAP (#7245)

MONUMENT LEGEND:

PRM — ALL PERMANENT REFERENCE MONUMENTS ARE MARKED WITH A 4"x4" CONCRETE MONUMENT HAVING A METAL CAP AS SHOWN, UNLESS NOTED OTHERWISE.

PCP — ALL PERMANENT CONTROL POINTS ARE MARKED WITH A NAIL HAVING A METAL CAP AS SHOWN, UNLESS NOTED OTHERWISE.

LB #7245 — ALL INTERIOR CORNERS ARE MARKED WITH A 1/2" IRON ROD HAVING A PLASTIC CAP AS SHOWN, UNLESS NOTED OTHERWISE.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION, IS A CORRECT REPRESENTATION OF THE LAND SURVEYED, THAT THE PERMANENT REFERENCE MONUMENTS AND PERMANENT CONTROL POINTS HAVE BEEN SET AND THAT THE SURVEY DATA AND MONUMENTATION COMPLIES WITH BOTH CHAPTER 177, PART 1,PLATTING, OF THE FLORIDA STATUTES AND WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA (F.A.C. 5J-17).

LARRY D. DAVIS
REGISTERED FLORIDA SURVEYOR NO. 5254
MOORE BASS CONSULTING 805 NORTH GADSDEN STREET
TALLAHASSEE, FLORIDA 32303 LICENSED BUSINESS NO.7245

SHEET 2/2

© Moore Bass Consulting

C:\Users\ajohnson\appdata\local\temp\AcPublish_8644\554.070-RP.dwg 2, mallen, Jun 12, 2018 - 8:26:28am
554.070-RP.dwg

Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountyfl.gov

Commissioners

JOHN E. DAILEY
District 3
Chairman

NICK MADDOX
At-Large
Vice Chairman

BILL PROCTOR
District 1

JIMBO JACKSON
District 2

BRYAN DESLOGE
District 4

KRISTIN DOZIER
District 5

MARY ANN LINDLEY
At-Large

VINCENT S. LONG
County Administrator

HERBERT W.A. THIELE
County Attorney

DEVELOPMENT SUPPORT
& ENVIRONMENTAL MANAGEMENT
DEVELOPMENT SERVICES
435 N. Macomb Street
Renaissance Center 2nd Floor
Tallahassee, FL 32301

January 16, 2018

Bannerman Crossing III, LLC
Attn: Keith Dantin, P.E.
2073 Summit Lake Dr., Suite 155
Tallahassee, FL 32317

RE: Bannerman Crossing Southside Commercial
3rd Minor Modification Approval, Type "B" Approved Site Plan
Leon County Site Plan Project # LSP140032
Parcel Identification Numbers: 14-15-20-624-000-0, 14-22-20-209-007-0
14-22-28-000-001-0, 14-22-28-000-002-0, 14-22-28-000-003-0

Dear Mr. Dantin:

Leon County Department of Development Support and Environmental Management has approved your request for a Minor Modification to the approved Bannerman Crossing South Side Commercial Type "B" Site and Development Plan pursuant to Section 10-7.411 of the Leon County Land Development Code – *Modifications to Approved Subdivisions or Site and Development Plans*. Approved revisions to the site and development plan are as follows:

The minor modification proposes to make a minor adjustment to the property boundary at the southwest corner of the commercial parcel to accommodate the anticipated Bannerman Residential Project. The approved commercial parcel was 20.74 acres, subsequent to the minor modification approval; the commercial parcel will be 19.47 acres.

This minor modification approval does not provide an exemption from other applicable County final permitting requirements. This approval shall expire if substantial and observable development has not begun within three years of the date of approval, or if substantial and observable development ceases for a period of three years before the project is complete and certificates of occupancy have been issued.

Sincerely,

Weldon Richardson, Senior Planner
Development Services Division

cc: Ryan Culpepper, Development Services Director
Scott Brockmeier, Development Services Administrator
Nawfal Ezzagaghi, P.E., Environmental Services Supervisor
Kimberly Wood, P.E., Chief of Engineering Coordination
Project File: LSP140032

Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountyfl.gov

DEVELOPMENT SUPPORT
& ENVIRONMENTAL MANAGEMENT
DEVELOPMENT SERVICES
435 N. Macomb Street
Renaissance Center 2nd Floor
Tallahassee, FL 32301

Commissioners

BILL PROCTOR
District 1

JANE G. SAULS
District 2

JOHN DAILEY
District 3

BRYAN DESLOGE
District 4

KRISTIN DOZIER
District 5

MARY ANN LINDLEY
At-Large

NICK MADDOX
At-Large

VINCENT S. LONG
County Administrator

HERBERT W.A. THIELE
County Attorney

June 13, 2016

Summit Holdings VIII, LLC
Attn: Keith Dantin, P.E.
2073 Summit Lake Dr., Suite 155
Tallahassee, FL 32317

RE: Bannerman Crossing Southside Commercial
Minor Modification Approval, Type "B" Approved Site Plan
Leon County Site Plan Project # LSP140032
Parcel Identification Numbers: 14-15-20-624-000-0, 14-22-20-209-007-0
14-22-28-000-001-0, 14-22-28-000-002-0, 14-22-28-000-003-0

Dear Mr. Dantin:

Leon County Department of Development Support and Environmental Management have approved your request for a Minor Modification to the Bannerman Crossing Southside Commercial approved Type "B" Site and Development Plan. Approved revisions to the site and development plan are as follows:

- Due to the existing overhead power lines, shrub types and spacing changes to the front buffer along Bannerman Road were required.
- Additional Crepe Myrtles and two (2) Sylvester Palms were added along the North-South and West-East axis of the development. Additionally, one (1) Japanese maple was added to the courtyard.
- One (1) Sylvester Palm was included in the small internal roundabout.
- Due to the location of a Talquin Electric Cooperative, Inc., underground water main, five (5) Tulip populars have been re-located from the Northeast side of building "G" to behind the guardrail on the Southeast side of building "G."

This landscaping plan minor modification approval does not provide an exemption from other applicable County final permitting requirements. This approval shall expire if substantial and observable development has not begun within three years of the date of approval, or if substantial and observable development ceases for a period of three years before the project is complete and certificates of occupancy have been issued.

Sincerely,

Weldon Richardson, Senior Planner
Development Services Division

Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountyfl.gov

Commissioners

BILL PROCTOR
District 1

JANE G. SAULS
District 2

JOHN DAILEY
District 3

BRYAN DESLOGE
District 4

KRISTIN DOZIER
District 5

MARY ANN LINDLEY
At-Large

NICK MADDOX
At-Large

VINCENT S. LONG
County Administrator

HERBERT W.A. THIELE
County Attorney

Department of Development Support &
Environmental Management
Development Services Division
Renaissance Center, 2nd Floor
435 North Macomb Street
Tallahassee, Florida 32301-1019
Phone (850) 606-1300

September 8, 2015

Moore Bass Consulting, Inc.
Agent: Ben Hood, PE
805 North Gadsden Street
Tallahassee, Florida 32303

RE: Bannerman Crossing South Side Commercial
Type "B" Site and Development Plan
Leon County Project ID No.: LSP140032
Tax Parcel Identification Number(s): 14-15-20-624-000-0, 14-22-20-209-007-0, 14-22-28-000-001-0, 14-22-28-000-002-0, 14-22-28-000-003-0

Dear Mr. Hood:

We have completed the review process for the above Type "B" site and development plan application in accordance with the applicable requirements outlined in Article VII, Division 4 of the Land Development Code and the executed Development Agreement between Leon County and the property owner (Official Record Book 4822, Page 288). On January 7, 2015, the Development Review Committee (DRC) approved the Type "B" application, subject to conditions. The DRC conditions of approval were outlined in the Development Services staff report (and attachments) dated January 7, 2015. Follow-up revised site plans have addressed all remaining conditions of approval.

At their December 17th meeting, the DRC granted a Deviation from Development Standards consistent with the criteria in Section 10-1.106 of the Land Development Code (LDC). The Deviation allows non-residential buildings in some instances to exceed the thirty foot building height limitation applicable to the Bradfordville Scenic Overlay District [Section 10-6.678(c)(1)]. Additionally, the applicant received a favorable vote from the Parking Standards Committee for an additional 134 parking spaces over the maximum number of parking spaces. Consistent with Section 10-7.545 of the LDC, the excess parking will be of a pervious material approved by the Leon County Public Works Department.

After receiving conditional approval from the DRC for the proposed development, the applicant submitted a deviation request from the BC-1 Lighting Standards. Pursuant to Section 10-6.673(13)(b) and (c) of the LDC, *"Lighting for off-street walkways shall be spaced no more than 30 feet apart, and shall not exceed 10 feet in height. Parking lighting shall be spaced no more than 50 feet apart, and shall not exceed 20 feet in height."*

On July 7, 2015, the Director of Development Services approved the request, as the proposed deviation will not have any adverse impact to the general health, safety or welfare of the public. The revised lighting standard reduced the number of on-site lights from 217 to 138. The new on-site light spacing is as follows:

- Vehicular/Parking Area Spacing: 50 feet minimum to 100 feet maximum; and
- Pedestrian Area Lighting Spacing: 20 feet minimum to 80 feet maximum.

The lighting plan included in the approved plan set for the proposed properties has been revised and is consistent with all applicable regulations and the approved deviation. An approved set of the site and development plans and associated architectural renderings has been uploaded to Project Dox and is in the "Approved Document" folder.

This approval was based on the information presented at the DRC meeting, and is intended to meet the procedural requirements of the Leon County Code of Laws. As such, it does not waive any other applicable local, state, or federal regulations.

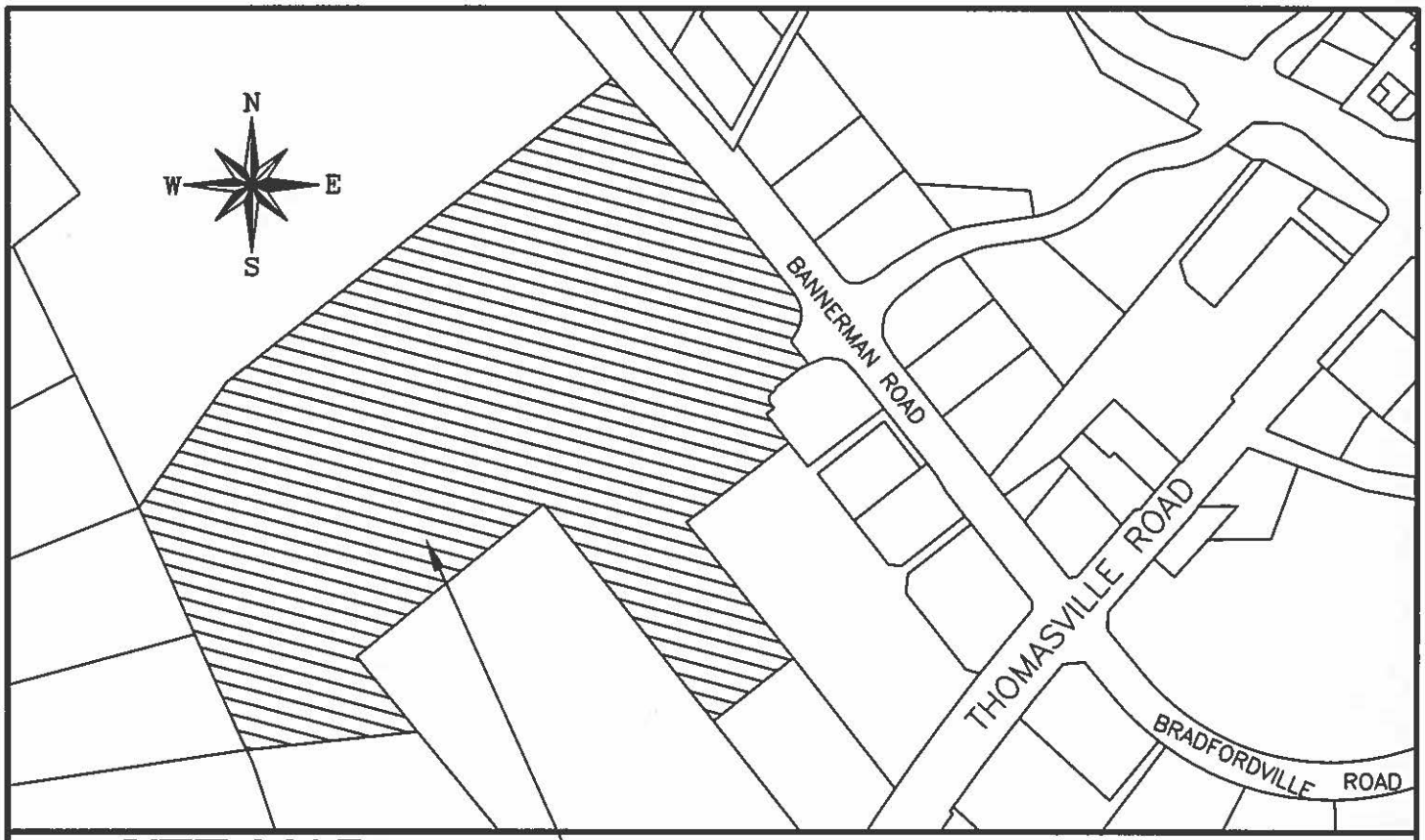
If you have any questions, please do not hesitate to contact Weldon Richardson of our office at (850) 606-1300 or send email to "richardsonwe@leoncountyfl.gov."

Sincerely,

DAVID R MCDEVITT III

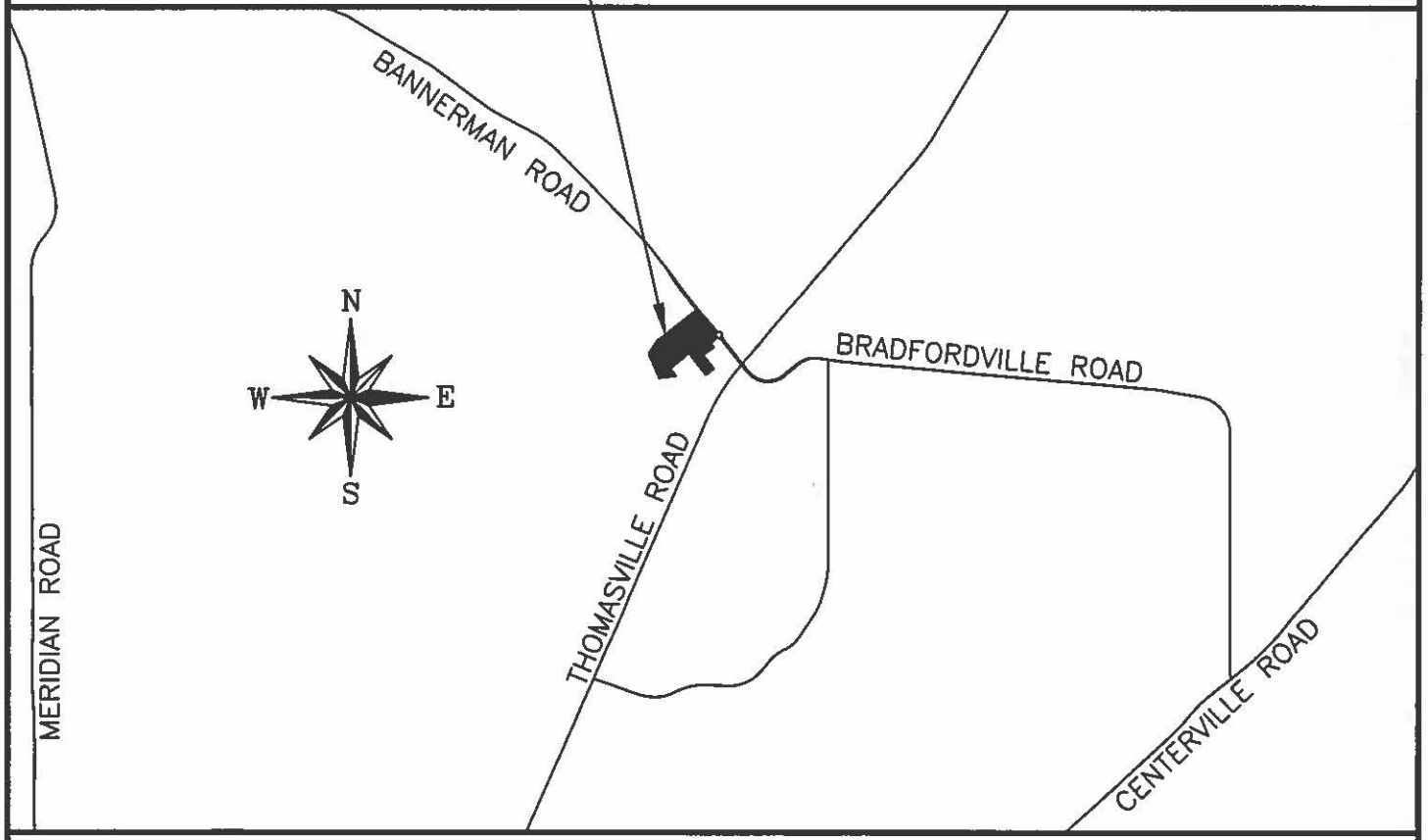
David McDevitt, Development Support & Environmental Management Director
Chairman, Development Review Committee

cc: Project Dox LSP140032 – Upload to project for e-distribution
Bannerman Crossing III, LLC, 2073 Summit Lake Drive – Suite 155, Tallahassee, FL 32317



SITE MAP
SCALE 1" = 500'

BANNERMAN CROSSING, UNIT 2



LOCATION MAP
SCALE 1" = 5000'

Leon County
Board of County Commissioners

Notes for Agenda Item #14

Leon County Board of County Commissioners

Agenda Item #14

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: FY 2017 United States Environmental Protection Agency "Water and You, Clean Water Campaign" Grant

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Tony Park, P.E., Director of Public Works Charles Wu, P. E., Director of Engineering Services
Lead Staff/ Project Team:	Theresa B. Heiker, P.E., Stormwater Management Coordinator

Statement of Issue:

This agenda item seeks Board acceptance of the FY 2017 United States Environmental Protection Agency (USEPA) Clean Water Act 2017 319(h) Grant in the amount of $60,000 for the "Water & You, Clean Water Campaign" project. This four-year Campaign will focus on public education regarding the impacts of urban fertilizer and septic tanks in the unincorporated area of Leon County. The Florida Department of Environmental Protection will serve as the pass-through entity for this federal funding.

Fiscal Impact:

This item is associated with a grant. The $60,000 in grant funds requires a $40,000 local match. The local match will be provided through the existing Engineering Services operating budget, including in-kind services for educational workshops.

Staff Recommendation:

Option #1: Accept the United States Environmental Protection Agency Section 319(h) Grant in the amount of $60,000 for the "Water and You, Clean Water Campaign" Project (Attachment #1), and authorize the County Administrator to execute the grant agreement.

Option #2: Approve the Resolution and associated Budget Amendment Request (Attachment #2).

Report and Discussion

Background:

This agenda item seeks Board acceptance of the FY 2017 United States Environmental Protection Agency (USEPA) Clean Water Act 319(h) Grant in the amount of $60,000 for the "Water and You, Clean Water Campaign" (Attachment #1).

On March 14, 2017 County staff submitted an application for a USEPA Section 319(h) Education Grant to inform residents of the unincorporated area of the impacts of urban fertilizer and septic tanks on the County's waterbodies. Staff received notice of the four-year grant award on October 17, 2017.

Analysis:

The Upper Wakulla River and Wakulla Springs Basin Management Action Plan (BMAP) identified urban fertilizer and septic tanks as two main issues of nonpoint source pollution within the Leon County jurisdiction. This grant provides an opportunity to educate residents of the unincorporated area about the effects of these sources on waterbodies in Leon County, as well as the Wakulla Springs system.

The "Water & You, Clean Water Campaign" will educate residents on the importance of septic system maintenance and upgrades using annual workshops, brochures and public service announcements, as well as a traveling exhibit. The traveling exhibit will visit approximately ten locations around the County each year for the next four years, including events such as the Tallahassee Science Festival and Green Drinks Sustainable Tallahassee. The information currently shared by the UF-IFAS Leon County Extension Office to promote the use of low-impact development techniques such as rain gardens will also be distributed.

The overall effectiveness of the Program will be evaluated based on the number of brochures distributed, attendance at the annual workshops and the number of social media hits and shares. In addition, a comparison will be made between a baseline survey and a follow-up survey at local community centers and libraries. The program will be coordinated with staff from the Office of Sustainability, Community and Media Relations, the Extension Office and the City of Tallahassee TAPP Program.

The Florida Department of Environmental Protection will serve as the pass-through entity for this federal funding. The grant requires a $40,000 local match, which can be provided within the existing Engineering Services operating budget, to include in-kind services for educational workshops. Staff has prepared a Resolution and Budget Amendment Request in the amount of $60,000 for the Board's approval (Attachment #2).

Options:

1. Accept the United States Environmental Protection Agency Section 319(h) Grant in the amount of $60,000 for the "Water and You, Clean Water Campaign" Project (Attachment #1), and authorize the County Administrator to execute the grant agreement.
2. Approve the Resolution and associated Budget Amendment Request (Attachment #2).
3. Do not accept the United States Environmental Protection Agency Section 319(h) Grant for the "Water and You, Clean Water Campaign" Project.
4. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. Florida Department of Environmental Protection and Leon County Grant Agreement
2. Resolution and associated Budget Amendment Request

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Standard Grant Agreement

This Agreement is entered into between the Parties named below, pursuant to Section 215.971, Florida Statutes:

1. Project Title (Project): **Water & You, Clean Water Campaign**
Agreement Number: **NF029**

2. Parties: **State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000** (Department)
Grantee Name: **Leon County Board of County Commissioners** Entity Type: **Local Government**
Grantee Address: **301 S. Monroe Street, 5th Floor, Tallahassee, Florida 32301** FEID: **59-6000708** (Grantee)

3. Agreement Begin Date: **Upon Execution**
Date of Expiration: **November 30, 2021**

4. Project Number: *(If different from Agreement Number)*
Project Location(s): **Leon County, Florida**
Project Description: **The Water & You, Clean Water Campaign will expand nonpoint source pollution reduction education to the unincorporated areas of the Leon County.**

5. Total Amount of Funding: **$60,000.00**

Funding Source?	Award #s or Line Item Appropriations:	Amount per Source(s):
☐ State ☑ Federal	**C9-99451517-0 (31917)**	**$60,000.00**
☐ State ☐ Federal		
☑ Grantee Match		**$40,000.00**
	Total Amount of Funding + Grantee Match, if any:	**$100,000.00**

6. Department's Grant Manager
Name: **Michael Barr** or successor
Address: **3900 Commonwealth Blvd., MS 3570**, **Tallahassee, Florida 32399-3000**
Phone: **850-245-2947**
Email: **Michael.Barr@dep.state.fl.us**

Grantee's Grant Manager
Name: **Theresa Heiker** or successor
Address: **2280 Miccosukee Road**, **Tallahassee, Florida 32308**
Phone: **850-606-1526**
Email: **HeikerT@LeonCountyFL.gov**

7. The Parties agree to comply with the terms and conditions of the following attachments and exhibits which are hereby incorporated by reference:

☑ Attachment 1: Standard Terms and Conditions Applicable to All Grants Agreements
☑ Attachment 2: Special Terms and Conditions
☑ Attachment 3: Grant Work Plan
☑ Attachment 4: Public Records Requirements
☑ Attachment 5: Special Audit Requirements
☐ Attachment 6: Program-Specific Requirements
☑ Attachment 7: 31917 Grant Award Terms (Federal) *Copy available at https://facts.fldfs.com, in accordance with §215.985, F.S.
☑ Attachment 8: Federal Regulations and Terms (Federal)
☐ Additional Attachments (if necessary):
☑ Exhibit A: Progress Report Form
☐ Exhibit B: Property Reporting Form
☑ Exhibit C: Payment Request Summary Form
☐ Exhibit D: Quality Assurance Requirements for Grants
☐ Exhibit E: Advance Payment Terms and Interest Earned Memo
☐ Additional Exhibits (if necessary):

8. The following information applies to Federal Grants only and is identified in accordance with 2 CFR 200.331(a)(1):

Federal Award Identification Number(s) (FAIN):	**C9-99451517-0**
Federal Award Date to Department:	**8/30/17**
Total Federal Funds Obligated by this Agreement:	**$60,000.00**
Federal Awarding Agency:	**U.S. Environmental Protection Agency**
Award R&D?	☐ Yes ☑N/A

IN WITNESS WHEREOF, this Agreement shall be effective on the date indicated by the Agreement Begin Date above or the last date signed below, whichever is later.

Leon County Board of County Commissioners **GRANTEE**

Grantee Name

By _____

(*Authorized Signature)* Date Signed

Vincent S. Long, County Administrator

Print Name and Title of Person Signing

State of Florida Department of Environmental Protection **DEPARTMENT**

By _____

Secretary or Designee Date Signed

Print Name and Title of Person Signing

☑ Additional signatures attached on separate page.

DWRA Additional Signatures

_____
DEP Grant Manager

_____
DEP QC Reviewer

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STANDARD TERMS AND CONDITIONS
APPLICABLE TO GRANT AGREEMENTS

ATTACHMENT 1

1. Entire Agreement.

This Grant Agreement, including any Attachments and Exhibits referred to herein and/or attached hereto (Agreement), constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior agreements, whether written or oral, with respect to such subject matter. Any terms and conditions included on Grantee's forms or invoices shall be null and void.

2. Grant Administration.

a. Order of Precedence. If there are conflicting provisions among the documents that make up the Agreement, the order of precedence for interpretation the Agreement is as follows:
   i. Standard Grant Agreement
   ii. Attachments other than Attachment 1, in numerical order as designated in the Standard Grant Agreement
   iii. Attachment 1, Standard Terms and Conditions
   iv. The Exhibits in the order designated in the Standard Grant Agreement

b. All approvals, written or verbal, and other written communication among the parties, including all notices, shall be obtained by or sent to the parties' Grant Managers. All written communication shall be by electronic mail, U.S. Mail, a courier delivery service, or delivered in person. Notices shall be considered delivered when reflected by an electronic mail read receipt, a courier service delivery receipt, other mail service delivery receipt, or when receipt is acknowledged by recipient. If the notice is delivered in multiple ways, the notice will be considered delivered at the earliest delivery time.

c. If a different Grant Manager is designated by either party after execution of this Agreement, notice of the name and contact information of the new Grant Manager will be submitted in writing to the other party and maintained in the respective parties' records. A change of Grant Manager does not require a formal amendment or change order to the Agreement.

d. This Agreement may be amended, through a formal amendment or a change order, only by a written agreement between both parties. A formal amendment to this Agreement is required for changes which cause any of the following: (1) an increase or decrease in the Agreement funding amount; (2) a change in Grantee's match requirements; (3) a change in the expiration date of the Agreement; and/or (4) changes to the cumulative amount of funding transfers between approved budget categories, as defined in Attachment 3, Grant Work Plan, that exceeds or is expected to exceed twenty percent (20%) of the total budget as last approved by Department. A change order to this Agreement may be used when: (1) task timelines within the current authorized Agreement period change; (2) the cumulative transfer of funds between approved budget categories, as defined in Attachment 3, Grant Work Plan, are less than twenty percent (20%) of the total budget as last approved by Department; and/or (3) fund transfers between budget categories for the purposes of meeting match requirements. This Agreement may be amended to provide for additional services if additional funding is made available by the Legislature.

e. All days in this Agreement are calendar days unless otherwise specified.

3. Agreement Duration.

The term of the Agreement shall begin and end on the dates indicated in the Standard Grant Agreement, unless extended or terminated earlier in accordance with the applicable terms and conditions. The Grantee shall be eligible for reimbursement for work performed on or after the date of execution through the expiration date of this Agreement, unless otherwise specified in Attachment 2, Special Terms and Conditions. However, work performed prior to the execution of this Agreement may be reimbursable or used for match purposes if permitted by the Special Terms and Conditions.

4. Deliverables.

The Grantee agrees to render the services or other units of deliverables as set forth in Attachment 3, Grant Work Plan. The services or other units of deliverables shall be delivered in accordance with the schedule and at the pricing outlined in the Grant Work Plan. Deliverables may be comprised of activities that must be completed prior to Department making payment on that deliverable. The Grantee agrees to perform in accordance with the terms and conditions set forth in this Agreement and all attachments and exhibits incorporated by the Standard Grant Agreement.

5. Performance Measures.

The Grantee warrants that: (1) the services will be performed by qualified personnel; (2) the services will be of the kind and quality described in the Grant Work Plan; (3) the services will be performed in a professional and workmanlike manner in accordance with industry standards and practices; (4) the services shall not and do not infringe upon the intellectual property rights, or any other proprietary rights, of any third party; and (5) its employees, subcontractors, and/or subgrantees shall comply with any security and safety requirements and processes, if provided by Department, for work done at the Project Location(s). The Department reserves the right to investigate or inspect at any time to determine whether the services or qualifications offered by Grantee meet the Agreement requirements. Notwithstanding any provisions herein to the contrary, written acceptance of a particular deliverable does not foreclose Department's remedies in the event deficiencies in the deliverable cannot be readily measured at the time of delivery.

6. Acceptance of Deliverables.

a. Acceptance Process. All deliverables must be received and accepted in writing by Department's Grant Manager before payment. The Grantee shall work diligently to correct all deficiencies in the deliverable that remain outstanding, within a reasonable time at Grantee's expense. If Department's Grant Manager does not accept the deliverables within 30 days of receipt, they will be deemed rejected.

b. Rejection of Deliverables. The Department reserves the right to reject deliverables, as outlined in the Grant Work Plan, as incomplete, inadequate, or unacceptable due, in whole or in part, to Grantee's lack of satisfactory performance under the terms of this Agreement. The Grantee's efforts to correct the rejected deliverables will be at Grantee's sole expense. Failure to fulfill the applicable technical requirements or complete all tasks or activities in accordance with the Grant Work Plan will result in rejection of the deliverable and the associated invoice. Payment for the rejected deliverable will not be issued unless the rejected deliverable is made acceptable to Department in accordance with the Agreement requirements. The Department, at its option, may allow additional time within which Grantee may remedy the objections noted by Department. The Grantee's failure to make adequate or acceptable deliverables after a reasonable opportunity to do so shall constitute an event of default.

7. Financial Consequences for Nonperformance.

a. Withholding Payment. In addition to the specific consequences explained in the Grant Work Plan and/or Special Terms and Conditions, the State of Florida (State) reserves the right to withhold payment when the Grantee has failed to perform/comply with provisions of this Agreement. None of the financial consequences for nonperformance in this Agreement as more fully described in the Grant Work Plan shall be considered penalties.

b. Corrective Action Plan. If Grantee fails to correct all the deficiencies in a rejected deliverable within the specified timeframe, Department may, in its sole discretion, request that a proposed Corrective Action Plan (CAP) be submitted by Grantee to Department. The Department request that Grantee specify the outstanding deficiencies in the CAP. All CAPs must be able to be implemented and performed in no more than sixty (60) calendar days.

    i. The Grantee shall submit a CAP within ten (10) days of the date of the written request from Department. The CAP shall be sent to Grant Manager for review and approval. Within ten (10) days of receipt of a CAP, Department shall notify Grantee in writing whether the CAP proposed has been accepted. If the CAP is not accepted, Grantee shall have ten (10) days from receipt of Department letter rejecting the proposal to submit a revised proposed CAP. Failure to obtain Department approval of a CAP as specified above may result in Department's termination of this Agreement for cause as authorized in this Agreement.

    ii. Upon Department's notice of acceptance of a proposed CAP, Grantee shall have ten (10) days to commence implementation of the accepted plan. Acceptance of the proposed CAP by Department does not relieve Grantee of any of its obligations under the Agreement. In the event the CAP fails to correct or eliminate performance deficiencies by Grantee, Department shall retain the right to require additional or further remedial steps, or to terminate this Agreement for failure to perform. No actions approved by Department or steps taken by Grantee shall preclude Department from subsequently asserting any deficiencies in performance. The Grantee shall continue to implement the CAP until all deficiencies are corrected. Reports on the progress of the CAP will be made to Department as requested by Department's Grant Manager.

    iii. Failure to respond to a Department request for a CAP or failure to correct a deficiency in the performance of the Agreement as specified by Department may result in termination of the Agreement.

8. Payment.

a. Payment Process. Subject to the terms and conditions established by the Agreement, the pricing per deliverable established by the Grant Work Plan, and the billing procedures established by Department, Department agrees to pay Grantee for services rendered in accordance with Section 215.422, Florida Statutes (F.S.).
b. Taxes. The Department is exempted from payment of State sales, use taxes and Federal excise taxes. The Grantee, however, shall not be exempted from paying any taxes that it is subject to, including State sales and use taxes, or for payment by Grantee to suppliers for taxes on materials used to fulfill its contractual obligations with Department. The Grantee shall not use Department's exemption number in securing such materials. The Grantee shall be responsible and liable for the payment of all its FICA/Social Security and other taxes resulting from this Agreement.
c. Maximum Amount of Agreement. The maximum amount of compensation under this Agreement, without an amendment, is described in the Standard Grant Agreement. Any additional funds necessary for the completion of this Project are the responsibility of Grantee.
d. Reimbursement for Costs. The Grantee shall be paid on a cost reimbursement basis for all eligible Project costs upon the completion, submittal, and approval of each deliverable identified in the Grant Work Plan. Reimbursement shall be requested on Exhibit C, Payment Request Summary Form. To be eligible for reimbursement, costs must be in compliance with laws, rules, and regulations applicable to expenditures of State funds, including, but not limited to, the Reference Guide for State Expenditures, which can be accessed at the following web address: www.myfloridacfo.com/aadir/reference_guide/.
e. Invoice Detail. All charges for services rendered or for reimbursement of expenses authorized by Department pursuant to the Grant Work Plan shall be submitted to Department in sufficient detail for a proper pre-audit and post-audit to be performed. The Grantee shall only invoice Department for deliverables that are completed in accordance with the Grant Work Plan.
f. Interim Payments. Interim payments may be made by Department, at its discretion, if the completion of deliverables to date have first been accepted in writing by Department's Grant Manager.
g. Final Payment Request. A final payment request should be submitted to Department no later than sixty (60) days following the expiration date of the Agreement to ensure the availability of funds for payment. However, all work performed pursuant to the Grant Work Plan must be performed on or before the expiration date of the Agreement.
h. Annual Appropriation Contingency. The State's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. This Agreement is not a commitment of future appropriations. Authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of Department if the Legislature reduces or eliminates appropriations.
i. Interest Rates. All interest rates charged under the Agreement shall be calculated on the prevailing rate used by the State Board of Administration. To obtain the applicable interest rate, please refer to: www.myfloridacfo.com/Division/AA/Vendors/default.htm.
j. Refund of Payments to the Department. Any balance of unobligated funds that have been advanced or paid must be refunded Department. Any funds paid in excess of the amount to which Grantee or subgrantee is entitled under the terms of the Agreement must be refunded to Department.

9. Documentation Required for Cost Reimbursement Grant Agreements and Match.

If Cost Reimbursement or Match is authorized in Attachment 2, Special Terms and Conditions, the following conditions apply. Supporting documentation must be provided to substantiate cost reimbursement or match requirements for the following budget categories:

a. Salary/Wages. Grantee shall list personnel involved, position classification, direct salary rates, and hours spent on the Project in accordance with Attachment 3, Grant Work Plan in their documentation for reimbursement or match requirements.
b. Overhead/Indirect/General and Administrative Costs. If Grantee is being reimbursed for or claiming match for multipliers, all multipliers used (i.e., fringe benefits, overhead, indirect, and/or general and administrative rates) shall be supported by audit. If Department determines that multipliers charged by Grantee exceeded the rates supported by audit, Grantee shall be required to reimburse such funds to Department within thirty (30) days of written notification. Interest shall be charged on the excessive rate.
c. Contractual Costs (Subcontractors). Match or reimbursement requests for payments to subcontractors must be substantiated by copies of invoices with backup documentation identical to that required from Grantee. Subcontracts which involve payments for direct salaries shall clearly identify the personnel involved, salary rate per hour, and hours spent on the Project. All eligible multipliers used (i.e., fringe benefits, overhead, indirect, and/or general and administrative rates) shall be supported by audit. If Department determines that multipliers

charged by any subcontractor exceeded the rates supported by audit, Grantee shall be required to reimburse such funds to Department within thirty (30) days of written notification. Interest shall be charged on the excessive rate. Nonconsumable and/or nonexpendable personal property or equipment costing $1,000 or more purchased for the Project under a subcontract is subject to the requirements set forth in Chapters 273 and/or 274, F.S., and Chapter 69I-72, Florida Administrative Code (F.A.C.) and/or Chapter 69I-73, F.A.C., as applicable. The Grantee shall be responsible for maintaining appropriate property records for any subcontracts that include the purchase of equipment as part of the delivery of services. The Grantee shall comply with this requirement and ensure its subcontracts issued under this Agreement, if any, impose this requirement, in writing, on its subcontractors.

i. For fixed-price (vendor) subcontracts, the following provisions shall apply: The Grantee may award, on a competitive basis, fixed-price subcontracts to consultants/contractors in performing the work described in Attachment 3, Grant Work Plan. Invoices submitted to Department for fixed-price subcontracted activities shall be supported with a copy of the subcontractor's invoice and a copy of the tabulation form for the competitive procurement process (e.g., Invitation to Bid, Request for Proposals, or other similar competitive procurement document) resulting in the fixed-price subcontract. The Grantee may request approval from Department to award a fixed-price subcontract resulting from procurement methods other than those identified above. In this instance, Grantee shall request the advance written approval from Department's Grant Manager of the fixed price negotiated by Grantee. The letter of request shall be supported by a detailed budget and Scope of Services to be performed by the subcontractor. Upon receipt of Department Grant Manager's approval of the fixed-price amount, Grantee may proceed in finalizing the fixed-price subcontract.

ii. If the procurement is subject to the Consultant's Competitive Negotiation Act under section 287.055, F.S. or the Brooks Act, Grantee must provide documentation clearly evidencing it has complied with the statutory or federal requirements.

d. Travel. All requests for match or reimbursement of travel expenses shall be in accordance with Section 112.061, F.S.

e. Direct Purchase Equipment. For the purposes of this Agreement, Equipment is defined as capital outlay costing $1,000 or more. Match or reimbursement for Grantee's direct purchase of equipment is subject to specific approval of Department, and does not include any equipment purchased under the delivery of services to be completed by a subcontractor. Include copies of invoices or receipts to document purchases, and a properly completed Exhibit B, Property Reporting Form**.**

f. Rental/Lease of Equipment. Match or reimbursement requests for rental/lease of equipment must include copies of invoices or receipts to document charges.

g. Miscellaneous/Other Expenses. If miscellaneous or other expenses, such as materials, supplies, non-excluded phone expenses, reproduction, or mailing, are reimbursable or available for match or reimbursement under the terms of this Agreement, the documentation supporting these expenses must be itemized and include copies of receipts or invoices. Additionally, independent of Grantee's contract obligations to its subcontractor, Department shall not reimburse any of the following types of charges: cell phone usage; attorney's fees or court costs; civil or administrative penalties; or handling fees, such as set percent overages associated with purchasing supplies or equipment.

h. Land Acquisition. Reimbursement for the costs associated with acquiring interest and/or rights to real property (including access rights through ingress/egress easements, leases, license agreements, or other site access agreements; and/or obtaining record title ownership of real property through purchase) must be supported by the following, as applicable: Copies of Property Appraisals, Environmental Site Assessments, Surveys and Legal Descriptions, Boundary Maps, Acreage Certification, Title Search Reports, Title Insurance, Closing Statements/Documents, Deeds, Leases, Easements, License Agreements, or other legal instrument documenting acquired property interest and/or rights. If land acquisition costs are used to meet match requirements, Grantee agrees that those funds shall not be used as match for any other Agreement supported by State or Federal funds.

10. Status Reports.

The Grantee shall submit status reports quarterly, unless otherwise specified in the Attachments, on Exhibit A, Progress Report Form**,** to Department's Grant Manager describing the work performed during the reporting period, problems encountered, problem resolutions, scheduled updates, and proposed work for the next reporting period. Quarterly status reports are due no later than twenty (20) days following the completion of the quarterly reporting period. For the purposes of this reporting requirement, the quarterly reporting periods end on March 31, June 30, September 30 and December 31. The Department will review the required reports submitted by Grantee within thirty (30) days.

11. Retainage.

The following provisions apply if Department withholds retainage under this Agreement:

a. The Department reserves the right to establish the amount and application of retainage on the work performed under this Agreement up to the maximum percentage described in Attachment 2, Special Terms and Conditions. Retainage may be withheld from each payment to Grantee pending satisfactory completion of work and approval of all deliverables.
b. If Grantee fails to perform the requested work, or fails to perform the work in a satisfactory manner, Grantee shall forfeit its right to payment of the retainage associated with the work. Failure to perform includes, but is not limited to, failure to submit the required deliverables or failure to provide adequate documentation that the work was actually performed. The Department shall provide written notification to Grantee of the failure to perform that shall result in retainage forfeiture. If the Grantee does not to correct the failure to perform within the timeframe stated in Department's notice, the retainage will be forfeited to Department.
c. No retainage shall be released or paid for incomplete work while this Agreement is suspended.
d. Except as otherwise provided above, Grantee shall be paid the retainage associated with the work, provided Grantee has completed the work and submits an invoice for retainage held in accordance with the invoicing procedures under this Agreement.

12. Insurance.

a. Insurance Requirements for Sub-Grantees and/or Subcontractors. The Grantee shall require its sub-grantees and/or subcontractors, if any, to maintain insurance coverage of such types and with such terms and limits as described in this Agreement. The Grantee shall require all its sub-grantees and/or subcontractors, if any, to make compliance with the insurance requirements of this Agreement a condition of all contracts that are related to this Agreement. Sub-grantees and/or subcontractors must provide proof of insurance upon request.
b. Deductibles. The Department shall be exempt from, and in no way liable for, any sums of money representing a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of the Grantee providing such insurance.
c. Proof of Insurance. Upon execution of this Agreement, Grantee shall provide Department documentation demonstrating the existence and amount for each type of applicable insurance coverage ***prior to*** performance of any work under this Agreement. Upon receipt of written request from Department, Grantee shall furnish Department with proof of applicable insurance coverage by standard form certificates of insurance, a self-insured authorization, or other certification of self-insurance.
d. Duty to Maintain Coverage. In the event that any applicable coverage is cancelled by the insurer for any reason, or if Grantee cannot get adequate coverage, Grantee shall immediately notify Department of such cancellation and shall obtain adequate replacement coverage conforming to the requirements herein and provide proof of such replacement coverage within ten (10) days after the cancellation of coverage.

13. Termination.

a. Termination for Convenience. When it is in the State's best interest, Department may, at its sole discretion, terminate the Agreement in whole or in part by giving 30 days' written notice to Grantee. The Department shall notify Grantee of the termination for convenience with instructions as to the effective date of termination or the specific stage of work at which the Agreement is to be terminated. The Department must submit all invoices for work to be paid under this Agreement within thirty (30) days of the effective date of termination. The Department shall not pay any invoices received after thirty (30) days of the effective date of termination.
b. Termination for Cause. The Department may terminate this Agreement if any of the events of default described in the Events of Default provisions below occur or in the event that Grantee fails to fulfill any of its other obligations under this Agreement. If, after termination, it is determined that Grantee was not in default, or that the default was excusable, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of Department. The rights and remedies of Department in this clause are in addition to any other rights and remedies provided by law or under this Agreement.
c. Grantee Obligations upon Notice of Termination. After receipt of a notice of termination or partial termination unless as otherwise directed by Department, Grantee shall not furnish any service or deliverable on the date, and to the extent specified, in the notice. However, Grantee shall continue work on any portion of the Agreement not terminated. If the Agreement is terminated before performance is completed, Grantee shall be paid only for that work satisfactorily performed for which costs can be substantiated. The Grantee shall not be entitled to recover any cancellation charges or lost profits.
d. Continuation of Prepaid Services. If Department has paid for any services prior to the expiration, cancellation, or termination of the Agreement, Grantee shall continue to provide Department with those services for which it has already been paid or, at Department's discretion, Grantee shall provide a refund for services that have been paid for but not rendered.

e. Transition of Services Upon Termination, Expiration, or Cancellation of the Agreement. If services provided under the Agreement are being transitioned to another provider(s), Grantee shall assist in the smooth transition of Agreement services to the subsequent provider(s). This requirement is at a minimum an affirmative obligation to cooperate with the new provider(s), however additional requirements may be outlined in the Grant Work Plan. The Grantee shall not perform any services after Agreement expiration or termination, except as necessary to complete the transition or continued portion of the Agreement, if any.

14. Notice of Default.

If Grantee defaults in the performance of any covenant or obligation contained in the Agreement, including, any of the events of default, Department shall provide notice to Grantee and an opportunity to cure that is reasonable under the circumstances. This notice shall state the nature of the failure to perform and provide a time certain for correcting the failure. The notice will also provide that, should the Grantee fail to perform within the time provided, Grantee will be found in default, and Department may terminate the Agreement effective as of the date of receipt of the default notice.

15. Events of Default.

Provided such failure is not the fault of Department or outside the reasonable control of Grantee, the following non-exclusive list of events, acts, or omissions, shall constitute events of default:

a. The commitment of any material breach of this Agreement by Grantee, including failure to timely deliver a material deliverable, failure to perform the minimal level of services required for a deliverable, discontinuance of the performance of the work, failure to resume work that has been discontinued within a reasonable time after notice to do so, or abandonment of the Agreement;
b. The commitment of any material misrepresentation or omission in any materials, or discovery by the Department of such, made by the Grantee in this Agreement or in its application for funding;
c. Failure to submit any of the reports required by this Agreement or having submitted any report with incorrect, incomplete, or insufficient information;
d. Failure to honor any term of the Agreement;
e. Failure to abide by any statutory, regulatory, or licensing requirement, including an entry of an order revoking the certificate of authority granted to the Grantee by a state or other licensing authority;
f. Failure to pay any and all entities, individuals, and furnishing labor or materials, or failure to make payment to any other entities as required by this Agreement;
g. Employment of an unauthorized alien in the performance of the work, in violation of Section 274 (A) of the Immigration and Nationality Act;
h. Failure to maintain the insurance required by this Agreement;
i. One or more of the following circumstances, uncorrected for more than thirty (30) days unless, within the specified 30-day period, Grantee (including its receiver or trustee in bankruptcy) provides to Department adequate assurances, reasonably acceptable to Department, of its continuing ability and willingness to fulfill its obligations under the Agreement:
    i. Entry of an order for relief under Title 11 of the United States Code;
    ii. The making by Grantee of a general assignment for the benefit of creditors;
    iii. The appointment of a general receiver or trustee in bankruptcy of Grantee's business or property; and/or
    iv. An action by Grantee under any state insolvency or similar law for the purpose of its bankruptcy, reorganization, or liquidation.

16. Suspension of Work.

The Department may, in its sole discretion, suspend any or all activities under the Agreement, at any time, when it is in the best interest of the State to do so. The Department shall provide Grantee written notice outlining the particulars of suspension. Examples of reasons for suspension include, but are not limited to, budgetary constraints, declaration of emergency, or other such circumstances. After receiving a suspension notice, Grantee shall comply with the notice. Within 90 days, or any longer period agreed to by the parties, Department shall either: (1) issue a notice authorizing resumption of work, at which time activity shall resume; or (2) terminate the Agreement. If the Agreement is terminated after 30 days of suspension, the notice of suspension shall be deemed to satisfy the thirty (30) days' notice required for a notice of termination for convenience. Suspension of work shall not entitle Grantee to any additional compensation.

17. Force Majeure.

The Grantee shall not be responsible for delay resulting from its failure to perform if neither the fault nor the negligence of Grantee or its employees or agents contributed to the delay and the delay is due directly to acts of God, wars, acts of public enemies, strikes, fires, floods, or other similar cause wholly beyond Grantee's control, or for any of the

foregoing that affect subcontractors or suppliers if no alternate source of supply is available to Grantee. In case of any delay Grantee believes is excusable, Grantee shall notify Department in writing of the delay or potential delay and describe the cause of the delay either (1) within ten days after the cause that creates or will create the delay first arose, if Grantee could reasonably foresee that a delay could occur as a result; or (2) if delay is not reasonably foreseeable, within five days after the date Grantee first had reason to believe that a delay could result. **THE FOREGOING SHALL CONSTITUTE THE GRANTEE'S SOLE REMEDY OR EXCUSE WITH RESPECT TO DELAY**. Providing notice in strict accordance with this paragraph is a condition precedent to such remedy. No claim for damages, other than for an extension of time, shall be asserted against Department. The Grantee shall not be entitled to an increase in the Agreement price or payment of any kind from Department for direct, indirect, consequential, impact or other costs, expenses or damages, including but not limited to costs of acceleration or inefficiency, arising because of delay, disruption, interference, or hindrance from any cause whatsoever. If performance is suspended or delayed, in whole or in part, due to any of the causes described in this paragraph, after the causes have ceased to exist Grantee shall perform at no increased cost, unless Department determines, in its sole discretion, that the delay will significantly impair the value of the Agreement to Department, in which case Department may: (1) accept allocated performance or deliveries from Grantee, provided that Grantee grants preferential treatment to Department with respect to products subjected to allocation; (2) contract with other sources (without recourse to and by Grantee for the related costs and expenses) to replace all or part of the products or services that are the subject of the delay, which purchases may be deducted from the Agreement quantity; or (3) terminate Agreement in whole or in part.

18. Indemnification.

a. The Grantee shall be fully liable for the actions of its agents, employees, partners, or subcontractors and shall fully indemnify, defend, and hold harmless Department and its officers, agents, and employees, from suits, actions, damages, and costs of every name and description arising from or relating to:
    i. personal injury and damage to real or personal tangible property alleged to be caused in whole or in part by Grantee, its agents, employees, partners, or subcontractors; provided, however, that Grantee shall not indemnify for that portion of any loss or damages proximately caused by the negligent act or omission of Department;
    ii. the Grantee's breach of this Agreement or the negligent acts or omissions of Grantee.

b. The Grantee's obligations under the preceding paragraph with respect to any legal action are contingent upon Department giving Grantee: (1) written notice of any action or threatened action; (2) the opportunity to take over and settle or defend any such action at Grantee's sole expense; and (3) assistance in defending the action at Grantee's sole expense. The Grantee shall not be liable for any cost, expense, or compromise incurred or made by Department in any legal action without Grantee's prior written consent, which shall not be unreasonably withheld.

c. Notwithstanding sections a. and b. above, the following is the sole indemnification provision that applies to Grantees that are governmental entities: Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, F.S. Further, nothing herein shall be construed as consent by a state agency or subdivision of the State to be sued by third parties in any matter arising out of any contract or this Agreement.

d. No provision in this Agreement shall require Department to hold harmless or indemnify Grantee, insure or assume liability for Grantee's negligence, waive Department's sovereign immunity under the laws of Florida, or otherwise impose liability on Department for which it would not otherwise be responsible. Any provision, implication or suggestion to the contrary is null and void.

19. Limitation of Liability.

The Department's liability for any claim arising from this Agreement is limited to compensatory damages in an amount no greater than the sum of the unpaid balance of compensation due for goods or services rendered pursuant to and in compliance with the terms of the Agreement. Such liability is further limited to a cap of $100,000.

20. Remedies.

Nothing in this Agreement shall be construed to make Grantee liable for force majeure events. Nothing in this Agreement, including financial consequences for nonperformance, shall limit Department's right to pursue its remedies for other types of damages under the Agreement, at law or in equity. The Department may, in addition to other remedies available to it, at law or in equity and upon notice to Grantee, retain such monies from amounts due Grantee as may be necessary to satisfy any claim for damages, penalties, costs and the like asserted by or against it.

21. Waiver.

The delay or failure by Department to exercise or enforce any of its rights under this Agreement shall not constitute or be deemed a waiver of Department's right thereafter to enforce those rights, nor shall any single or partial exercise of any such right preclude any other or further exercise thereof or the exercise of any other right.

22. Statutory Notices Relating to Unauthorized Employment and Subcontracts.

a. The Department shall consider the employment by any Grantee of unauthorized aliens a violation of Section 274A(e) of the Immigration and Nationality Act. If Grantee/subcontractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement. The Grantee shall be responsible for including this provision in all subcontracts with private organizations issued as a result of this Agreement.

b. Pursuant to Sections 287.133 and 287.134, F.S., the following restrictions apply to persons placed on the convicted vendor list or the discriminatory vendor list:

i. Public Entity Crime. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a Grantee, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

ii. Discriminatory Vendors. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.

iii. Notification. The Grantee shall notify Department if it or any of its suppliers, subcontractors, or consultants have been placed on the convicted vendor list or the discriminatory vendor list during the life of the Agreement. The Florida Department of Management Services is responsible for maintaining the discriminatory vendor list and posts the list on its website. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity, at (850) 487-0915.

23. Compliance with Federal, State and Local Laws.

a. The Grantee and all its agents shall comply with all federal, state and local regulations, including, but not limited to, nondiscrimination, wages, social security, workers' compensation, licenses, and registration requirements. The Grantee shall include this provision in all subcontracts issued as a result of this Agreement.

b. No person, on the grounds of race, creed, color, religion, national origin, age, gender, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.

c. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

d. Any dispute concerning performance of the Agreement shall be processed as described herein. Jurisdiction for any damages arising under the terms of the Agreement will be in the courts of the State, and venue will be in the Second Judicial Circuit, in and for Leon County. Except as otherwise provided by law, the parties agree to be responsible for their own attorney fees incurred in connection with disputes arising under the terms of this Agreement.

24. Scrutinized Companies.

a. Grantee certifies that it and its subcontractors are not on the Scrutinized Companies that Boycott Israel List. Pursuant to Section 287.135, F.S., Department may immediately terminate this Agreement at its sole option if Grantee or its subcontractors are found to have submitted a false certification; or if Grantee, or its subcontractors are placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of the Agreement.

b. If this Agreement is for more than one million dollars, the Grantee certifies that it and its subcontractors are also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, F.S. Pursuant to Section 287.135, F.S., Department may immediately terminate this Agreement at its sole option if Grantee, its affiliates, or its subcontractors are found to have submitted a false certification; or if

Grantee, its affiliates, or its subcontractors are placed on the Scrutinized Companies that Boycott the Scrutinized Companies with Activities in Sudan List, or Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria during the term of the Agreement.

c. The Grantee agrees to observe the above requirements for applicable subcontracts entered into for the performance of work under this Agreement.

d. As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

25. Lobbying and Integrity.

The Grantee agrees that no funds received by it under this Agreement will be expended for the purpose of lobbying the Legislature or a State agency pursuant to Section 216.347, F.S., except that pursuant to the requirements of Section 287.058(6), F.S., during the term of any executed agreement between Grantee and the State, Grantee may lobby the executive or legislative branch concerning the scope of services, performance, term, or compensation regarding that agreement. The Grantee shall comply with Sections 11.062 and 216.347, F.S.

26. Record Keeping.

The Grantee shall maintain books, records and documents directly pertinent to performance under this Agreement in accordance with United States generally accepted accounting principles (US GAAP) consistently applied. The Department, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for five (5) years following the completion date or termination of the Agreement. In the event that any work is subcontracted, Grantee shall similarly require each subcontractor to maintain and allow access to such records for audit purposes. Upon request of Department's Inspector General, or other authorized State official, Grantee shall provide any type of information the Inspector General deems relevant to Grantee's integrity or responsibility. Such information may include, but shall not be limited to, Grantee's business or financial records, documents, or files of any type or form that refer to or relate to Agreement. The Grantee shall retain such records for the longer of: (1) three years after the expiration of the Agreement; or (2) the period required by the General Records Schedules maintained by the Florida Department of State (available at: http://dos.myflorida.com/library-archives/records-management/general-records-schedules/).

27. Audits.

a. Inspector General. The Grantee understands its duty, pursuant to Section 20.055(5), F.S., to cooperate with the inspector general in any investigation, audit, inspection, review, or hearing. The Grantee will comply with this duty and ensure that its sub-grantees and/or subcontractors issued under this Agreement, if any, impose this requirement, in writing, on its sub-grantees and/or subcontractors, respectively.

b. Physical Access and Inspection. Department personnel shall be given access to and may observe and inspect work being performed under this Agreement, with reasonable notice and during normal business hours, including by any of the following methods:

   i. Grantee shall provide access to any location or facility on which Grantee is performing work, or storing or staging equipment, materials or documents;

   ii. Grantee shall permit inspection of any facility, equipment, practices, or operations required in performance of any work pursuant to this Agreement; and,

   iii. Grantee shall allow and facilitate sampling and monitoring of any substances, soils, materials or parameters at any location reasonable or necessary to assure compliance with any work or legal requirements pursuant to this Agreement.

c. Special Audit Requirements. The Grantee shall comply with the applicable provisions contained in Attachment 5, Special Audit Requirements. Each amendment that authorizes a funding increase or decrease shall include an updated copy of Exhibit 1, to Attachment 5. If Department fails to provide an updated copy of Exhibit 1 to include in each amendment that authorizes a funding increase or decrease, Grantee shall request one from the Department's Grants Manager. The Grantee shall consider the type of financial assistance (federal and/or state) identified in Attachment 5, Exhibit 1 and determine whether the terms of Federal and/or Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this Agreement. For federal financial assistance, Grantee shall utilize the guidance provided under 2 CFR §200.330 for determining whether the relationship represents that of a subrecipient or vendor. For State financial assistance, Grantee shall utilize the form entitled "Checklist for Nonstate Organizations Recipient/Subrecipient vs Vendor Determination" (form number DFS-A2-NS) that can be found under the "Links/Forms" section appearing at the following website: https:\\apps.fldfs.com\fsaa.

d. Proof of Transactions. In addition to documentation provided to support cost reimbursement as described herein, Department may periodically request additional proof of a transaction to evaluate the appropriateness of costs to the Agreement pursuant to State and Federal guidelines (including cost allocation guidelines). The Department

may also request a cost allocation plan in support of its multipliers (overhead, indirect, general administrative costs, and fringe benefits). The Grantee must provide the additional proof within thirty (30) days of such request.

e. No Commingling of Funds. The accounting systems for all Grantees must ensure that these funds are not commingled with funds from other agencies. Funds from each agency must be accounted for separately. Grantees are prohibited from commingling funds on either a program-by-program or a project-by-project basis. Funds specifically budgeted and/or received for one project may not be used to support another project. Where a Grantee's, or subrecipient's, accounting system cannot comply with this requirement, Grantee, or subrecipient, shall establish a system to provide adequate fund accountability for each project it has been awarded.
    i. If Department finds that these funds have been commingled, Department shall have the right to demand a refund, either in whole or in part, of the funds provided to Grantee under this Agreement for non-compliance with the material terms of this Agreement. The Grantee, upon such written notification from Department shall refund, and shall forthwith pay to Department, the amount of money demanded by Department. Interest on any refund shall be calculated based on the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the original payment(s) are received from Department by Grantee to the date repayment is made by Grantee to Department.
    ii. In the event that the Grantee recovers costs, incurred under this Agreement and reimbursed by Department, from another source(s), Grantee shall reimburse Department for all recovered funds originally provided under this Agreement and interest shall be charged for those recovered costs as calculated on from the date(s) the payment(s) are recovered by Grantee to the date repayment is made to Department.
    iii. Notwithstanding the requirements of this section, the above restrictions on commingling funds do not apply to agreements where payments are made purely on a cost reimbursement basis.

28. Conflict of Interest.

The Grantee covenants that it presently has no interest and shall not acquire any interest which would conflict in any manner or degree with the performance of services required.

29. Independent Contractor.

The Grantee is an independent contractor and is not an employee or agent of Department.

30. Subcontracting.

a. Unless otherwise specified in the Special Terms and Conditions, all services contracted for are to be performed solely by Grantee.
b. The Department may, for cause, require the replacement of any Grantee employee, subcontractor, or agent. For cause, includes, but is not limited to, technical or training qualifications, quality of work, change in security status, or non-compliance with an applicable Department policy or other requirement.
c. The Department may, for cause, deny access to Department's secure information or any facility by any Grantee employee, subcontractor, or agent.
d. The Department's actions under paragraphs b. or c. shall not relieve Grantee of its obligation to perform all work in compliance with the Agreement. The Grantee shall be responsible for the payment of all monies due under any subcontract. The Department shall not be liable to any subcontractor for any expenses or liabilities incurred under any subcontract and Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under any subcontract.
e. The Department will not deny Grantee's employees, subcontractors, or agents access to meetings within the Department's facilities, unless the basis of Department's denial is safety or security considerations.
f. The Department supports diversity in its procurement program and requests that all subcontracting opportunities afforded by this Agreement embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State. A list of minority-owned firms that could be offered subcontracting opportunities may be obtained by contacting the Office of Supplier Diversity at (850) 487-0915.
g. The Grantee shall not be liable for any excess costs for a failure to perform, if the failure to perform is caused by the default of a subcontractor at any tier, and if the cause of the default is completely beyond the control of both Grantee and the subcontractor(s), and without the fault or negligence of either, unless the subcontracted products or services were obtainable from other sources in sufficient time for Grantee to meet the required delivery schedule.

31. Guarantee of Parent Company.

If Grantee is a subsidiary of another corporation or other business entity, Grantee asserts that its parent company will guarantee all of the obligations of Grantee for purposes of fulfilling the obligations of Agreement. In the event Grantee

is sold during the period the Agreement is in effect, Grantee agrees that it will be a requirement of sale that the new parent company guarantee all of the obligations of Grantee.

32. Survival.

The respective obligations of the parties, which by their nature would continue beyond the termination or expiration of this Agreement, including without limitation, the obligations regarding confidentiality, proprietary interests, and public records, shall survive termination, cancellation, or expiration of this Agreement.

33. Third Parties.

The Department shall not be deemed to assume any liability for the acts, failures to act or negligence of Grantee, its agents, servants, and employees, nor shall Grantee disclaim its own negligence to Department or any third party. This Agreement does not and is not intended to confer any rights or remedies upon any person other than the parties. If Department consents to a subcontract, Grantee will specifically disclose that this Agreement does not create any third-party rights. Further, no third parties shall rely upon any of the rights and obligations created under this Agreement.

34. Severability.

If a court of competent jurisdiction deems any term or condition herein void or unenforceable, the other provisions are severable to that void provision, and shall remain in full force and effect.

35. Grantee's Employees, Subcontractors and Agents.

All Grantee employees, subcontractors, or agents performing work under the Agreement shall be properly trained technicians who meet or exceed any specified training qualifications. Upon request, Grantee shall furnish a copy of technical certification or other proof of qualification. All employees, subcontractors, or agents performing work under Agreement must comply with all security and administrative requirements of Department and shall comply with all controlling laws and regulations relevant to the services they are providing under the Agreement.

36. Assignment.

The Grantee shall not sell, assign, or transfer any of its rights, duties, or obligations under the Agreement, or under any purchase order issued pursuant to the Agreement, without the prior written consent of Department. In the event of any assignment, Grantee remains secondarily liable for performance of the Agreement, unless Department expressly waives such secondary liability. The Department may assign the Agreement with prior written notice to Grantee of its intent to do so.

37. Execution in Counterparts and Authority to Sign.

This Agreement, any amendments, and/or change orders related to the Agreement, may be executed in counterparts, each of which shall be an original and all of which shall constitute the same instrument. In accordance with the Electronic Signature Act of 1996, electronic signatures, including facsimile transmissions, may be used and shall have the same force and effect as a written signature. Each person signing this Agreement warrants that he or she is duly authorized to do so and to bind the respective party to the Agreement.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Special Terms and Conditions
AGREEMENT NO. NF029

ATTACHMENT 2

These Special Terms and Conditions shall be read together with general terms outlined in the Standard Terms and Conditions, Attachment 1. Where in conflict, these more specific terms shall apply.

1. Scope of Work.
The Project funded under this Agreement is the Water & You, Clean Water Campaign. The Project is defined in more detail in Attachment 3, Grant Work Plan.

2. Duration.
a. Reimbursement Period. The reimbursement period for this Agreement is the same as the term of the Agreement.
b. Extensions. There are extensions available for this Project.
c. Service Periods. Additional service periods are not authorized under this Agreement.

3. Payment Provisions.
a. Compensation. This is a cost reimbursement Agreement. The Grantee shall be compensated under this Agreement as described in Attachment 3.
b. Invoicing. Invoicing will occur as indicated in Attachment 3.
c. Advance Pay. Advance Pay is not authorized under this Agreement.

4. Cost Eligible for Reimbursement or Matching Requirements.
Reimbursement for costs or availability for costs to meet matching requirements shall be limited to the following budget categories, as defined in the Reference Guide for State Expenditures, as indicated:

Reimbursement	Match	Category
☐	☒	Salaries/Wages
		Overhead/Indirect/General and Administrative Costs:
☐	☒	a. Fringe Benefits, for actual costs not to exceed the budget amount identified in Attachment 3.
☐	☐	b. Indirect Costs, N/A.
☒	☒	Contractual (Subcontractors)
☐	☐	Travel
☐	☐	Equipment
☐	☐	Rental/Lease of Equipment
☒	☒	Miscellaneous/Other Expenses
☐	☐	Land Acquisition

5. Travel.
Additional compensation for travel is not authorized under this Agreement.

6. Equipment Purchase.
No Equipment purchases shall be funded under this Agreement.

7. Land Acquisition.
There will be no Land Acquisitions funded under this Agreement.

8. Match Requirements
The Agreement requires at least a 40% match on the part of the Grantee. Therefore, the Grantee is responsible for providing $40,000 through cash or third party in-kind towards the work funded under this Agreement.

The Grantee may claim allowable project expenditures made upon execution or after for purposes of meeting its match requirement as identified above.
Each payment request submitted shall document all matching funds and/or match efforts (i.e., in-kind services) provided during the period covered by each request. The final payment will not be processed until the match requirement has been met.
If, upon completion of this Project, actual Project costs are less than the total estimated Project costs, and there are no pending payment requests, the Grantee's required match may be reduced proportionately, as long as at least a 40% match of the actual total cost of the Project is provided by the Grantee and the reduced amount satisfies statutory and program requirements.

9. Insurance Requirements

Required Coverage. At all times during the Agreement the Grantee, at its sole expense, shall maintain insurance coverage of such types and with such terms and limits described below. The limits of coverage under each policy maintained by the Grantee shall not be interpreted as limiting the Grantee's liability and obligations under the Agreement. All insurance policies shall be through insurers licensed and authorized to issue policies in Florida, or alternatively, Grantee may provide coverage through a self-insurance program established and operating under the laws of Florida. Additional insurance requirements for this Agreement may be required elsewhere in this Agreement, however the minimum insurance requirements applicable to this Agreement are:

a. Commercial General Liability Insurance.
The Grantee shall provide adequate commercial general liability insurance coverage and hold such liability insurance at all times during the Agreement. The Department, its employees, and officers shall be named as an additional insured on any general liability policies. The minimum limits shall be $250,000 for each occurrence and $500,000 policy aggregate.

b. Commercial Automobile Insurance.
If the Grantee's duties include the use of a commercial vehicle, the Grantee shall maintain automobile liability, bodily injury, and property damage coverage. Insuring clauses for both bodily injury and property damage shall provide coverage on an occurrence basis. The Department, its employees, and officers shall be named as an additional insured on any automobile insurance policy. The minimum limits shall be as follows:

$200,000/300,000	Automobile Liability for Company-Owned Vehicles, if applicable
$200,000/300,000	Hired and Non-owned Automobile Liability Coverage

c. Workers' Compensation and Employer's Liability Coverage.
The Grantee shall provide workers' compensation, in accordance with Chapter 440, F.S., and employer's liability insurance with minimum limits of $100,000 per accident, $100,000 per person, and $500,000 policy aggregate. Such policies shall cover all employees engaged in any work under the Agreement.

d. Other Insurance. None.

10. Quality Assurance Requirements.

There are no special Quality Assurance requirements under this Agreement.

11. Retainage.

Retainage is permitted under this Agreement. Retainage may be up to a maximum of 10% of the total amount of the Agreement.

12. Subcontracting.

The Grantee may subcontract work under this Agreement without the prior written consent of the Department's Grant Manager except for certain fixed-price subcontracts pursuant to this Agreement, which require prior approval. The Grantee shall submit a copy of the executed subcontract to the Department prior to submitting any invoices for subcontracted work. Regardless of any subcontract, the Grantee is ultimately responsible for all work to be performed under this Agreement.

13. State-owned Land.

The work will not be performed on State-owned land.

14. Office of Policy and Budget Reporting.

There are no special Office of Policy and Budget reporting requirements for this Agreement.

15. Additional Terms.
None.

ATTACHMENT 3
GRANT WORK PLAN

PROJECT TITLE: Water & You, Clean Water Campaign

PROJECT LOCATION: The Project will be county-wide throughout all commission districts, addressing the unincorporated area of Leon County, Florida. The coordinates of the overall center of the project area are 30.434487, -84.277103.

PROJECT BACKGROUND: In October 2015, the Department of Environmental Protection (Department) adopted the Upper Wakulla River and Wakulla Springs Basin Management Action Plan (BMAP). Leon County was named as a local stakeholder in the BMAP. Urban fertilizer and onsite sewage treatment and disposal systems (OSTDS) were identified as sources of nutrients within the Wakulla Springs BMAP area. The Water & You, Clean Water Campaign (Project) will focus on reducing personal nonpoint source pollution, specifically urban fertilizer utilizing low impact development (LID) and impacts from OSTDS. In regards to reducing urban fertilizer utilizing LIDs, education and outreach will focus on Leon County-adopted fertilizer ordinance and adopted LID Best Management Practices (BMPs) that are readily installed on residential lots. BMPs will include, but not necessarily be limited to, rain gardens and shallow ponding areas, proper mulching locations and techniques, restoring degraded/compacted soils, pervious pavers, dry wells, rain barrels, preserving natural vegetation, buffering waterbodies, etc. Use of native and sustainable landscaping with minimal to no fertilizer application will also be promoted.

PROJECT DESCRIPTION: Leon County (Grantee) will conduct the Water & You, Clean Water Campaign to expand nonpoint source pollution reduction outreach efforts to the unincorporated areas of the county. The University of Florida Institute of Food and Agricultural Sciences (UF-IFAS) Leon County Extension and the City of Tallahassee Think About Personal Pollution (TAPP) Program currently produce information regarding impacts of OSTDS on Wakulla Springs, and reducing personal nonpoint source pollution through fertilizer and water-friendly yards utilizing LIDs. The Water & You, Clean Water Campaign will utilize this information produced by UF-IFAS and TAPP for distribution through various media outlets to the unincorporated area of Leon County. Media outlets include an annual workshop, a traveling exhibit, radio public service announcement (PSAs), mailers and brochures.

TASKS and DELIVERABLES:

Task 1: Public Education
Task Description: The Grantee will conduct the Water & You, Clean Water Campaign to expand nonpoint source pollution reduction outreach efforts to unincorporated areas of Leon County in the following formats: An annual workshop(s), traveling exhibit(s), radio PSA(s), and distribution of printed material(s), such as brochure(s) and mailer(s) and/or newspaper article(s). The annual workshop(s) will address community organization representatives as a “Train the Trainer” event. The traveling exhibit(s) will include display(s) and visit approximately ten locations each year. Possible locations for the exhibit include branch libraries, community centers, schools, the airport, homeowner association offices, and local events such as the Tallahassee Science Festival.

Any reports, documents, publications or other materials developed for public distribution supported by this assistance agreement shall contain the following statement:

"This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement C9-99451517-0 to Leon County through an agreement/contract with the

Nonpoint Source Management Program of the Florida Department of Environmental Protection. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does the EPA endorse trade names or recommend the use of commercial products mentioned in this document."

Deliverable 1a: The Department's Grant Manager must approve draft materials prior to final printing and public distribution: 1) Copy of draft print-ready brochures, mailer(s), and/or newspaper article(s); 2) copy of the draft PSA(s); 3) copy of draft display/signs text and graphics for traveling exhibit; and 4) draft annual workshop materials and list of workshop supplies. Deliverables will be submitted as electronic copies unless otherwise requested by the Department's Grant Manager.

Performance Standard: The Department's Grant Manager will review the draft deliverables and provide comments to the Grantee as needed.

Deliverable 1b: Completed public education activities to date as described in this task, as evidenced by: 1) A copy of the final printed brochure(s), mailer(s), and/or newspaper article(s) with number distributed and where; 2) summary of airing date(s) for final approved PSA(s); 3) dated photograph(s) of traveling exhibit(s) display/sign(s) as approved; and 4) copy of workshop notice(s), agenda(s), meeting minutes or note(s), and sign-in sheet(s). Deliverables will be submitted as electronic copies unless otherwise requested by the Department's Grant Manager.

Performance Standard: The Department's Grant manager will review the final deliverables to ensure the draft comments have been taken into consideration.

Payment Request Schedule: The deliverables for this task must be received and accepted in writing by the Department prior to Grantee's submittal of each payment request for cost reimbursement or match documentation for this task and may be submitted no more frequently than quarterly.

Task 2: Final Report

Task Description: The Grantee will prepare a Final Report summarizing the results of the project, including all tasks in the Grant Work Plan. The Final Report must include at a minimum:

1. Project location and background, project description and timeline, grant award amount and anticipated benefits.
2. Financial summary of actual costs versus the budget, along with any changes required to the budget. Include any match or locally pledged contributions provided, along with other related project work performed outside of this Agreement to identify the overall project cost.
3. Discussion of project schedule versus actual completion, including changes required to the schedule, unexpected site conditions and adjustments, significant unexpected delays and corrections, and/or other significant deviations from the original project plan.
4. Summary of activities completed as well as those not completed and why, as well as a brief summary of any additional phases yet to be completed.
5. Photo documentation of work performed (before, during and after), appropriate figures (site location, site plan(s), etc.), appropriate tables summarizing data/information relevant to Grant Work Plan tasks, and appropriate attachments relevant to the project.
6. Discussion of the education campaign effectiveness, including any measurements used to evaluate the project (surveys, estimated audience size, etc.).

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

The following language shall be included on the cover page of the Final Report:

"This Project and the preparation of this report has been funded wholly or in part by the U.S. Environmental Protection Agency (EPA) to Leon County through an agreement/contract with the Nonpoint Source Management Program of the Florida Department of Environmental Protection under federal grant agreement C9-99451517-0. The total cost of the Project was $[show actual amount], of which $[show actual amount] or [show actual percentage] percent was provided by the U.S. Environmental Protection Agency. The contents of this document do not necessarily reflect the views and policies of the EPA, nor does the EPA endorse trade names or recommend the use of commercial products mentioned in this document."

Deliverable 2a: An electronic copy of the draft Final Report in Word format.

Performance Standard: The Department's Grant Manager will review the submitted draft Final Report to verify that it meets the specifications in the Grant Work Plan, and provide any comments to the Grantee for consideration of incorporation into the Final Report.

Deliverable 2b: An electronic copy of the Final Report, with suggested changes incorporated as appropriate, in Word or PDF format.

Performance Standard: The Department's Grant Manager will review the deliverables to ensure that they meet the specifications in the Grant Work Plan.

Payment Request Schedule: The deliverables for this task must be received and accepted in writing by the Department prior to Grantee's submittal of payment request for cost reimbursement or match documentation for this task.

PROJECT TIMELINE: The tasks must be completed and all deliverables received by the corresponding task end date.

For the 319(h) grant funded and required match funded tasks, if there are any conflicts between the completion dates in the task timeline below and EPA's 319(h) 2017 grant end date of 9/30/2021, then the grant end date is controlling. For the 31917 grant or match funded work, the grantee shall submit a final payment request no later than 30 days following the grant end date of 9/30/2021 to assure the availability of funds.

Task/ Deliverable No.	Task or Deliverable Title	Task Start Date	Task End Date
1	Public Education	Upon Execution	07/31/2021
2	Final Report	Upon Execution	09/30/2021
2a	Draft Final Report	Upon Execution	07/31/2021
2b	Final Report	Upon Execution	09/30/2021

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

BUDGET DETAIL BY TASK: Cost reimbursable grant funding must not exceed the category totals for the project as indicated below. Match funding shall be provided in the categories indicated below.

Task No.	Budget Category	Grant Amount, Not to Exceed $	Match Amount, Minimum $
1	Contractual Services	$12,000	$8,000
	Supplies/Other Expenses	$48,000	$16,000
	Salary	$0	$9,893
	Fringe	$0	$2,968
	Total for Task	**$60,000**	**$36,861**
2	Salary	$0	$2,414
	Fringe	$0	$725
	Total for Task	**$0**	**$3,139**
	Project Total	**$60,000**	**$40,000**
	Percentage Match	**60%**	**40%**

SALARY AND FRINGE BENEFITS BY TASK: Cost reimbursable or match hourly and fringe rate(s) by position may not exceed those indicated below.

Task Number	Position Title	Hourly Rate	Fringe Rate (%)
1 - 2	Water Resource Specialist	$30.18	30.0
	Water Resource Scientist	$39.17	30.0

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Public Records Requirements

Attachment 4

1. **Public Records.**

a. If the Agreement exceeds $35,000.00, and if Grantee is acting on behalf of Department in its performance of services under the Agreement, Grantee must allow public access to all documents, papers, letters, or other material, regardless of the physical form, characteristics, or means of transmission, made or received by Grantee in conjunction with the Agreement (Public Records), unless the Public Records are exempt from section 24(a) of Article I of the Florida Constitution or section 119.07(1), F.S.

b. The Department may unilaterally terminate the Agreement if Grantee refuses to allow public access to Public Records as required by law.

2. **Additional Public Records Duties of Section 119.0701, F.S., If Applicable.**
For the purposes of this paragraph, the term "contract" means the "Agreement." If Grantee is a "contractor" as defined in section 119.0701(1)(a), F.S., the following provisions apply and the contractor shall:

a. Keep and maintain Public Records required by Department to perform the service.

b. Upon request, provide Department with a copy of requested Public Records or allow the Public Records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, F.S., or as otherwise provided by law.

c. A contractor who fails to provide the Public Records to Department within a reasonable time may be subject to penalties under section 119.10, F.S.

d. Ensure that Public Records that are exempt or confidential and exempt from Public Records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the Public Records to Department.

e. Upon completion of the contract, transfer, at no cost, to Department all Public Records in possession of the contractor or keep and maintain Public Records required by Department to perform the service. If the contractor transfers all Public Records to Department upon completion of the contract, the contractor shall destroy any duplicate Public Records that are exempt or confidential and exempt from Public Records disclosure requirements. If the contractor keeps and maintains Public Records upon completion of the contract, the contractor shall meet all applicable requirements for retaining Public Records. All Public Records stored electronically must be provided to Department, upon request from Department's custodian of Public Records, in a format specified by Department as compatible with the information technology systems of Department. These formatting requirements are satisfied by using the data formats as authorized in the contract or Microsoft Word, Outlook, Adobe, or Excel, and any software formats the contractor is authorized to access.

f. **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, F.S., TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE CONTRACT, CONTACT THE DEPARTMENT'S CUSTODIAN OF PUBLIC RECORDS AT:**

Telephone: **(850) 245-2118**
Email: public.services@floridadep.gov
Mailing Address: **Department of Environmental Protection**
ATTN: Office of Ombudsman and Public Services
Public Records Request
3900 Commonwealth Boulevard, MS 49
Tallahassee, Florida 32399

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Special Audit Requirements

Attachment 5

The administration of resources awarded by the Department of Environmental Protection *(which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the agreement*) to the recipient *(which may be referred to as the "Recipient", "Grantee" or other name in the agreement)* may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133, as revised, 2 CFR Part 200, Subpart F, and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and 2 CFR Part 200, Subpart F, and/or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised (for fiscal year start dates prior to December 26, 2014), or as defined in 2 CFR §200.330 (for fiscal year start dates after December 26, 2014).

1. In the event that the recipient expends $500,000 ($750,000 for fiscal year start dates after December 26, 2014) or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised, and 2 CFR Part 200, Subpart F. EXHIBIT 1 to this Attachment indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department of Environmental Protection. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised, and 2 CFR Part 200, Subpart F. An audit of the recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, and 2 CFR Part 200, Subpart F, will meet the requirements of this part.

2. In connection with the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised, and 2 CFR Part 200, Subpart F.

3. If the recipient expends less than $500,000 (or $750,000, as applicable) in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, and 2 CFR Part 200, Subpart F, is not required. In the event that the recipient expends less than $500,000 (or $750,000, as applicable) in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, and 2 CFR Part 200, Subpart F the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).

4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at **www.cfda.gov**

PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2)(n), Florida Statutes.

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of $750,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this Attachment indicates state financial assistance awarded through the Department of Environmental Protection by this Agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

2. In connection with the audit requirements addressed in Part II, paragraph 1; the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the recipient expends less than $750,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than $750,000 in state financial assistance in its fiscal year, and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).

4. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a recipient should access the Florida Single Audit Act website located at https://apps.fldfs.com/fsaa for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website at http://www.leg.state.fl.us/Welcome/index.cfm, State of Florida's website at http://www.myflorida.com/, Department of Financial Services' Website at http://www.fldfs.com/ and the Auditor General's Website at http://www.myflorida.com/audgen/.

PART III: OTHER AUDIT REQUIREMENTS

(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(8), Florida Statutes, State agencies may conduct or arrange for audits of State financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)

PART IV: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and 2 CFR Part 200, Subpart F and required by PART I of this Attachment shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, and 2 CFR Part 200, Subpart F, by or on behalf of the recipient directly to each of the following:

A. The Department of Environmental Protection at one of the following addresses:

By Mail:
Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:
FDEPSingleAudit@dep.state.fl.us

B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised, and 2 CFR §200.501(a) (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, and 2 CFR §200.501(a) should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

Submissions of the Single Audit reporting package for fiscal periods ending on or after January 1, 2008, must be submitted using the Federal Clearinghouse's Internet Data Entry System which can be found at http://harvester.census.gov/facweb/

C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised, and 2 CFR §200.512.

2. Pursuant to Section .320(f), OMB Circular A-133, as revised, and 2 CFR Part 200, Subpart F, the recipient shall submit a copy of the reporting package described in Section .320(c), OMB Circular A-133, as revised, and 2 CFR Part 200, Subpart F, and any management letters issued by the auditor, to the Department of Environmental Protection at one the following addresses:

By Mail:
Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:
FDEPSingleAudit@dep.state.fl.us

3. Copies of financial reporting packages required by PART II of this Attachment shall be submitted by or on behalf of the recipient directly to each of the following:

A. The Department of Environmental Protection at one of the following addresses:

By Mail:
Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:
FDEPSingleAudit@dep.state.fl.us

B. The Auditor General's Office at the following address:

State of Florida Auditor General
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

4. Copies of reports or management letters required by PART III of this Attachment shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at one of the following addresses:

By Mail:
Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:
FDEPSingleAudit@dep.state.fl.us

5. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, as revised, and 2 CFR Part 200, Subpart F, Florida Statutes, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

6. Recipients, when submitting financial reporting packages to the Department of Environmental Protection for audits done in accordance with OMB Circular A-133, as revised and 2 CFR Part 200, Subpart F, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

PART V: RECORD RETENTION

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of **five (5)** years from the date the audit report is issued, and shall allow the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General upon request for a period of **three (3)** years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

EXHIBIT – 1

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category
Original Agreement	U.S. Environmental Protection Agency	66.460	Nonpoint Source Implementation Grants	$60,000	140076

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:					
Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:						
State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category

Total Award	$60,000	

For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [www.cfda.gov] and/or the Florida Catalog of State Financial Assistance (CSFA) [https://apps.fldfs.com/fsaa/searchCatalog.aspx]. The services/purposes for which the funds are to be used are included in the Agreement's Grant Work Plan. Any match required by the Recipient is clearly indicated in the Agreement.

Attachment 7

Please note that for this attachment, the Florida Department of Environmental Protection (FDEP) is the "recipient". FDEP's Grantee is the "subrecipient".

	U.S. ENVIRONMENTAL PROTECTION AGENCY **Grant Agreement**	**GRANT NUMBER (FAIN):** 99451517 **MODIFICATION NUMBER:** 0 **PROGRAM CODE:** C9	**DATE OF AWARD** 08/30/2017
		TYPE OF ACTION New	**MAILING DATE** 09/06/2017
		PAYMENT METHOD: ASAP	**ACH#** 40199

RECIPIENT TYPE: State	
RECIPIENT:	**PAYEE:**
Florida Department of Environmental Protection	Florida Department of Environmental Protection

PROJECT TITLE AND DESCRIPTION
Non point Source Implementation

This action approves funding in the amount of $6,324,800 to the State of Florida Department of Environmental Protection for the implementation of programs and projects designed to reduce non point source pollution to achieve and maintain beneficial use of water in the State.

BUDGET PERIOD	PROJECT PERIOD	TOTAL BUDGET PERIOD COST	TOTAL PROJECT PERIOD COST
10/01/2016 - 09/30/2021	10/01/2016 - 09/30/2021	$10,541,333.00	$10,541,333.00

NOTICE OF AWARD

Based on your Application dated 07/07/2017 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards $6,324,800. EPA agrees to cost-share 60.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of $6,324,800. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)	AWARD APPROVAL OFFICE
ORGANIZATION / ADDRESS	**ORGANIZATION / ADDRESS**
61 Forsyth Street Atlanta, GA 30303-8960	U.S. EPA, Region 4 Water Protection Division 61 Forsyth Street Atlanta, GA 30303-8960

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Digital signature applied by EPA Award Official	**DATE** 08/30/2017

EPA Funding Information

C9 - 99451517 - 0 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	$	$ 6,324,800	$ 6,324,800
EPA In-Kind Amount	$	$	$ 0
Unexpended Prior Year Balance	$	$	$ 0
Other Federal Funds	$	$	$ 0
Recipient Contribution	$	$	$ 0
State Contribution	$	$ 716,577	$ 716,577
Local Contribution	$	$ 3,499,956	$ 3,499,956
Other Contribution	$	$	$ 0
Allowable Project Cost	$ 0	$ 10,541,333	$ 10,541,333

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.460 - Nonpoint Source Implementation	Clean Water Act: Sec. 201(g)(1)(B) Under Sec. 319(h)	2 CFR 200 2 CFR 1500 40 CFR 33 and 40 CFR 35 Subpart A

Fiscal

Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1704VX7026	17	E1	04V2	202B01	4113	-	-	3,491,990
-	1704VX7068	17	E1	04V2	202B01	4113	-	-	2,832,810
									6,324,800

Budget Summary Page: FL FY17 319(h) NPS

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	$973,278
2. Fringe Benefits	$556,677
3. Travel	$49,000
4. Equipment	$0
5. Supplies	$500
6. Contractual	$0
7. Construction	$0
8. Other	$8,262,678
9. Total Direct Charges	$9,842,133
10. Indirect Costs: 40.07% Base Direct Costs	$699,200
11. Total (Share: Recipient 40.00 % Federal 60.00 %.)	$10,541,333
12. Total Approved Assistance Amount	$6,324,800
13. Program Income	$0
14. Total EPA Amount Awarded This Action	$6,324,800
15. Total EPA Amount Awarded To Date	$6,324,800

Administrative Conditions

GENERAL TERMS AND CONDITIONS

The recipient agrees to comply with the current EPA general terms and conditions available at: https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-april-27-2017-or-later. These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at http://www.epa.gov/grants/grant-terms-and-conditions. The applicable terms and conditions below are in addition to the general terms and conditions noted above

1. ANNUAL FFR (INTERIM) PURSUANT TO 2 CFR 200.327

Pursuant to 2 CFR 200.327, EPA recipients shall submit an interim annual Federal Financial Report (FFR, SF-425) to EPA no later than 90 calendar days following the anniversary of the award date. The form is available on the internet at: http://www2.epa.gov/financial/forms.

The following reporting period end dates shall be used for interim annual reports: 3/31, 6/30, 9/30, or 12/31.

At the end of the project, the recipient must submit a final FFR to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at: http://www2.epa.gov/financial/forms. All FFRs must be submitted to the Las Vegas Finance Center (LVFC) via email LVFC-grants@epa.

2. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33.

MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E

MBE/WBE reporting is required in annual reports. Reporting is required for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category that exceed the threshold amount of $150,000, including amendments and/or modifications.

Based on EPA's review of the planned budget, this award meets the conditions above and is subject to the Disadvantaged Business Enterprise (DBE) Program reporting requirements. However, if recipient believes this award does not meet these conditions, it must provide the Regional MBE/WBE Coordinator with a justification and budget detail within 21 days of the award date clearly demonstrating that, based on the planned budget, this award is not subject to the DBE reporting requirements.

The recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" report (EPA Form 5700-52A) on an annual basis. All procurement actions are reportable, not just that portion which exceeds $150,000.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the "last report" of the project in section 1B of the form. Annual reports are due by October 30th of each year.

Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program's Home Page at http://www.epa.gov/osbp/dbe_reporting.htm

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Good Faith Effort requirements as described in 40 CFR Part 33 Subpart C, and Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D and explained below.

FAIR SHARE OBJECTIVES , 40 CFR, Part 33, Subpart D
A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR, Section 33.411 some recipients may be exempt from the fair share objectives requirements described in 40 CFR, Part 33, Subpart D. Recipients should work with their DBE coordinator, if they think their organization may qualify for an exemption.

Current Fair Share Objective /Goal
The dollar amount of this assistance agreement or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is $250,000, or more. The FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION has negotiated the following, applicable MBE/WBE fair share objectives/goals with EPA as follows:

Combined MBE/WBE (DBE):
Includes *Construction, Equipment, Services and Supplies* 10%

Negotiating Fair Share Objectives /Goals
In accordance with 40 CFR, Part 33, Subpart D, established goals/objectives remain in effect for three fiscal years unless there are significant changes to the data supporting the fair share objectives. The recipient is required to follow requirements as outlined in 40 CFR Part 33, Subpart D when renegotiating the fair share objectives/goals.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120-day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

SIX GOOD FAITH EFFORTS , 40 CFR, Part 33, Subpart C
Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial

assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

(a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS , 40 CFR, Section 33.302
The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)
Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

Programmatic Conditions

Nationally Consistent Programmatic § 319 Grant Conditions

1) Reporting Requirements
The recipient agrees to comply with all reporting requirements required by EPA regulation 2 CFR 200 §§ 319(h)(10) and (11) of the Clean Water Act, and by the *Nonpoint Source Program and Grants Guidelines for States and Territories*. (2013) Failure to comply with the above referenced reporting requirements may result in a disruption of grantee funding and/or early termination of the grant agreement in accordance with 2 CFR 200.

2) Project Reports
The recipient agrees to submit reports for all projects identified in the approved work plan, including those performed by the recipient, subgrantees, contractors, and through interagency agreements. Reports shall include a comparison of actual accomplishments to the outputs/outcomes established in the workplan for that period, the reasons for slippage if those outputs/outcomes could not be met, and any other pertinent

information such as cost overruns. Reports are due **December 31st** each year until the grant is closed. Reports can be submitted in GRTS. In accordance with **2 CFR 200.328** the recipient agrees to inform EPA as soon as problems, delays or adverse conditions arise which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.
A final project report is due to the EPA project officer within 90 days after the end of the Assistance Agreement Project Period. The report must describe project activities and identify and discuss the extent to which project goals have been achieved, and the amount of funds spent on the project. The report should emphasize successes, failures, lessons learned, load reduction data, and should include any available water quality and habitat data demonstrating project results. Acceptance and approval of final project reports is the responsibility of the recipient. Final project reports will be provided electronically as attachments in GRTS, and submitted in hard copy if required. In addition, the GRTS database should be updated to reflect the project status as complete.

3) Annual Nonpoint Source (NPS) Program Report:
The recipient agrees to provide information required under § 319(h)(11) of the Clean Water Act for the purpose of annual reporting on progress under the State's NPS management program. The § 319 Annual Program Report will be due by December 31st. At a minimum, the report shall contain a summary of progress, including rationale/evidence, in meeting the schedule of milestones in the approved management program and reductions in NPS pollutant loading and improvements in water quality that has resulted from implementation of the NPS management program. Failure to submit the annual NPS program report may affect the recipient's eligibility for future § 319 grant funding.

4) GRTS:
The recipient shall enter all mandated data elements into the Grants Reporting and Tracking System (GRTS) for NPS projects funded under § 319 of the Clean Water Act, according to deadlines specified by EPA. ***Data should be updated twice a year by the end of March and the end of September .***

Initial data entry is due 90 days from award and includes all mandated data elements except the geographic area (if still to be determined), best management practices (BMPs) and load reduction data. The recipient will report BMP and load reduction data as projects are implemented. At a minimum, the BMP and load reduction data will be reported by February 15th of each year for projects implementing BMPs in the previous fiscal year.

State staffing should be 100% accounted for by project period. See GRTS (category and codes) for guidance.

5) Quality Assurance
The recipient agrees to continue to implement and adhere to its EPA-approved Quality Management Pan (QMP) in accordance with EPA QA/R-2, EPA Requirements for Quality Management Plans. If not included under the approved QMP, a stand-alone QAPP is required for those projects/activities that result in the collection and/or generation of environmental information, metrics or data. The recipient agrees to ensure that an approved site specific QAPP is completed for each project. The QAPPs will be reviewed and approved by the Recipient prior to the reimbursement for collection of any environmental information or data. A copy of the approved QAPPs must be retained with the recipient's official records for this Agreement.

6) STORET Data Reporting
The recipient agrees to enter water quality monitoring data, for data collected in a waterbody pursuant to the implementation of a § 319 project, into EPA's "storage and retrieval" (STORET) data system. All water quality data generated with § 319 funding, either directly or by sub-award, are required to be transmitted into the STORET data warehouse using either the Water Quality Exchange (WQX) or WQXweb.

7) Sufficient Progress
EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction

with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project. In determining sufficient progress, EPA may also consider the rate of expenditure of funds (unliquidated obligations), as well as the findings from the most recent § 319 performance and progress determination. (See EPA's *Guidance and Checklist for Determining Progress of State NPS Management Programs and Performance of CWA Section 319 Grants* .)

8) Watershed-based Plans
Under the § 319 guidelines, use of § 319 "watershed project" funds requires that a watershed-based plan which includes all of the information in elements (a)-(i) as described in the § 319 grant guidelines, or an acceptable alternative plan be completed prior to implementation of on-the-ground projects. The recipient shall ensure a watershed-based plan or acceptable alternative plan is completed prior to beginning to implement any on-the-ground project with § 319 watershed project funds.

Upon request by EPA, the recipient shall provide a copy of any watershed-based plan or acceptable alternative plan funded under § 319 as well as any available information regarding the status of implementation activities and results, including but not limited to any reports on BMP's implemented; § 319 funds expended; contributions of funds by other sources to assist in implementation of the watershed-based plans (to the extent this information is readily available to the State); results achieved; and other relevant and appropriate information

9) Operation and Maintenance
The recipient will assure the continued proper operation and maintenance of all nonpoint source management practices that have been implemented for projects funded under this agreement. Such practices shall be operated and maintained for the expected lifespan of the specific practice and in accordance with commonly accepted standards. The recipient shall include a provision in every applicable sub-agreement (subgrant or contract) awarded under this grant requiring that the management practices for the project be properly operated and maintained. Likewise, the sub-agreement will assure that similar provisions are included in any sub-agreements that are awarded by the sub-recipient.

10) Maintenance of Effort / Required Non-Federal Match
State expenditures for NPS implementation activities must meet the maintenance of effort (MOE) level required under § 319(h)(9) of the Clean Water Act. A 40% non-federal program match is also required. The state should assure that the MOE and match requirements have been satisfied and report this through the final Federal Financial Report (FFR) at the end of the budget period.

11) Limitation on Administrative Costs
In accordance with § 319(h)(12) of the Clean Water Act, administrative costs in the form of salaries, overhead, or indirect costs shall not exceed in any fiscal year 10 percent of the amount of the grant except that costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs shall not be subject to this limitation.

12) Obligation and Outlay of Funds
In accordance with § 319(h)(6) of the Clean Water Act, the recipient will show commitment to expend the funds awarded in this grant and to complete the funded projects in accordance with its EPA approved Nonpoint Source management program and the approved work plan. The recipient will award all proposed contracts, subgrants and interagency agreements within one year after grant award.

13) Food and Refreshments
Unless the event(s) and all of its components (i.e., receptions, banquets and other activities that take place after normal business hours) are described in the approved workplan, the recipient agrees to obtain prior approval from EPA for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops, and outreach activities (events). The recipient must send requests for approval to the EPA Project Officer and include:

I. An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s);

II. A description of the purpose, agenda, location, length and timing for the event.

III. An estimated number of participants in the event and a description of their roles.

Recipients may address questions about whether costs for light refreshments, and meals for events are allowable to the recipient's EPA project officer. However, the Agency Award Official or Grant Management Officer will make final determinations on allowability. Agency policy prohibits the use of EPA funds for receptions, banquets and similar activities that take place after normal business hours unless the recipient has provided a justification that has been expressly approved by EPA's Award Official or Grants Management Officer.

Note: U.S. General Services Administration regulations define light refreshments for morning, afternoon or evening breaks to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins. (41 CFR 301-74.11)

14) Permits
The recipient agrees to ensure that all necessary permits (such as Clean Water Act § 404) are obtained prior to implementation of any grant funded activity that may fall under applicable federal, state or local laws. The subgrantee's project implementation plan must identify permits that may be needed to complete work plan activities. The recipient must keep documentation regarding necessary permits in the project file. EPA approval of a workplan does not imply nor guarantee that a federal, state, or local permit will be issued for a particular activity.

15) Participation in Regional and National Meetings
The recipient agrees to attend annual NPS Manager's meetings and GRTS users meeting, as scheduled, unless agreed upon in advance by the EPA Project Officer.

16) NPS Success Stories
The recipient must draft and submit to EPA all applicable NPS Program Success Stories which highlight projects resulting in the restoration of waterbodies.

17) Substantial Involvement condition
[if a cooperative agreement (only if applicable):]
Substantial Federal involvement with the recipient is anticipated during the performance of the cooperative agreement. This Federal involvement may include:

1. Monitoring by EPA of the recipient's performance.
2. Consultation and collaboration on technical matters that will help the recipient carry out the agreement effectively.
3. EPA's prior review and approval of project phases if developed and the substantive terms of the proposed subawards the recipient enters into to carry out specific elements of the scope of work.

18) TMDLs Developed Under Section 319 Grant
For each § 319-funded TMDL, the recipient will provide the following supplemental information to support the load allocations specified in the TMDL:

(1) an identification of total NPS existing loads and total NPS load reductions necessary to meet water quality standards, by source type;

(2) a detailed identification of the causes and sources of NPS pollution by source type to be addressed in order to achieve the load reductions specified in the TMDL (e.g., acres of various row crops, number and size of animal feedlots, acres and density of residential areas); and (3) an analysis of the NPS management measures by source type expected to be implemented to achieve the necessary load reductions, with the recognition that adaptive management may be necessary during implementation.

19) Submission of Draft and Final Subgrant Workplans for EPA Review and Approval

Prior to award, the recipient agrees to submit draft subgrant workplans for all work to be completed under the grant for EPA review and comment. In addition, after award, in the event changes are made to the subgrant workplans, the recipient agrees to submit final workplans for *EPA review and approval prior to State final award and obligation*.

20) Watershed Plan – Public Accessibility
Within two years of the FY'15 award, the State shall provide copies of all watershed plans on a publically accessible website with relevant information on plan status (reviewed/approved, 9-element or not, etc.) In addition, from FY'15 forward, the State shall maintain information on new and revised watershed plans in the Grants Reporting and Tracking System (GRTS) watershed plan tracker. The watershed plan databases shall be updated and made current by the last day of each calendar year.

21) State Grant Cybersecurity Condition
(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State law cybersecurity requirements .
(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure.
For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition .
If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.
(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.331(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

22) Competency of Organizations Generating Environmental Measurement Data - In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at http://www.epa.gov/fem/lab_comp.htm or a copy may also be requested by contacting the EPA project officer for this award.

23) Geospatial Data Standards – In accordance with Circular A-16 and CIO Policy Transmittal 05-002, all geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov.

ATTACHMENT 8
Contract Provisions for EPA-Funded Agreements

The Department, as a Non-Federal Entity as defined by 2 CFR §200.69, shall comply with the following provisions, where applicable. For purposes of this Grant Agreement between the Department and the Grantee, the term "Recipient" shall mean "Grantee."

Further, the Department, as a pass-through entity, also requires the Grantee to pass on these requirements to all lower tier subrecipients, and to comply with the provisions of the award, including applicable provisions of the OMB Uniform Guidance (2 CFR Part 200), and all associated terms and conditions. Therefore, Grantees must include these requirements in all related subcontracts and/or sub-awards. Grantees can include these requirements by incorporating this Attachment in the related subcontract and/or sub-awards, however for all such subcontracts and sub-awards, the Grantee shall assume the role of the Non-Federal Entity and the subrecipients shall assume the role of the Recipient.

2 CFR PART 200 APPENDIX 2 REQUIREMENTS

1. Administrative, Contractual, and Legal Remedies

The following provision is required if the Agreement is for more than $150,000. In addition to any of the remedies described in the elsewhere in the Agreement, if the Recipient materially fails to comply with the terms and conditions of this Contract, including any Federal or State statutes, rules or regulations, applicable to this Contract, the Non-Federal Entity may take one or more of the following actions.

i. Temporarily withhold payments pending correction of the deficiency by the Recipient.
ii. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
iii. Wholly or partly suspend or terminate this Contract.
iv. Take other remedies that may be legally available.

The remedies identified above, do not preclude the Recipient from being subject to debarment and suspension under Presidential Executive Orders 12549 and 12689. The Non-Federal entity shall have the right to demand a refund, either in whole or part, of the funds provided to the Recipient for noncompliance with the terms of this Agreement.

2. Termination for Cause and Convenience

Termination for Cause and Convenience are addressed elsewhere in the Agreement.

3. Equal Opportunity Clause

The following provision applies if the agreement meets the definition of "federally assisted construction contract" as defined by 41 CFR Part 60-1.3:

During the performance of this Agreement, the Recipient agrees as follows:

i. The Recipient will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Recipient will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:
    a. Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Recipient agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
ii. The Recipient will, in all solicitations or advertisements for employees placed by or on behalf of the Recipient, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
iii. The Recipient will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired

about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the Recipient's legal duty to furnish information.

iv. The Recipient will send to each labor union or representative of workers with which he has a collective bargaining agreement or other Agreement or understanding, a notice to be provided advising the said labor union or workers' representatives of the Recipient's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

v. The Recipient will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

vi. The Recipient will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

vii. In the event of the Recipient's noncompliance with the nondiscrimination clauses of this Agreement or with any of the said rules, regulations, or orders, this Agreement may be canceled, terminated, or suspended in whole or in part and the Recipient may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

viii. The Recipient will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Recipient will take such action with respect to any subcontractor purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.

4. Davis Bacon Act

If the Agreement is a prime construction contract in excess of $2,000 awarded by the Recipient, and if required by the Federal Legislation, the Recipient must comply with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must pay wages not less than once a week. The Recipient must comply with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each Recipient or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled.

5. Contract Work Hours and Safety Standards Act

Where applicable, if the Agreement is in excess of $100,000 and involves the employment of mechanics or laborers, the Recipient must comply with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each Recipient must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not

less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

6. Rights to Inventions Made Under Agreement

If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the Non-Federal Entity or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the Non-Federal Entity or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

7. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387)

If the Agreement is in excess of $150,000, the Recipient shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Awarding Agency and the Regional Office of the Environmental Protection Agency (EPA).

8. Debarment and Suspension (Executive Orders 12549 and 12689)

The Recipient certifies that it is not listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension."

9. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)

The Recipient certifies that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. The Recipient shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.

10. Procurement of Recovered Materials

The Recipient must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act as described in 2 CFR part 200.322.

ADMINISTRATIVE

11. General Federal Regulations

Recipients shall comply with the regulations listed in 2 CFR 200, 48 CFR 31, and 40 U.S.C. 1101 *et sequence.*

12. Rights to Patents and Inventions Made Under a Contract or Agreement

Rights to inventions made under this assistance agreement are subject to federal patent and licensing regulations, which are codified at Title 37 CFR Part 401 and Title 35 U.S.C. 200 through 212.

13. Compliance with the Trafficking Victims Protection Act of 2000 (2 CFR Part 175)

Recipients, their employees, subrecipients under this award, and subrecipients' employees may not:

i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

ii. Procure a commercial sex act during the period of time that the award is in effect; or

iii. Use forced labor in the performance of the award or subawards under the award.

14. Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234)

Recipients must comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234), if applicable. This act requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Water Resources Reform and Development Act (WRRDA) P.L. 113-121

Recipients must comply with the Water Resources Reform and Development Act (WRRDA) P.L. 113-121, if applicable. This act provides for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources.

16. Whistleblower Protection

Recipients shall comply with U.S.C. §4712, Enhancement of Recipient and Subrecipient Employee Whistleblower Protection. This requirement applies to all awards issued after July 1, 2013 and effective December 14, 2016 has been permanently extended (Public Law (P.L.) 114-261).

(a) This award, related subawards, and related contracts over the simplified acquisition threshold and all employees working on this award, related subawards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies in the pilot program on award recipient employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239).

(b) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 U.S.C. 4712.

(c) The Recipient shall insert this clause, including this paragraph (c), in all subawards and in contracts over the simplified acquisition threshold related to this award; best efforts should be made to include this clause, including this paragraph (c) in any subawards and contracts awarded prior to the effective date of this provision.

17. Notification of Termination (2 CFR § 200.340)

In accordance with 2 CFR § 200.340, in the event that the Agreement is terminated prior to the end of the period of performance due to the Recipient's or subcontractor's material failure to comply with Federal statutes, regulations or the terms and conditions of this Agreement or the Federal award, the termination shall be reported to the Office of Management and Budget (OMB)-designated integrity and performance system, accessible through System for Award Management (SAM) currently the Federal Awardee Performance and Integrity Information System (FAPIIS). The Non-Federal Entity will notify the Recipient of the termination and the Federal requirement to report the termination in FAPIIS. See 2 CFR § 200.340 for the requirements of the notice and the Recipient's rights upon termination and following termination.

18. Additional Lobbying Requirements

(a) The Recipient certifies that no funds provided under this Agreement have been used or will be used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

(b) The Lobbying Disclosure Act of 1995, as amended (2 U.S.C. §1601 *et seq.*), prohibits any organization described in Section 501(c)(4) of the Internal Revenue Code, from receiving federal funds through an award, grant (and/or subgrant) or loan unless such organization warrants that it does not, and will not engage in lobbying activities prohibited by the Act as a special condition of such an award, grant (and/or subgrant), or loan. This restriction does not apply to loans made pursuant to approved revolving loan programs or to contracts awarded using proper procurement procedures.

(c) Pursuant to 2 CFR §200.450 and 2 CFR §200.454(e), the Recipient is hereby prohibited from using funds provided by this Agreement for membership dues to any entity or organization engaged in lobbying activities.

COMPLIANCE WITH ASSURANCES

19. Assurances

Recipients shall comply with any and all applicable assurances made by the Department or the Recipient to the Federal Government during the Grant application process.

20. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms

Recipients shall take all affirmative steps necessary to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible, including those steps listed in 2 CFR 200.321(b).

ENVIRONMENTAL PROTECTION AGENCY-SPECIFIC

21. EPA General Terms and Conditions *(for purposes of compliance within the EPA General Terms and Conditions only, "Recipient" refers to the Department and "Subrecipient" refers to the Grantee).* Recipients and subrecipients shall comply with EPA General Terms and Conditions applicable to the specific Federal Award funding source, available at https://www.epa.gov/grants/grant-terms-and-conditions, and incorporated by reference.

22. EPA's Prohibition on Paying Management Fees. Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this Agreement. Management fees or similar charges may not be used to improve or expand the Project funded under this Agreement, except to the extent authorized as a direct cost of carrying out the work identified in the Grant Work Plan.

23. EPA Cybersecurity Conditions

Recipients shall comply with the EPA Grant Cyber Security Conditions located at https://www.epa.gov/grants/state-grant-cybersecurity-condition, last amended July 6, 2015.

24. Environmental Justice Guidance under the National Environmental Policy Act (42 U.S.C. 4321)

Recipients shall comply with the Environmental Justice Guidance under the National Environmental Policy Act (42 U.S.C. 4321). This act relates to the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies.

25. EPA Regulations

Recipients shall comply with the following regulations: 40 CFR 4, 40 CFR 12, 40 CFR 12, 40 CFR 29, 40 CFR 33.302, 40 CFR 33.501(b) and (c), 40 CFR 34, 40 CFR 35, 2 CFR 1500, and 2 CFR 1532.

26. Drug-Free Workplace

Recipients must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 2 CFR Part 1536 Subpart B. Additionally, in accordance with these regulations, the Recipients must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

27. EPA's Program for Utilization of Small, Minority, and Women's Business Enterprises.

Acceptance of the funds awarded under this Agreement requires general compliance with the EPA's Disadvantaged Business Enterprise (DBE) Program pursuant to 40 CFR, Part 33. Recipients shall not discriminate on the basis of race, color, national origin or sex in the performance of this Agreement. Recipients shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts and/or subcontracts awarded under EPA financial assistance agreements. Failure by the Recipient to carry out these requirements is a material breach of this Agreement which may result in the termination of this Agreement or other legally available remedies.

Based on the amount awarded to the Department under the original Federal funding source for this Agreement, Recipients are subject to the reporting requirements of the EPA's DBE Program. Recipients must complete and submit a "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" report (EPA Form 5700-52A) with the applicable required Payment Request Form(s).

The current EPA Form 5700-52A is included as an Exhibit to this Attachment, but it is also available from the EPA Office of Small Business Program's Home Page at http://www.epa.gov/osbp/dbe_reporting.htm.

The Department has negotiated its current "Fair Share" objective and goals with the EPA, which are listed in Attachment 7, Grant Award Terms. However, if the Grantee does not want to rely on the applicable Department's MBE/WBE goals, the Grantee may contact the Department to coordinate the proposal of alternate MBE/WBE goals based on availability of qualified minority and women-owned businesses to do work in the relevant market for construction, services, supplies and equipment.

28. American Iron and Steel (Compliance with P.L. 113-76)

Recipients shall comply with the Consolidated Appropriations Act of 2014 (Public Law 113-76), if applicable. This act includes an American Iron and Steel (AIS) requirement, if applicable. Clean Water State

Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) assistance recipients are required to use iron and steel products that are produced in the United States for projects for the construction, alteration, maintenance, or repair of a public water system or treatment works and if the project is funded through an assistance agreement executed beginning January 17, 2014 (enactment of the Act).
The appropriation language sets forth certain circumstances under which EPA may waive AIS requirements. Furthermore, the act exempts projects where engineering specifications and plans were approved by a state agency prior to January 17, 2014. §319(h) funded projects are excluded from this provision.

29. Geospatial Data Standards

Recipients must meet the EPA Geospatial Data Standards. All geospatial data created must be consistent with Federal Geographic Data Committee endorsed standards. Information on these standards can be found at www.fgdc.gov.

30. Signage Required Term and Condition

a. Signage Requirements

The Recipient is required to place a sign at construction sites supported under this award displaying the EPA logo in a manner that informs the public that the project is funded in part or wholly by the EPA. The sign must be placed in a visible location that can be directly linked to the work taking place and must be maintained in good condition throughout the construction period.
Recipients are required to comply with the sign specifications provided by the EPA Office of Public Affairs (OPA) available at: https://www.epa.gov/grants/epa-logo-seal-specifications-signage-produced-epa-assistance-agreement-recipients. If the EPA logo is displayed along with the logos of other participating entities, the EPA logo must not be displayed in a manner that implies that EPA itself is conducting the project. Instead, the EPA logo must be accompanied with a statement indicating that the recipient received financial assistance from EPA for the project. As provided in the sign specifications from OPA, the EPA logo is the preferred identifier for assistance agreement projects and use of the EPA seal requires prior approval from the EPA. To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to OPA and include the EPA Project Officer in the communication. Instructions for contacting OPA is available on the Using the EPA Seal and Logo page.
Consistent with section 6002 of RCRA, 42 U.S.C. 6962, and 2 CFR 200.322, recipients are encouraged to use recycled or recovered materials when procuring signs. Signage costs are considered an allowable cost under this assistance agreement provided that the costs associated with signage are reasonable.
Additionally, to increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to translate the language on signs (excluding the EPA logo or seal) into the appropriate non-English language(s). The costs of such translation are allowable, provided the costs are reasonable.

b. Public or Media Events

The Recipient agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to construction projects as a result of this agreement, and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days' notice.

CLEAN WATER ACT SECTION 319 NON-POINT SOURCE ASSISTANCE AGREEMENTS-SPECIFIC

31. Non-Point Source Assistance Agreement Terms and Conditions

Recipients shall comply with the Clean Water Act Section 319 Non-Point Source Assistance Agreements Public Awareness Terms and Conditions Effective October 1, 2014 (PDF).

32. Operation and Maintenance

For Projects funded by EPA §319(h) funds, Recipients will assure the continued proper operation and maintenance of all nonpoint source management practices that have been implemented for Projects funded under this Agreement. Such practices shall be operated and maintained for the expected lifespan of the specific practice and in accordance with commonly accepted standards. Likewise, the Recipient will assure that similar provisions are included in any sub-agreements that are awarded.

33. Nutrient Management Plans for Animal Feeding Operations

Recipients shall comply with the Nutrient Management Plans for Animal Feeding Operations as required under this Grant and must have and implement a nutrient management plan that: 1) provides and maintains buffers or equivalent practices; 2) diverts clean water; 3) prevents direct contact of confined animals with waters of the United States; 4) addresses animal mortality; 5) addresses chemical disposal; 6) addresses

proper operation and maintenance; 7) addresses record keeping and testing; 8) maintains proper storage capacity; and, 9) addresses rate and timing of land application of manure and wastewater.

FLORIDA RURAL WATER ASSOCIATION TECHNICAL ASSISTANCE AND TRAINING GRANT AGREEMENT-SPECIFIC

34. Green Infrastructure Policy

Recipients shall comply with the EPA's Green Infrastructure Policy (established by the American Recovery and Reinvestment Act) for the Clean Water State Revolving Fund Program, if applicable. This policy provides guidance and a best practices guide for funding green infrastructure in the CWSRF program.

35. Clean Water State Revolving Fund

Recipients shall comply with the Clean Water State Revolving Fund Regulations (Title VI of the Clean Water Act, 40 CFR Part 35), if applicable. These regulations provide all applicable requirements of the EPA regulations and rules and procedures prescribed under the Clean Water State Revolving Funds Regulations.

36. Drinking Water State Revolving Fund Regulations

Recipients shall comply with the Drinking Water State Revolving Fund Regulations (40 CFR Part 35 Subpart L), if applicable. These regulations provide details on the requirements and functions of the Drinking Water State Revolving Fund, authorized under the Safe Drinking Water Act.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

OMB CONTROL NO. 2030-0020
APPROVED 06/30/2014
APPROVAL EXPIRES: 06/30/2017

EXHIBIT 1

U.S. ENVIRONMENTAL PROTECTION AGENCY
MBE/WBE UTILIZATION UNDER FEDERAL GRANTS AND COOPERATIVE AGREEMENTS

FOR COOPERATIVE AGREEMENTS OR OTHER FEDERAL FINANCIAL ASSISTANCE WHERE THE COMBINED TOTAL OF FUNDS BUDGETED FOR PROCURING SUPPLIES, EQUIPMENT, CONSTRUCTION OR SERVICES EXCEED $150,000.

PART 1: PLEASE REVIEW INSTRUCTIONS BEFORE COMPLETING

1A. FEDERAL FISCAL YEAR (Oct 1- Sep 30)	1B. REPORT TYPE
20_____	☐ Annual ☐ Last Report (Project completed)

1C: REVISION OF A PRIOR YEAR REPORT? ☐ No ☐ Yes, Year_____

IF YES, BRIEFLY DESCRIBE THE REVISIONS YOU ARE MAKING:

2A. EPA FINANCIAL ASSISTANCE OFFICE ADDRESS (ATTN: DBE COORDINATOR)	3A. RECIPIENT NAME AND ADDRESS
2B. EPA DBE COORDINATOR Name: Email: Phone: Fax:	3B. RECIPIENT REPORTING CONTACT Name: Address: Phone: Email:
4A. FINANCIAL ASSISTANCE AGREEMENT ID NUMBER (SRF State Recipients, refer to Instructions for Completion of blocks 4A, 5A and 5C)	4B. FEDERAL FINANCIAL ASSISTANCE PROGRAM TITLE OR CFDA NUMBER:
5A. TOTAL ASSISTANCE AGREEMENT AMOUNT EPA Share: $ _____ Recipient Share: $ _____ ☐ N/A (SRF Recipient)	5B. If NO procurements and NO accomplishments were made this reporting period (by the recipients, sub-recipients, loan recipients, and prime contractors), **CHECK and SKIP to Block No. 7**. (Procurements are all expenditures through contract, order, purchase, lease or barter of supplies, equipment, construction, or services needed to complete Federal assistance programs. Accomplishments, in this context, are procurements made with MBEs and/or WBEs.) ☐

5C. Total Procurements This Reporting Period (Only include amount not reported in any prior reporting period)

Total Procurement Amount $_____

(Include total dollar values awarded by recipient, sub-recipients and SRF loan recipients, including MBE/WBE expenditures.)

5D. Were sub-awards issued under this assistance agreement? Yes____ No____

Were contracts issued under this assistance agreement? Yes____ No____

5E. MBE/WBE Accomplishments This Reporting Period

Actual MBE/WBE Procurement Accomplished (Include total dollar values awarded by recipient, sub-recipients, SRF loan recipients and Prime Contractors.)

	Construction	Equipment	Services	Supplies	Total
$MBE:	_____	_____	_____	_____	0.00
$WBE:	_____	_____	_____	_____	0.00

6. COMMENTS: (If no MBE/WBE procurements, please summarize how certified MBEs/WBEs were notified of the opportunities to compete for the procurement dollars entered in Block 5C and why certified MBEs /WBEs were not awarded any procurements during this reporting period.)

7. NAME OF RECIPIENT'S AUTHORIZED REPRESENTATIVE	TITLE
8. SIGNATURE OF RECIPIENT'S AUTHORIZED REPRESENTATIVE	DATE

EPA FORM 5700-52A available electronically at http://www.epa.gov/osbp/pdfs/5700_52a.pdf

OMB CONTROL NO. 2030-0020
APPROVED: 06/30/2014
APPROVAL EXPIRES: 06/30/2017

PART II.

MBE/WBE PROCUREMENTS MADE DURING REPORTING PERIOD

EPA Financial Assistance Agreement Number: _____

1. Procurement Made By			2. Business Enterprise		3. $ Value of Procurement	4. Date of Procurement MM/DD/YY	5. Type of Product or Service (Enter Code)	6. Name/Address/Phone Number of MBE/WBE Contractor or Vendor
Recipient	Sub-Recipient and/or SRF Loan Recipient	Prime	Minority	Women				

Type of Product or Service Codes:

1 = Construction 2 = Supplies 3 = Services 4 = Equipment

Note: Recipients are required to submit MBE/WBE reports to EPA beginning with the Federal fiscal year the recipients receive the award, continuing until the project is completed.

Instructions:

A. General Instructions:

MBE/WBE utilization is based on 40 CFR Part 33. The reporting requirement reflects the class deviation issued on November 8, 2013, clarified on January 9, 2014 and modified on December 2, 2014. EPA Form 5700-52A must be completed annually by recipients of financial assistance agreements where the combined total of funds budgeted for procuring supplies, equipment, construction or services exceeds $150,000.This reporting requirement applies to all new and existing awards and voids all previous reporting requirements.

In determining whether the $150,000 threshold is exceeded for a particular assistance agreement, the analysis must focus on funds budgeted for procurement under the supplies, equipment, construction, services or "other" categories, and include funds budgeted for procurement under sub-awards or loans

Reporting will also be required in cases where the details of the budgets of sub-awards/loans are not clear at the time of the grant awards and the combined total of the procurement and sub-awards and/or loans exceeds the $150,000 threshold.

When reporting is required, all procurement actions are reportable, not just the portion which exceeds $150,000.

If at the time of award the budgeted funds exceed $150,000 but actual expenditures fall below, a report is still required.

If at the time of award, the combined total of funds budgeted for procurements in any category is less than or equal to $150,000 and is maintained below the threshold, no DBE report is required to be submitted.

Recipients are required to report 30 days after the end of each federal year, per the terms and conditions of the financial assistance agreement.

Last reports are due October 30th or 90 days after the end of the project period, whichever comes first.

MBE/WBE program requirements, including reporting, are material terms and conditions of the financial assistance agreement.

B. Definitions:

Procurement is the acquisition through contract, order, purchase, lease or barter of supplies, equipment, construction or services needed to accomplish Federal assistance programs.

A ***contract*** is a written agreement between an EPA recipient and another party (also considered "prime contracts") and any lower tier agreement (also considered "subcontracts") for equipment, services, supplies, or construction necessary to complete the project. This definition excludes written agreements with another public agency. This definition includes personal and professional services, agreements with consultants, and purchase orders.

A ***minority business enterprise*** **(MBE)** is a business concern that is (1) at least 51 percent owned by one or more minority individuals, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more minority

individuals; and (2) whose daily business operations are managed and directed by one or more of the minority owners. In order to qualify and participate as an MBE prime or subcontractor for EPA recipients under EPA's DBE Program, an entity must be properly certified as required by 40 CFR Part 33, Subpart B.

U.S. citizenship is required. Recipients shall presume that minority individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or other groups whose members are found to be disadvantaged by the Small Business Act or by the Secretary of Commerce under section 5 of Executive order 11625. The reporting contact at EPA can provide additional information.

*A **woman business enterprise*** **(WBE)** is a business concern that is, (1) at least 51 percent owned by one or more women, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more women and (2) whose daily business operations are managed and directed by one or more of the women owners. In order to qualify and participate as a WBE prime or subcontractor for EPA recipients under EPA's DBE Program, an entity must be properly certified as required by 40 CFR Part 33, Subpart B.

Business firms which are 51 percent owned by minorities or women, but are in fact not managed and operated by minorities or females do not qualify for meeting MBE/WBE procurement goals. U.S. Citizenship is required.

Good Faith Efforts

A recipient is required to make the following good faith efforts whenever procuring construction, equipment, services, and supplies under an EPA financial assistance agreement. These good faith efforts for utilizing MBEs and WBEs must be documented. Such documentation is subject to EPA review upon request:

1. Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

2. Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

3. Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

4. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

5. Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

6. If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

C. Instructions for Part I:

1A. Specify Federal fiscal year this report covers. The Federal fiscal year runs from October 1st through September 30th (**e.g. November 29, 2014 falls within Federal fiscal year 2015**)

1B. Specify report type. Check the annual reporting box. Also indicate if the project is completed.

1C. Indicate if this is a revision to a previous year and provide a brief description of the revision you are making.

2A-B. Please refer to your financial assistance agreement for the mailing address of the EPA financial assistance office for your agreement.

The "EPA DBE Reporting Contact" is the DBE Coordinator for the EPA Region from which your financial assistance agreement was originated. For a list of DBE Coordinators please refer to the EPA OSBP website at http://epa.gov/osbp/dbe_cord.

3A-B. Identify the agency, state authority, university or other organization which is the recipient of the Federal financial assistance and the person to contact concerning this report.

4A. Provide the Assistance Agreement number assigned by EPA. A separate report must be submitted for each Assistance Agreement.

***For SRF recipients**: In box 4a list numbers for ALL OPEN Assistance Agreements being reported on this form.

4B. Refer back to Assistance Agreement document for this information.

5A. Provide the total amount of the Assistance Agreement which includes Federal funds plus recipient matching funds and funds from other sources.

***For SRF recipients only**: SRF recipients will not enter an amount in 5a. SRF recipients should check the "N/A" box.

5B. Self-explanatory.

5C. Provide the total dollar amount of **ALL** procurements awarded this reporting period by the recipient, sub-recipients, and SRF loan recipients, **including** MBE/WBE expenditures, not just the portion which exceeds $150,000. For example: Actual dollars for procurement from the procuring office; actual contracts let from the contracts office; actual goods, services, supplies, etc., from other sources including the central purchasing/ procurement centers).

***NOTE**: To prevent double counting on line 5C, if any amount on 5E is for a subcontract and the prime contract has already been included on Line 5C in a prior reporting period, then report the amount going to MBE or WBE subcontractor on line 5E, but exclude the amount from Line 5C. To include the amount on 5C again would result in double counting because the prime contract, which includes the subcontract, would have already been reported.

***For SRF recipients only**: In 5c please enter the total annual procurement amount under all of your SRF Assistance Agreements. The figure reported in this section is **not** directly tied to an individual Assistance Agreement identification number. **(SRF state recipients report state procurements in this section)**

5D. State whether or not sub-awards and/or subcontracts have been issued under the financial assistance agreements by indicating “yes” or “no”.

5E. Where requested, also provide the total dollar amount of all MBE/WBE procurement awarded during this reporting period by the recipient, sub-recipients, SRF loan recipients, and prime contractors in the categories of construction, equipment, services and supplies. These amounts include Federal funds plus recipient matching funds and funds from other sources.

6. If there were no MBE/WBE accomplishments this reporting period, please briefly how certified MBEs/WBEs were notified of the opportunities to compete for the procurement dollars entered in Block 5C and why certified MBEs /WBEs were not awarded any procurements during this reporting period.

7. Name and title of official administrator or designated reporting official.

8. Signature, month, day, and year report submitted.

D. Instructions for Part II:

For each MBE/WBE procurement made under this financial assistance agreements during the reporting period, provide the following information:

1. Check whether this procurement was made by the recipient, sub-recipient/SRF loan recipient, or the prime contractor.

2. Check either the MBE or WBE column. If a firm is both an MBE and WBE, the recipient may choose to count the entire procurement towards EITHER its MBE or WBE accomplishments. The recipient may also divide the total amount of the procurement (using any ratio it so chooses) and count those divided amounts toward its MBE and WBE accomplishments. If the recipient chooses to divide the procurement amount and count portions toward its MBE and WBE accomplishments, please state the appropriate amounts under the MBE and WBE columns on the form. **The combined MBE and WBE amounts for that MBE/WBE contractor must not exceed the “Value of the Procurement” reported in column #3**

3. Dollar value of procurement.

4. Date of procurement, shown as month, day, year. Date of procurement is defined as the date the contract or procurement was awarded, **not** the date the contractor received payment under the awarded contract or procurement, unless payment occurred on the date of award. **(Where direct purchasing is the procurement method, the date of procurement is the date the purchase was made)**

5. Using codes at the bottom of the form, identify type of product or service acquired through this procurement (e.g., enter 1 if construction, 2 if supplies, etc.).

6. Name, address, and telephone number of MBE/WBE firm.

**This data is requested to comply with provisions mandated by: statute or regulations (40 CFR Parts 30, 31, and 33 and/or 2 CFR Parts 200 and 1500); OMB Circulars; or added by EPA to ensure sound and effective assistance management. Accurate, complete data are required to obtain funding, while no pledge of confidentiality is provided.

The public reporting and recording burden for this collection of information is estimated to average l hour per response annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclosure or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2136), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB Control number in any correspondence. Do not send the completed form to this address.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Progress Report Form

Exhibit A

DEP Agreement No.:	**NF029**
Grantee Name:	
Grantee Address:	
Grantee's Grant Manager:	
Reporting Period:	
Project Number and Title:	

Provide the following information for all tasks and deliverables identified in the Grant Work Plan:
A summary of project accomplishments for the reporting period, and comparison to goals for the period. If goals were not met, provide reasons why. Provide an update on the estimated time for completion of the task and an explanation for any anticipated delays. Identify by task.

Use as many pages as necessary to cover all tasks in the Grant Work Plan. The following format should be followed.

Task #: Description: _____
Progress for this reporting period:

Identify any delays or problems encountered:

Task #: Description: _____
Progress for this reporting period:

Identify any delays or problems encountered:

This report is submitted in accordance with the reporting requirements of DEP Agreement No. NF029 and accurately reflects the activities associated with the project.

_____ _____
Signature of Grantee's Grant Manager Date

EXHIBIT C

PAYMENT REQUEST SUMMARY FORM

Payment Request No. _____ **DEP Agreement No.** _____ **Date** _____

Performance Period (*Start date - End date*): _____

Deliverables completed to support payment request (*attach additional pages as needed*):

Task/Deliverable Number(s): _____ **Task Budget Amount:** $ -

Grantee:
(Name & Mailing Address) _____

Grantee Contact:
(Name & Phone) _____

GRANT EXPENDITURES SUMMARY SECTION

CATEGORY OF EXPENDITURE *(As authorized)*	AMOUNT OF THIS REQUEST	TOTAL CUMULATIVE PAYMENT REQUESTS	MATCHING FUNDS FOR THIS REQUEST	TOTAL CUMULATIVE MATCHING FUNDS
Salaries/Wages	$ -	$ -	$ -	$ -
Fringe Benefits	$ -	$ -	$ -	$ -
Indirect Cost	$ -	$ -	$ -	$ -
Contractual (Subcontractors)	$ -	$ -	$ -	$ -
Travel	$ -	$ -	$ -	$ -
Equipment (Direct Purchases)	$ -	$ -	$ -	$ -
Rental/Lease of Equipment	$ -	$ -	$ -	$ -
Miscellaneous/Other Expenses	$ -	$ -	$ -	$ -
Land Acquisition	$ -	$ -	$ -	$ -
TOTAL AMOUNT	$	$	$	$
TOTAL BUDGET (ALL TASKS)	$		$	
Less Total Cumulative Payment Requests of:	$		$	
TOTAL REMAINING (ALL TASKS)	$		$	

GRANTEE CERTIFICATION

Complete Grantee's Certification of Payment Request on Page 2 to certify that the amount being requested for reimbursement above was for items that were charged to and utilized only for the above cited grant activities.

Grantee's Certification of Payment Request

I, _____, on behalf of
(Print name of Grantee's Grant Manager designated in the Agreement)

_____, do hereby certify for
(Print name of Grantee)

DEP Agreement No. _____ and Payment Request No. _____ that:

☑ The disbursement amount requested is for allowable costs for the project described in Attachment 3 of the Agreement.

☑ All costs included in the amount requested have been satisfactorily purchased, performed, received, and applied toward completing the project; such costs are documented by invoices or other appropriate documentation as required in the Agreement.

☑ The Grantee has paid such costs under the terms and provisions of contracts relating directly to the project; and the Grantee is not in default of any terms or provisions of the contracts.

Check all that apply:

☐ All permits and approvals required for the construction, which is underway, have been obtained.

☐ Construction up to the point of this disbursement is in compliance with the construction plans and permits.

☐ The Grantee's Grant Manager relied on certifications from the following professionals that provided services for this project during the time period covered by this Certification of Payment Request, and such certifications are included:

Professional Service Provider (Name / License No.)	Period of Service (mm/dd/yy – mm/dd/yy)

Grantee's Grant Manager's Signature	Grantee's Fiscal Agent Signature
Print Name	Print Name
Telephone Number	Telephone Number

INSTRUCTIONS FOR COMPLETING PAYMENT REQUEST SUMMARY FORM

PAYMENT REQUEST NO.: This is the number of your payment request, not the quarter number.
DEP AGREEMENT NO.: This is the number on your grant agreement.
DATE: This is the date that you are submitting the payment request.
PERFORMANCE PERIOD: This is the beginning and ending date of the performance period for the Task/Deliverable that the request is for (this must be within the timeline shown for the Task/Deliverable in the Agreement).

TASK/DELIVERABLE NO.: Identify the number of the Task/Deliverable that you are requesting payment for and/or claiming match for (must agree with the current Grant Work Plan). *Note:* If payment request includes more than one Task/Deliverable, additional pages should identify each Task/Deliverable Number, its corresponding budget amount, and the amount requested.

TASK BUDGET AMOUNT: List the Task budget amount as identified in the Grant Work Plan for the corresponding Task/Delverable. *Note:* If payment request includes more than one Task/Deliverable, additional pages should identify each Task/Deliverable Number, its corresponding budget amount, and the amount requested.
GRANTEE: Enter the name of the Grantee's agency and the address to which you want the state warrant sent.
GRANTEE CONTACT: List the name and telephone number for the Grantee's grant manager or other point of contact regarding the payment request submittal.

GRANT EXPENDITURES SUMMARY SECTION:

"AMOUNT OF THIS REQUEST" COLUMN: Enter by authorized category of expenditure the amount for which you are requesting reimbursement for this task. This must agree with the currently approved budget in the current Grant Work Plan of your grant Agreement. Do not claim expenses in a budget category that does not have an approved budget. Do not claim items that are not specifically identified in the current Grant Work Plan. Enter the column total on the "*TOTAL AMOUNT*" line. Enter the amount of all Tasks on the "*TOTAL BUDGET (ALL TASKS)*" line. Enter the total cumulative amount of this request **and** all previous payments on the "*LESS TOTAL CUMULATIVE PAYMENT REQUESTS OF*" line. Deduct the "*LESS TOTAL CUMULATIVE PAYMENT REQUESTS OF*" from the "*TOTAL BUDGET (ALL TASKS)*" for the amount to enter on the "*TOTAL REMAINING (ALL TASKS)*" line.

"TOTAL CUMULATIVE PAYMENT REQUESTS" COLUMN: Enter the cumulative amounts that have been requested to date for reimbursement by budget category. The final request should show the total of all requests; first through the final request (this amount cannot exceed the approved budget amount for that budget category for the Task(s) you are reporting on). Enter the column total on the "*TOTAL PAYMENT REQUEST*" line. **Do not enter anything in the shaded areas.**

"MATCHING FUNDS" COLUMN: Enter the amount to be claimed as match for the performance period for the Task(s) you are reporting on. This needs to be shown under specific budget categories according to the currently approved Grant Work Plan. Enter the total on the "*TOTAL AMOUNT*" line for this column. Enter the match budget amount on the "*TOTAL BUDGET (ALL TASKS)*" line for this column. Enter the total cumulative amount of this and any previous match claimed on the "*LESS TOTAL CUMULATIVE PAYMENTS OF*" line for this column. Deduct the "*LESS TOTAL CUMULATIVE PAYMENTS OF*" from the "*TOTAL BUDGET (ALL TASKS)*" for the amount to enter on the "*TOTAL REMAINING (ALL TASKS)*" line.

"TOTAL CUMULATIVE MATCHING FUNDS" COLUMN: Enter the cumulative amounts you have claimed to date for match by budget category. Put the total of all on the line titled "*TOTAL PAYMENT REQUEST*." The final request should show the total of all claims, first claim through the final claim, etc. **Do not enter anything in the shaded areas.**

GRANTEE'S CERTIFICATION: Check all boxes that apply. Identify any licensed professional service providers that certified work or services completed during the period included in the request for payment. **Must be signed by both the Grantee's Grant Manager as identified in the grant agreement and the Grantee's Fiscal Agent.**

Documentation for match claims must meet the same requirements as those expenditures for reimbursement.

INVOICE SUMMARY INFORMATION

Contract #:

Grantee:

Payment Request #:

Complete the table below. Use the drop down lists to add categories. Enter one Task number per row and one Category per column.

Select only the categories that are in the contract task budget.

Also complete the ***Contractual Detail*** spreadsheet if the contractual category is funded in the Agreement/Task.
Also, complete the ***Equip-Supplies-Expense*** spreadsheet if the contractual category is funded in the Agreement/Task.
Also complete the ***Salary/Fringe Detail*** spreadsheet if the salary and fringe categories are funded in the Agreement/Task.
*Include the match amount if match is required in the Agreement and is included in the invoice.
Formulas are included in some of the spreadsheet cells, denoted with "$ - " .

		Provide Reimbursement Request Amounts by Category					Provide Amounts to Credit Towards Match by Category*				
		Select one budget category per column using the drop down lists					Select one budget category per column using the drop down lists				
Task/ Deliverable #	Performance Period - Date Range	Click here for drop down list	Click here for drop down list	Click here for drop down list	Click here for drop down list	Click here for drop down list	Click here for drop down list	Click here for drop down list	Click here for drop down list	Click here for drop down list	Comments
		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	
Total Reimbursement Request:		$ -									
Total Amount to Credit to Match:		$ -									

CONTRACTUAL DETAIL

Complete one table per Task containing Contractual Reimbursement Requests
Add rows as needed for each table. Add tables as needed, if more than two tasks are in the invoice.
Enter the contractual sum for each task into the Invoice Summary spreadsheet.
*Include the match amount if match is required in the Agreement and is included in the invoice

Task/Deliverable #:

Performance Period - Date Range	Sub-contractor Name	Subcontractor Invoice Number	Sub-contractor Invoice Date	Check Number	Check Amount	Amount requested for reimbursement	Amount to credit towards Match*	Comments
				Contractual Total for Task #___ :		$ -	$ -	

Task/Deliverable #:

Performance Period - Date Range	Sub-contractor Name	Subcontractor Invoice Number	Sub-contractor Invoice Date	Check Number	Check Amount	Amount requested for reimbursement	Amount to credit towards Match*	Comments
				Contractual Total for Task #___ :		$ -	$ -	

EQUIPMENT AND SUPPLY/EXPENSE DETAIL

Complete one table for each task containing Equipment and Supply/Expense Reimbursement Requests
Add rows as needed for each table. Add tables as needed, if more than two tasks are in the invoice
Enter the Equiment and Supplies/Expense sums for each task into the Invoice Summary spreadsheet
*Include the match amount if match is required in the Agreement and is included in the invoice

Task/Deliverable #:

						Supplies/Expense	Equipment	Supplies/Expense	Equipment	
Performance Period - Date Range	Vendor Name	Invoice/Receipt Number	Invoice/Receipt Date	Check Number	Check Amount	Amount requested for reimbursement	Amount Requested for Reimbursement	Amount to credit towards Match*	Amount to credit towards Match*	Comments
			Supplies/Expense Totals for Task #____:			$ -	$ -	$ -	$ -	

Task/Deliverable #:

						Supplies/Expense	Equipment	Supplies/Expense	Equipment	
Performance Period - Date Range	Vendor Name	Invoice/Receipt Number	Invoice/Receipt Date	Check Number	Check Amount	Amount requested for reimbursement	Amount Requested for Reimbursement	Amount to credit towards Match*	Amount to credit towards Match*	Comments
			Supplies/Expense Totals for Task #____:			$ -	$ -	$ -	$ -	

SALARY AND FRINGE DETAIL

Complete one table for each task containing Salary and Fringe Reimbursement Requests
Add rows as needed for each table. Add tables as needed, if more than two tasks are in the invoice.
Enter the Salary and Fringe sums for each task into the Invoice Summary spreadsheet.
*Include the match amount if match is required in the Agreement and is included in the invoice.

Task/Deliverable #:

Position Title	Employee Name	Performance Period - Date Range	Hourly Wage	Fringe Rate (%)	No. Hours Worked for reimbursement	Salary Amount per employee for reimbursement	Fringe Amount per employee for reimbursement	No. hours worked for match	Salary to credit towards Match*	Fringe to credit towards Match*
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
			Salaries/Fringe Totals for Task #____:			$ -	$ -		$ -	$ -

Task/Deliverable #:

Position Title	Employee Name	Performance Period - Date Range	Hourly Wage	Fringe Rate (%)	No. Hours Worked for reimbursement	Salary Amount per employee for reimbursement	Fringe Amount per employee for reimbursement	No. hours worked for match	Salary to credit towards Match*	Fringe to credit towards Match*
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
						$ -	$ -		$ -	$ -
			Salaries/Fringe Totals for Task #____:			$ -	$ -		$ -	$ -

Instructions for Completing Request for Payment - Part II

Include the Grantee Name, Payment Request No., and DEP Agreement Number. List vendor invoices that are associated with the Project by Task/Deliverable.

1 **Invoice Amount:** Amount of Invoice being submitted for reimbursement.

2 **Local Share or Other Funding or Amount Not Requested**: Portion of invoice paid for by Grantee.

Requested Amount: Subtract Grantee's Local Share or Other Funding or Amount Not Requested **(2)** from Invoice
3 Amount **(1)**.

Deliverable Number: Must identify completed deliverable(s) for each invoice. If invoice covers multiple deliverables, that invoice would be listed multiple times, a line item for each deliverable with any portion not
4 applicable to that Task/Deliverable identified under (**2**).

Submittal Instructions

Instructions for E-mailing:

The program now accepts reimbursement requests electronically. When scanning please be sure that the minimum scan resolution must be 300 DPI (dots per inch). When reimbursement requests are sent electronically, please do not also send a hard copy by postal mail.

Please redact all sensitive financial information from the invoices and other supporting documentation to be submitted with this Payment Request Form.

Remit Payment Request by E-mail to the Department's Grant Manager

Be sure the E-mail payment request includes the following:

Subject: Project Number_Disbursement Number: example – LP14025_Disb_1
Attachments:

1) Exhibit C Payment Request Summary
2) Request for Payment Part II Reimbursement Detail
3) Copies of invoices
4) Other supporting documentation, as needed

For questions or concerns regarding these forms or if you would like the payment request forms listed above in electronic format please contact the Department's Grant Manager.

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2017/2018; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 10th day of July, 2018.

LEON COUNTY, FLORIDA

BY: _____
Nick Maddox, Chairman
Board of County Commissioners

ATTEST:
Gwendolyn Marshall, Clerk of the Court and Comptroller
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esq.
County Attorney

FISCAL YEAR 2017/2018
BUDGET AMENDMENT REQUEST

No: BAB18033
Date: 6/21/2018

Agenda Item No:
Agenda Item Date: 7/10/2018

County Administrator
Vincent S. Long

Deputy County Administrator
Alan Rosenzweig

Request Detail:

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
106	414	51200	541	Engineering - Salary	2,322,705	(16,000)	2,306,705
106	414	53400	541	Engineering - Contractual Services	59,240	(8,000)	51,240
106	414	55200	541	Engineering - Operating Supplies	36,204	(16,000)	20,204
106	950	591125	581	Transfer to Grant Fund	-	40,000	40,000
					Subtotal:	-	

Revenues

Account Information					Current Budget	Change	Adjusted Budget
125	927018	381106	000	Transfer from Transportation Fund (Matching Funds)	-	40,000	40,000
125	927018	331351	000	USEPA Clean Water Campaign Grant	-	60,000	60,000
					Subtotal:	100,000	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
125	927018	51200	535	USEPA - Salary & Benefits	-	16,000	16,000
125	927018	53400	535	USEPA - Contractual Services	-	8,000	8,000
125	927018	55200	535	USEPA - Operating Supplies	-	16,000	16,000
125	927018	54800	535	USEPA - Promotional Activities	-	60,000	60,000
					Subtotal:	100,000	

Purpose of Request:

This budget amendment allocates $60,000 as a grant from the United State Environmental Protection Agency (USEPA) Clean Water Act 2017 319(h) Grant for the "Water & You, Clean Water Campaign" project. This four-year Campaign will focus on public education regarding the impacts of urban fertilizer and septic tanks in the unincorporated area of Leon County. The $40,000 local match will be provided through the existing Engineering Services operating budget. The Florida Department of Environmental Protection will serve as the pass through entity for this federal funding.

Group/Program Director

Budget Manager

Scott Ross, Director, Office of Financial Stewardship

Approved By: **Resolution** [x] **Motion** [ ] **Administrator** [ ]

Leon County
Board of County Commissioners

Notes for Agenda Item #15

Leon County Board of County Commissioners

Agenda Item #15

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Joint Project Agreement with The Presbyterian Retirement Communities, Inc. (Westminster Oaks) for the Installation of a Pedestrian Crossing on Dempsey Mayo Road at Emerald Chase Subdivision

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Tony Park, P.E., Director of Public Works
Lead Staff/ Project Team:	Charles Wu, P.E., Director of Engineering Services Kim Wood, P.E., Chief of Engineering Coordination

Statement of Issue:

This agenda item seeks Board approval to enter into a Joint Project Agreement with The Presbyterian Retirement Communities, Inc. (Westminster Oaks) for the installation of a pedestrian crossing on Dempsey Mayo Road at Emerald Chase Subdivision.

Fiscal Impact:

This item has a fiscal impact. The County and the Presbyterian Retirement Communities, Inc. (Westminster Oaks) would each contribute $11,159 toward this estimated $22,318 project. The County's funding portion is available in the Intersection and Safety Improvements capital project.

Staff Recommendation:

Option #1: Approve the Joint Project Agreement with The Presbyterian Retirement Communities, Inc. (Westminster Oaks) for the installation of a pedestrian crossing on Dempsey Mayo Road at the Emerald Chase Subdivision, in a final form approved by the County Attorney (Attachment #1), and authorize the County Administrator to execute.

Option #2: Approve the Resolution and associated Budget Amendment appropriating $11,159 in contribution from Westminster Oaks for the installation of a pedestrian crossing on Dempsey Mayo Road at the Emerald Chase Subdivision (Attachment #2).

Report and Discussion

Background:

This agenda item seeks Board approval to enter into a Joint Project Agreement with The Presbyterian Retirement Communities, Inc. (Westminster Oaks) for the installation of a pedestrian crossing on Dempsey Mayo Road at Emerald Chase Subdivision. For these types of joint project agreements the County seeks the requesting party to provide 50% of the project cost.

The Presbyterian Retirement Communities, Inc. owns and operates a retirement community along both the east and west sides of Dempsey Mayo Road, known as Westminster Oaks & Village. Recently, the Presbyterian Retirement Communities, Inc. purchased several homes located in the Emerald Chase Subdivision located along the west side of Dempsey Mayo Road (Attachment #3). There is an existing sidewalk along the east side of Dempsey Mayo Road with midblock crossings at the entrances of W. T. Moore School and the Pine Laurel Subdivision.

Staff from Westminster Oaks has requested that the County install a pedestrian crossing with Rectangular Rapid-Flashing Beacons (RRFB) across Dempsey Mayo Road at the entrance of Emerald Chase Subdivision to allow their residents safe access across Dempsey Mayo Road to their main campus on the east side of the road. Public Works staff has previously worked with the Westminster Oaks staff to develop safe access from the properties on the west side of Dempsey Mayo Road to the existing sidewalk on the east side of the road.

Analysis:

In early 2018, Mr. Don Wilson, Executive Director of Westminster Oaks, contacted Leon County Public Works Department and expressed interest in working with the County on the development of a pedestrian crossing at Emerald Chase Subdivision. Westminster Oaks has purchased several homes in the existing subdivision to expand their facilities and plans to continue to purchase homes as they become available. To expedite the project and keep construction costs down, Public Works staff would assume the engineering design, permitting and construction responsibilities.

This pedestrian crossing request was reviewed and evaluated in accordance with Engineering Standards for pedestrian circulation and safety. The scope of this pedestrian crossing project includes pavement markings, flashing beacons, advanced warning signs, and construction of approaches to the crossing.

Under the terms of the Agreement, Westminster Oaks will pay the County $11,159 within 30 days of execution of the Agreement. The estimated construction cost to be paid by the County is $11,159 and would be paid with existing Intersection and Safety Improvement capital project funds. The minimal operating and maintenance costs associated with the pedestrian crossing can be covered within the existing annual roadway maintenance budget.

Staff recommends approval of the Joint Project Agreement with The Presbyterian Retirement Communities, Inc. (Westminster Oaks) for the installation of a pedestrian crossing on Dempsey Mayo Road at Emerald Chase Subdivision. Funds appropriating the contribution from The Presbyterian Retirement Communities, Inc. (Westminster Oaks) for the project are reflected in Attachment #2.

Options:

1. Approve the Joint Project Agreement with The Presbyterian Retirement Communities, Inc. (Westminster Oaks) for the installation of a pedestrian crossing on Dempsey Mayo Road at the Emerald Chase Subdivision, in a final form approved by the County Attorney (Attachment #1), and authorize the County Administrator to execute.
2. Approve the Resolution and associated Budget Amendment appropriating $11,159 in contribution from Westminster Oaks for the installation of a pedestrian crossing on Dempsey Mayo Road at the Emerald Chase Subdivision (Attachment #2).
3. Do not approve the Joint Project Agreement with The Presbyterian Retirement Communities, Inc. (Westminster Oaks) for the installation of a pedestrian crossing on Dempsey Mayo Road at the Emerald Chase Subdivision.
4. Board direction.

Recommendation:

Options #1 & #2.

Attachments:

1. Joint Project Agreement
2. Resolution and Budget Amendment
3. Location Map

This Instrument prepared by:
Herbert W.A. Thiele, Esq., County Attorney
Leon County Attorney's Office
301 South Monroe Street, Suite 202
Tallahassee, Florida 32301

AGREEMENT FOR FUNDING PARTICIPATION IN DESIGN, CONSTRUCTION AND MAINTENANCE OF CROSSWALK AT EAST EMERALD CHASE AND DEMPSEY MAYO ROAD

THIS AGREEMENT FOR FUNDING PARTICIPATION ("Agreement"), made and entered into on the Effective Date, as hereinafter defined, by and between **LEON COUNTY, FLORIDA**, a charter county and political subdivision of the State of Florida ("County") whose address is Department of Public Works, c/o Director, Engineering Services Division, 2280 Miccosukee Road, Tallahassee, FL 32308, and **PRESBYTERIAN RETIREMENT COMMUNITITES INC.**, a Florida non-profit corporation ("Applicant") whose address is 80 West Lucerne Circle, Orlando, FL 32801.

RECITALS

WHEREAS, the County owns and maintains Dempsey Mayo Road between Miccosukee Road and Mahan Drive; and

WHEREAS, the Applicant owns and operates a retirement community along both the east and west sides of Dempsey Mayo Road, known as Westminster Oaks & Village (main campus), located at on the east side of Dempsey Mayo Road, and the Pine Laurel Subdivision and several homes located in the Emerald Chase Subdivision located along the west side of Dempsey Mayo Road; and

WHEREAS, there are sidewalks along the east side of Dempsey Mayo Road with pedestrian crossings at the entrances of W.T. Moore School and the Pine Laurel Subdivision; and

WHEREAS, the Applicant has requested that the County install a pedestrian crossing with Rectangular Rapid-Flashing Beacons (RRFB) across Dempsey Mayo Road at the entrance of Emerald Chase subdivision to allow their residents safe access across Dempsey Mayo Road to their properties on the east side of the road; and

WHEREAS, Applicant wishes to participate in the funding for the construction of the Dempsey Mayo Crossing at the location depicted on the map attached hereto and made a part hereof, as Exhibit "A"; and

WHEREAS, the County has determined that installation of the cross-walk is in line with Board's Quality of Life Strategic Priority (Q6) - Promote livability, health and sense of community by enhancing mobility, encouraging human scale development and creating public spaces for people; and

NOW, THEREFORE, in consideration of the following mutual promises, covenants, and representations set forth herein, the sufficiency of which is being acknowledged, the County and Applicant hereby agree as follows:

1. The Recitals herein above are true and correct and by this reference are hereby incorporated into this Agreement.

2. The effective date ("Effective Date") of this Agreement shall be the date upon which the last party executes this Agreement.

3. The County agrees to design, permit and construct the crossing on Dempsey Mayo Road at East Emerald Chase in accordance with local, state and federal standards and regulations. Survey

design and permitting will begin no later than thirty (30) days of the effective date of this Agreement. Construction shall commence no later than ninety (90) days after permits are secured.

4. In consideration for the County's agreement to construct the Dempsey Mayo Crossing in the vicinity of Emerald Chase Subdivision, Applicant agrees to participate with the County in the funding of the construction ("Applicant's Contribution"), as follows:

a. Applicant's Contribution shall be in the amount of Eleven Thousand One Hundred Fifty Eight and 58/100 Dollars ($11,158.58), calculated in accordance with the preliminary cost estimate attached hereto, and made a part hereof, as Exhibit "B."

b. Applicant's Contribution shall be paid in cash to the County by delivering a certified check in that amount, no later than thirty (30) days after Applicant's receipt of the County's request for payment, to Leon County Department of Public Works, c/o Director, Engineering Services Division, 2280 Miccosukee Road, Tallahassee, FL 32308.

5. The County, at the County's expense, shall be responsible in perpetuity for the operation and maintenance of the Dempsey Mayo Crossing. The Applicant shall cooperate with the County's operation and maintenance of the Dempsey Mayo Crossing by keeping the area free of trash receptacles, yard debris, and other such materials.

6. The Applicant agrees to construct a sidewalk along East Emerald Chase in the future to tie into the Dempsey Mayo Crossing.

7. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Any action to enforce any of the provisions of this Agreement must be maintained in Tallahassee, Leon County, Florida.

8. Failure to insist upon strict compliance with any term, covenant or condition of this Agreement shall not be deemed a waiver of it. No waiver or relinquishment of a right or power under this Agreement shall be deemed a waiver of that right or power at any other time.

9. This Agreement shall not be extended, changed or modified, except in writing duly executed by the Parties hereto.

10. This Agreement shall be binding upon the successors and, subject to below, assigns of the Parties hereto.

11. This Agreement constitutes the entire agreement between the Parties with respect to the matters contained herein, and all prior agreements or arrangements between them with respect to such matters are superseded by this Agreement.

12. A Party shall be excused from performance of an obligation under this Agreement to the extent, and only to the extent, that such performance is affected by a "Force Majeure Event" which term shall mean any cause beyond the reasonable control of the Party affected, except where such Party could have reasonably foreseen and reasonably avoided the occurrence, which materially and adversely affects the performance by such Party of its obligation under this Agreement. Such events shall include, but not be limited to, an act of God, disturbance, hostility, war, or revolution; strike or lockout; epidemic; accident; fire; storm, flood, or other unusually severe weather or act of nature; or any requirements of law.

13. In the event of litigation between the Parties to construe or enforce the terms of this Agreement or otherwise arising out of this Agreement, the prevailing Party in such litigation shall be entitled to recover from the other Party its reasonable costs and attorney's fees incurred in maintaining or defending subject litigation. The term litigation shall include appellate proceedings.

14. It is intended that each paragraph of this Agreement shall be viewed as separate and divisible, and in the event that any Section, or Party thereof, shall be held to be invalid, the remaining Sections and parts shall continue to be in full force and effect.

15. All payment obligations of the Parties as set forth herein shall be subject to appropriation of funding therefore by the applicable legislative bodies; however, failure to appropriate funding adequate to meet such payment obligations shall be deemed a default under this Agreement.

IN WITNESS WHEREOF, the Parties hereto, through their duly authorized representative, have executed this Agreement effective as of the date first written above.

LEON COUNTY, FLORIDA

By: _____
Vincent S. Long
Its County Administrator

Date: _____

ATTEST:
Gwendolyn Marshall, Clerk of Court
& Comptroller, Leon County, Florida

By: _____
_____
(print name)

Approved as to Form:
Leon County Attorney's Office

By: _____
Herbert W. A. Thiele, Esq.

THE PRESBYTERAIN RETIREMENT COMMUNITIES, INC.

By: _____

_____
(print name)

Its _____
(print title)

Date: _____

F05-00210

Exhibit A



F05-00210

Exhibit "B"
Preliminary Cost Estimate

Option 1: Crosswalk at East Emerald Chase

Description	Item #	Unit	Quantity	Unit Price	Total Cost
Mobilization (*Note 1)	101-1	LS	1	$ 1,159.72	$ 1,159.72
Maintenance of Traffic	102-1	DA	15	$ 250.00	$ 3,750.00
Clearing and Grubbing	110-1-1	AC	0.10	$ 3,000.00	$ 300.00
Mitered End Sect, Optional Rd, 24"(*Note 2)	430-984-129	EA	1	$ 650.00	$ 650.00
Sidewalk Construction, Concrete (4")	522-1	SY	13.33	$ 42.00	$ 560.00
Pedestrian/Bicycle Railing	515-2-311	LF	12.00	$ 100.00	$ 1,200.00
Detectable Warning (Truncated Dome Mat)	527-2	EA	2	$ 250.00	$ 500.00
Performance Turf, Sod	570-1-2	SY	10	$ 2.25	$ 22.50
Stop Bars (Thermo) (White, 24")	711-11123	LF	10	$ 8.00	$ 80.00
Crosswalk (Thermo) (White, 18")	711-11101	LF	50	$ 6.00	$ 300.00
Sign, Signal Post	700-1-11	EA	2	$ 250.00	$ 500.00
Curb and Gutter Type F (*Note 2)	520-1-10	LF	32	$ 12.00	$ 384.00
Rectangular Rapid Flash Beacons (RRFB) (*Note 3)	N/A	EA	2	$ 5,000.00	$ 10,000.00

SUBTOTAL		$ 19,406.22
Contingencies	15%	$ 2,910.93
Utility Relocation (N/A)		
TOTAL		$ 22,317.15

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2017/2018; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 10th day of July, 2018.

LEON COUNTY, FLORIDA

BY: _____
Nick Maddox, Chairman
Board of County Commissioners

ATTEST:
Gwendolyn Marshall, Clerk of the Court and Comptroller
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esq.
County Attorney

FISCAL YEAR 2017/2018
BUDGET AMENDMENT REQUEST

No: BAB18034
Date: 6/21/2018

Agenda Item No:
Agenda Item Date: 7/10/2018

County Administrator

Vincent S. Long

Deputy County Administrator

Alan Rosenzweig

Request Detail:

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	***Org***	***Acct***	***Prog***	***Title***			
125	926018	366000	000	Westminister Oaks Pedestrian Crossing - Contributions and Donations	-	11,159	11,159
				Subtotal:		11,159	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	***Org***	***Acct***	***Prog***	***Title***			
125	926018	56300	541	Westminister Oaks Pedestrian Crossing - Improvements Other Than Buildings	-	11,159	11,159
				Subtotal:		11,159	

Purpose of Request:

This budget amendment allocates $11,159 from The Presbyterian Retirement Communities, Inc. (Westminster Oaks) for the installation of a pedestrian crossing on Dempsey Mayo Road at Emerald Chase Subdivision. This is part of a Joint Project Agreement, with the County also contributing $11,159 from the Intersection and Safety Improvements Capital Improvement Project.

Group/Program Director

Budget Manager

Scott Ross, Director, Office of Financial Stewardship

Approved By: **Resolution** [X] **Motion** [ ] **Administrator** [ ]

EXHIBIT A



Parcels

DISCLAIMER

NOTE: This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's sole risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

Location Map

Posted July 2, 2018

Leon County
Board of County Commissioners

Notes for Agenda Item #16

Leon County Board of County Commissioners

Agenda Item #16

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Maintenance Agreement with Florida Department of Transportation for the Landscaping of Capital Circle Southeast from East of Woodville Highway to South of Tram Road

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Tony Park, P.E., Director, Public Works
Lead Staff/ Project Team:	Brent Pell, P.E., Director of Operations Dean Richards, Right of Way Superintendent

Statement of Issue:

This item seeks Board approval of a Maintenance Agreement between Leon County and the Florida Department of Transportation (FDOT) for the County to formally accept maintenance responsibility for the landscaping of Capital Circle Southeast. The segment begins approximately 0.33 miles east of SR 363 (Woodville Highway) and from 0.5 miles south of Tram Road to CR 359 (Tram Road). The maintenance will not officially take effect until after the contractor's warranty expires in August 2019.

Fiscal Impact:

This item has no current fiscal impact. A subsequent agreement with FDOT will be brought back to the Board prior to the expiration of the contractor's maintenance warranty to establish specific maintenance parameters and FDOT's financial reimbursement to the County for the costs associated with this maintenance.

Staff Recommendation:

Option #1: Approve the Maintenance Agreement with the Florida Department of Transportation for landscape maintenance of Capital Circle Southeast from approximately 0.33 miles east of SR 363 (Woodville Highway) and from 0.5 miles south of Tram Road to CR 359 (Tram Road) (Attachment #1), and authorize the County Administrator to execute.

Report and Discussion

Background:

This item seeks Board approval of a Maintenance Agreement between Leon County and the Florida Department of Transportation (FDOT) for the County to formally accept maintenance responsibility for the landscaping of Capital Circle Southeast from approximately 0.33 miles east of SR 363 (Woodville Highway) and from 0.5 miles south of Tram Road to CR 359 (Tram Road).

This segment is associated with the recently completed Blueprint 2000/FDOT Capital Circle Southeast (E2) project, in which portions are located within unincorporated Leon County and the City limits. The reconstruction of Capital Circle Southeast from Tram Road to Woodville Highway, an integral part of the Capital Circle corridor, widened 2.3 miles of an existing two-lane road to the present day six-lane facility. Improvements to the segment included intersection improvements at two existing intersections and provisions for three additional signals to increase corridor safety. Additionally, Woodville Highway was expanded from a two-lane road to a four-lane divided facility near the intersection with Capital Circle. The project included enhanced medians, improved drainage, and significant landscaping and pedestrian, bicycle and recreational amenities.

During the E2 project design phase, the County and City agreed to assume responsibility from FDOT for landscape maintenance within their respective jurisdictions after construction. The maintenance will not officially take effect until after the contractor's warranty expires in August 2019.

Analysis:

The proposed Agreement only establishes maintenance responsibility of the landscaping, irrigation and other related materials as identified in the Project design plans. A subsequent agreement with FDOT will be brought back to the Board prior to the expiration of the contractor's maintenance warranty to establish specific maintenance parameters and FDOT's financial reimbursement to the County for the costs associated with this maintenance.

Additionally, for better coordination of the maintenance, the City of Tallahassee has agreed to maintain the County's section in conjunction with the segments located within the City limits. An interlocal agreement with the City is being drafted and will also be brought back for Board consideration prior to August 2019.

Options:

1. Approve the Maintenance Agreement with the Florida Department of Transportation for landscape maintenance of Capital Circle Southeast from approximately 0.33 miles east of SR 363 (Woodville Highway) and from 0.5 miles south of Tram Road to CR 359 (Tram Road) (Attachment #1), and authorize the County Administrator to execute.
2. Do not approve the Maintenance Agreement with the Florida Department of Transportation for landscape maintenance of Capital Circle Southeast from approximately 0.33 miles east of SR 363 (Woodville Highway) and from 0.5 miles south of Tram Road to CR 359 (Tram Road).
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. Florida Department of Transportation Maintenance Agreement

FPID ID(s): 219689-3-52-01

COUNTY: Leon County

- DESCRIPTION: "E-2" SR 261 (US 319) CAPITAL CIRCLE FROM APPROXIMATELY .33 MILES EAST OF SR 363 (Section 55003000 Milepost .330)AND FROM .5 MILES SOUTH OF TRAM ROAD TO CR 359 TRAM ROAD (Section 55003000 Milepost 1.757-2.257)

TALLAHASSEE, FLORIDA, LEON COUNTY

MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into on this the _____ day of _____, 2018, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter called "Department") and the County of Leon (hereinafter called "County").

RECITALS

1. The DEPARTMENT shall furnish the services with which to undertake and complete the project within the COUNTY identified and known to the parties as Financial Project ID(s) 219689-3-52-01 ("Project"), which shall consist of both an Installation Phase and an Establishment Phase, as further described on the attached Exhibit "A", which is incorporated by reference herein, said PROJECT which shall be of benefit to the COUNTY;
2. The DEPARTMENT has responsibility for operation and maintenance of the State Highway System;
3. The COUNTY has agreed to maintain the existing vegetation in the SR 261 Corridor and the vegetation installed in the PROJECT subsequent to the DEPARTMENT issuing a final acceptance of the Installation and Establishment Phases, in accordance with the terms below;
4. The COUNTY has authorized its officers to execute this AGREEMENT by County Commission action on _____day of_____, 20__; and
5. The DEPARTMENT is authorized pursuant to Section 334.044, Florida Statutes to enter into contracts and agreements with counties/municipalities for the maintenance of roadside landscape improvements on the State Highway System.

NOW THEREFORE, in consideration of the mutual benefits to be derived by the terms of this AGREEMENT, the parties agree to the following:

The recitals set forth above are true and correct and are deemed incorporated herein by reference.

6. As agreed, the COUNTY will assume responsibility for maintenance of the landscaping, irrigation and other related materials identified in the plans for areas delineated in Exhibit A and will conduct such maintenance as specified in accordance with any maintenance plan identified in the notes of the PROJECT design plans, as well as the requirements set forth in the most current version of the DEPARTMENT'S District Three Landscape Care Guide – Landscape and Irrigation Care along the State Highway System ("Landscape Care Guide"), which is hereby incorporated into this Agreement by reference. The COUNTY shall coordinate with the DEPARTMENT'S District Landscape Project Manager or their designee to inspect the PROJECT on a quarterly basis and subsequently make corrections based on each quarterly inspection, as needed. In the event the COUNTY fails to maintain the PROJECT in accordance with the attached maintenance schedule and plan, the DEPARTMENT, at its option, may perform the required maintenance and the COUNTY shall reimburse the DEPARTMENT for the costs.

   The COUNTY shall have sole responsibility for maintaining the subject landscaping according to all DEPARTMENT standards and specifications, as well as in accordance with the terms contained in the Landscape Care Guide. Upon the execution of this Agreement, the COUNTY certifies that it has received a copy of the Landscape Care Guide and agrees to be bound by the terms and conditions contained therein.

7. To the extent permitted by law, each party hereto agrees that it shall be solely responsible for the negligent and wrongful acts of its employees, officers and agents. However, nothing shall constitute a waiver by either party of its sovereign immunity and the limitations set forth in Section 768.28, Florida

Statutes. The liability of the parties, as set forth in this paragraph, is intended to be consistent with limitations of state law, including the state's waiver of sovereign immunity pursuant to Section 768.28, Florida Statutes, and no obligation imposed hereby shall be deemed to alter said waiver or to extend the liability of the parties beyond such limits.

When either party receives notice of a claim for damages that may have been caused by the other party in the performance of services required under this Agreement, that party will immediately forward the claim to the other party. Each party will evaluate the claim and report its finding to each other within fourteen (14) working days and jointly discuss options in defending the claim. A party's failure to promptly notify the other of a claim will not act as a waiver of any right herein.

8. The DEPARTMENT'S District Secretary shall decide all questions, difficulties and disputes of any nature whatsoever that may arise under or by reason of this Agreement, the prosecution or fulfillment of the service hereunder and the character, quality, amount and value thereof; and his decision upon all claims, questions and disputes shall be final and conclusive upon the parties hereto.

9. This AGREEMENT may be terminated under any one of the following conditions:

   (A) By the DEPARTMENT if the COUNTY, following fifteen (15) working days written notice, fails to perform its maintenance responsibilities under this AGREEMENT;
   (B) By the COUNTY following sixty (60) calendar day's written notice; OR
   (C) By the DEPARTMENT following sixty (60) calendar day's notice.

10. This AGREEMENT embodies the entire agreement and understanding between the parties hereto and there are no other agreements, understandings, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby.

11. This AGREEMENT shall be governed by and construed in accordance with the law of the State of Florida. The parties stipulate that venue for any matter relating to this contract shall be in Leon County, Florida.

12. The COUNTY shall:

    (A) utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the COUNTY during the term of the AGREEMENT; and

    (B) expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract time.

13. All notices, demands, requests or other instruments shall be given by depositing the same in the U.S. Mail, postage prepaid, registered or certified with return receipt to the following:

    If to the DEPARTMENT:

    Dustie Moss, District Landscape
    Florida Department of Transportation
    1074 Highway 90
    Chipley, FL 32428

    If to the COUNTY:

    Tony Park, P.E.
    Director, Department of Public Works
    2280 Miccosukee Road
    Tallahassee, FL 32308

14. All time limits provided hereunder shall run from the date of receipt of all such notices, demands, requests and other instruments.

IN WITNESS WHEREOF, the COUNTY has caused this Agreement to be executed in its behalf this ___ day of_____, 2018, by its County Manager, being authorized to enter into and execute same by action of the Leon County Commission meeting in regular session on the _____ day of _____, 2018, and the DEPARTMENT has executed this Agreement through its District Secretary, District 3, Florida Department of Transportation, on the date indicated below.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY:_____
PHILLIP GAINER
DISTRICT 3 SECRETARY

DATE: _____

ATTEST:

_____
KRISSY COOK
EXECUTIVE SECRETARY (SEAL)

COUNTY OF LEON, FLORIDA

BY: _____
Name:_____
Title: _____

Attest:_____
Title: _____ (SEAL)

LEGAL REVIEW:

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY:_____
Office of General Counsel

LEGAL IN FORM AND VALID AS DRAWN:

COUNTY OF LEON

_____
ATTORNEY

EXHIBIT A

SECTION No.:	**55003**
F**M No. (s):**	**219689-2-52-01**
COUNTY:	**Leon**
S.R. No.:	"E-2" SR 261 (US 319) CAPITAL CIRCLE FROM APPROXIMATELY .33 MILES EAST OF SR 363 (Section 55003000 Milepost .330) AND FROM .5 MILES SOUTH OF TRAM ROAD TO CR 359 TRAM ROAD (Section 55003000 Milepost 1.757-2.257)

- **"MAINTENANCE CARE PLANS" FOR "E-2" SR 261 (US 319) CAPITAL CIRCLE FROM APPROXIMATELY .33 MILES EAST OF SR 363 (Section 55003000 Milepost .330) AND FROM .5 MILES SOUTH OF TRAM ROAD TO CR 359 TRAM ROAD (Section 55003000 Milepost 1.757-2.257)**

•

Please see attached

As Built Plans (75 plan sheets total)

District Landscape Care Guide

COMPONENTS OF CONTRACT PLANS SET
LANDSCAPE PLANS

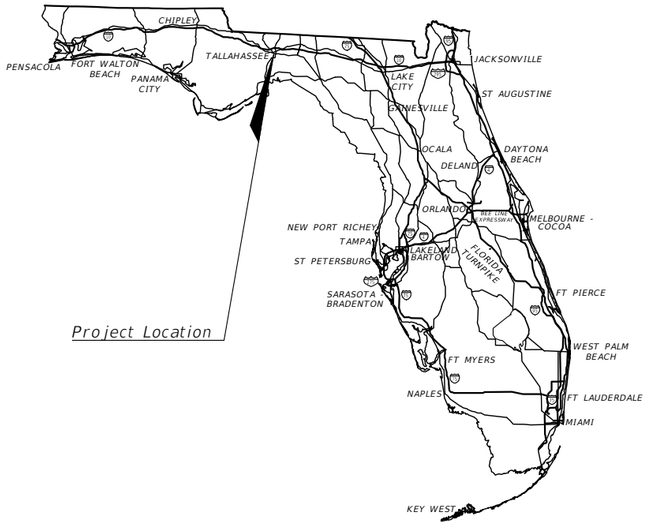
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

FINAL "AS-BUILT" PLANS

FINANCIAL PROJECT ID 219689-3-52-01

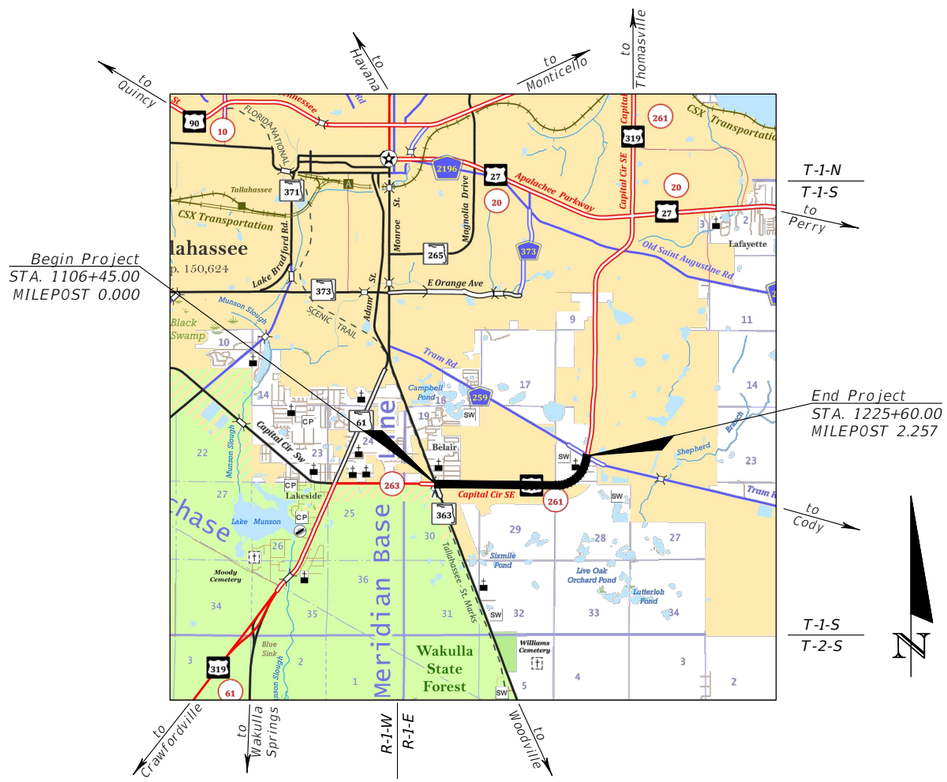
LEON COUNTY (55003000)

STATE ROAD NO. 261 (US 319)



INDEX OF LANDSCAPE PLANS

SHEET NO.	SHEET DESCRIPTION
LD-1	KEY SHEET
LD-2	SIGNATURE SHEET
LD-3	SUMMARY OF PAY ITEMS
LD-4 thru LD-7	TABULATION OF QUANTITIES
LD-8 thru LD-11	LANDSCAPE NOTES
LD-12	SHEET LAYOUT
LD-13 thru LD-30	LANDSCAPE DEMOLITION PLANS
LD-31 thru LD-48	LANDSCAPE PLANS
LD-49 thru LD-50	LANDSCAPE DETAILS
LD-51 thru LD-68	IRRIGATION PLANS
LD-69 thru LD-72	IRRIGATION DETAILS
LD-73	CONTINUING MAINTENANCE PLAN
LD-74	CONTINUING MAINTENANCE NOTES
LD-75	STORMWATER POLLUTION PREVENTION PLAN



GOVERNING DESIGN STANDARDS:
Florida Department of Transportation, FY2016-17 Design Standards eBook (DSeB) and applicable Design Standards Revisions (DSRs) at the following website:

http://www.dot.state.fl.us/rddesign/DesignStandards/Standards.shtm

GOVERNING STANDARD SPECIFICATIONS:
Florida Department of Transportation, JUL, 2016 Standard Specifications for Road and Bridge Construction at the following website:http://www.dot.state.fl.us/programmanagement/Implemented/SpecBooks

LANDSCAPE PLANS LANDSCAPE ARCHITECT OF RECORD:

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FL 32303
PHONE: (850) 224-4400
CONTRACT NO.: C-9139
VENDOR NO.: 59-3453881
CERTIFICATE OF AUTHORIZATION NO.: LC26000202

FDOT PROJECT MANAGER:
PAM MINER (ATKINS)/(850) 638-2288

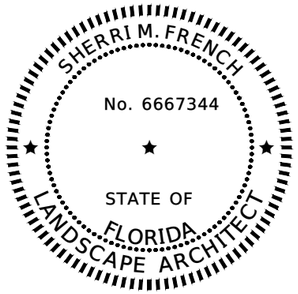
NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

CONSTRUCTION CONTRACT NO.	FISCAL YEAR	SHEET NO.
E3P76	17	LD-1

SR 261 (US 319) CAPITAL CIRCLE FROM SR 363 TO CR 259 (TRAM ROAD)

Posted July 2, 2018

Laura Duplain 12/22/2017 3:38:57 PM F:\fdt3\208\CAD\21968935201\landscp\KEYSLD01.dwg



THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY:

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED. THE SIGNATURE MUST BE VERIFIED ON THE ELECTRONIC DOCUMENTS

GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FL 32303
CERTIFICATE OF AUTHORIZATION LC26000202
SHERRI M. FRENCH, PLA
PLA NO. 6667344

THE ABOVE NAMED REGISTERED LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE FOLLOWING SHEETS IN ACCORDANCE WITH RULE 61G10-11.011 F.A.C.

INDEX OF LANDSCAPE PLANS

SHEET NO.	*SHEET DESCRIPTION*
LD-1	*KEY SHEET*
LD-2	*SIGNATURE SHEET*
LD-3	*SUMMARY OF PAY ITEMS*
LD-4 thru LD-7	*TABULATION OF QUANTITIES*
LD-8 thru LD-11	*LANDSCAPE NOTES*
LD-12	*SHEET LAYOUT*
LD-13 thru LD-30	*LANDSCAPE DEMOLITION PLANS*
LD-31 thru LD-48	*LANDSCAPE PLANS*
LD-49 thru LD-50	*LANDSCAPE DETAILS*
LD-51 thru LD-68	*IRRIGATION PLANS*
LD-69 thru LD-72	*IRRIGATION DETAILS*
LD-73	*CONTINUING MAINTENANCE PLAN*
LD-74	*CONTINUING MAINTENANCE NOTES*
LD-75	*STORMWATER POLLUTION PREVENTION PLAN*

REVISIONS			
DATE	*DESCRIPTION*	*DATE*	*DESCRIPTION*

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION LC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	*COUNTY*	*FINANCIAL PROJECT ID*
261	*LEON*	*219689-3-52-01*

SIGNATURE SHEET

SHEET NO.
LD-2

Posted July 2, 2018

Laura Duplain *12/22/2017 3:39:10 PM* *F:\fdt3\208\CAD\21968935201\landscp\SIGNLD01.dwg*

08/19/2016 16:24:29 PM

FLORIDA DEPARTMENT OF TRANSPORTATION
PROPOSAL SUMMARY OF PAY ITEMS
FOR PROPOSAL: E3P76

LEAD PROJECT : 219689-3-52-01	DISTRICT : 03	COUNTY/SECTION : 55003000
PROJECT(S) : 21968935201	COUNTY : LEON	

0001 SUMMARY OF LANDSCAPE / PERIPHERAL

SPC	ALT	ITEM NUMBER	ITEM DESCRIPTION	UNIT	21968935201	QUANTITY TOTAL
		0999- 2-	LUMP SUM CONTRACT, ALTERNATIVE BIDDING 21968935201	LS	1.000	1.000

NOTE: 999-2 LUMP SUM CONTRACT: ALL OTHER PAY ITEM NUMBERS SHOWN IN THE CONTRACT PLANS ARE PROVIDED ONLY FOR THE PURPOSE OF DESCRIBING THE WORK TO BE PERFORMED. PAY ITEM DESCRIPTIONS ARE FOUND IN THE DEPARTMENT'S BASIS OF ESTIMATES MANUAL.

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION EC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

SUMMARY OF PAY ITEMS

SHEET NO.
LD-3

Posted July 2, 2018

Laura Duplain 12/22/2017 3:39:22 PM
F:\fdt3\208\CAD\21968935201\landscp\CESSLD01.dwg

TABULATION OF QUANTITIES

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

DESCRIPTION	SIZE	UNIT	PLAN NUMBER											
			LD-13 (1)	LD-14 (2)	LD-15 (3)	LD-16 (4)	LD-17 (5)	LD-18 (6)	LD-19 (7)	LD-20 (8)	LD-21 (9)	LD-22 (10)	LD-23 (11)	LD-24 (12)
DEMOLITION														
TREE REMOVAL (SEE NOTES & DETAILS)		EA	7	2	1	15	12	2	5	3	9	6	13	7
TURF REMOVAL (SEE NOTES & DETAILS)		SY	--	75	--	--	--	237	55	85	58	--	318	--
MULCH BED AND PLANT REMOVAL (SEE NOTES & DETAILS)		SY	899	1,888	1,632	1,859	1,955	1,519	1,410	1,739	2,171	809	363	1,747
			PLAN NUMBER											
			LD-31 (1)	LD-32 (2)	LD-33 (3)	LD-34 (4)	LD-35 (5)	LD-36 (6)	LD-37 (7)	LD-38 (8)	LD-39 (9)	LD-40 (10)	LD-41 (11)	LD-42 (12)
SHRUBS/GROUNDCOVER														
ARACHIS GLABRATA / PERENNIAL PEANUT 'ECOTURF' 24" SOD ROLLS, GRASS AND WEED FREE		SY	56	1,445	141	--	--	308	--	--	58	460	80	461
HEMEROCALLIS FULVA 'YANGTZE' / YANGTZE DAYLILY 8"-10" HT, FULL CLUMP, 24" OC	1 GAL	EA	191	75	74	--	504	--	--	--	249	105	--	--
MUHLENBERGIA CAPILLARIS / MUHLY GRASS 18"-20" HT x 18"-20" SPD, FULL CLUMP, 30" OC	1 GAL	EA	--	--	176	1,037	585	42	824	1,278	100	247	1,021	246
SABAL MINOR / BLUESTEM PALMETTO 18" HT x 18" SPD, FULL TO POT, SPACING AS SHOWN ON PLANS	7 GAL	EA	--	--	--	--	40	--	--	--	--	--	--	--
SERENOA REPENS 'CINEREA' / SILVER SAW PALMETTO 18" HT x 18" SPD, FULL CLUMP, 48" OC	7 GAL	EA	--	--	--	--	24	--	--	--	--	--	--	--
SPARTINA BAKERI / SAND CORDGRASS 20" HT x 20" SPD, FULL CLUMP, 36" OC	1 GAL	EA	--	--	68	--	70	36	399	40	193	6	12	--
VIBURNUM OBOVATUM 'WHORLED CLASS' / WHORLED CLASS WALTER'S VIBURNUM 18"-20" HT, FULL, SPACING AS SHOWN ON PLANS	3 GAL	EA	--	--	--	--	--	--	--	--	--	--	--	--
YUCCA FILAMENTOSA / ADAM'S NEEDLE 18"-20" HT, FULL, SPACING AS SHOWN ON PLANS	3 GAL	EA	--	--	--	--	--	--	--	--	--	--	--	--
TREES														
CHIONANTHUS RETUSUS / CHINESE FRINGE TREE 5'-6' HT x 2'-3' SPD, MULTI-TRUNK, 3 STEM MIN, MATURE SPD 15'	15 GAL	EA	--	--	--	--	2	--	--	--	--	--	--	--
ILEX CASSINE / DAHOON HOLLY 10'-12' HT x 4'-5' SPD, 2.5" CAL, FULL TO GROUND, MATURE SPD 20'	45 GAL	EA	2	--	--	--	--	--	--	--	--	--	~~2~~ 0	--
LAGERSTROEMIA INDICA 'NATCHEZ' / NATCHEZ CRAPE MYRTLE 13'-14' HT x 6'-7' SPD, MULTI-STEM, 3-5 STEM MIN, 6' CT, MATURE SPD 18'	65 GAL	EA	--	--	--	--	6	--	--	--	--	--	4	8
LAGERSTROEMIA INDICA 'TUSCARORA' / TUSCARORA CRAPE MYRTLE 13'-14' HT x 6'-7' SPD, MULTI-STEM, 3-5 STEM MIN, 6' CT, MATURE SPD 18'	65 GAL	EA	--	--	--	3	3	--	--	--	--	--	~~5~~ 0	~~7~~ 8
LIRIODENDRON TULIPIFERA / TULIP POPLAR 10'-12' HT x 4'-5' SPD, 2"-2.5" CAL, MATURE SPD 35'	30 GAL	EA	--	1	3	--	--	--	1	--	1	--	--	--
MAGNOLIA GRANDIFLORA 'DD BLANCHARD' / DD BLANCHARD SOUTHERN MAGNOLIA 14'-16' HT x 6'-7' SPD, 4.5"-5" CAL, FULL TO GROUND, MATURE SPD 40'	200 GAL OR FG	EA	5	--	--	--	2	2	--	5	5	2	5	6
PINUS ELLIOTTII / SLASH PINE 6'-7' HT x 2.5' SPD, 1.5" CAL, FULL CANOPY, MATURE SPD 35'	15 GAL	EA	--	--	--	--	--	--	--	--	--	3	3	--
PRUNUS UMBELLATA / FLATWOODS PLUM 6'-7' HT x 3'-4' SPD, MULTI-TRUNK, 3 STEM MIN, MATURE SPD 12'	30 GAL	EA	--	--	--	--	--	--	8	--	--	--	--	--
QUERCUS SHUMARDII / SHUMARD OAK 14'-16' HT x 12'-14' SPD, 4" CAL, MATURE SPD 50'	FG	EA	1	--	--	1	3	--	--	--	--	--	--	1
QUERCUS VIRGINIANA / LIVE OAK 14'-16' HT x 12'-14' SPD, 4" CAL, MATURE SPD 60'	FG	EA	--	--	--	7	6	--	2	4	4	1	4	--

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #C28000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

TABULATION OF QUANTITIES

SHEET NO. LD-4

Laura Duplain 12/22/2017 3:39:34 PM

F:\fdt3\208\CAD\21968935201\landscp\TAB0LD01.dwg

Posted July 2, 2018

TABULATION OF QUANTITIES

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

DESCRIPTION	SIZE	UNIT	PLAN NUMBER											
			LD-31 (1)	LD-32 (2)	LD-33 (3)	LD-34 (4)	LD-35 (5)	LD-36 (6)	LD-37 (7)	LD-38 (8)	LD-39 (9)	LD-40 (10)	LD-41 (11)	LD-42 (12)
SOD														
EREMOCHLOA OPHIUROIDES / CENTIPEDE SOD 12" x 24" RECTANGLES, WEED AND WEED SEED FREE		SY	785	518	1,379	1,413	796	938	377	891	1,374	190	120	925
BLENDED SOIL (GROUNDCOVERS/SHRUBS/TREES, SEE NOTES & DETAILS)		CY	10	2	6	26	37	4	23	31	19	9	29	14
COARSE SAND (GROUNDCOVERS/SHRUBS/TREES, SEE NOTES & DETAILS)		CY	10	2	6	26	37	4	23	31	19	9	29	14
MYCORRHIZAL SOIL INOCULANT (ALL PLANT PITS AND SOD AREAS, SEE NOTES)		LB	63	540	110	118	137	144	96	120	106	199	122	228
TOPSOIL (SOD AREAS, SEE NOTES)		SY	841	1,963	1,520	1,413	796	1,246	377	891	1,432	650	200	1,386
MULCH (MINI PINE BARK NUGGETS 3" DEPTH, NEW PLANT BEDS AND MULCH RINGS, SEE NOTES & DETAILS)		SY	125	10	121	571	836	42	879	958	354	207	633	225
MULCH (MINI PINE BARK NUGGETS 1" DEPTH, EXIST. PLANT BEDS, SEE NOTES & DETAILS)		SY	108	23	730	778	1,250	546	907	656	703	216	1,018	497
MULCH (MINI PINE BARK NUGGETS 1" DEPTH, EXIST. MULCH BEDS, SEE NOTES & DETAILS)		SY	--	297	--	866	839	476	176	39	611	--	458	657

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #C28000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

TABULATION OF QUANTITIES

SHEET NO. LD-5

Posted July 2, 2018

Laura Duplain 12/22/2017 3:39:38 PM F:\fdt3\208\CAD\21968935201\landscp\TABQLD01.dwg LD-5 TABULATION OF QUANTITIES

TABULATION OF QUANTITIES

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

DESCRIPTION	SIZE	UNIT	PLAN NUMBER											
			LD-25 (13)	LD-26 (14)	LD-27 (15)	LD-28 (16)	LD-29 (17)	LD-30 (18)						
DEMOLITION														
TREE REMOVAL (SEE NOTES & DETAILS)		EA	7	1	5	3	5	--						
TURF REMOVAL (SEE NOTES & DETAILS)		SY	--	--	--	--	--	671						
MULCH BED AND PLANT REMOVAL (SEE NOTES & DETAILS)		SY	1,642	1,613	699	729	1,232	901						
			PLAN NUMBER											
			LD-43 (13)	LD-44 (14)	LD-45 (15)	LD-46 (16)	LD-47 (17)	LD-48 (18)						
SHRUBS/GROUNDCOVER														
ARACHIS GLABRATA / PERENNIAL PEANUT 'ECOTURF' 24" SOD ROLLS, GRASS AND WEED FREE		SY	--	--	--	--	--	647						
HEMEROCALLIS FULVA 'YANGTZE' / YANGTZE DAYLILY 8"-10" HT, FULL CLUMP, 24" OC	1 GAL	EA	102	--	458	315	503	147						
MUHLENBERGIA CAPILLARIS / MUHLY GRASS 18"-20" HT x 18"-20" SPD, FULL CLUMP, 30" OC	1 GAL	EA	364	505	667	26	--	543						
SABAL MINOR / BLUESTEM PALMETTO 18" HT x 18" SPD, FULL TO POT, SPACING AS SHOWN ON PLANS	7 GAL	EA	--	--	--	--	--	--						
SERENOA REPENS 'CINEREA' / SILVER SAW PALMETTO 18" HT x 18" SPD, FULL CLUMP, 48" OC	7 GAL	EA	15	--	--	--	37	--						
SPARTINA BAKERI / SAND CORDGRASS 20" HT x 20" SPD, FULL CLUMP, 36" OC	1 GAL	EA	119	--	--	198	--	--						
VIBURNUM OBOVATUM 'WHORLED CLASS' / WHORLED CLASS WALTER'S VIBURNUM 18"-20" HT, FULL, SPACING AS SHOWN ON PLANS	3 GAL	EA	--	--	16	32	29	--						
YUCCA FILAMENTOSA / ADAM'S NEEDLE 18"-20" HT, FULL, SPACING AS SHOWN ON PLANS	3 GAL	EA	--	--	--	--	16	--						
TREES														
CHIONANTHUS RETUSUS / CHINESE FRINGE TREE 5'-6' HT x 2'-3' SPD, MULTI-TRUNK, 3 STEM MIN, MATURE SPD 15'	15 GAL	EA	--	--	--	--	6	--						
ILEX CASSINE / DAHOON HOLLY 10'-12' HT x 4'-5' SPD, 2.5" CAL, FULL TO GROUND, MATURE SPD 20'	45 GAL	EA	--	8	--	~~--~~ 2	--	--						
LAGERSTROEMIA INDICA 'NATCHEZ' / NATCHEZ CRAPE MYRTLE 13'-14' HT x 6'-7' SPD, MULTI-STEM, 3-5 STEM MIN, 6' CT, MATURE SPD 18'	65 GAL	EA	5	--	--	--	--	--						
LAGERSTROEMIA INDICA 'TUSCARORA' / TUSCARORA CRAPE MYRTLE 13'-14' HT x 6'-7' SPD, MULTI-STEM, 3-5 STEM MIN, 6' CT, MATURE SPD 18'	65 GAL	EA	--	--	--	8	--	--						
LIRIODENDRON TULIPIFERA / TULIP POPLAR 10'-12' HT x 4'-5' SPD, 2"-2.5" CAL, MATURE SPD 35'	30 GAL	EA	--	--	--	--	--	--						
MAGNOLIA GRANDIFLORA 'DD BLANCHARD' / DD BLANCHARD SOUTHERN MAGNOLIA 14'-16' HT x 6'-7' SPD, 4.5"-5" CAL, FULL TO GROUND, MATURE SPD 40'	200 GAL OR FG	EA	2	5	7	--	4	--						
PINUS ELLIOTTII / SLASH PINE 6'-7' HT x 2.5' SPD, 1.5" CAL, FULL CANOPY, MATURE SPD 35'	15 GAL	EA	10	--	--	--	--	--						
PRUNUS UMBELLATA / FLATWOODS PLUM 6'-7' HT x 3'-4' SPD, MULTI-TRUNK, 3 STEM MIN, MATURE SPD 12'	30 GAL	EA	--	--	--	--	--	9						
QUERCUS SHUMARDII / SHUMARD OAK 14'-16' HT x 12'-14' SPD, 4" CAL, MATURE SPD 50'	FG	EA	--	--	--	--	--	--						
QUERCUS VIRGINIANA / LIVE OAK 14'-16' HT x 12'-14' SPD, 4" CAL, MATURE SPD 60'	FG	EA	--	2	3	--	1	--						

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION EC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

TABULATION OF QUANTITIES

SHEET NO. LD-6

Posted July 2, 2018

Laura Duplain 12/22/2017 3:39:41 PM F:\fdt3\208\CAD\21968935201\landscp\TAB0LD01.dwg LD-6 TABULATION OF QUANTITIES

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

TABULATION OF QUANTITIES

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

DESCRIPTION	SIZE	UNIT	PLAN NUMBER											
			LD-43 (13)	LD-44 (14)	LD-45 (15)	LD-46 (16)	LD-47 (17)	LD-48 (18)						
SOD														
EREMOCHLOA OPHIUROIDES / CENTIPEDE SOD 12" x 24" RECTANGLES, WEED AND WEED SEED FREE		SY	926	741	--	405	686	308						
BLENDED SOIL (GROUNDCOVERS/SHRUBS/TREES, SEE NOTES & DETAILS)		CY	15	17	30	12	18	13						
COARSE SAND (GROUNDCOVERS/SHRUBS/TREES, SEE NOTES & DETAILS)		CY	15	17	30	12	18	13						
MYCORRHIZAL SOIL INOCULANT (ALL PLANT PITS AND SOD AREAS, SEE NOTES)		LB	79	68	87	57	75	291						
TOPSOIL (SOD AREAS, SEE NOTES)		SY	926	741	--	405	686	963						
MULCH (MINI PINE BARK NUGGETS 3" DEPTH, NEW PLANT BEDS AND MULCH RINGS, SEE NOTES & DETAILS)		SY	325	444	484	338	287	628						
MULCH (MINI PINE BARK NUGGETS 1" DEPTH, EXIST. PLANT BEDS, SEE NOTES & DETAILS)		SY	683	483	1,080	380	639	461						
MULCH (MINI PINE BARK NUGGETS 1" DEPTH, EXIST. MULCH BEDS, SEE NOTES & DETAILS)		SY	230	638	561	282	446	136						

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #C28000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

TABULATION OF QUANTITIES

SHEET NO. LD-7

Posted July 2, 2018

Laura Duplain 12/22/2017 3:39:44 PM F:\fdt3\208\CAD\21968935201\landscp\TABQLD01.dwg LD-7 TABULATION OF QUANTITIES

PROJECT NOTES:

1. THIS PROJECT IS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM NAD 1983/99 HORIZONTAL DATUM. THE VERTICAL DATUM IS BASED ON NAVD 1988.

2. ALL PLANT MATERIAL SHALL BE INSPECTED AND APPROVED BY THE PROJECT ENGINEER, DISTRICT LANDSCAPE ARCHITECT, AND CITY OF TALLAHASSEE (CRIS REVELL, 850-570-1398) AT THE GROWING SITE, NURSERY, OR HANDLING AREA DESIGNATED FOR THE PROJECT SITE. THE CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER, DISTRICT LANDSCAPE ARCHITECT, AND CITY OF TALLAHASSEE A MINIMUM OF 5 BUSINESS DAYS PRIOR TO DELIVERY OF PLANT MATERIAL SO THAT A REPRESENTATIVE MAY BE PRESENT TO VERIFY PLANT MATERIAL MEETS PROJECT REQUIREMENTS. AFTER INITIAL ACCEPTANCE, THE CONTRACTOR IS RESPONSIBLE FOR THE HEALTH AND MAINTENANCE OF ALL PLANTS DURING THE ESTABLISHMENT PERIOD. MAINTENANCE SHALL INCLUDE BUT IS NOT LIMITED TO REPLACEMENT, PRUNING, WATERING, FERTILIZATION AND PEST MANAGEMENT. ALL PLANT MATERIAL SHALL BE MAINTAINED TO THE ORIGINAL STANDARDS.

3. LANDSCAPE MATERIAL AND ASSOCIATED DEVICES SHALL BE ADJUSTED IN THE FIELD TO AVOID CONFLICTS WITH ANY PROPOSED OR EXISTING TO REMAIN STRUCTURES OR REGULATORY REQUIREMENTS, INCLUDING BUT NOT LIMITED TO, UTILITY STRUCTURES, DRAINAGE STRUCTURES, DITCHES, UNDERDRAINS, DITCH BLOCKS, STORM WATER MANAGEMENT FACILITIES, DRAINAGE DISCHARGE PATHS, TRAFFIC SIGNAGE, LIMITS OF CLEAR SIGHT, CLEAR ZONES, HORIZONTAL CLEARANCES, OUTDOOR ADVERTISING VIEW ZONES, AND LIGHTING AND THEIR APPURTENANCES. THE CONTRACTOR SHALL NOT KNOWINGLY PLACE THE PROPOSED IMPROVEMENTS IF A CONFLICT EXISTS. ANY COSTS TO REMOVE AND/OR REPAIR AND/OR RELOCATE WORK PLACED THAT HAS NOT BEEN APPROVED BY THE PROJECT ENGINEER, DISTRICT LANDSCAPE ARCHITECT, AND CITY OF TALLAHASSEE (CRIS REVELL 850-570-1398) SHALL BE AT THE CONTRACTOR'S EXPENSE.

4. WORK WITHIN 15 FT OF TREES TO REMAIN SHALL BE PERFORMED BY HAND. ANY DISTURBED ROOTS SHALL BE SEVERED USING CLEAN, SHARP TOOLS.

5. CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER AND DISTRICT LANDSCAPE ARCHITECT IMMEDIATELY OF ANY UNFORESEEN SITE CONDITIONS (OBSTRUCTIONS, COMPACTED SOIL/SUBGRADE, POOR DRAINAGE, UTILITY CONFLICTS, ETC.) PRIOR TO PROCEEDING WITH LANDSCAPE INSTALLATION. THE PROJECT ENGINEER AND DISTRICT LANDSCAPE ARCHITECT WILL REVIEW PLANT RELOCATION OR OTHER ACTION PROPOSED BY THE CONTRACTOR.

6. AS PART OF THE CONTRACTOR'S RESPONSIBILITY TO ENSURE LONG TERM HEALTH AND VIABILITY OF PLANT MATERIAL, CONTRACTOR SHALL DETERMINE APPROPRIATE FERTILIZER ANALYSIS/SOIL AMENDMENTS AND APPLICATION RATES. THE FOLLOWING IS PROVIDED AS A MINIMUM FOR BIDDING PURPOSES:

   COLLECT SOIL SAMPLES AT A MINIMUM OF 20 PLANTING LOCATIONS LOCATED THROUGHOUT THE PROJECT. SUBMIT TESTING LOCATIONS TO PROJECT ENGINEER AND DISTRICT LANDSCAPE ARCHITECT PRIOR TO TAKING SAMPLES. SAMPLES SHALL BE SENT TO AN APPROVED AGRONOMIC SOILS TESTING LABORATORY, STATING PROPOSED PLANT MATERIAL AT EACH TEST LOCATION. ANALYSIS SHALL INCLUDE, AT A MINIMUM, PH, NPK, ORGANIC CONTENT, TEXTURE, AND SOLUBLE SALTS. CONTRACTOR SHALL SUBMIT RESULTS/RECOMMENDATIONS AND PROPOSED FERTILIZER ANALYSIS/AMENDMENTS TO PROJECT ENGINEER AND DISTRICT LANDSCAPE ARCHITECT. COSTS OF SOIL SAMPLING, FERTILIZER, AND AMENDMENTS ARE INCLUDED IN THE LUMP SUM COST OF THE PROJECT.

7. AS A MINIMUM FOR BIDDING PURPOSES THE CONTRACTOR SHALL ASSUME THE FOLLOWING CONCERNING FERTILIZER:

   FERTILIZER FOR INITIAL INSTALLATION OF TREES, SHRUBS, AND GROUNDCOVER IS ASSUMED TO BE CONTROLLED RELEASE FERTILIZER WITH A 15-9-12 ANALYSIS AND CONTAINING TRACE ELEMENTS Mg, S, B, Cu, Fe, Mn, Mo, AND Zn. FERTILIZER GRANULES SHALL BE COMPOSED OF DRY NUTRIENTS ENCAPSULATED IN MULTIPLE LAYERS OF POLYMERIC RESIN.

   FOR INITIAL INSTALLATION OF SOD, FERTILIZER IS ASSUMED TO BE CONTROLLED RELEASE FERTILIZER WITH A 15-9-2 ANALYSIS.

   SOURCE FOR N SHALL BE RESIN-COATED UREA OR RESIN COATED AMMONIUM SALTS.
   Mn, Zn, AND Cu SHALL BE SULFATE FORMS. Fe SHALL BE GRANULAR CHELATED IRON.

   APPLICATION RATES ARE PROVIDED AS A RECOMMENDATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE APPROPRIATE FERTILIZER/AMENDMENTS TO ENSURE PROPER ESTABLISHMENT AND VIGOR OF PLANT MATERIAL:

1.0 OZ PER EA 1 GALLON CONTAINER	3.0 OZ PER EA 3 GALLON CONTAINER	6.0 OZ PER EA 7 GALLON CONTAINER
9.0 OZ PER EA 15 GALLON CONTAINER	16.0 OZ PER EA 30 GALLON CONTAINER	24.0 OZ PER EA 45 GALLON CONTAINER
32.0 OZ PER EA 65 GALLON CONTAINER	48.0 OZ PER EA FG TREE	64.0 OZ PER EA 200 GALLON CONTAINER

   SOD AND PERENNIAL PEANUT AREAS: APPLY 6#/1000SF.

   FERTILIZER USE SHALL COMPLY WITH LEON COUNTY AND CITY OF TALLAHASSEE FERTILIZER ORDINANCES.

8. SOD ALL AREAS IDENTIFIED ON PLANS USING CENTIPEDE SOD.

9. A PERMANENT AUTOMATIC UNDERGROUND IRRIGATION SYSTEM SHALL BE PROVIDED IN AREAS AS SHOWN ON IRRIGATION PLANS, NOTES, AND DETAILS. ONLY TREES PLANTED UNDER THIS CONTRACT SHALL BE SUPPLIED WITH PERMANENT IRRIGATION PER PLANS, NOTES AND DETAILS. CONTRACTOR SHALL SUPPLY SUFFICIENT WATER TO ALL NEWLY PLANTED AREAS INCLUDING ANY AREAS NOT SUPPLIED WITH PERMANENT IRRIGATION.

10. THIS SCHEDULE FOR WATER FOR PLANT ESTABLISHMENT IS PROVIDED AS A RECOMMENDATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE SUFFICIENT WATER TO ENSURE PROPER ESTABLISHMENT AND VIGOR OF PLANT MATERIAL.

    WATERING RECOMMENDATIONS:

SIZE OF NURSERY STOCK:	IRRIGATION FOR GROWTH AND VIGOR
1 GAL SHRUB	DAILY FOR 2 WEEKS; EVERY OTHER DAY FOR 2 MONTHS; WEEKLY UNTIL ESTABLISHED
3 GAL SHRUB	DAILY FOR 2 WEEKS; EVERY OTHER DAY FOR 2 MONTHS; WEEKLY UNTIL ESTABLISHED
7 GAL SHRUB	DAILY FOR 2 WEEKS; EVERY OTHER DAY FOR 2 MONTHS; WEEKLY UNTIL ESTABLISHED
15/30 GAL TREE	DAILY FOR 2 WEEKS; EVERY OTHER DAY FOR 2 MONTHS; WEEKLY UNTIL ESTABLISHED
45/65 GAL TREE	DAILY FOR 1 MONTH; EVERY OTHER DAY FOR 3 MONTHS; WEEKLY UNTIL ESTABLISHED
200/FG TREE	DAILY FOR 6 WEEKS; EVERY OTHER DAY FOR 5 MONTHS; WEEKLY UNTIL ESTABLISHED
SOD/PERENNIAL PEANUT	DAILY FOR 1 WEEK; EVERY OTHER DAY FOR 2 WEEKS; 2X PER WEEK FOR 2 WEEKS

    A. TREES: AT EACH IRRIGATION APPLY 10 GALLONS PER INCH OF TRUNK CALIPER TO THE ROOTBALL. APPLY IN A MANNER THAT WILL ALLOW ALL WATER TO SOAK INTO THE ROOTBALL. DO NOT WATER IF ROOTBALL IS WET OR SATURATED ON THE IRRIGATION DAY.
    B. SHRUBS AND GROUNDCOVERS: AT EACH IRRIGATION APPLY WATER TO WET THE ENTIRE DEPTH OF ROOTBALL. DO NOT WATER IF ROOTBALL IS WET OR SATURATED ON THE IRRIGATION DAY.
    C. SOD/PERENNIAL PEANUT: SOAK THOROUGHLY TO 3" BELOW DEPTH OF ROOT ZONE. DO NOT WATER IF ROOT ZONE IS WET OR SATURATED ON IRRIGATION DAY.

11. UNLESS SPECIFIED, FIELD GROWN TREES ARE NOT PERMITTED AND WILL ONLY BE CONSIDERED IF DOCUMENTATION OF UNAVAILABILITY OF CONTAINER GROWN MATERIAL IS SUBMITTED TO THE PROJECT ENGINEER AND DISTRICT LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL.

12. FIELD GROWN TREES MUST BE TAGGED AND CERTIFIED BY THE GROWER TO BE HARDENED A MINIMUM OF 60 DAYS AFTER DIGGING, PRIOR TO SHIPPING. CONTRACTOR SHALL PRESENT CERTIFICATION TO THE DISTRICT LANDSCAPE ARCHITECT AND PROJECT ENGINEER FOR REVIEW AND APPROVAL. FIELD GROWN TREES WITHOUT THIS CERTIFICATION WILL NOT BE PERMITTED.

13. NATIVE GRASSES MUST BE NURSERY GROWN. PLANT ORIGIN MUST BE DOCUMENTED WITH BILL OF LADING OR SIMILAR FROM NURSERY.

14. PERENNIAL PEANUT SHALL BE ARACHIS GLABRATA 'ECOTURF'. VERIFICATION OF VARIETY SHALL BE PROVIDED TO PROJECT ENGINEER AND DISTRICT LANDSCAPE ARCHITECT (NOTARIZED STATEMENT OF VARIETY FROM GROWER).

15. CONTAINER GROWN PLANTS: A MINIMUM OF 80% OF THE CONTAINER ROOTBALL MUST BE BOUND BY THE ROOT SYSTEM. ENCIRCLING OR "RING" ROOTS ARE PROHIBITED AND PLANTS WILL BE REJECTED.

16. THE ROOTBALL OF ALL TREES SHALL REMAIN 1" ABOVE GRADE FOLLOWING FINAL GRADING, SODDING AND SETTLING OF PLANTING BACKFILL.

17. DUE TO 150 DAY CONSTRUCTION TIME, CONTRACTOR SHALL SUPPLY PROJECT INFORMATION SIGNS AS SHOWN IN STANDARD INDEX 600 FOR THIS PROJECT.

18. LANE CLOSURES ARE ONLY PERMITTED MONDAY THROUGH THURSDAY, 9:00 AM TO 4:00 PM. WORK ZONE TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH STANDARD INDEXES. ALL LANES MUST BE REOPENED TO NORMAL TRAFFIC WITHIN 12 HOURS OF AN EVACUATION NOTICE FOR A HURRICANE OR ANY OTHER EMERGENCY EVENT AND SHALL REMAIN OPEN FOR THE DURATION OF THE EVENT AS DIRECTED BY THE ENGINEER.

19. CONTRACTOR SHALL SUBMIT PRODUCT SAMPLES AND DATA SHEETS FOR ALL PROPOSED MATERIALS, INCLUDING BUT NOT LIMITED TO STAKING AND BRACING KITS, MYCORRHIZAL SOIL INOCULANT, FERTILIZER, MULCH, AND "BLENDED SOIL" FOR REVIEW AND APPROVAL BY THE PROJECT ENGINEER AND DISTRICT LANDSCAPE ARCHITECT PRIOR TO DELIVERY TO SITE.

20. SUBMIT CERTIFIED ARBORIST CREDENTIALS FOR REVIEW AND APPROVAL TO DISTRICT LANDSCAPE ARCHITECT AND PROJECT ENGINEER. SEE ESTABLISHMENT PERIOD MAINTENANCE PLAN NOTES (SHEET LD-10, NOTE 5, PRUNING) FOR ADDITIONAL INFORMATION.

21. PER FDOT SPECIFICATION 8-6.4, SUSPENSION OF CONTRACTOR'S OPERATIONS-HOLIDAYS AND SPECIAL EVENTS, SPECIAL EVENT DAYS FOR THIS PROJECT INCLUDE: FSU FOOTBALL HOME GAMES, FAMU FOOTBALL HOME GAMES, SPRING BREAK, AND MARTIN LUTHER KING JR. PARADE.

22. SUBMITTALS AND NOTIFICATIONS:
    A. PLANT MATERIAL DELIVERY, SEE NOTE 2, THIS SHEET.
    B. UNFORESEEN SITE CONDITIONS, SEE NOTE 5, THIS SHEET.
    C. SOIL SAMPLE LOCATIONS, ANALYSIS, RESULTS, AND RECOMMENDATIONS, SEE NOTE 6, THIS SHEET.
    D. FIELD-GROWN TREE CERTIFICATIONS, SEE NOTE 12, THIS SHEET.
    E. NATIVE GRASSES NURSERY GROWN DOCUMENTATION, SEE NOTE 13, THIS SHEET.
    F. PERENNIAL PEANUT NOTARIZED STATEMENT OF VARIETY, SEE NOTE 14, THIS SHEET.
    G. PRODUCT SAMPLES, SEE NOTE 19, THIS SHEET.
    H. CERTIFIED ARBORIST CREDENTIALS, SEE NOTE 20, THIS SHEET.
    I. TOPSOIL ANALYSIS, SEE PLANTING AREA PREPARATION NOTE 15, SHEET LD-9.

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION EC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE NOTES

SHEET NO. LD-8

Laura Duplain 12/22/2017 3:39:57 PM F:\fdt3\208\CAD\21968935201\landscp\GNNTLD01.dwg

PLANTING AREA PREPARATION AND PLANTING NOTES

1. PRE-EMERGENT HERBICIDE:
   A. APPLY TO ALL PLANTING BEDS, MULCH BEDS, AND INDIVIDUAL TREE RINGS.
   B. APPLY PER MANUFACTURER RECOMMENDATION. DO NOT APPLY HERBICIDE TO PLANTED AREAS UNTIL SOIL HAS BEEN SETTLED BY PACKING AND IRRIGATION, OR RAINFALL.

2. TREE REMOVAL:
   A. TREES DESIGNATED FOR REMOVAL SHALL BE COMPLETELY REMOVED, INCLUDING REMOVAL OF ROOT MASS WHERE FEASIBLE, OR STUMP GRINDING TO A MINIMUM DEPTH OF 4" BELOW GRADE.
   B. REMOVE DEBRIS FROM THE PROJECT SITE AND DISPOSE OF IN A LAWFUL MANNER.

3. EXISTING TREE TRIMMING:
   A. THE CERTIFIED ARBORIST AND DISTRICT LANDSCAPE ARCHITECT SHALL IDENTIFY ANY EXISTING TREES WITHIN THE PROJECT LIMITS THAT MAY REQUIRE PRUNING TO ENHANCE OVERALL APPEARANCE AND STRUCTURE.
   B. IT IS ANTICIPATED THAT A MAXIMUM OF 60 TREES RANGING IN DIAMETER BREAST HEIGHT FROM 4" TO 10" MAY REQUIRE PRUNING.
   C. PRUNED MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LAWFUL MANNER.

4. SOD REMOVAL:
   A. BEGIN REMOVAL PROCESS A MINIMUM OF 30 DAYS PRIOR TO PLANTING.
   B. SOD TO BE REMOVED SHALL BE TREATED WITH HERBICIDE. AFTER STAKING FIELD REVIEW AND APPROVAL, TREAT WITH HERBICIDE. SPRAY WITH GLYPHOSATE TO ERADICATE EXISTING TURF, FORBS AND OTHER EXISTING VEGETATION. REAPPLY HERBICIDE TWO WEEKS LATER AND ALLOW TWO ADDITIONAL WEEKS FOR HERBICIDE ACTION. A TOTAL OF APPROXIMATELY 30 DAYS WILL BE REQUIRED FOR HERBICIDE APPLICATION AND ACTIVATION.
   C. CLEAR AND GRUB TO A MINIMUM DEPTH OF 4". EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LAWFUL MANNER.
   D. SOD BETWEEN EXISTING BEDS AND MUTIL-USE TRAIL SHALL NOT BE REMOVED. IF DISTURBED, REPLACE WITH CENTIPEDE SOD MINIMUM 18" WIDTH STRIP.

5. SOD LAYING:
   A. SPREAD 2" DEPTH SIEVED TOPSOIL (AVERAGE) ACROSS ALL PROPOSED SOD AREAS AND RAKE SMOOTH TO PRE-SODDING FINISH GRADE.
   B. LAY SOD RECTANGLES END TO END, WITH TIGHT FITTING JOINTS BETWEEN SOD PIECES. LAY ROWS OF SOD SUCH THAT SEAMS ARE STAGGERED FROM ROW TO ROW.
   C. PEG IN PLACE USING WOODEN PEGS IN AREAS WHERE SLIPPAGE OR EROSION IS A CONCERN.

6. PERENNIAL PEANUT REMOVAL:
   A. BEGIN REMOVAL PROCESS A MINIMUM OF 30 DAYS PRIOR TO PLANTING.
   B. PERENNIAL PEANUT TO BE REMOVED SHALL BE TREATED WITH HERBICIDE. AFTER STAKING FIELD REVIEW AND APPROVAL, TREAT WITH HERBICIDE. SPRAY WITH GLYPHOSATE TO ERADICATE EXISTING PERENNIAL PEANUT, TURF, FORBS AND OTHER EXISTING VEGETATION. REAPPLY HERBICIDE TWO WEEKS LATER AND ALLOW TWO ADDITIONAL WEEKS FOR HERBICIDE ACTION. A TOTAL OF APPROXIMATELY 30 DAYS WILL BE REQUIRED FOR HERBICIDE APPLICATION AND ACTIVATION.
   C. CLEAR AND GRUB TO A MINIMUM DEPTH OF 4". EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LAWFUL MANNER.

7. PERENNIAL PEANUT LAYING:
   A. SPREAD 2" DEPTH SIEVED TOPSOIL (AVERAGE) ACROSS ALL PROPOSED PERENNIAL PEANUT AREAS AND RAKE SMOOTH TO PRE-FINISH GRADE.
   B. LAY SOD RECTANGLES END TO END, WITH TIGHT FITTING JOINTS BETWEEN SOD PIECES. LAY ROWS OF SOD SUCH THAT SEAMS ARE STAGGERED FROM ROW TO ROW.
   C. PEG IN PLACE USING WOODEN PEGS IN AREAS WHERE SLIPPAGE OR EROSION IS A CONCERN.

8. PLANT BED REMOVAL:
   A. REMOVE DESIGNATED PLANT BEDS, INCLUDING COMPLETE REMOVAL OF PLANTS AND ROOTS.
   B. REMOVE MULCH FROM AREAS DESIGNATED TO BE SODDED OR PLANTED WITH PERENNIAL PEANUT.

9. REPLANTING OF EXISTING MULCH BED AREAS:
   A. REMOVE REMNANT PLANT MATERIAL FROM BEDS, EXCEPT AS SPECIFICALLY DESIGNATED TO REMAIN IN PLANS. MECHANICAL AND CHEMICAL MEANS ARE ACCEPTABLE.
   B. PLANT PER PLANS, NOTES AND DETAILS.
   C. TOP DRESS WITH MULCH TO RE-ESTABLISH UNIFORM 3" DEPTH MULCH.

10. INFILL OF EXISTING PLANTING BEDS:
    A. REMOVE ANY DEAD OR DISEASED PLANTS FROM BEDS.
    B. PRUNE EXISTING PLANT MATERIAL WITHIN INFILL BEDS AS DIRECTED BY THE LANDSCAPE ARCHITECT AND PROJECT ENGINEER TO PROVIDE A UNIFORM AND NEAT APPEARANCE.
    C. INFILL EXISTING PLANT BEDS TO FILL IN GAPS AND RE-ESTABLISH COMPLETE COVERAGE.

11. PLANTING PROCESS:
    A. EXCAVATE PLANTING PITS AT DIAMETER/SIZE DETAILED. THE DEPTH OF THE HOLE SHALL BE 1"-2" SHALLOWER THAN THE ROOTBALL; THEN DIG DEEPER AROUND AROUND THE HOLE'S PERIMETER, CREATING A FIRM CENTRAL PLATEAU SO THAT EXCESS WATER WILL FLOW AWAY FROM THE ROOTBALL.
    B. TO ASSURE DRAINAGE/PERCOLATION OF PLANTING PITS PRIOR TO INSTALLATION, CONTRACTOR SHALL FILL SAMPLE TREE PITS (1 IN 5) WITH WATER AND OBSERVE PERCOLATION. HOLES SHALL PERCOLATE IN 30 MINUTES OR LESS. BRING DISCREPANCIES TO THE ATTENTION OF THE DISTRICT LANDSCAPE ARCHITECT AND PROJECT ENGINEER.
    C. PLACE THE ROOTBALL ON THE PLATEAU, MAKING SURE IT IS 1" HIGHER THAN THE SURROUNDING SOIL.
    D. FILL IN WITH PLANTING SOIL BACKFILL MIXTURE IN LIFTS, TAMPING LIGHTLY AROUND EACH AND EVERY PLANT. THOROUGHLY FLUSH WITH WATER AT EACH LIFT WHILE ENSURING NO AIR POCKETS REMAIN, AND MAKE ADJUSTMENTS TO PROVIDE PROPERLY SET PLANT MATERIAL WITH THE TOP OF THE ROOTBALL 1" ABOVE SURROUNDING GRADE FOR TREES.
    E. INSTALL FERTILIZER PER MANUFACTURER RECOMMENDATIONS.
    F. INSTALL MYCORHIZZAL INNOCULANT PER MANUFACTURER RECOMMENDATIONS.
    G. BUILD WATER SAUCER AROUND EACH PLANT, SEE DETAILS.
    H. ESTABLISH FINISHED PRE-MULCHING GRADE.
    I. MULCH WITH 3" MINI PINE BARK NUGGETS, SEE NOTE 16 THIS SHEET.

12. PLANTING BACKFILL MIXTURE FOR TREES, SHRUBS, AND GROUNDCOVERS SHALL CONSIST OF EQUAL PARTS COARSE SAND AND "BLENDED SOIL" OR EQUAL, SUBJECT TO PROJECT ENGINEER AND DISTRICT LANDSCAPE ARCHITECT'S APPROVAL. MIX THOROUGHLY WITH EXISTING SOIL ACCORDING TO THE FOLLOWING SCHEDULE:

    1 GALLON: 0.02 CY (0.5 CF) COARSE SAND AND 0.02 CY (0.5 CF) "BLENDED SOIL"
    3 GALLON: 0.04 CY (1 CF) COARSE SAND AND 0.04 CY (1 CF) "BLENDED SOIL"
    7 GALLON: 0.06 CY (1.5 CF) COARSE SAND AND 0.06 CY (1.5 CF) "BLENDED SOIL"
    15 GALLON: 0.07 CY (2 CF) COARSE SAND AND 0.07 CY (2 CF) "BLENDED SOIL"
    30 GALLON: 0.13 CY (3.5 CF) COARSE SAND AND 0.13 CY (3.5 CF) "BLENDED SOIL"
    45 GALLON: 0.19 CY (5 CF) COARSE SAND AND 0.19 CY (5 CF) "BLENDED SOIL"
    65 GALLON: 0.26 CY (7 CF) COARSE SAND AND 0.26 CY (7 CF) "BLENDED SOIL"
    FG TREE: 0.37 CY (10 CF) COARSE SAND AND 0.37 CY (10 CF) "BLENDED SOIL"
    200 GALLON/FG TREE: 1.04 CY (28 CF) COARSE SAND AND 1.04 CY (28 CF) "BLENDED SOIL"

    REFER TO DETAILS FOR MINIMUM PLANTING PIT DIMENSIONS. SEE NOTE 12 FOR "BLENDED SOIL" COMPOSITION.

13. "BLENDED SOIL" SHALL CONSIST OF: 1/3 MUSHROOM COMPOST OR PEAT, 1/3 COMMERCIALLY PROCESSED AND COMPOSTED COW MANURE AND 1/3 COMPOSTED BARK. SEE PROJECT NOTES FOR PRODUCT SAMPLE/DATA SHEET SUBMITTAL REQUIREMENTS.

14. MYCORRHIZAL INOCULANT FOR PLANTING PITS
    SOIL INOCULANT SHALL BE UTILIZED AND APPLIED PER MANUFACTURER RECOMMENDATIONS TO EACH PLANTING PIT. THE INOCULANT SHALL BE SLOW RELEASE AND CONTAIN BOTH ENDO AND ECTOMYCORRHIZAL INOCULANTS COMBINED WITH HUMIC ACIDS, TRICHODERMA, STIMULANTS, BENEFICIAL BACTERIA, SOLUBLE SEA KELP, YUCCA PLANT EXTRACTS, AND A WATER RETENTION GEL, AS LISTED BELOW. COST SHALL BE INCLUDED IN LUMP SUM PROJECT COST. SEE PROJECT NOTES FOR PRODUCT SAMPLE/DATA SHEET SUBMITTAL REQUIREMENTS.

    A. FOR TREES, SHRUBS AND GROUNDCOVERS:
       a. ENDOMYCORRHIZAL FUNGI (MINIMUM 12.5 PROPAGULES PER CUBIC CENTIMETER: GLOMUS MOSSEAE (2), GLOMUS INTRARADICES (2), GLOMUS FASCICULATUM (2), GLOMUS DUSSII (2), GLOMUS CLARUM (2), GLOMUS DESERTICOLA (1.25), GLOMUS MICROAGGREGATUM (1.25).)
       b. ECTOMYCORRHIZAL FUNGI (MINIMUM 180,400 CFU'S PER CUBIC CENTIMETER TO INCLUDE: PISOLITHUS TINCTORIUS (155,400), RHIZOPOGON (25,000).)
       c. NITROGEN FIXING, PHOSPHATE SOLUBILIZING AND GROWTH PROMOTING BACTERIA (1,000,000 CFU'S PER CUBIC CENTIMETER OF GENUS BACILLUS (BACILLUS MEGATERIUM, BACILLUS SUBTILLA, BACILLUS AMYLOLIQUEFACIENS, BACILLUS AZOTOFORMANS, BACILLUS LICHENIFORMIS, BACILLUS PUMULUS, BACILLUS FIRMUS, BACILLUS COAGULANS, GEOBACILLUS STEAROTHERMOPHILUS, PAENIBACILLUS POLYMYXA), GENUS PSEUDOMONAS (PSEUDOMONAS PUTIDA, PSEUDOMONAS FLUORESCENCE, PSEUDOMONAS AUREOFACEANS, PSEUDOMONAS. DURUM), GENUS STREPTOMYCES (STREPTOMYCES LYDICUS, STREPTOMYCES GRISEUS, STREPTOMYCES COELICOLOR).)
       d. TRICHODERMA (72,600 CFU'S PER CUBIC CENTIMETER GENUS TRICHODERMA (TRICHODERMA HAMATUM, TRCHODERMA HARZIANIUM, TRICHODERMA VIRIDE, TRICHODERMA REESEI).)
       e. SEA KELP EXTRACT (10% ASCOPHYLLUM NODOSUM); YUCCA PLANT EXTRACT (4% YUCCA SCHIDIGERA); HUMIC ACIDS (21% DERIVED FROM LEONARDITE).
       f. WATER RETENTION GEL, MINIMUM 29% (PARTICLE SIZE 0.8 mm TO 2.0 mm; PERCENT SOLUBLE LESS THAN 0.05%; ABSORPTION RATE 300-400 TIMES IN DISTILLED WATER).
       g. ROOT PROMOTING VITAMINS (B, B2, B3, B6, B7, B12, C, K, BIOTIN, FULVIC ACID).
       h. AMINO ACIDS (PROTEIN): ANIMAL AND PLANT PROTEINS.

    B. FOR SOD:
       AFTER GROUND PREPARATION AND BEFORE SOD IS PLACED, BROADCAST AT THE RATE OF 3 POUNDS PER 100 SQ.FT WORKED INTO THE FIRST 2 INCHES OF SOIL A COMPOUND CONTAINING:
       a. MYCORRHIZAL FUNGAL INCOCULANTS OF DIVERSE ENDOMYCORRHIZAL (18 PROPAGULES PER CUBIC CENTIMETER: GLOMUS MOSSEAE (3.6), GLOMUS INTRARADICES (3.6), GLOMUS FASCICULATUM (3.6), GLOMUS DUSSII (1.8), GLOMUS CLARUM (1.8), GLOMUS DESERTICOLA (1.8), GLOMUS MICROAGGREGATUM (1.8).
       b. NITROGEN FIXING, PHOSPHATE SOLUBILIZING AND GROWTH PROMOTING BACTERIA 353.000 CFU'S PER CC, (BACILLUS (10 SPECIES), PSEUDOMONAS (3 SPECIES), STREPTOMYCES (3 SPECIES)).
       c. MYCORRHIZAL ENHANCER (TRICHODERMA (3 SPECIES) 30,500 COLONY FORMING UNITS PER CC.
       d. ORGANIC BIOSTIMULANTS TO STIMULATE MICROBIAL ACTIVITY IN THE GROUND AND PROMOTE ROOT GROWTH.
       e. AGRICULTURAL GRADE PLANTING GEL (5%) TO MAINTAIN MOISTURE IN THE ROOT ZONE.

15. TOPSOIL FOR SODDED AREAS SHALL BE SIEVED TOPSOIL IMPORTED TO THE SITE, FREE OF ROCKS, NOXIOUS/INVASIUE WEEDS, AND DEBRIS. CONTRACTOR SHALL SUBMIT SOIL ANALYSIS RESULTS FROM AN APPROVED AGRONOMIC SOILS TESTING LABORATORY FOR A MINIMUM OF pH, ORGANIC CONTENT, SOLUBLE SALTS, AND TEXTURE WITH A STATEMENT OF SUITABILITY FOR CENTIPEDE SOD GROWTH. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE SUITABILITY FOR GROWTH OF PROPOSED PLANT MATERIAL. SEE PROJECT NOTES FOR PRODUCT SAMPLE/DATA SHEET SUBMITTAL REQUIREMENTS.

16. MULCHING SHALL BE MINI PINE BARK NUGGETS, 1"-2" IN SIZE, DRY, BRIGHT IN COLOR, AND 3" DEPTH AFTER SETTLING. MULCH SHALL NOT BE USED IF IT IS ROTTED OR MOLDY, OR CONTAINS SEED, TUBERS, OR RHYZOMES OF ANY NOXIOUS SPECIES. MULCH SHALL BE UNIFORMLY SPREAD OVER ALL NEW AND EXISTING PLANTING BEDS.
    A. MULCH IN NEW PLANTING AREAS INCLUDE INITIAL INSTALLATION (3" DEPTH) PLUS REMULCHING (1.5" DEPTH MINIMUM) PER YEAR DURING THE ESTABLISHMENT PERIOD.
    B. MULCHING IN EXISTING PLANTING BEDS SHALL BE REQUIRED FOR VISIBLE PERIMETER AND ANY OPEN AREAS ONLY.
    C. MULCH AREAS SHALL BE TOP DRESSED TO PROVIDE UNIFORM APPEARANCE AND TOTAL DEPTH OF 3".
    D. IN PLANTING INFILL AREAS, MULCH AREAS OF INFILL ONLY AND ANY EXPOSED PERIMETER MULCH AREAS TO PROVIDE A NEAT AND FINISHED APPEARANCE. IT IS NOT REQUIRED TO MULCH ENTIRE INFILL PLANTING BEDS.
    E. MULCH SHALL NOT BE PLACED AGAINST TRUNKS OR STEMS OF PLANTS. SEE PROJECT NOTES FOR PRODUCT SAMPLE/DATA SHEET SUBMITTAL REQUIREMENTS.

17. AS PART OF THE LUMP SUM BID, CONTRACTOR SHALL TRIM EXISTING VEGETATION AS REQUIRED TO ACCOMMODATE PROPOSED PLANTINGS. PRUNING SHALL BE CONDUCTED UNDER DIRECT SUPERVISION OF THE CERTIFIED ARBORIST. PRUNED MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LAWFUL MANNER. SPECIFIC VEGETATION TO PRUNE SHALL BE IDENTIFIED BY THE DISTRICT LANDSCAPE ARCHITECT DURING A FIELD VISIT WITH THE CONTRACTOR.

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #LC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE NOTES

SHEET NO. LD-9

Laura Duplain 12/22/2017 3:40:00 PM F:\fdt3\208\CAD\21968935201\landscp\GNNTLD01.dwg ----

UTILITY NOTES

1. THE LOCATIONS OF THE UTILITIES SHOWN IN THE PLANS (INCLUDING THOSE DESIGNATED Vv, Vh, AND Vvh) ARE BASED ON LIMITED INVESTIGATION TECHNIQUES AND SHOULD BE CONSIDERED APPROXIMATE ONLY. THE VERIFIED LOCATIONS/ELEVATIONS APPLY ONLY AT THE POINTS SHOWN. INTERPOLATIONS BETWEEN THESE POINTS HAVE NOT BEEN VERIFIED.

2.

UTILITY OWNERS			
COMPANY	CONTACT PERSON	CONTACT NUMBER	EMAIL ADDRESS
CENTURYLINK	DAVID POOLE	850-599-1479	David.C.Poole@Centurylink.com
COMCAST CABLEVISION	LIAM MCKENNA	850-574-4060	Liam_McKenna@cable.comcast.com
DIAL COMMUNICATIONS	NELSON SWEENEY	850-877-3282	NSweeney@dialint.com
LEVEL 3 COMMUNICATIONS	MICHAEL GARRISON	407-618-6791	Michael.garrison@level3.com
SOUTHER LIGHT, LLC	JASON WEILER	251-269-5129	Jweiler@slfiber.com
CITY OF TALLAHASSEE - GAS	JIM ABBOTT	850-891-5135	Jimmy.Abbott@talgov.com
CITY OF TALLAHASSEE - POWER ENIGNEERING	TINA DROSE	850-694-8221	Tina.Drose@talgov.com
CITY OF TALLAHASSEE	JARROD WHITAKER	850-891-6884	Jarrod.Whitaker@talgov.com
VERIZON BUSINESS	CHUCK BRUNICK	850-265-3652	Chuck.brunick@verizonbusiness.com
VERIZON BUSINESS	INVESTIGATIONS	972-729-6016	investigations@verizon.com

3. A UTILITY REPRESENTATIVE SHALL BE PRESENT IF LANDSCAPING REQUIRES ANY EXCAVATIONS GREATER THAN 36" DEPTH WITHIN 15 FT OF UNDERGROUND UTILITIES.

4. THE CONTRACTOR SHALL COORDINATE WITH THE UTILITY COMPANIES DURING CONSTRUCTION. NO UTILITY IS TO BE RELOCATED. PLANTING SHALL BE ADJUSTED HORIZONTALLY, AT THE DIRECTION OF THE PROJECT ENGINEER AND DISTRICT LANDSCAPE ARCHITECT, TO NEGATE ANY UTILITY CONFLICTS.

5. PREFERRED PLANT MATERIAL SET-BACKS
(TO CENTER OF PLANT)
30 FT OVERHEAD UTILITY LINE SETBACK FOR CANOPY TREES.
15 FT OVERHEAD UTILITY LINE SETBACK FOR UNDERSTORY TREES.
10 FT FROM UNDERGROUND UTILITIES TO TREES.

ESTABLISHMENT PERIOD MAINTENANCE PLAN NOTES
(TO COMMENCE AFTER FINAL ACCEPTANCE OF THE INSTALLATION PERIOD.)

THE FOLLOWING OPERATIONS SHALL BE PERFORMED BY THE CONTRACTOR DURING THE ESTABLISHMENT PERIOD. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR THE PROPER MAINTENANCE, SURVIVAL, AND CONDITION OF ALL NEWLY INSTALLED LANDSCAPE ITEMS UNDER THIS CONTRACT WITHIN THE HIGHLIGHTED AREA AND NOTE REGARDING COORDINATION DEPICTED ON SHEET LD-73. THE FOLLOWING IS AN OUTLINE OF ACTIVITIES THAT STATE STANDARD MINIMUM MAINTENANCE ACTIVITIES. COORDINATION WITH THE CITY OF TALLAHASSEE WILL BE REQUIRED (CRIS REVELL, 850-570-1398).

COST OF ESTABLISHMENT PERIOD ACTIVITIES/MATERIALS ARE INCLUDED IN THE LUMP SUM COST OF THE PROJECT AND SHALL BE INCLUDED WITHIN THE CONTRACTOR TOTAL LUMP SUM BID.

1. MOWING
MOWING OF NEWLY INSTALLED SOD SHALL BE PERFORMED THROUGHOUT THE ESTABLISHMENT PERIOD. MOW WEEKLY AT A MINIMUM APRIL THROUGH SEPTEMBER AND MONTHLY OCTOBER THROUGH MARCH.

2. FERTILIZER
APPLY 2 TIMES PER YEAR DURING THE ESTABLISHMENT PERIOD. SEE PROJECT NOTES FOR APPLICATION RATES. APPLY MARCH AND SEPTEMBER OR AS DIRECTED BY THE PROJECT ENGINEER AND DISTRICT LANDSCAPE ARCHITECT.

3. EDGING
EDGING SHALL BE DONE ON A REGULAR BASIS, A MINIMUM OF 12 TIMES PER YEAR, TO COINCIDE WITH THE MAINTENANCE SCHEDULE. WHERE BEDS ABUT TURF OR HARDSCAPE, EDGE WITH A MECHANICAL EDGER. CARE SHALL BE TAKEN NOT TO SCAR CONCRETE OR OTHER HARDSCAPE SURFACES WITH EDGING EQUIPMENT. PLANT BEDS AND TREE RINGS INSTALLED UNDER THIS CONTRACT SHALL BE KEPT CLEAN AND WELL DEFINED IN ORDER TO PREVENT ENCROACHMENT BY TURF GRASSES. WHERE PAVEMENT EDGES ABUT THE WORK, PAVEMENT EDGES SHALL BE KEPT FREE OF WEEDS BY THE SPRAYING OF FDOT APPROVED HERBICIDES.

4. WEEDING
WEEDING OF NEWLY PLANTED AREAS SHALL BE DONE ON A ROUTINE BASIS. WEEDS SHALL BE IMMEDIATELY REMOVED FROM PLANTING AREAS. WEED REMOVAL SHALL BE DONE MANUALLY (HAND PULLING) AND HERBICIDES MAY BE UTILIZED IN PROBLEM AREAS. APPLICATION OF HERBICIDES SHALL BE DONE WITH EXTREME CAUTION TO PREVENT POTENTIAL DAMAGE TO LANDSCAPE. A MINIMUM OF 3 PRE-EMERGENT HERBICIDE APPLICATIONS PER YEAR WILL BE REQUIRED.

5. PRUNING
PLANT PRUNING (HAND PRUNING, NOT SHEARING) SHALL BE THE PRIMARY METHOD OF SHAPE AND SIZE CONTROL AND SHALL BE ACCOMPLISHED UNDER THE SUPERVISION OF AN INTERNATIONAL SOCIETY OF ARBORICULTURE (ISA) CERTIFIED ARBORIST WITH A MINIMUM 5 YEARS EXPERIENCE ON SIMILAR PROJECTS TO ENSURE THIS FUNCTION IS IN ACCORDANCE WITH RECOMMENDED HORTICULTURAL PRACTICES.

CRAPE MYRTLE TREES MAY BE TIP PRUNED DURING THE GROWING SEASON (CUTS THROUGH SMALLER DIAMETER BRANCHES 1 YEAR OLD OR LESS). POLLARDING (ANNUAL REMOVAL OF ALL SPROUTS) AND TOPPING (REMOVAL OF LARGE DIAMETER WOOD) ARE NOT ACCEPTABLE PRUNING METHODS.

SELECTIVE HAND PRUNING SHALL BE PERFORMED AS NECESSARY ON ALL TREES AND SHRUBS IN ORDER TO MAINTAIN THE NATURAL HABIT OF THE PLANT AND ENSURE HEALTH AND VIGOR THROUGHOUT THE ESTABLISHMENT PERIOD. REVIEW AT EACH MAINTENANCE VISIT.

NATIVE GRASSES SHALL BE CUT BACK IN EARLY MARCH AS NEEDED TO MAINTAIN A NEAT APPEARANCE, REVIEW ANNUALLY.

6. MULCH
ALL MULCH AREAS SHALL BE MAINTAINED AT A 3" COMPRESSED DEPTH MULCH. REMULCH AS NEEDED (A MINIMUM OF ONCE PER YEAR) WITH MINI PINE BARK NUGGETS.

MINI PINE BARK NUGGETS SHALL BE 1"-2" IN SIZE, DRY, BRIGHT IN COLOR, AND 3" DEPTH AFTER SETTLING. MULCH SHALL NOT BE USED IF IT IS ROTTED OR MOLDY, OR CONTAINS SEED, TUBERS, OR RHYZOMES OF ANY NOXIOUS SPECIES. MULCH SHALL BE UNIFORMLY SPREAD OVER ALL NEW AND EXISTING PLANTING BEDS. MULCH IN NEW PLANTING AREAS INCLUDE INITIAL INSTALLATION (3" DEPTH) PLUS REMULCHING (1.5" DEPTH MINIMUM) PER YEAR DURING THE ESTABLISHMENT PERIOD. MULCHING IN EXISTING PLANTING BEDS AND MUCH AREAS SHALL BE TOP DRESSING TO PROVIDE UNIFORM APPEARANCE AND TOTAL DEPTH OF 3". MULCH SHALL NOT BE PLACED AGAINST TRUNKS OR STEMS OF PLANTS. SEE PROJECT NOTES FOR PRODUCT SAMPLE/DATA SHEET SUBMITTAL REQUIREMENTS.

7. LITTER PICK-UP
DURING THE ESTABLISHMENT PERIOD, ENSURE LITTER PICKUP WITHIN NEWLY PLANTED AREAS AT EACH MAINTENANCE VISIT.

8. IRRIGATION
A. REVIEW IRRIGATION SYSTEM IN OPERATION AT EACH MAINTENANCE VISIT. IMMEDIATELY REPAIR ANY ITEMS IN DISREPAIR.
B. REVIEW ZONE TIMING CONTROL AT EACH MAINTENANCE VISIT, AND ADJUST WATERING SCHEDULE AS NEEDED.
C. PROVIDE SUFFICIENT WATER TO ENSURE PLANT MATERIAL HEALTH DURING THE ESTABLISHMENT PERIOD.

9. LANE CLOSURES ARE ONLY PERMITTED MONDAY THROUGH THURSDAY, 9:00 AM TO 4:00 PM. WORK ZONE TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH STANDARD INDEXES. ALL LANES MUST BE REOPENED TO NORMAL TRAFFIC WITHIN 12 HOURS OF AN EVACUATION NOTICE FOR A HURRICANE OR ANY OTHER EMERGENCY EVENT AND SHALL REMAIN OPEN FOR THE DURATION OF THE EVENT AS DIRECTED BY THE ENGINEER.

10. STAKING
A. CONTRACTOR SHALL MAINTAIN ALL TREE STAKING DURING THE FIRST YEAR OF THE ESTABLISHMENT PERIOD.
B. CONTRACTOR SHALL REMOVE ALL ABOVE GROUND TREE STAKING AT THE END OF THE FIRST YEAR OF THE ESTABLISHMENT PERIOD.

11. EARTH SAUCERS TO RETAIN WATER
REMOVE, GRADE SMOOTH, AND RE-MULCH AT THE END OF THE FIRST YEAR OF THE ESTABLISHMENT PERIOD.

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE NOTES

SHEET NO. LD-10

Posted July 2, 2018

Laura Duplain 12/22/2017 3:40:03 PM F:\fdt3\208\CAD\21968935201\landscp\GNNTLD01.dwg ----

ABBREVIATION LIST

AC	ACRE
APPROX	APPROXIMATE
CAL	CALIPER
CAT.	CATEGORY
CF	CUBIC FEET
CT	CLEAR TRUNK
CY	CUBIC YARD
EA	EACH
Exist.	EXISTING
GAL	GALLON
FG	FIELD GROWN
FT	FEET
HT	HEIGHT
LB	POUND
LF	LINEAR FEET
LS	LUMP SUM
MAX	MAXIMUM
MIN	MINIMUM
NO.	NUMBER
NTS	NOT TO SCALE
OC	ON CENTER
OZ	OUNCE
R/W	RIGHT OF WAY
SPD	SPREAD
SY	SQUARE YARD
thru	THROUGH
TYP	TYPICAL

PLANT LEGEND

- MATERIAL TO BE REMOVED
- MULCH BED
- DAYLILY
- CENTIPEDE SOD
- PERENNIAL PEANUT
- SAND CORDGRASS
- MUHLY GRASS
- SAW PALMETTO
- LIVE OAK
- SHUMARD OAK
- TULIP POPLAR
- MAGNOLIA
- DAHOON HOLLY
- TUSCARORA CRAPE MYRTLE
- NATCHEZ CRAPE MYRTLE
- FRINGE TREE
- FLATWOODS PLUM
- SLASH PINE
- WHORLED CLASS VIBURNUM
- SABAL MINOR
- ADAM'S NEEDLE
- EXISTING TREE, TO REMAIN
- EXISTING TREE, TO BE REMOVED

SUMMARY OF LITTER REMOVAL AND MOWING

INSTALLATION PERIOD	DURATION (DAYS)	FREQUENCY (DAYS)	LITTER REMOVAL			MOWING			REMARKS
			CYCLES	AREA		CYCLES	AREA		
				AC/CYCLE	TOTAL (AC)		AC/CYCLE	TOTAL (AC)	
1	150 CONSTRUCTION	30	5	10.945		5	2.639		
			TOTAL	P		TOTAL	P		
				F			F		

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

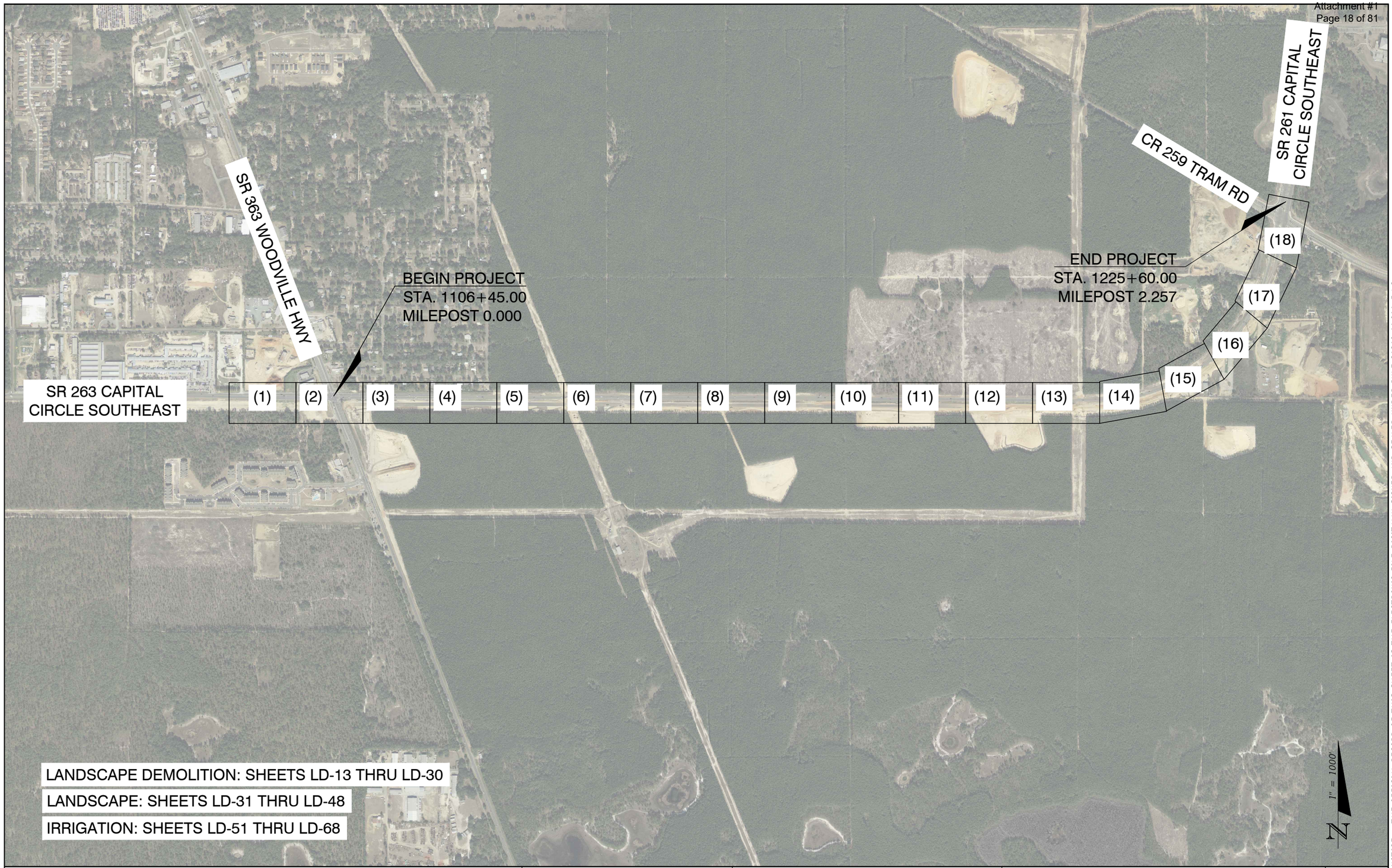
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE NOTES

SHEET NO. LD-11

Posted July 2, 2018

Laura Duplain 12/22/2017 3:40:06 PM F:\fdt3\208\CAD\21968935201\landscp\GNNTLD01.dwg ----



NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION LC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

SHEET LAYOUT

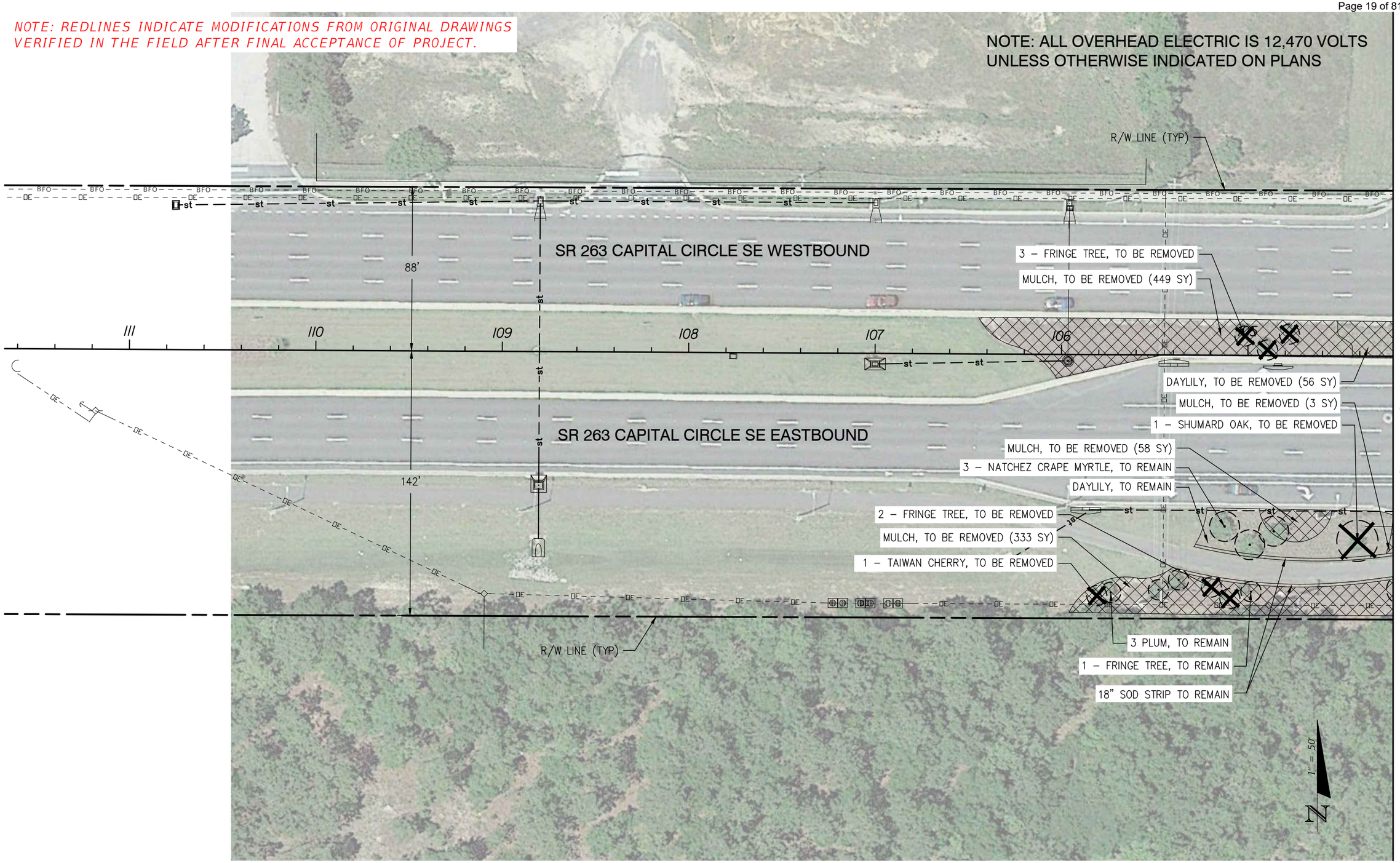
SHEET NO.
LD-12

Laura Duplain 12/22/2017 3:40:23 PM F:\fdt3\208\CAD\21968935201\landscp\PLAYLD01.dwg

Posted July 2, 2018

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS



MATCHLINE SHEET LD-14

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE
DEMOLITION PLAN (1)

SHEET NO.
LD-13

Laura Duplain 12/22/2017 3:40:52 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD01

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-13

MATCHLINE SHEET LD-15

SR 363 WOODVILLE HWY

STA 101+65.26
139.00 RT

DAYLILY TO REMAIN

3 – TUSCARORA CRAPE MYRTLE, TO REMAIN

R/W LINE (TYP)

STA 102+09.09
89.00 RT

STA 1106+66.12
110.00 LT

STA 1106+96.38
90.00 LT

BILLBOARD OWNER: LAMAR OF TALLAHASSEE
TAG # BU806 & BU807

PERENNIAL PEANUT AND MULCH, TO BE REMOVED (94 SY)

89'

SR 263 CAPITAL CIRCLE SE WESTBOUND

PERENNIAL PEANUT, TO BE REMOVED (370 SY)

90'

SR 261 CAPITAL CIRCLE SE WESTBOUND

MULCH AND REMNANT GRASSES/GROUNDCOVERS AND PERENNIAL PEANUT, TO BE REMOVED (396 SY)

DAYLILY, TO BE REMOVED (58 SY)

104 103 102 101 100 107

DAYLILY, TO BE REMOVED (305 SY)

SR 263 CAPITAL CIRCLE SE EASTBOUND

BEGIN PROJECT
STA. 1106+45.00
MILEPOST 0.000

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (208 SY)

SR 261 CAPITAL CIRCLE SE EASTBOUND

MULCH, TO BE REMOVED (54 SY)

1 – SHUMARD OAK, TO REMAIN

2 – NATCHEZ CRAPE MYRTLE, TO REMAIN

4 – PLUM, TO REMAIN

142'

140'

TURF, TO BE REMOVED (75 SY)

PERENNIAL PEANUT, TO BE REMOVED (147 SY)

MULCH TO BE REMOVED (24 SY)

6" GAS

262'

DAYLILY, TO REMAIN

STA 103+57.82
142.00 LT

1 – HOLLY, TO REMAIN

MULCH, TO BE REMOVED (39 SY)

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (158 SY)

STA 1108+11.59
140.00 RT

R/W LINE (TYP)

1 – PINE, TO REMAIN

MULCH BED, TO REMAIN

1 – SHUMARD OAK, TO BE REMOVED

1 – TULIP POPLAR, TO BE REMOVED

MULCH, TO BE REMOVED (35 SY)

STA 103+57.82
262.00 LT

STA 100+00.20
262.00 RT

1" = 50'

N

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #00001213

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE
DEMOLITION PLAN (2)

SHEET NO.
LD-14

Laura Duplain 12/22/2017 3:40:57 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD02

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-14

MATCHLINE SHEET LD-16

1" = 50'

N

SAND CORDGRASS, TO REMAIN

2 – PLUM, TO REMAIN

R/W LINE (TYP)

1 – PLUM, TO BE REMOVED

3 – PLUM, TO REMAIN

MUHLY GRASS AND SCHILLINGS DWARF HOLLY, TO REMAIN

1 – PLUM, TO REMAIN

3 – PLUM, TO REMAIN

1 – HOLLY, TO REMAIN

1 – SHUMARD OAK, TO REMAIN

DAYLILY TO REMAIN

MUHLY GRASS, TO BE REMOVED (58 SY)

PERENNIAL PEANUT, TO BE REMOVED (142 SY)

SR 261 CAPITAL CIRCLE SE WESTBOUND

1110 1111 1112 1113 1114 1115 1116 1117

90'

PERENNIAL PEANUT, TO BE REMOVED (37 SY)

DAYLILY, TO BE REMOVED (985 SY)

PERENNIAL PEANUT AND DAYLILY, TO BE REMOVED (140 SY)

MUHLY GRASS, TO REMAIN

3 – HOLLY, TO REMAIN

DAYLILY, TO REMAIN

SR 261 CAPITAL CIRCLE SE EASTBOUND

1 – SHUMARD OAK, TO REMAIN

3 – LIVE OAK, TO REMAIN

2 – TULIP POPLAR, TO REMAIN

2 – SHUMARD OAK, TO REMAIN

140'

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (90 SY)

6 – VIBURNUM, TO REMAIN

1 – TULIP POPLAR, TO REMAIN

SAW PALMETTO AND MULCH, TO REMAIN

MUHLY GRASS, TO REMAIN

STA 1110+73.65 140.00 RT

STA 1110+43.65 140.00 RT

5 – PLUM, TO REMAIN

SAND CORDGRASS AND BEAUTYBERRY, TO REMAIN

3 – PINE, TO REMAIN

3 – PINE, TO REMAIN

SAND CORDGRASS, TO REMAIN

R/W LINE (TYP)

18" SOD STRIP TO REMAIN

18" SOD STRIP TO REMAIN

SAND CORDGRASS, TO BE REMOVED (9 SY)

1 – TULIP POPLAR, TO REMAIN

3 – WAX MYRTLE, TO REMAIN

MULCH AND REMNANT GRASS/GROUNDCOVERS, TO BE REMOVED (112 SY)

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (59 SY)

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE DEMOLITION PLAN (3)

SHEET NO. LD-15

Laura Duplain 12/22/2017 3:41:01 PM

F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD03

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-15

MATCHLINE SHEET LD-17

MUHLY GRASS AND SCHILLINGS DWARF HOLLY, TO REMAIN

R/W LINE (TYP)

3 – TREES, TO BE REMOVED

MULCH, TO REMAIN

Exist. SIGN (TYP)

MUHLY GRASS, TO REMAIN

3 – HOLLY, TO REMAIN

3 – FRINGE TREE, TO BE REMOVED

MULCH, TO BE REMOVED (66 SY)

3 – TULIP POPLAR, TO REMAIN

3 – FRINGE TREE, TO BE REMOVED

SR 261 CAPITAL CIRCLE SE WESTBOUND

1 – CRAPE MYRTLE, TO BE REMOVED

2 – SHUMARD OAK, TO BE REMOVED

MUHLY GRASS, TO REMAIN

92'

1118 1119 1120 1121 1122 1123 1124

REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (384 SY)

MUHLY GRASS/TURF, TO BE REMOVED (305 SY)

3 – LIVE OAK, TO REMAIN

1 – FRINGE TREE, TO BE REMOVED

MULCH, TO BE REMOVED (62 SY)

MUHLY GRASS, TO REMAIN

2 – SHUMARD OAK, TO REMAIN

SR 261 CAPITAL CIRCLE SE EASTBOUND

1 – MAGNOLIA, TO REMAIN

MULCH AND REMNANT GRASS/GROUNDCOVERS, TO BE REMOVED (278 SY)

3 – WAX MYRTLE, TO REMAIN

MUHLY GRASS, TO REMAIN

3 – NATCHEZ CRAPE MYRTLE, TO REMAIN

138'

3 – MAGNOLIA, TO REMAIN

R/W LINE (TYP)

3 – HOLLY, TO REMAIN

MULCH AND SPARKLEBERRY, TO BE REMOVED (190 SY)

1 – LIVE OAK, TO BE REMOVED

1 – SHUMARD OAK, TO BE REMOVED

1 – TULIP POPLAR, TO REMAIN

2 – LIVE OAK, TO REMAIN

LIRIOPE, TO REMAIN

SAW PALMETTO, MULCH, AND REMNANT GRASS/GROUNDCOVERS, TO BE REMOVED (574 SY)

4 – PINE, TO REMAIN

MULCH BED, TO REMAIN

SAND CORDGRASS, TO REMAIN

1" = 50'

N

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION NO. 28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE
DEMOLITION PLAN (4)

SHEET NO.
LD-16

Posted July 2, 2018

Laura Duplain 12/22/2017 3:41:05 PM

F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD04

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-16

MATCHLINE SHEET LD-18

SR 261 CAPITAL CIRCLE SE WESTBOUND

SR 261 CAPITAL CIRCLE SE EASTBOUND

MUHLY GRASS, TO REMAIN
3 – TUSCARORA CRAPE MYRTLE, TO REMAIN
1 – HOLLY, TO REMAIN
2 3 – PLUM, TO REMAIN
FIRST ROW OF EXISTING GRASSES, TO BE REMOVED (27 SY)
R/W LINE (TYP)
MUHLY GRASS, TO REMAIN
3 – PLUM, TO REMAIN
FIRST ROW OF EXISTING GRASSES, TO BE REMOVED (11 SY)
1 – HOLLY, TO REMAIN
FIRST ROW OF EXISTING GRASSES, TO BE REMOVED (25 SY)
2 3 – PLUM, TO REMAIN
3 – WAX MYRTLE, TO REMAIN
SAND CORDGRASS, TO REMAIN
3 – HOLLY, TO REMAIN
3 – PLUM, TO REMAIN
1 – SHUMARD OAK TO BE REMOVED
REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (291 SY)
2 – SHUMARD OAK, TO REMAIN
2 – FRINGE TREE, TO BE REMOVED
FIRST ROW OF EXISTING GRASSES, TO BE REMOVED (38 SY)
3 – FRINGE TREE, TO REMAIN
1 – LIVE OAK, TO REMAIN
DAYLILY, TO REMAIN
93'
REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (47 SY)
1 – SHUMARD OAK, TO REMAIN
MUHLY GRASS, TO REMAIN
1 – FRINGE TREE, TO REMAIN
1 – TULIP POPLAR, TO BE REMOVED
1125 1126 1127 1128 1129 1130 1131 1132
REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (203 SY)
3 – FRINGE TREE, TO BE REMOVED
MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (592 SY)
2 – LIVE OAK, TO REMAIN
4 – YAUPON HOLLY, TO REMAIN
MUHLY GRASS, TO REMAIN
MULCH BED TO REMAIN, REMNANT GRASS/GROUNDCOVERS, TO BE REMOVED (162 SY)
1 – TULIP POPLAR, TO BE REMOVED
2 – LIVE OAK, TO REMAIN
18" SOD STRIP, TO REMAIN
4 – YAUPON HOLLY, TO REMAIN
1 – SHUMARD OAK, TO REMAIN
MULCH BED TO REMAIN, SPARKLEBERRY TO BE REMOVED
4 – CRAPE MYRTLE, TO REMAIN
MULCH BED, TO REMAIN
3 – PINE, TO REMAIN
SAW PALMETTO, TO REMAIN
1 – PLUM, TO BE REMOVED
2 – PINE, TO REMAIN
MULCH BED TO REMAIN, REMNANT GRASS/GROUNDCOVERS, TO BE REMOVED (401 SY)
1 – SHUMARD OAK, TO BE REMOVED
0 1 – SHUMARD OAK, TO REMAIN
EXISTING STUMP
1 – TULIP POPLAR, TO BE REMOVED
DAYLILY, TO REMAIN
MUHLY GRASS, TO REMAIN
2 3 – WAX MYRTLE, TO REMAIN
FLAX LILY, TO REMAIN
DAYLILY, TO REMAIN
3 – HOLLY, TO REMAIN
1 – SHUMARD OAK, TO BE REMOVED
18" SOD STRIP, TO REMAIN
GRIND EXISTING STUMP
EXISTING STUMP
0 1 – SHUMARD OAK, TO REMAIN
5 6 – PLUM, TO REMAIN
MULCH, TO BE REMOVED (158 SY)
R/W LINE (TYP)
137'
SAND CORDGRASS, TO REMAIN
0 1 – CRINUM LILY, TO REMAIN
1 – RED MAPLE, TO REMAIN
1 – PLUM, TO REMAIN

1" = 50'
N

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #26000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE DEMOLITION PLAN (5)

SHEET NO. LD-17

Posted July 2, 2018

Laura Duplain 12/22/2017 3:41:10 PM

F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD05

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

MATCHLINE SHEET LD-17

MATCHLINE SHEET LD-19

1" = 50'

N

1 – NATCHEZ CRAPE MYRTLE, TO REMAIN
2 – TUSCARORA CRAPE MYRTLE, TO REMAIN
2 – PLUM, TO REMAIN
SAND CORDGRASS, TO REMAIN
R/W LINE (TYP)
PERENNIAL PEANUT, TO BE REMOVED (194 SY)
SR 261 CAPITAL CIRCLE SE WESTBOUND
PERENNIAL PEANUT, TO BE REMOVED (246 SY)
PERENNIAL PEANUT, TO BE REMOVED (216 SY)
93'
1133
1134
1135
1136
1137
1138
1139
SR 261 CAPITAL CIRCLE SE EASTBOUND
CRINUM LILY, MULCH BED, AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (353 SY)
1 – MAGNOLIA, TO REMAIN
18" SOD STRIP TO REMAIN
TURF, TO BE REMOVED (237 SY)
18" SOD STRIP, TO REMAIN
MUHLY GRASS, TO REMAIN
2 – RED MAPLE, TO REMAIN
REMNANT GRASS/GROUNDCOVERS, TO BE REMOVED (30 SY)
1 – NATCHEZ CRAPE MYRTLE, TO REMAIN
137'
SAND CORDGRASS, TO REMAIN
SAND CORDGRASS, TO REMAIN
2 – PLUM, TO REMAIN
2 – TUSCARORA CRAPE MYRTLE, TO REMAIN
MULCH BED, TO REMAIN; REMNANT GRASS/GROUNDOVERS, TO BE REMOVED (388 SY)
2 – PLUM, TO BE REMOVED
2 – PLUM, TO REMAIN
1 – SHUMARD OAK, TO REMAIN
HOLLY, TO REMAIN
4 – BALD CYPRESS, TO REMAIN
R/W LINE (TYP)
2 – RED MAPLE, TO REMAIN
REMNANT GRASS/GROUNDCOVERS, TO BE REMOVED, MULCH BED TO REMAIN (92 SY)
115,000 VOLTS
115,000 VOLTS
115,000 VOLTS
NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION NO. 28000128

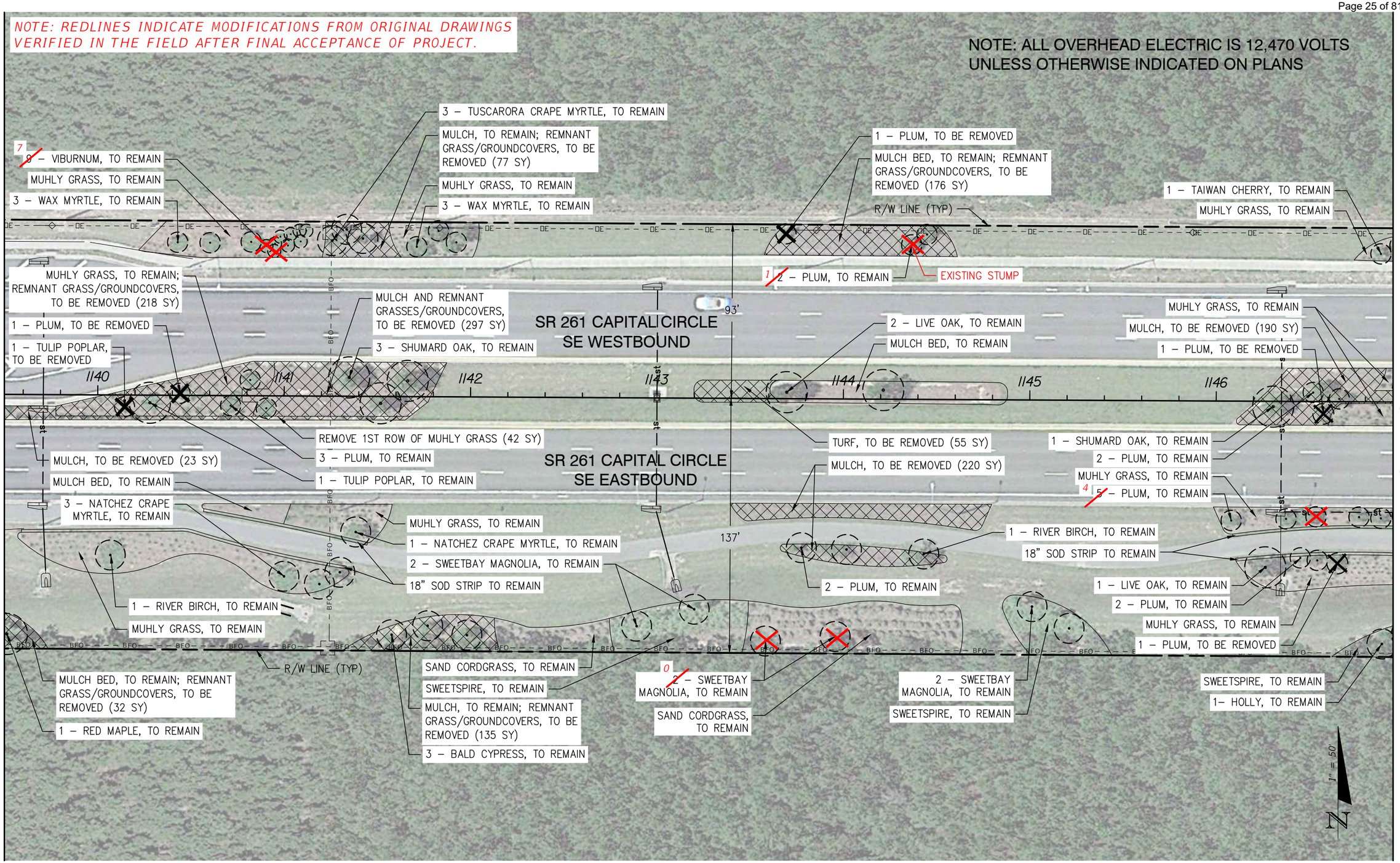
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE
DEMOLITION PLAN (6)

SHEET NO.
LD-18

Laura Duplain 12/22/2017 3:41:15 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD06



NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION: EB0000203

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE DEMOLITION PLAN (7)

SHEET NO. LD-19

Laura Duplain 12/22/2017 3:41:19 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD07

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

MATCHLINE SHEET LD-19

MATCHLINE SHEET LD-21

1" = 50'

N

1 – PLUM, TO REMAIN
1 – TAIWAN CHERRY, TO REMAIN
MUHLY GRASS, TO REMAIN
3 – WAX MYRTLE, TO REMAIN
R/W LINE TYP

3 – TUSCARORA CRAPE MYRTLE, TO REMAIN
MULCH BED, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (17 SY)

6 – TUSCARORA CRAPE MYRTLE, TO REMAIN
MULCH BED, TO REMAIN

MUHLY GRASS, TO REMAIN
1 – FRINGE TREE, TO BE REMOVED
MULCH, TO BE REMOVED (160 SY)

SR 261 CAPITAL CIRCLE SE WESTBOUND

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (190 SY)
2 – PLUM, TO REMAIN
2 – MAGNOLIA, TO REMAIN

93'

MULCH BED, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (112 SY)

TURF, TO BE REMOVED (85 SY)

147 1148 1149 1150 1151 1152 1153 1154

2 – FRINGE TREE, TO REMAIN

MULCH, TO BE REMOVED (290 SY)

4 – PLUM, TO REMAIN
MUHLY GRASS, TO REMAIN

MULCH BED AND CRINUM LILY, TO BE REMOVED (626 SY)

SR 261 CAPITAL CIRCLE SE EASTBOUND

1 – MAGNOLIA, TO REMAIN

3 – LIVE OAK, TO REMAIN

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (42 SY)

1 – SHUMARD OAK, TO REMAIN
2 – TAIWAN CHERRY, TO BE REMOVED
MUHLY GRASS, TO REMAIN
1 – PLUM, TO REMAIN

3 – NATCHEZ CRAPE MYRTLE, TO REMAIN
3 – PLUM, TO REMAIN

MULCH BED, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (40 SY)

137'

DEAD PINE, INTACT

1 – TAIWAN CHERRY, TO REMAIN
18" SOD STRIP TO REMAIN

STA 1150+24.60
137.00 RT

2– HOLLY, TO REMAIN
SWEETSPIRE, TO REMAIN
R/W LINE TYP

STA 1149+15.12
137.00 RT

4 – PINE, TO REMAIN

REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (96 SY)

2 3 – PLUM, TO REMAIN
2 3 – PINE, TO REMAIN
MULCH, TO BE REMOVED (166 SY)
3 – PINE, TO REMAIN

SAND CORDGRASS, TO REMAIN
1 – MAGNOLIA, TO REMAIN
1 – PINE, TO REMAIN

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION NO. 28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE
DEMOLITION PLAN (8)

SHEET NO.
LD-20

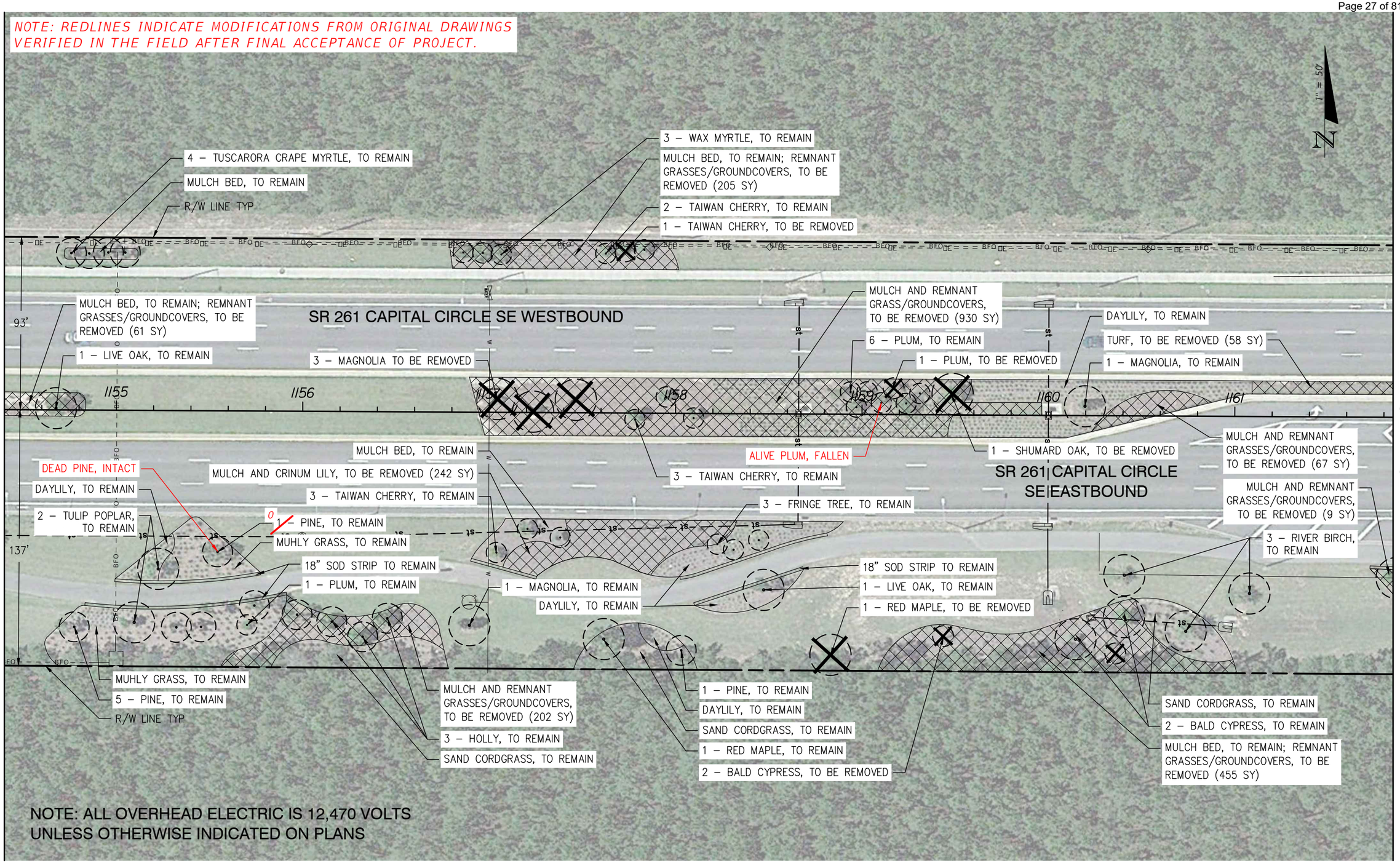
Posted July 2, 2018

Laura Duplain 12/22/2017 3:41:24 PM

F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD08

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.



NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION: 2600020

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE DEMOLITION PLAN (9)

SHEET NO. LD-21

Laura Duplain 12/22/2017 3:41:28 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD09

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

1" = 50'

N

MATCHLINE SHEET LD-21

MATCHLINE SHEET LD-23

SAND CORDGRASS, TO REMAIN

5 – TUSCARORA CRAPE MYRTLE, TO REMAIN

2 – HOLLY, TO REMAIN

2 – TAIWAN CHERRY, TO REMAIN

0 1 – PLUM, TO REMAIN

EXISTING STUMP

R/W LINE TYP

MUHLY GRASS, TO REMAIN

SAND CORDGRASS, TO REMAIN

2 – WAX MYRTLE, TO REMAIN

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (87 SY)

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (145 SY)

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (315 SY)

92'

SR 261 CAPITAL CIRCLE SE WESTBOUND

1162 1163 1164 1165 1166 1167 1168 1169

3 – BALD CYPRESS, TO REMAIN

REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (159 SY)

MULCH, TO REMAIN

18" SOD STRIP, TO REMAIN

MULCH AND REMNANT GRASS/GROUNDCOVERS, TO BE REMOVED (103 SY)

SR 261 CAPITAL CIRCLE SE EASTBOUND

18" SOD STRIP, TO REMAIN

MUHLY GRASS, TO REMAIN

138'

1 – RIVER BIRCH, TO BE REMOVED

2 – RIVER BIRCH, TO REMAIN

ALIVE RIVER BIRCH, UPROOTED

R/W LINE TYP

STA 1164+61.94
138.00 RT

1 – BALD CYPRESS, TO BE REMOVED

3 – BALD CYPRESS, TO REMAIN

1 – SWEETBAY MAGNOLIA, TO BE REMOVED

3 – BALD CYPRESS, TO REMAIN

3 – BALD CYPRESS, TO BE REMOVED

3 – PLUM, TO REMAIN

1 – MAGNOLIA, TO REMAIN

1 – RIVER BIRCH, TO REMAIN

DAYLILY, TO REMAIN

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION NO. 27000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE
DEMOLITION PLAN (10)

SHEET NO.
LD-22

Posted July 2, 2018

Laura Duplain 12/22/2017 3:41:32 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD10

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

1" = 50'

N

MATCHLINE SHEET LD-22

MATCHLINE SHEET LD-24

2 – WAX MYRTLE, TO REMAIN
SAND CORDGRASS, TO REMAIN
R/W LINE TYP

2 – CHASTE TREE, TO REMAIN
MUHLY GRASS, TO REMAIN

1 – PLUM, TO REMAIN
MULCH, TO REMAIN

5 – PLUM, TO REMAIN
MUHLY GRASS, TO REMAIN

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (53 SY)
MUHLY GRASS, TO REMAIN
1 – TAIWAN CHERRY, TO BE REMOVED

SR 261 CAPITAL CIRCLE SE WESTBOUND

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (80 SY)
3 – MAGNOLIA, TO REMAIN
MUHLY GRASS, TO REMAIN

TURF, TO BE REMOVED (163 SY)

MUHLY GRASS, TO REMAIN
3 – TULIP POPLAR, TO REMAIN

REMNANT GRASS/GROUNDCOVERS, TO BE REMOVED (77 SY)

2 – FRINGE TREE, TO REMAIN
MULCH BED, TO REMAIN

MUHLY GRASS, TO REMAIN
1 – MAGNOLIA, TO REMAIN

92'

1170 1171 1172 1173 1174 1175 1176

TURF, TO BE REMOVED (155 SY)

1 – FRINGE TREE, TO BE REMOVED
MUHLY GRASS, TO REMAIN
2 – PLUM, TO BE REMOVED

1 – MAGNOLIA, TO BE REMOVED
MUHLY GRASS TO BE REMOVED (24 SY)
3 – LIVE OAK, TO REMAIN

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (30 SY)
MUHLY GRASS, TO REMAIN

SR 261 CAPITAL CIRCLE SE EASTBOUND

MUHLY GRASS, TO REMAIN
1 – SHUMARD OAK, TO BE REMOVED
18" SOD STRIP TO REMAIN

1 – MAGNOLIA, TO BE REMOVED
MUHLY GRASS, TO REMAIN
2 – PLUM, TO REMAIN
1 – TAIWAN CHERRY, TO REMAIN
2 – RIVER BIRCH, TO REMAIN
18" SOD STRIP TO REMAIN

1 – BALD CYPRESS, TO BE REMOVED
1 – TUILP POPLAR, TO REMAIN
MUHLY GRASS, TO REMAIN
5 – PINE, TO REMAIN

138'

EXISTING STUMP

18" SOD STRIP TO REMAIN
REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (99 SY)
3
4 – PLUM, TO REMAIN
3 – FRINGE TREE, TO BE REMOVED
1 – PINE, TO REMAIN

STA 1173+36.18
138.00 RT

GRIND EXISTING STUMPS
5 – NATCHEZ CRAPE MYRTLE, TO REMAIN
1 – SHUMARD OAK, TO REMAIN

1 – SHUMARD OAK, TO REMAIN
R/W LINE TYP

1 – SWEETBAY MAGNOLIA, TO REMAIN
2 – SWEETBAY MAGNOLIA, TO BE REMOVED

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION NO. 27000102

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE
DEMOLITION PLAN (11)

SHEET NO.
LD-23

Laura Duplain 12/22/2017 3:41:36 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD11

Posted July 2, 2018

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

1" = 50'

MATCHLINE SHEET LD-23

MATCHLINE SHEET LD-25

1 – CHASTE TREE, TO REMAIN
MUHLY GRASS, TO REMAIN
2 – PLUM, TO REMAIN
EXISTING STUMP
MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (181 SY)
SR 261 CAPITAL CIRCLE SE WESTBOUND
92'
MUHLY GRASS, TO REMAIN
PERENNIAL PEANUT, TO BE REMOVED (44 SY)
PERENNIAL PEANUT, TO BE REMOVED (227 SY)
R/W LINE (TYP)
MULCH, TO BE REMOVED (80 SY)
MUHLY GRASS, TO REMAIN
PERENNIAL PEANUT, TO BE REMOVED (36 SY)
PERENNIAL PEANUT, TO BE REMOVED (194 SY)
1177
1178
1179
1180
1181
1182
1183
1184
MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (70 SY)
MUHLY GRASS, TO REMAIN
138'
3 – CRAPE MYRTLE, TO BE REMOVED
SR 261 CAPITAL CIRCLE SE EASTBOUND
MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (462 SY)
18" SOD STRIP, TO REMAIN
1 – RIVER BIRCH, TO REMAIN
2 – SHUMARD, OAK TO REMAIN
MUHLY GRASS AND SAND CORDGRASS, TO REMAIN
R/W LINE (TYP)
STA 1177+27.49
138.00 RT
5 – RIVER BIRCH, TO REMAIN
MUHLY GRASS, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (115 SY)
18" SOD STRIP, TO REMAIN
MUHLY GRASS, TO REMAIN
2 – CRAPE MYRTLE, TO REMAIN
MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (172 SY)
1 – CRAPE MYRTLE, TO BE REMOVED
2 – PLUM, TO BE REMOVED
3 – FRINGE TREE, TO REMAIN
MULCH BED, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (166 SY)
MUHLY GRASS, TO REMAIN
2 – SHUMARD OAK, TO REMAIN
2 – SWEETBAY MAGNOLIA, TO REMAIN
1 – SWEETBAY MAGNOLIA, TO BE REMOVED
1 – RED MAPLE, TO REMAIN
MULCH BED, TO REMAIN
1 – RIVER BIRCH, TO REMAIN
3 – SWEETBAY MAGNOLIA, TO REMAIN

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #26001218

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE DEMOLITION PLAN (12)

SHEET NO. LD-24

Laura Duplain 12/22/2017 3:41:41 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD12

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

1" = 50'

N

MATCHLINE SHEET LD-24

MATCHLINE SHEET LD-26

R/W LINE TYP

MUHLY GRASS, TO REMAIN

1 – WAX MYRTLE, TO REMAIN

4 – WAX MYRTLE, TO REMAIN

DAYLILY, TO REMAIN

230,000 VOLTS

230,000 VOLTS

230,000 VOLTS

115,000 VOLTS

115,000 VOLTS

115,000 VOLTS

MULCH BED, TO REMAIN. REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (142 SY)

2 – FRINGE TREE, TO REMAIN

MULCH BED, TO REMAIN, REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (88 SY)

1 – HOLLY, TO REMAIN

SR 261 CAPITAL CIRCLE SE WESTBOUND

91'

3 – SHUMARD OAK, TO REMAIN

DAYLILY TO REMAIN

3 – FRINGE TREE, TO BE REMOVED

MULCH, TO BE REMOVED (308 SY)

3 – MAGNOLIA, TO REMAIN

MUHLY GRASS, TO REMAIN

MULCH, TO BE REMOVED (36 SY)

1185 1186 1187 1188 1189 1190 1191

PERENNIAL PEANUT, TO BE REMOVED (6 SY)

SR 261 CAPITAL CIRCLE SE EASTBOUND

MULCH, TO BE REMOVED (183 SY)

DAYLILY, TO BE REMOVED (39 SY)

MULCH, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (184 SY)

MULCH AND REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED, (27 SY)

DAYLILY, TO BE REMOVED (20 SY)

1 – LIVE OAK, TO REMAIN

1 – LIVE OAK, TO BE REMOVED

139'

GRIND EXISTING STUMPS

3 – SWEETBAY MAGNOLIA, TO BE REMOVED

MUHLY GRASS TO REMAIN, REMANT GRASSES/GROUNDCOVERS, TO BE REMOVED (50 SY)

STA 1164+61.94
138.00 RT

1 – RED MAPLE, TO REMAIN

3 – BALD CYPRESS, TO REMAIN

115,000 VOLTS

SWEETSPIRE, TO REMAIN

4 – PINE, TO REMAIN

6 – VIBURNUM, TO REMAIN

2 – BEAUTYBERRY, TO REMAIN

SAND CORDGRASS, TO REMAIN

R/W LINE TYP

REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (386 SY)

SAW PALMETTO, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (173 SY)

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #26000213

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE DEMOLITION PLAN (13)

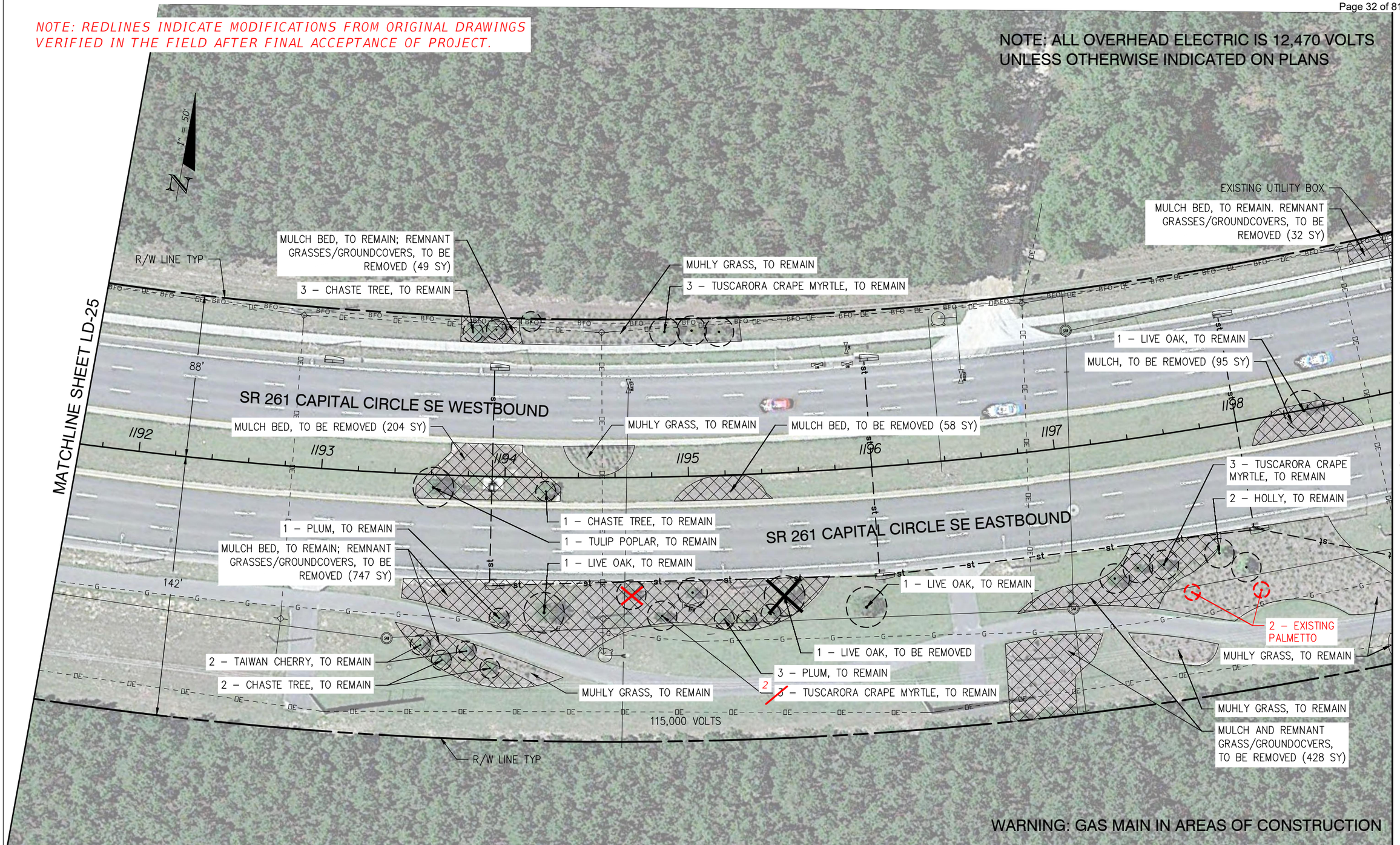
SHEET NO.
LD-25

Posted July 2, 2018

Laura Duplain 12/22/2017 3:41:46 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD13

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS



NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION 26000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE
DEMOLITION PLAN (14)

SHEET NO.
LD-26

Laura Duplain 12/22/2017 3:41:52 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD14

Posted July 2, 2018

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-26

MATCHLINE SHEET LD-28

5 – VIBURNUM, TO REMAIN

REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (205 SY)

1 – CHASTE TREE, TO REMAIN

2 – CHASTE TREE, TO REMAIN

MULCH BED, TO REMAIN

DAYLIILY, TO REMAIN

MULCH, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (103 SY)

MULCH BED, TO REMAIN. REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (10 SY)

3 – TUSCARORA CRAPE MYRTLE, TO REMAIN

R/W LINE TYP

MULCH BED, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (71 SY)

1 – SHUMARD OAK, TO BE REMOVED

SR 261 CAPITAL CIRCLE SE WESTBOUND

86'

1199 1200 1201 1202 1203 1204 1205

MULCH BED, TO REMAIN

2 – PLUM, TO REMAIN

1 – PLUM, TO BE REMOVED

1 TULIP POPLAR, TO REMAIN

DAYLIILY, TO REMAIN

1 – FRINGE TREE, TO REMAIN

2 – FRINGE TREE, TO BE REMOVED

EXISTING FRINGE TREE

SR 261 CAPITAL CIRCLE SE EASTBOUND

DAYLILY, TO REMAIN

2 – PLUM, TO REMAIN

1 – PLUM, TO BE REMOVED

1 – EXISTING PALMETTO

EXISTING HOLLY, DEAD

1 – RED MAPLE, TO REMAIN

1 – PINE, TO REMAIN

144'

MUHLY GRASS, TO REMAIN

0 2 – HOLLY, TO REMAIN

MULCH BED, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (165 SY); PROTECT EXISTING SAW PALMETTO, MUHLY GRASS, AND SAND CORDGRASS

1 – EXISTING MAGNOLIA

6 4 7 – PINE, TO REMAIN

5 – PLUM, TO REMAIN

SAND CORDGRASS, TO REMAIN

3 – PINE, TO REMAIN

3 – PLUM, TO REMAIN

MUHLY GRASS, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (145 SY)

R/W LINE TYP

MUHLY GRASS, TO REMAIN

STA 1199+55.22
144.00 RT

STA 1200+19.51
144.00 RT

115,000 VOLTS

1" = 50'

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #00001213

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE DEMOLITION PLAN (15)

SHEET NO. LD-27

Laura Duplain 12/22/2017 3:42:00 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD15

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-27

R/W LINE TYP

3 – CHASTE TREE, TO BE REMOVED

MULCH BED, TO REMAIN

3 – CHASTE TREE, TO REMAIN

MULCH BED, TO REMAIN

MULCH, TO BE REMOVED (221 SY)

SR 261 CAPITAL CIRCLE SE WESTBOUND

96'

MULCH BED, TO REMAIN

MULCH, TO BE REMOVED (184 SY)

1206 1207 1208 1209 1210 1211

MULCH BED, TO REMAIN

MULCH BED, TO REMAIN; REMNANT GRASSES/GROUNDOVERS TO BE REMOVED (18 SY); PROTECT EXISTING SAW PALMETTO, MUHLY GRASS, AND SAND CORDGRASS

MUHLY GRASS, TO REMAIN

MULCH BED, TO REMAIN; DAYLILY, TO BE REMOVED (186 SY)

SR 261 CAPITAL CIRCLE SE EASTBOUND

DAYLILY, TO REMAIN

2 – VIBURNUM, TO REMAIN

134'

3 – BALD CYPRESS, TO REMAIN

1 – WAX MYRTLE, TO REMAIN

1 – EXISTING PALMETTO

SAND CORDGRASS, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (120 SY)

SAND CORDGRASS, TO REMAIN

3 – BALD CYPRESS, TO REMAIN

DAYLILY, TO REMAIN

MULCH BED, TO REMAIN

1 – HOLLY, TO REMAIN

R/W LINE TYP

1 – RIVER BIRCH, TO REMAIN

1" = 50'

BILLBOARD OWNER:
LAMAR OF TALLAHASSEE
TAG # BV341 & BV342

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

MATCHLINE SHEET LD-29

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28001213

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE DEMOLITION PLAN (16)

SHEET NO. LD-28

Posted July 2, 2018

Laura Duplain 12/22/2017 3:42:07 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD16

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

CITY OF TALLAHASSSEE (CRIS REVELL 850-570-1398) TO RE-GRADE EDGES OF MEDIAN 3" BELOW TOP OF CURB TO ACCOMMODATE MULCH LAYER.

MATCHLINE SHEET LD-28

MATCHLINE SHEET LD-30

SR 261 CAPITAL CIRCLE SE WESTBOUND

SR 261 CAPITAL CIRCLE SE EASTBOUND

R/W LINE TYP

3 – VIBURNUM, TO REMAIN

LIRIOPE, TO REMAIN

1 – WAX MYRTLE, TO BE REMOVED

2 – WAX MYRTLE, TO REMAIN

DAYLILY, TO REMAIN

LIRIOPE, TO BE REMOVED (39 SY)

SPARKLEBERRY, TO BE REMOVED (125 SY)

1 – LIVE OAK, TO REMAIN

2 – FRINGE TREE, TO BE REMOVED

MULCH, TO BE REMOVED (205 SY)

MUHLY GRASS, TO REMAIN

1 – TULIP POPLAR, TO REMAIN

MULCH BED, TO REMAIN

AIR RELEASE MANHOLE

DAYLILY, TO REMAIN

4 – EXISTING CRINUM LILY

1 – FRINGE TREE, TO BE REMOVED

2 – FRINGE TREE, TO REMAIN

1 – TULIP POPLAR, TO REMAIN

2 – MAGNOLIA, TO REMAIN

DAYLILY, TO REMAIN

MULCH BED, TO REMAIN

MULCH, TO BE REMOVED (39 SY)

2 – CRINUM LILY, TO REMAIN

1 – MAGNOLIA, TO BE REMOVED

MULCH BED, TO REMAIN

1 – RED MAPLE, TO REMAIN

MULCH, TO REMAIN; REMNANT GRASS/GROUNDCOVERS, TO BE REMOVED (125 SY)

MULCH, TO BE REMOVED (293 SY)

6 – CRINUM LILY, TO BE REMOVED

DAYLILY, TO REMAIN; REMNANT GRASSES/GROUNDCOVERS, TO BE REMOVED (257 SY)

18" SOD STRIP TO REMAIN

3 – VIBURNUM, TO REMAIN

SAW PALMETTO, TO REMAIN

2 – BALD CYPRESS, TO REMAIN

1 – LIVE OAK, TO REMAIN

MULCH BED, TO BE REMOVED (149 SY)

SAW PALMETTO, TO REMAIN

3 – PINE, TO REMAIN

2 – LIVE OAK, TO REMAIN

3 – VIBURNUM, TO REMAIN

DAYLILY, TO REMAIN

R/W LINE (TYP)

MULCH BED, TO REMAIN

1 – LIVE OAK, TO REMAIN

4 – EXISTING SAW PALMETTO

108'

105'

1" = 50'

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

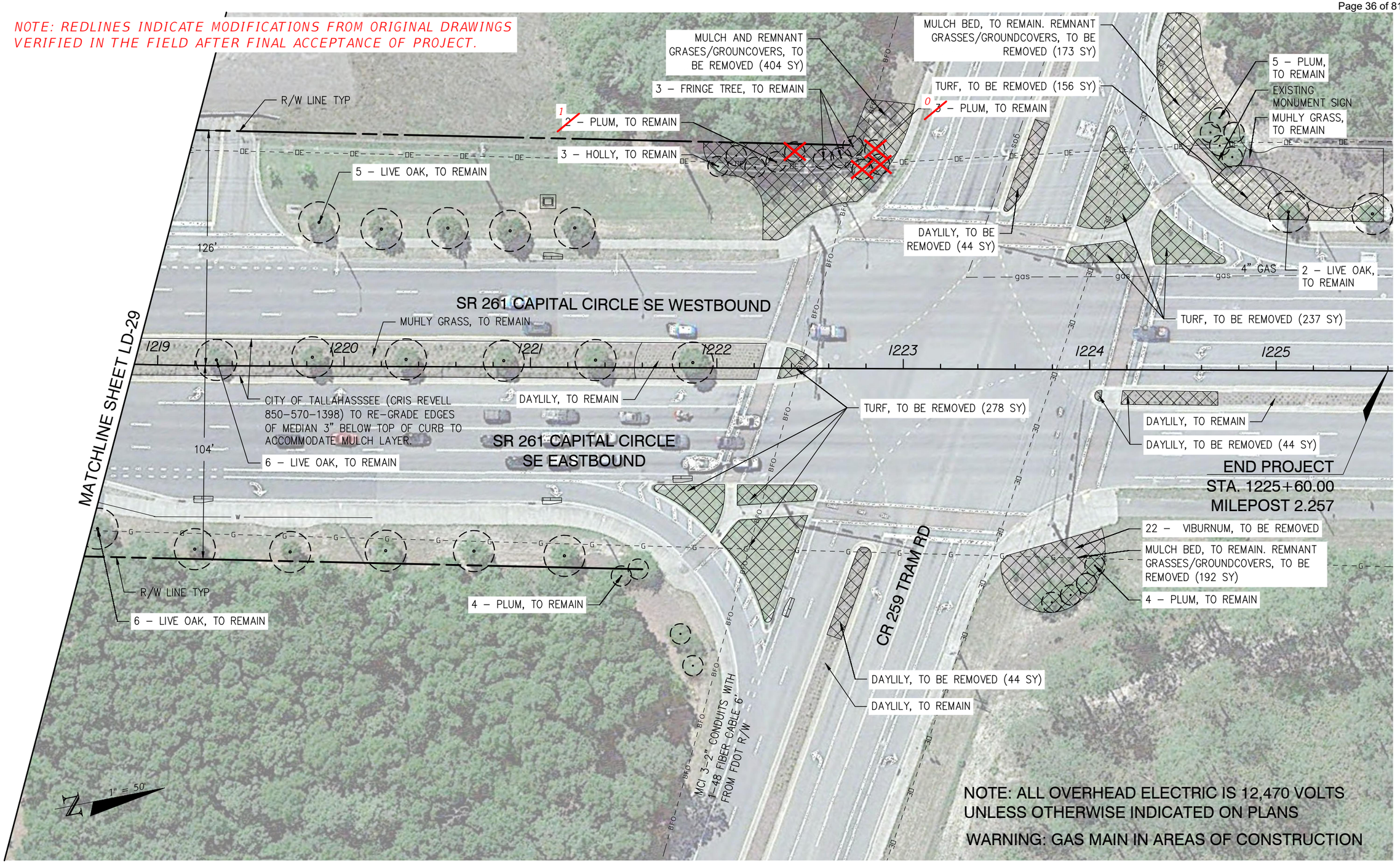
LANDSCAPE DEMOLITION PLAN (17)

SHEET NO. LD-29

Posted July 2, 2018

Laura Duplain 12/22/2017 3:42:14 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD17

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.



REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION NO. 28000218

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE
DEMOLITION PLAN (18)

SHEET NO.
LD-30

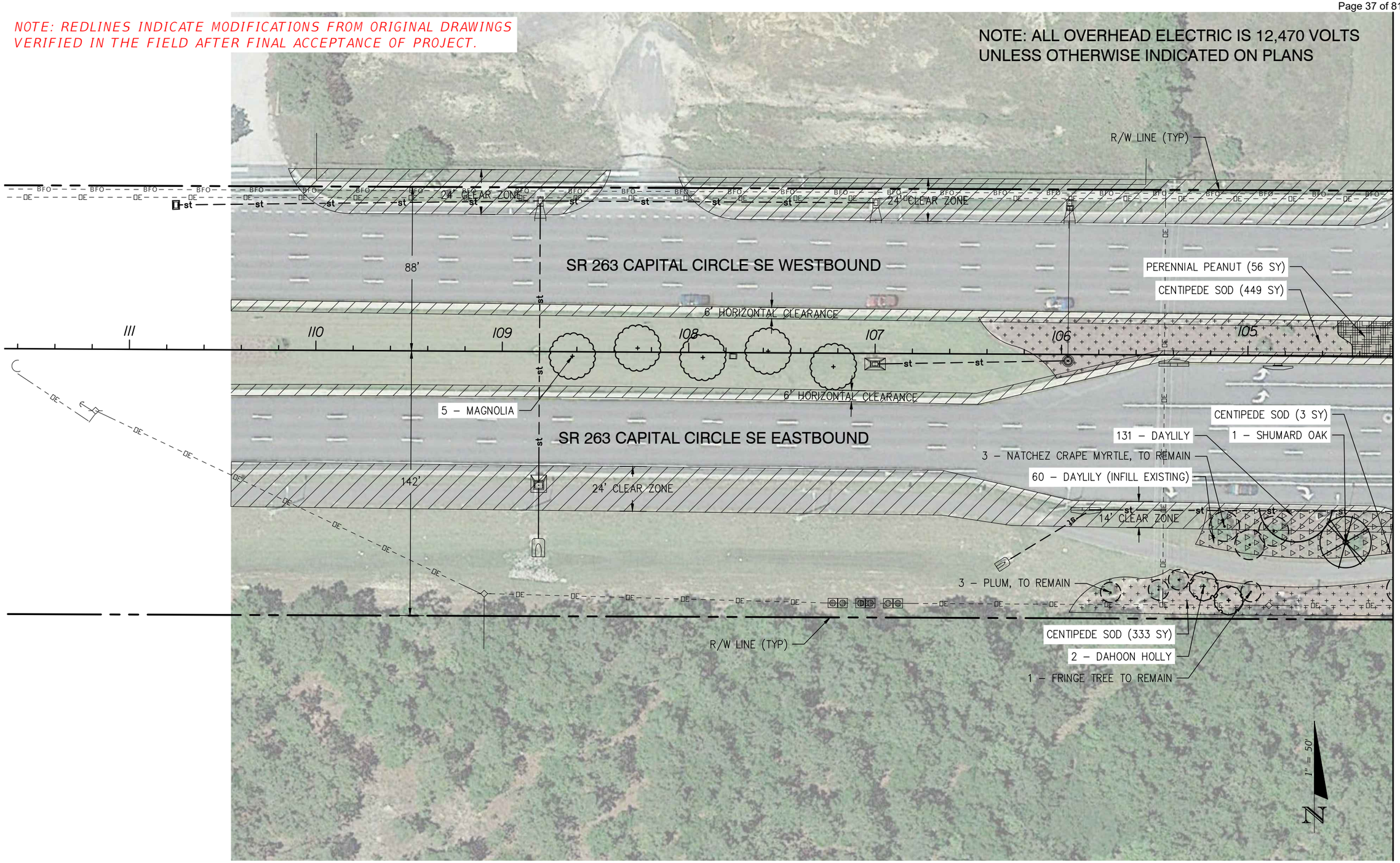
Laura Duplain 12/22/2017 3:42:21 PM

F:\fdt3\208\CAD\21968935201\landscp\DSGNLD02.dwg PLANLD18

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS



MATCHLINE SHEET LD-32

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (1)

SHEET NO. LD-31

Laura Duplain 12/22/2017 3:42:53 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-31 LANDSCAPE PLAN (1)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION
NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-31

MATCHLINE SHEET LD-33

STA 101+65.26
139.00 RT

45 – DAYLILY (INFILL EXISTING)

3 – TUSCARORA CRAPE MYRTLE, TO REMAIN

R/W LINE (TYP)

STA 102+09.09
89.00 RT

24' CLEAR ZONE

89'

SR 263 CAPITAL CIRCLE SE WESTBOUND

6' HORIZONTAL CLEARANCE

OUTDOOR ADVERTISING VIEW ZONE

104 103 102 101

PERENNIAL PEANUT (671 SY)

PERENNIAL PEANUT (4 SY)

SR 263 CAPITAL CIRCLE SE EASTBOUND

BEGIN PROJECT
STA. 1106+45.00
MILEPOST 0.000

142'

14' CLEAR ZONE

CENTIPEDE SOD (24 SY)

CENTIPEDE SOD (39 SY)

262'

6" GAS

PERENNIAL PEANUT (147 SY)

STA 103+57.82
142.00 LT

1 – HOLLY, TO REMAIN

STA 103+57.82
262.00 LT

50 0 50
(IN FEET)
1 inch =50 FT

R/W LINE (TYP)

STA 100+00.20
262.00 RT

STA 1106+66.12
110.00 LT

STA 1106+96.38
90.00 LT

PERENNIAL PEANUT (94 SY)

PERENNIAL PEANUT (6 SY)

100 107

LIMITS OF CLEAR SIGHT (INDEX 546, TYP)

MULCH BED, TO REMAIN

2 – NATCHEZ CRAPE MYRTLE, TO REMAIN

15 – DAYLILY (INFILL EXISTING)

PERENNIAL PEANUT (75 SY)

15 – DAYLILY (INFILL EXISTING)

CENTIPEDE SOD (24 SY)

SR 363 WOODVILLE HWY

BILLBOARD OWNER: LAMAR OF TALLAHASSEE
TAG # BU806 & BU807

OUTDOOR ADVERTISING VIEW ZONE

18' CLEAR ZONE

90'

SR 261 CAPITAL CIRCLE SE WESTBOUND

PERENNIAL PEANUT (448 SY)

1108 6' HORIZONTAL CLEARANCE 1109

6' HORIZONTAL CLEARANCE

CENTIPEDE SOD (52 SY)

CENTIPEDE SOD (208 SY)

1 – SHUMARD OAK, TO REMAIN

140'

24' CLEAR ZONE

STA 1108+11.59
140.00 RT

3 – PLUM, TO REMAIN

1 – PINE, TO REMAIN

1 – TULIP POPLAR

CENTIPEDE SOD (35 SY)

CENTIPEDE SOD (134 SY)

CENTIPEDE SOD (2 SY)

14' CLEAR ZONE

1" = 50'

N

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION NO. 28000103

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (2)

SHEET NO. LD-32

Laura Duplain 12/22/2017 3:55:33 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-32 LANDSCAPE PLAN (2)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-32

MATCHLINE SHEET LD-34

SAND CORDGRASS, TO REMAIN
2 – PLUM, TO REMAIN
R/W LINE (TYP)
3 – PLUM, TO REMAIN
MUHLY GRASS AND DWARF SCHILLINGS HOLLY, TO REMAIN
1 – PLUM, TO REMAIN
18' CLEAR ZONE
OUTDOOR ADVERTISING VIEW ZONE
24' CLEAR ZONE
90'
SR 261 CAPITAL CIRCLE SE WESTBOUND
3 – PLUM, TO REMAIN
1 – HOLLY, TO REMAIN
5 – MUHLY GRASS (INFILL EXISTING)
1 – SHUMARD OAK, TO REMAIN
34 – DAYLILY (INFILL EXISTING)
PERENNIAL PEANUT (141 SY)
LIMITS OF CLEAR SIGHT (INDEX 546, TYP)
1110
1111
1112
1113
1114
1115
1116
1117
6' HORIZONTAL CLEARANCE
CENTIPEDE SOD (1,221 SY)
CENTIPEDE SOD (73 SY)
2 – TULIP POPLAR, TO REMAIN
CENTIPEDE SOD (17 SY)
SR 261 CAPITAL CIRCLE SE EASTBOUND
6' HORIZONTAL CLEARANCE
3 – LIVE OAK, TO REMAIN
3 – MUHLY GRASS (INFILL EXISTING)
6 – MUHLY GRASS (INFILL EXISTING)
3 – HOLLY, TO REMAIN
2 – SHUMARD OAK, TO REMAIN
6 – VIBURNUM, TO REMAIN
140'
24' CLEAR ZONE
1 – TULIP POPLAR
40 – DAYLILY (INFILL EXISTING)
1 – TULIP POPLAR, TO REMAIN
CENTIPEDE SOD (23 SY)
CENTIPEDE SOD (36 SY)
1 – SHUMARD OAK, TO REMAIN
STA 1110+73.65
140.00 RT
STA 1110+43.65
140.00 RT
5 – PLUM, TO REMAIN
18 – SAND CORDGRASS (INFILL EXISTING)
BEAUTYBERRY, TO REMAIN
3 – PINE, TO REMAIN
3 – PINE, TO REMAIN
50– –SAND CORDGRASS (INFILL EXISTING)
R/W LINE (TYP)
162 – MUHLY GRASS
3 – WAX MYRTLE, TO REMAIN
1 – TULIP POPLAR, TO REMAIN
2 – TULIP POPLAR
SAW PALMETTO, TO REMAIN
CENTIPEDE SOD (9 SY)
1" = 50'
N

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION NO. 28000102

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (3)

SHEET NO.
LD-33

Posted July 2, 2018

Laura Duplain 12/22/2017 3:43:02 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-33 LANDSCAPE PLAN (3)

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-33

MATCHLINE SHEET LD-35

MUHLY GRASS AND SCHILLINGS DWARF HOLLY, TO REMAIN

R/W LINE (TYP)

3 – TUSCARORA CRAPE MYRTLE

MULCH, TO REMAIN

Exist. SIGN (TYP)

12 – MUHLY GRASS (INFILL EXISTING)

3 – HOLLY, TO REMAIN

24' CLEAR ZONE

151 – MUHLY GRASS (INFILL EXISTING)

78 – MUHLY GRASS (INFILL EXISTING)

3 – TULIP POPLAR, TO REMAIN

553 – MUHLY GRASS

SR 261 CAPITAL CIRCLE SE WESTBOUND

6' HORIZONTAL CLEARANCE

142 – MUHLY GRASS

19 – MUHLY GRASS (INFILL EXISTING)

92'

1118 1119 1120 1121 1122 1123 1124

CENTIPEDE SOD (66 SY)

1 – SHUMARD OAK, TO REMAIN

1 – SHUMARD OAK

47 – MUHLY GRASS (INFILL EXISTING)

6' HORIZONTAL CLEARANCE

SR 261 CAPITAL CIRCLE SE EASTBOUND

CENTIPEDE SOD (278 SY)

CENTIPEDE SOD (305 SY)

3 – LIVE OAK, TO REMAIN

2 – LIVE OAK, TO REMAIN

3 – NATCHEZ CRAPE MYRTLE, TO REMAIN

35 – MUHLY GRASS (INFILL EXISTING)

24' CLEAR ZONE

3 – WAX MYRTLE, TO REMAIN

18" SOD STRIP TO REMAIN

18" SOD STRIP TO REMAIN

0 – SHUMARD OAK, REMAIN

1 – TULIP POPLAR, TO REMAIN

138'

CENTIPEDE SOD (574 SY)

3 – HOLLY, TO REMAIN

1 – MAGNOLIA, TO REMAIN

3 – MAGNOLIA, TO REMAIN

CENTIPEDE SOD (190 SY)

1 – LIVE OAK

4 – PINE, TO REMAIN

R/W LINE (TYP)

6 – LIVE OAK

LIRIOPE, TO REMAIN

MULCH BED, TO REMAIN

SAND CORDGRASS, TO REMAIN

1" = 50'

N

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION NO. 28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (4)

SHEET NO. LD-34

Posted July 2, 2018

Laura Duplain 12/22/2017 3:43:06 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-34 LANDSCAPE PLAN (4)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-34

MATCHLINE SHEET LD-36

SR 261 CAPITAL CIRCLE SE WESTBOUND

SR 261 CAPITAL CIRCLE SE EASTBOUND

23 MUHLY GRASS (INFILL EXISTING)
3 – TUSCARORA CRAPE MYRTLE, TO REMAIN
1 – HOLLY, TO REMAIN
2 / 3 – PLUM, TO REMAIN
CENTIPEDE SOD (2' WIDTH, 27 SY)
R/W LINE (TYP)
3 – TUSCARORA CRAPE MYRTLE
MUHLY GRASS, TO REMAIN
3 – PLUM, TO REMAIN
CENTIPEDE SOD (2' WIDTH, 11 SY)
24' CLEAR ZONE
1 – HOLLY, TO REMAIN
CENTIPEDE SOD (2' WIDTH, 25 SY)
2 / 3 – PLUM, TO REMAIN
3 – WAX MYRTLE, TO REMAIN
SAND CORDGRASS, TO REMAIN
3 – HOLLY, TO REMAIN
3 – PLUM, TO REMAIN
23 – DAYLILY
CENTIPEDE SOD (2' WIDTH, 38 SY)
93'
67 – MUHLY GRASS
1 – SHUMARD OAK, TO REMAIN
30 – MUHLY GRASS (INFILL EXISTING)
6' HORIZONTAL CLEARANCE
1 – FRINGE TREE, TO REMAIN
2 – MAGNOLIA
419 – MUHLY GRASS
2 – SHUMARD OAK, TO REMAIN
2 – FRINGE TREE
3 – FRINGE TREE, TO REMAIN
1 – LIVE OAK, TO REMAIN
25 – DAYLILY (INFILL EXISTING)
1125 1126 1127 1128 1129 1130 1131 1132
4 – YAUPON HOLLY, TO REMAIN
MULCH BED, TO REMAIN
5 – LIVE OAK
7 – SABAL MINOR
2 – LIVE OAK, TO REMAIN
6' HORIZONTAL CLEARANCE
456 – DAYLILY
INSTALLED LOCATION OF FRINGE TREE SHIFTED
0 / 1 – SHUMARD OAK, REMAIN
DAYLILY, TO REMAIN
34 – MUHLY GRASS (INFILL EXISTING)
EXISTING STUMP
CENTIPEDE SOD (592 SY)
DAYLILY, TO REMAIN
3 – HOLLY, TO REMAIN
2 – LIVE OAK, TO REMAIN
4 – CRAPE MYRTLE, TO REMAIN
MULCH BED, TO REMAIN
3 – NATCHEZ CRAPE MYRTLE
3 – NATCHEZ CRAPE MYRTLE
15 – SABAL MINOR
24' CLEAR ZONE
137'
INSTALLED LOCATION OF SABAL MINOR SHIFTED
11 – SABAL MINOR
CENTIPEDE SOD (50 SY)
55 – SAND CORDGRASS
EXISTING STUMP
1 – LIVE OAK
4 – YAUPON HOLLY, TO REMAIN
7 – SABAL MINOR
1 – SHUMARD OAK, TO REMAIN
MULCH BED, TO REMAIN
12 – MUHLY GRASS (INFILL EXISTING)
3 – PINE, TO REMAIN
24 – SAW PALMETTO (INFILL EXISTING)
2 – PINE, TO REMAIN
MULCH BED, TO REMAIN
3 – SHUMARD OAK
MUHLY GRASS, TO REMAIN
2 / 3 – WAX MYRTLE, TO REMAIN
FLAX LILY, TO REMAIN
0 / 1 – SHUMARD OAK TO REMAIN
5 / 6 – PLUM, TO REMAIN
CENTIPEDE SOD (53 SY)
R/W LINE (TYP)
15 – SAND CORDGRASS (INFILL EXISTING)
0 / 1 – CRINUM LILY TO REMAIN
1 – RED MAPLE, TO REMAIN
1 – PLUM, TO REMAIN
1" = 50'
N

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION 28000203

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (5)

SHEET NO. LD-35

Laura Duplain 12/22/2017 3:43:11 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-35 LANDSCAPE PLAN (5)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-35

MATCHLINE SHEET LD-37

2 – PLUM, TO REMAIN
15 – SAND CORDGRASS (INFILL EXISTING)
2 – TUSCARORA CRAPE MYRTLE, TO REMAIN
R/W LINE (TYP)
1 – NATCHEZ CRAPE MYRTLE, TO REMAIN
24' CLEAR ZONE
CENTIPEDE SOD (21 SY)
CENTIPEDE SOD (79 SY)
CENTIPEDE SOD (86 SY)
CENTIPEDE SOD (8 SY)
24' CLEAR ZONE
93'
CENTIPEDE SOD (104 SY)
PERENNIAL PEANUT (142 SY)
SR 261 CAPITAL CIRCLE SE WESTBOUND
PERENNIAL PEANUT (166 SY)
CENTIPEDE SOD (50 SY)
1133
1134
1135
1136
1137
1138
1139
HORIZONTAL CLEARANCE
SR 261 CAPITAL CIRCLE SE EASTBOUND
CENTIPEDE SOD (60 SY)
CENTIPEDE SOD (54 SY)
CENTIPEDE SOD (58 SY)
CENTIPEDE SOD (65 SY)
HORIZONTAL CLEARANCE
42 – MUHLY GRASS
MUHLY GRASS TO REMAIN
2 – TUSCARORA CRAPE MYRTLE, TO REMAIN
1 – NATCHEZ CRAPE MYRTLE, TO REMAIN
18' CLEAR ZONE
24' CLEAR ZONE
SAND CORDGRASS, TO REMAIN
137'
2 – RED MAPLE, TO REMAIN
4 – BALD CYPRESS, TO REMAIN
2 – PLUM, TO REMAIN
21 – SAND CORDGRASS, (INFILL EXISTING)
HOLLY, TO REMAIN
1 SHUMARD OAK, TO REMAIN
2 – PLUM, TO REMAIN
2 – MAGNOLIA
1 – MAGNOLIA, TO REMAIN
CENTIPEDE SOD (353 SY)
MULCH BED, TO REMAIN
2 – RED MAPLE, TO REMAIN
MULCH BED, TO REMAIN
R/W LINE (TYP)
115,000 VOLTS
1" = 50'
N
WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (6)

SHEET NO.
LD-36

Posted July 2, 2018

Laura Duplain 12/22/2017 3:43:16 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-36 LANDSCAPE PLAN (6)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-36

MATCHLINE SHEET LD-38

7
9 – VIBURNUM, TO REMAIN
MUHLY GRASS, TO REMAIN
3 – WAX MYRTLE, TO REMAIN
18' CLEAR ZONE
3 – TUSCARORA CRAPE MYRTLE, TO REMAIN
133 – MUHLY GRASS
MUHLY GRASS, TO REMAIN
3 – WAX MYRTLE, TO REMAIN
R/W LINE (TYP)
24' CLEAR ZONE
8 – FLATWOODS PLUM
MULCH BED, TO REMAIN
1 2 – PLUM, TO REMAIN
EXISTING STUMP
MUHLY GRASS, TO REMAIN
1 – TAIWAN CHERRY, TO REMAIN

SR 261 CAPITAL CIRCLE SE WESTBOUND

31 – MUHLY GRASS (INFILL EXISTING)
1 – TULIP POPLAR
315 – MUHLY GRASS
3 – SHUMARD OAK, TO REMAIN
CENTIPEDE SOD (79 SY)
2 – LIVE OAK, TO REMAIN
220 – SAND CORDGRASS
2 – LIVE OAK
93'
6' HORIZONTAL CLEARANCE
7 – MUHLY GRASS (INFILL EXISTING)
195 – MUHLY GRASS
CENTIPEDE SOD (55 SY)

1140 1141 1142 1143 1144 1145 1146

1 – TULIP POPLAR, TO REMAIN
CENTIPEDE SOD (23 SY)
MULCH STRIP (42 SY)
3 – PLUM, TO REMAIN
25 – MUHLY GRASS
6' HORIZONTAL CLEARANCE
2 – PLUM, TO REMAIN
CENTIPEDE SOD (220 SY)
1 – SHUMARD OAK, TO REMAIN
2 – PLUM, TO REMAIN
33 – MUHLY GRASS (INFILL EXISTING)

SR 261 CAPITAL CIRCLE SE EASTBOUND

3 – NATCHEZ CRAPE MYRTLE, TO REMAIN
MUHLY GRASS, TO REMAIN
1 – NATCHEZ CRAPE MYRTLE, TO REMAIN
2 – SWEETBAY MAGNOLIA, TO REMAIN
24' CLEAR ZONE
137'
1 – RIVER BIRCH, TO REMAIN
4
5 – PLUM, TO REMAIN
1 – LIVE OAK, TO REMAIN
2 – PLUM, TO REMAIN
42 – MUHLY GRASS (INFILL EXISTING)

1 – RIVER BIRCH, TO REMAIN
43 – MUHLY GRASS (INFILL EXISTING)
R/W LINE (TYP)
MULCH BED, TO REMAIN
1 – RED MAPLE, TO REMAIN
10 – SAND CORDGRASS (INFILL EXISTING)
SWEETSPIRE, TO REMAIN
135 – SAND CORDGRASS
3 – BALD CYPRESS, TO REMAIN
0
2 – SWEETBAY MAGNOLIA, TO REMAIN
34 – SAND CORDGRASS (INFILL EXISTING)
2 – SWEETBAY MAGNOLIA, TO REMAIN
SWEETSPIRE, TO REMAIN
SWEETSPIRE, TO REMAIN
1– HOLLY, TO REMAIN

1" = 50'
N

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION # 28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (7)

SHEET NO. LD-37

Laura Duplain 12/22/2017 3:43:20 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-37 LANDSCAPE PLAN (7)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-37

MATCHLINE SHEET LD-39

1 – PLUM, TO REMAIN
1 – TAIWAN CHERRY, TO REMAIN
MUHLY GRASS, TO REMAIN
3 – WAX MYRTLE, TO REMAIN
R/W LINE (TYP)
3 – TUSCARORA CRAPE MYRTLE, TO REMAIN
24 – MUHLY GRASS
6 – TUSCARORA CRAPE MYRTLE, TO REMAIN
MULCH BED, TO REMAIN
10 – MUHLY GRASS (INFILL EXISTING)
CENTIPEDE SOD (99 SY)
50 – MUHLY GRASS (INFILL EXISTING)
88 – MUHLY GRASS
24' CLEAR ZONE
SR 261 CAPITAL CIRCLE SE WESTBOUND
2 – PLUM, TO REMAIN
274 – MUHLY GRASS
2 – MAGNOLIA, TO REMAIN
6' HORIZONTAL CLEARANCE
93'
1147
1148
1149
1150
1151
1152
1153
1154
2 – FRINGE TREE, TO REMAIN
5 – MUHLY GRASS (INFILL EXISTING)
3 – MAGNOLIA
417 – MUHLY GRASS
6' HORIZONTAL CLEARANCE
283 – MUHLY GRASS
4 – LIVE OAK
4 – PLUM, TO REMAIN
61 – MUHLY GRASS
SR 261 CAPITAL CIRCLE SE EASTBOUND
1 – MAGNOLIA
1 – MAGNOLIA, TO REMAIN
3 – LIVE OAK, TO REMAIN
137'
24' CLEAR ZONE
23 – MUHLY GRASS (INFILL EXISTING)
1 – SHUMARD OAK, TO REMAIN
1 – PLUM, TO REMAIN
CENTIPEDE SOD (93 SY)
3 – NATCHEZ CRAPE MYRTLE, TO REMAIN
CENTIPEDE SOD (533 SY)
3 – PLUM, TO REMAIN
1 – MAGNOLIA
3 – PINE, TO REMAIN
43 – MUHLY GRASS (INFILL EXISTING)
1 – TAIWAN CHERRY, TO REMAIN
STA 1150+24.60
137.00 RT
1 – PINE, TO REMAIN
SWEETSPIRE, TO REMAIN
2 – HOLLY, TO REMAIN
MULCH BED (96 SY)
4 – PINE, TO REMAIN
STA 1149+15.12
137.00 RT
2 – PLUM, TO REMAIN
2 – PINE, TO REMAIN
CENTIPEDE SOD (166 SY)
R/W LINE (TYP)
DEAD PINE, INTACT
40 – SAND CORDGRASS
1 – MAGNOLIA, TO REMAIN
SAND CORDGRASS, TO REMAIN
1" = 50'
N

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (8)

SHEET NO. LD-38

Laura Duplain 12/22/2017 3:43:25 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-38 LANDSCAPE PLAN (8)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-38

MATCHLINE SHEET LD-40

1" = 50'

N

4 – TUSCARORA CRAPE MYRTLE, TO REMAIN
MULCH BED, TO REMAIN
R/W LINE TYP
3 – WAX MYRTLE, TO REMAIN
MULCH BED, TO REMAIN
2 – TAIWAN CHERRY, TO REMAIN
24' CLEAR ZONE
SR 261 CAPITAL CIRCLE SE WESTBOUND
87 – MUHLY GRASS
1 – LIVE OAK, TO REMAIN
6' HORIZONTAL CLEARANCE
3 – MAGNOLIA
CENTIPEDE SOD (930 SY)
6 – PLUM, TO REMAIN
93'
PERENNIAL PEANUT (58 SY)
1 – MAGNOLIA, TO REMAIN
1155
1156
1157
1158
1159
1160
1161
151 – DAYLILY
68 – DAYLILY (INFILL EXISTING)
6' HORIZONTAL CLEARANCE
MULCH BED, TO REMAIN
CENTIPEDE SOD (242 SY)
SR 261 CAPITAL CIRCLE SE EASTBOUND
ALIVE PLUM, FALLEN
2 – MAGNOLIA
3 – TAIWAN CHERRY, TO REMAIN
1 – PINE, TO REMAIN
DAYLILY, TO REMAIN
3 – TAIWAN CHERRY, TO REMAIN
1 – LIVE OAK
3 – FRINGE TREE, TO REMAIN
30 – DAYLILY (INFILL EXISTING)
13 – MUHLY GRASS
DEAD PINE, INTACT
24' CLEAR ZONE
18' CLEAR ZONE
2 – TULIP POPLAR, TO REMAIN
MUHLY GRASS, TO REMAIN
137'
5 – PINE, TO REMAIN
1 – PLUM, TO REMAIN
1 – MAGNOLIA, TO REMAIN
1 – LIVE OAK, TO REMAIN
DAYLILY, TO REMAIN
3 – RIVER BIRCH, TO REMAIN
R/W LINE TYP
MUHLY GRASS, TO REMAIN
1 – TULIP POPLAR
CENTIPEDE SOD (202 SY)
3 – HOLLY, TO REMAIN
SAND CORDGRASS, TO REMAIN
1 – PINE, TO REMAIN
DAYLILY, TO REMAIN
15 – SAND CORDGRASS (INFILL EXISTING)
1 – RED MAPLE, TO REMAIN
154 – SAND CORDGRASS
3 – LIVE OAK
24 – SAND CORDGRASS (INFILL EXISTING)
2 – BALD CYPRESS, TO REMAIN
MULCH BED TO REMAIN

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (9)

SHEET NO.
LD-39

Laura Duplain 12/22/2017 3:43:30 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-39 LANDSCAPE PLAN (9)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-39

MATCHLINE SHEET LD-41

5 – TUSCARORA CRAPE MYRTLE, TO REMAIN
2 – HOLLY, TO REMAIN
R/W LINE (TYP)
SAND CORDGRASS, TO REMAIN
2 – TAIWAN CHERRY, TO REMAIN
0 – PLUM, TO REMAIN
EXISTING STUMP
CENTIPEDE SOD (9 SY)
CENTIPEDE SOD (78 SY)
PERENNIAL PEANUT (145 SY)
24' CLEAR ZONE
HORIZONTAL CLEARANCE
92
1162
1163
1164
1165
1166
1167
1168
1169
SR 261 CAPITAL CIRCLE SE WESTBOUND
MUHLY GRASS, TO REMAIN
6 – SAND CORDGRASS (INFILL EXISTING)
2 – WAX MYRTLE, TO REMAIN
18' CLEAR ZONE
PERENNIAL PEANUT (315 SY)
1 – LIVE OAK
18 – MUHLY GRASS (INFILL EXISTING)
3 – BALD CYPRESS, TO REMAIN
SR 261 CAPITAL CIRCLE SE EASTBOUND
3 – BALD CYPRESS, TO REMAIN
229 – MUHLY GRASS
1 – RIVER BIRCH, TO REMAIN
75 – DAYLILY
138'
18' CLEAR ZONE
CENTIPEDE SOD (66 SY)
CENTIPEDE SOD (37 SY)
R/W LINE (TYP)
ALIVE RIVER BIRCH, UPROOTED
2 – MAGNOLIA
1 – MAGNOLIA, TO REMAIN
30 – DAYLILY (INFILL EXISTING)
3 – PLUM, TO REMAIN
STA 1164+61.94
138.00 RT
3 – BALD CYPRESS, TO REMAIN
24' CLEAR ZONE
2 – RIVER BIRCH, TO REMAIN
3 – SLASH PINE
1" = 50'
N
WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #00001213

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (10)

SHEET NO. LD-40

Posted July 2, 2018

Laura Duplain 12/22/2017 3:43:34 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-40 LANDSCAPE PLAN (10)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

1" = 50'

N

MATCHLINE SHEET LD-40

MATCHLINE SHEET LD-42

2 – WAX MYRTLE, TO REMAIN
12 – SAND CORDGRASS (INFILL EXISTING)
R/W LINE (TYP)
2 – CHASTE TREE, TO REMAIN
MUHLY GRASS, TO REMAIN
2 – DAHOON HOLLY
HOLLIES NOT INSTALLED, SEE SHEET LD-46
15 – MUHLY GRASS
1 – PLUM, TO REMAIN
24' CLEAR ZONE
5 – PLUM, TO REMAIN
MUHLY GRASS, TO REMAIN
78 – MUHLY GRASS
5 – TUSCARORA CRAPE MYRTLE
CRAPES NOT INSTALLED, SEE SHEET LD-42
MUHLY GRASS, TO REMAIN

SR 261 CAPITAL CIRCLE SE WESTBOUND

48 – MUHLY GRASS (INFILL EXISTING)
3 – MAGNOLIA, TO REMAIN
10 – MUHLY GRASS (INFILL EXISTING)
CENTIPEDE SOD (83 SY)
103 – MUHLY GRASS
2 – FRINGE TREE, TO REMAIN
MULCH BED TO REMAIN
6' HORIZONTAL CLEARANCE
1 – MAGNOLIA, TO REMAIN
2 – MAGNOLIA
MUHLY GRASS, TO REMAIN
92'
1170 1171 1172 1173 1174 1175 1176
PERENNIAL PEANUT (80 SY)
235 – MUHLY GRASS
6' HORIZONTAL CLEARANCE
3 – TULIP POPLAR, TO REMAIN
111 – MUHLY GRASS
3 – MAGNOLIA
MULCH BED (24 SY)
CENTIPEDE SOD (25 SY)
6 – MUHLY GRASS (INFILL EXISTING)
143 – MUHLY GRASS
CENTIPEDE SOD (5 SY)
MUHLY GRASS, TO REMAIN
134 – MUHLY GRASS
138'
MUHLY GRASS, TO REMAIN

SR 261 CAPITAL CIRCLE SE EASTBOUND

24' CLEAR ZONE
33 – MUHLY GRASS (INFILL EXISTING)
2 – PLUM, TO REMAIN
1 – LIVE OAK
1 – TAIWAN CHERRY, TO REMAIN
1 – SWEETBAY MAGNOLIA, TO REMAIN
13 – MUHLY GRASS (INFILL EXISTING)
3 – SLASH PINE
2 – RIVER BIRCH, TO REMAIN
1 – TUILP POPLAR, TO REMAIN
8 – MUHLY GRASS (INFILL EXISTING)
5 – PINE, TO REMAIN
84 – MUHLY GRASS (INFILL EXISTING)
3 – LIVE OAK, TO REMAIN
3 – PLUM, TO REMAIN
EXISTING STUMP
1 – LIVE OAK
1 – PINE, TO REMAIN
1 – SHUMARD OAK, TO REMAIN
5 – NATCHEZ CRAPE MYRTLE, TO REMAIN
2 – LIVE OAK
4 – NATCHEZ CRAPE MYRTLE
CENTIPEDE SOD (7 SY)
MUHLY GRASS, TO REMAIN
1 – SHUMARD OAK, TO REMAIN
R/W LINE (TYP)
STA 1173+36.18
138.00 RT

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #00001018

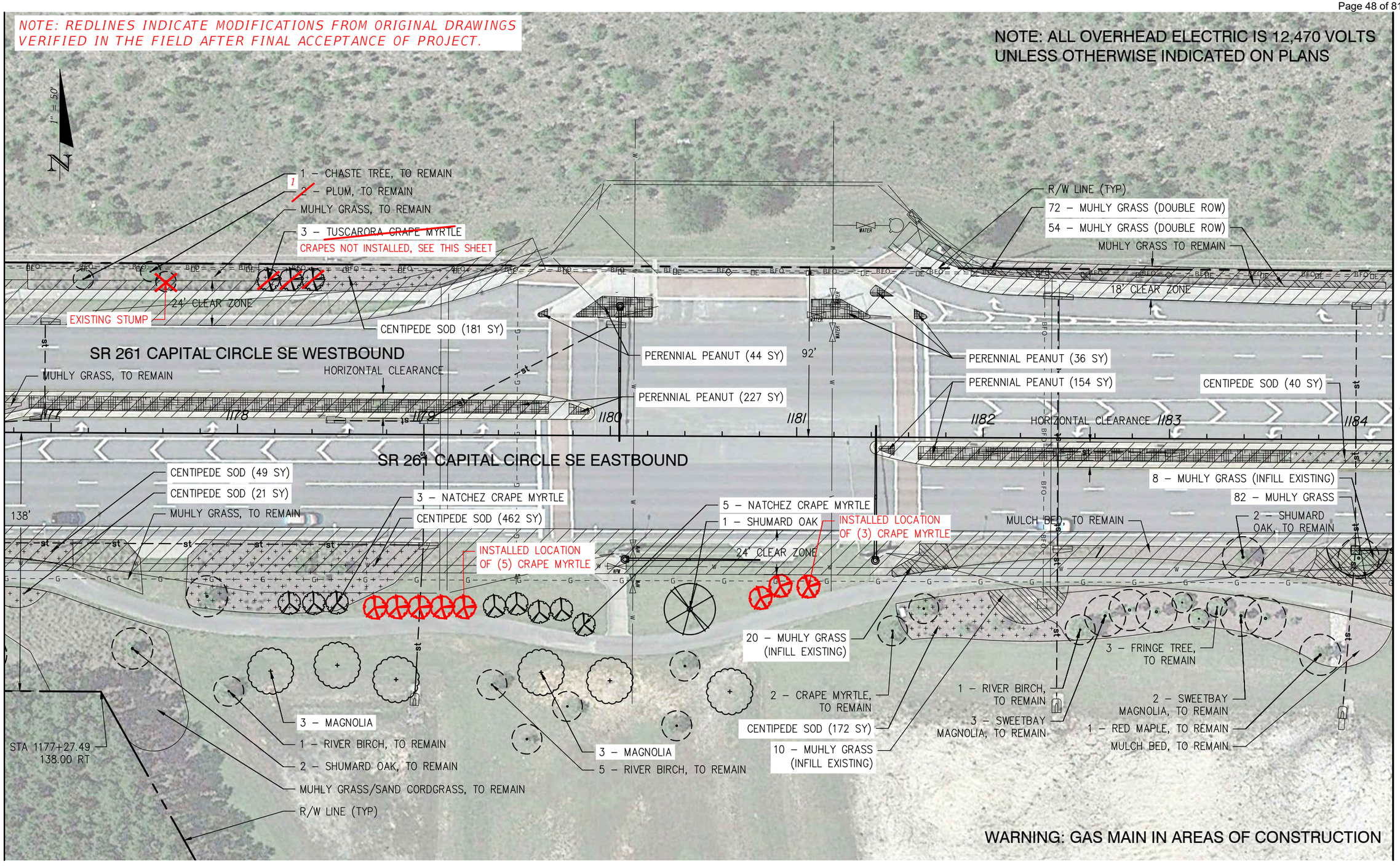
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (11)

SHEET NO. LD-41

Laura Duplain 12/22/2017 3:43:39 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-41 LANDSCAPE PLAN (11)



NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION: [illegible]

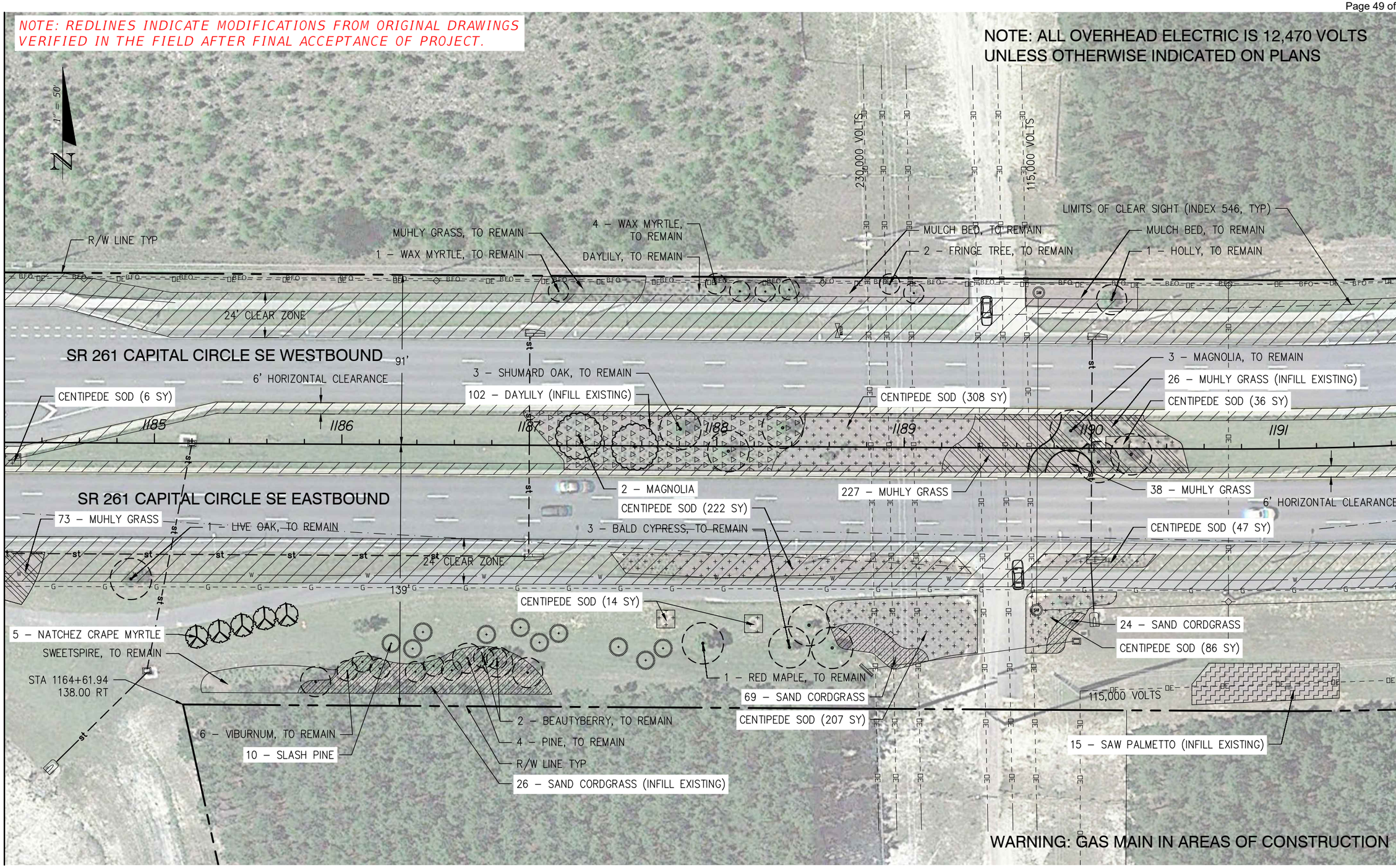
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (12)

SHEET NO. LD-42

Laura Duplain 12/22/2017 3:43:43 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-42 LANDSCAPE PLAN (12)


NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-42

MATCHLINE SHEET LD-44

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (13)

SHEET NO.
LD-43

Laura Duplain 12/22/2017 3:43:49 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-43 LANDSCAPE PLAN (13)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-43

MATCHLINE SHEET LD-45

70 – MUHLY GRASS
3 – CHASTE TREE, TO REMAIN
R/W LINE (TYP)
24' CLEAR ZONE
88'
LIMITS OF CLEAR SIGHT (INDEX 546, TYP)
MUHLY GRASS, TO REMAIN
3 – TUSCARORA CRAPE MYRTLE, TO REMAIN
46 – MUHLY GRASS
1 – LIVE OAK, TO REMAIN
CENTIPEDE SOD (95 SY)
2 – LIVE OAK
CENTIPEDE SOD (160 SY)
144 – MUHLY GRASS
79 – MUHLY GRASS
1 – CHASTE TREE, TO REMAIN
MUHLY GRASS TO REMAIN
SR 261 CAPITAL CIRCLE SE WESTBOUND
1192
1193
1194
1195
1196
1197
1198
6' HORIZONTAL CLEARANCE
6' HORIZONTAL CLEARANCE
1 – TULIP POPLAR, TO REMAIN
1 – LIVE OAK, TO REMAIN
MULCH BED, TO REMAIN
142'
24' CLEAR ZONE
5 – MAGNOLIA
CENTIPEDE SOD (58 SY)
SR 261 CAPITAL CIRCLE SE EASTBOUND
3 – DAHOON HOLLY
2 – HOLLY, TO REMAIN
MUHLY GRASS, TO REMAIN
1 – LIVE OAK, TO REMAIN
2 –EXISTING PALMETTO
157 – MUHLY GRASS
2 – TAIWAN CHERRY, TO REMAIN
1 – PLUM, TO REMAIN
2 – CHASTE TREE, TO REMAIN
7 – MUHLY GRASS (INFILL EXISTING)
2
3 – TUSCARORA CRAPE MYRTLE, TO REMAIN
3 – PLUM, TO REMAIN
5 – DAHOON HOLLY
R/W LINE (TYP)
115,000 VOLTS
CENTIPEDE SOD (206 SY)
2 – MUHLY GRASS (INFILL EXISTING)
MUHLY GRASS, TO REMAIN
3 – TUSCARORA CRAPE MYRTLE, TO REMAIN
CENTIPEDE SOD (222 SY)
1" = 50'
N
WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #0000210

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (14)

SHEET NO.
LD-44

Posted July 2, 2018

Laura Duplain 12/22/2017 3:43:55 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-44 LANDSCAPE PLAN (14)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-44

MATCHLINE SHEET LD-46

R/W LINE (TYP)

3 – TUSCARORA CRAPE MYRTLE, TO REMAIN

148 – MUHLY GRASS

DAYLILY, TO REMAIN

15 – MUHLY GRASS

1 – FRINGE TREE, TO REMAIN

161 – DAYLILY

EXISTING FRINGE TREE

3 – MAGNOLIA

110 – DAYLILY (INFILL EXISTING)

5 – VIBURNUM, TO REMAIN

248 – MUHLY GRASS

1 – CHASTE TREE, TO REMAIN

MULCH BED (33 SY)

MULCH BED, TO REMAIN

2 – CHASTE TREE, TO REMAIN

24' CLEAR ZONE

86'

SR 261 CAPITAL CIRCLE SE WESTBOUND

38 – DAYLILY (INFILL EXISTING)

4 – MAGNOLIA

2 – PLUM, TO REMAIN

MULCH BED, TO REMAIN

1 – TULIP POPLAR, TO REMAIN

2 – PLUM, TO REMAIN

6' HORIZONTAL CLEARANCE

6' HORIZONTAL CLEARANCE

149 – DAYLILY

~~14~~ 10 – WHORLED CLASS VIBURNUM

3 – LIVE OAK

210 – MUHLY GRASS (INFILL EXISTING)

SR 261 CAPITAL CIRCLE SE EASTBOUND

LIMITS OF CLEAR SIGHT (INDEX 546, ~~TYP~~)

24' CLEAR ZONE

144'

OUTDOOR ADVERTISING VIEW ZONE

~~0~~ 2 – HOLLY, TO REMAIN

1 – PINE, TO REMAIN

EXISTING HOLLY, DEAD

1 – RED MAPLE, TO REMAIN

MUHLY GRASS, TO REMAIN

1 –EXISTING MAGNOLIA

1 – EXISTING PALMETTO

R/W LINE (TYP)

~~6~~ 7 – PINE, TO REMAIN

SAND CORDGRASS, TO REMAIN

~~4~~ 5 – PLUM, TO REMAIN

3 – PINE, TO REMAIN

3 – PLUM, TO REMAIN

15 – MUHLY GRASS (INFILL EXISTING)

20 – MUHLY GRASS (INFILL EXISTING)

11 – MUHLY GRASS (INFILL EXISTING)

STA 1199+55.22
144.00 RT

STA 1200+19.51
144.00 RT

115,000 VOLTS

1" = 50'

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION NO. 28000121

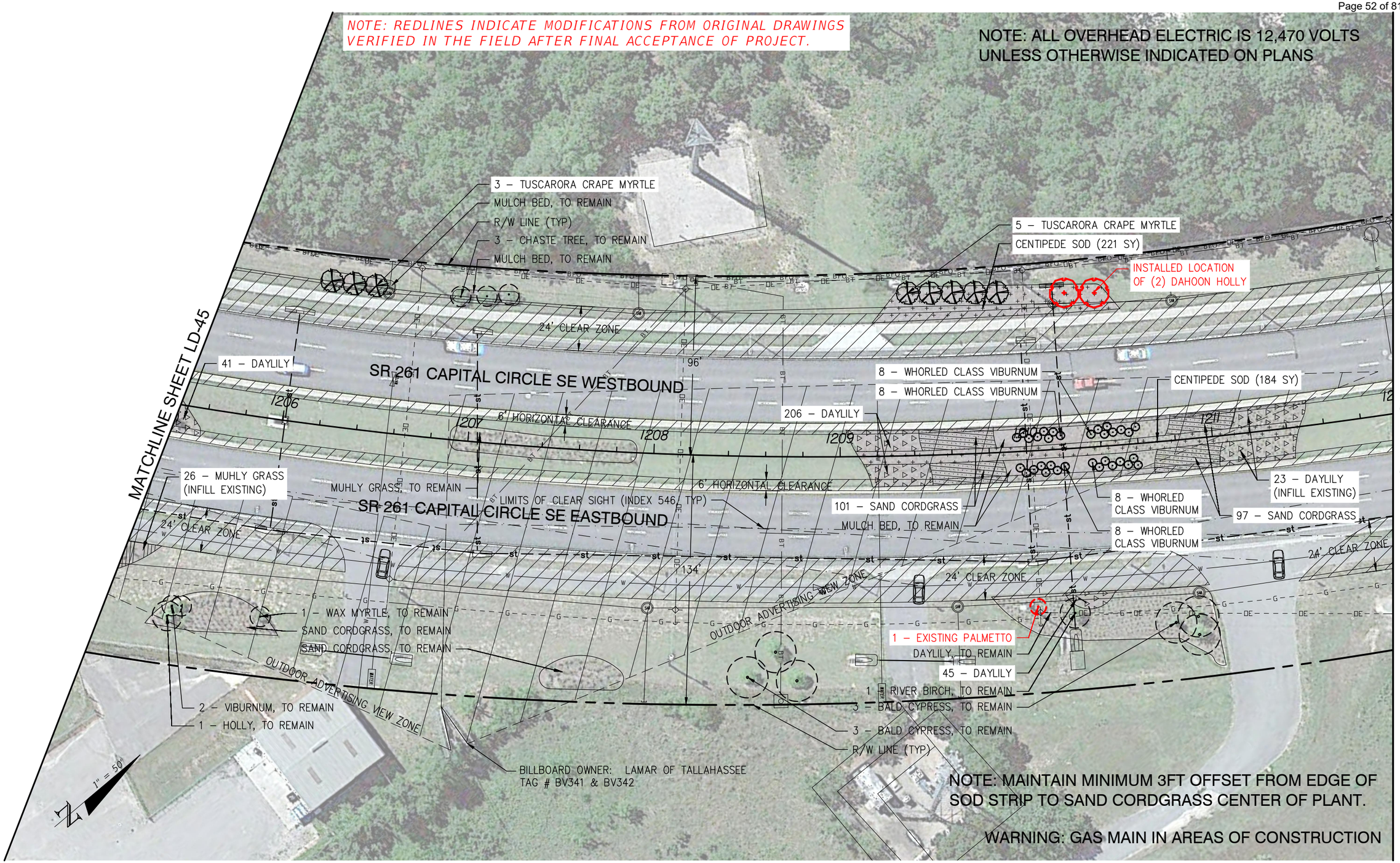
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (15)

SHEET NO.
LD-45

Laura Duplain 12/22/2017 3:44:02 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-45 LANDSCAPE PLAN (15)


NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.
NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

NOTE: MAINTAIN MINIMUM 3FT OFFSET FROM EDGE OF SOD STRIP TO SAND CORDGRASS CENTER OF PLANT.
WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION: [illegible]

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (16)

SHEET NO.
LD-46

Laura Duplain 12/22/2017 3:44:10 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-46 LANDSCAPE PLAN (16)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

MATCHLINE SHEET LD-46

MATCHLINE SHEET LD-48

SR 261 CAPITAL CIRCLE SE WESTBOUND

SR 261 CAPITAL CIRCLE SE EASTBOUND

CITY OF TALLAHASSSEE (CRIS REVELL 850-570-1398) TO RE-GRADE EDGES OF MEDIAN 3" BELOW TOP OF CURB TO ACCOMMODATE MULCH LAYER.

CENTIPEDE SOD (124 SY)

CENTIPEDE SOD (26 SY)

CENTIPEDE SOD (55 SY)

3 – VIBURNUM, TO REMAIN

MULCH BED (125 SY)

R/W LINE (TYP)

LIMITS OF CLEAR SIGHT (INDEX 546, TYP)

16 – ADAMS NEEDLE

2 – WAX MYRTLE, TO REMAIN

LIRIOPE, TO REMAIN

1 – LIVE OAK, TO REMAIN

93 – DAYLILY

30 – DAYLILY (INFILL EXISTING)

24' CLEAR ZONE

MUHLY GRASS, TO REMAIN

6 – WHORLED CLASS VIBURNUM

3 – FRINGE TREE

5 – WHORLED CLASS VIBURNUM

1 – TULIP POPLAR, TO REMAIN

1 – TULIP POPLAR, TO REMAIN

2 – FRINGE TREE, TO REMAIN

4 – EXISTING CRINUM LILY

104 – DAYLILY (INFILL EXISTING)

7 – WHORLED CLASS VIBURNUM

1 – LIVE OAK

CENTIPEDE SOD (39 SY)

2 – CRINUM LILY, TO REMAIN

6' HORIZONTAL CLEARANCE

6' HORIZONTAL CLEARANCE

2 – MAGNOLIA, TO REMAIN

4 – WHORLED CLASS VIBURNUM

16 – DAYLILY (INFILL EXISTING)

2 – MAGNOLIA

MULCH BED, TO REMAIN

7 – WHORLED CLASS VIBURNUM

2 – MAGNOLIA

21 – DAYLILY (INFILL EXISTING)

3 – FRINGE TREE

CENTIPEDE SOD (17 SY)

CENTIPEDE SOD (276 SY)

48 – DAYLILY

24' CLEAR ZONE

15 – SAW PALMETTO (INFILL EXISTING)

2 – LIVE OAK, TO REMAIN

3 – VIBURNUM, TO REMAIN

DAYLILY, TO REMAIN

CENTIPEDE SOD (149 SY)

7 – SAW PALMETTO (INFILL EXISTING)

3 – PINE, TO REMAIN

58 – DAYLILY (INFILL EXISTING)

1 – RED MAPLE, TO REMAIN

R/W LINE (TYP)

MULCH BED, TO REMAIN

1 – LIVE OAK, TO REMAIN

4 – EXISTING SAW PALMETTO

3 – VIBURNUM, TO REMAIN

2 – BALD CYPRESS, TO REMAIN

133 – DAYLILY

15 – SAW PALMETTO

1 – LIVE OAK, TO REMAIN

1" = 50'

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28000108

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (17)

SHEET NO. LD-47

Posted July 2, 2018

Laura Duplain 12/22/2017 3:44:17 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-47 LANDSCAPE PLAN (17)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

MATCHLINE SHEET LD-47

SR 261 CAPITAL CIRCLE SE WESTBOUND

SR 261 CAPITAL CIRCLE SE EASTBOUND

CR 259 TRAM RD

64 – MUHLY GRASS
MULCH BED (187 SY)
3 – FRINGE TREE, TO REMAIN
1 2 – PLUM, TO REMAIN
3 – HOLLY, TO REMAIN
R/W LINE (TYP)
5 – LIVE OAK, TO REMAIN
LIMITS OF CLEAR SIGHT (INDEX 546) (TYP)
136 – MUHLY GRASS
36 – DAYLILY
24' CLEAR ZONE
126'
6' HORIZONTAL CLEARANCE
MUHLY GRASS, TO REMAIN
1219 1220 1221 1222
CITY OF TALLAHASSSEE (CRIS REVELL 850-570-1398) TO RE-GRADE EDGES OF MEDIAN 3" BELOW TOP OF CURB TO ACCOMMODATE MULCH LAYER.
6 – LIVE OAK, TO REMAIN
6' HORIZONTAL CLEARANCE
104'
18' CLEAR ZONE
R/W LINE (TYP)
6 – LIVE OAK, TO REMAIN
4 – PLUM, TO REMAIN
MCI 3-2" CONDUITS WITH 1-48 FIBER CABLE 6' FROM FDOT R/W
18' CLEAR ZONE
1" = 50'

CENTIPEDE SOD (55 SY)
18' CLEAR ZONE
CENTIPEDE SOD (64 SY)
0 3 – PLUM, TO REMAIN
PERENNIAL PEANUT (44 SY)
PERENNIAL PEANUT (129 SY)
PERENNIAL PEANUT (68 SY)
PERENNIAL PEANUT (40 SY)
44 – DAYLILY (INFILL EXISTING)
PERENNIAL PEANUT (25 SY)
1223 1224 1225
PERENNIAL PEANUT (44 SY)
PERENNIAL PEANUT (58 SY)
PERENNIAL PEANUT (151 SY)
PERENNIAL PEANUT (44 SY)
PERENNIAL PEANUT (44 SY)
DAYLILY, TO REMAIN
END PROJECT
STA. 1225+60.00
MILEPOST 2.257
24' CLEAR ZONE
CENTIPEDE SOD (33 SY)
37 – DAYLILY
114 – MUHLY GRASS
MULCH BED, TO REMAIN
4 – PLUM, TO REMAIN
1 – FLATWOODS PLUM
DAYLILY, TO REMAIN
18' CLEAR ZONE

8 – FLATWOODS PLUM
170 – MUHLY GRASS
5 – PLUM, TO REMAIN
EXISTING MONUMENT SIGN
MULCH, BED TO REMAIN
30 – DAYLILY
18' CLEAR ZONE
2 – LIVE OAK, TO REMAIN
4" GAS
59 – MUHLY GRASS (INFILL EXISTING)
CENTIPEDE SOD (156 SY)
DAYLILY, TO REMAIN

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTE: ALL OVERHEAD ELECTRIC IS 12,470 VOLTS UNLESS OTHERWISE INDICATED ON PLANS

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28001013

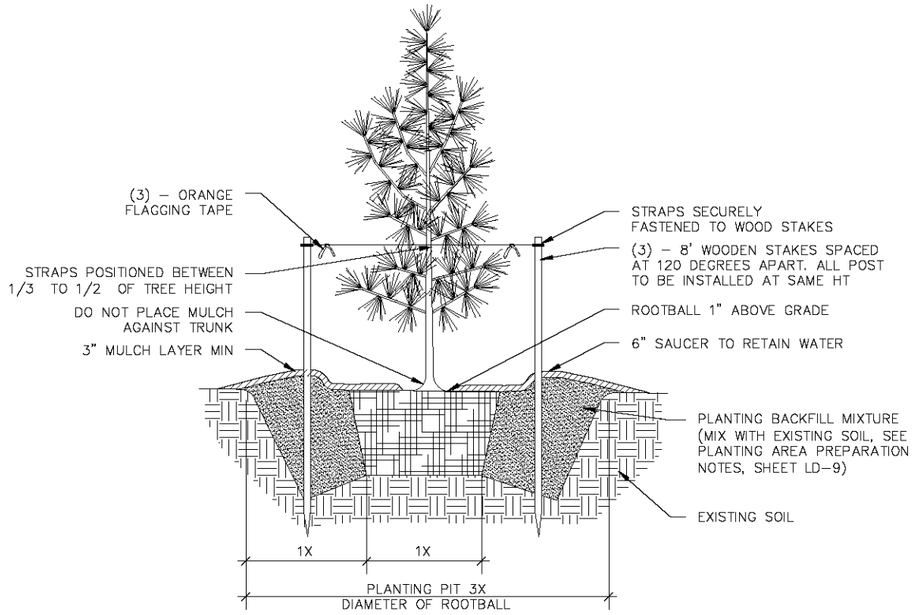
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE PLAN (18)

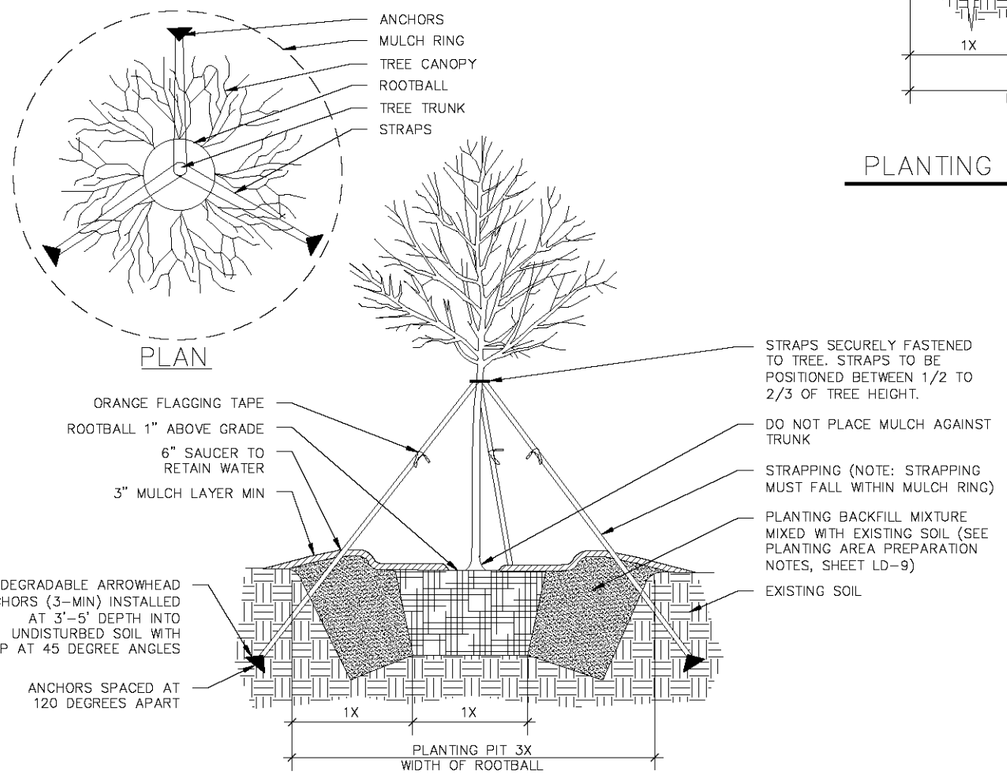
SHEET NO. LD-48

Laura Duplain 12/22/2017 3:44:23 PM F:\fdt3\208\CAD\21968935201\landscp\DSGNLD01.dwg LD-48 LANDSCAPE PLAN (18)



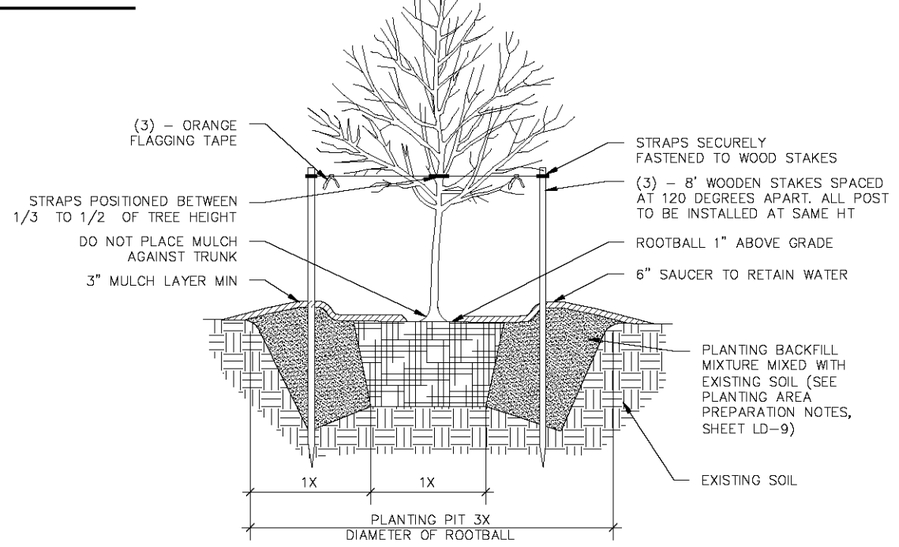
PLANTING DETAIL – SLASH PINE

NTS



PLANTING DETAIL – 65 GAL AND LARGER TREES

NTS



PLANTING DETAIL – 15 GAL TREE

NTS

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION LC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

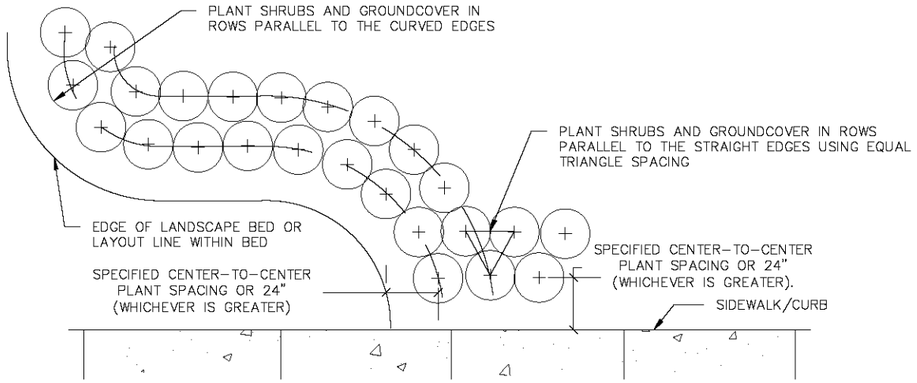
LANDSCAPE DETAILS

SHEET NO. LD-49

Posted July 2, 2018

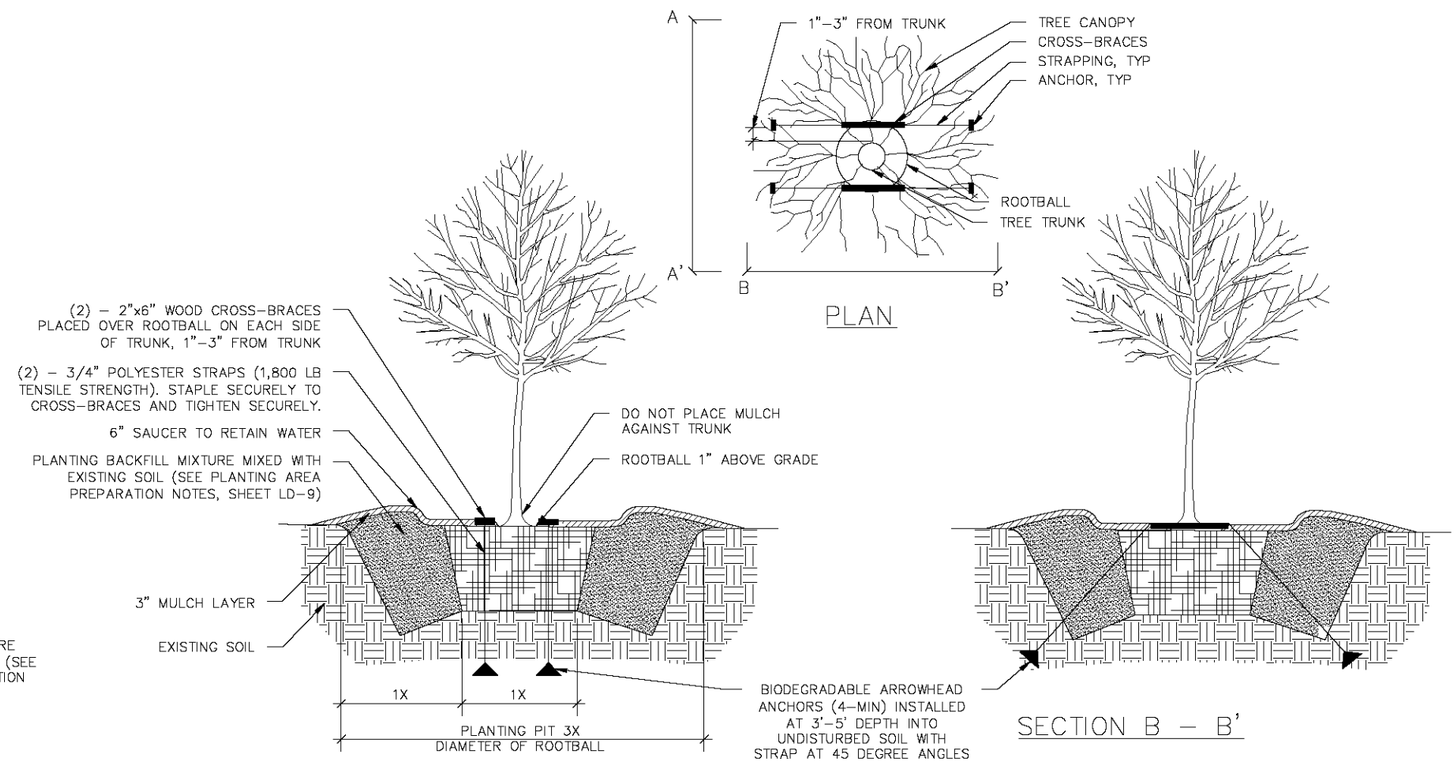
Laura Duplain 12/22/2017 3:44:38 PM

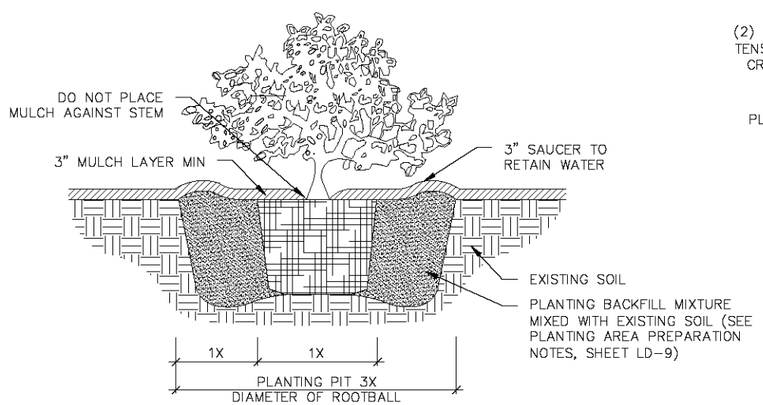
F:\fdt3\208\CAD\21968935201\landscp\DETLLD01.dwg



LAYOUT DETAIL – TYPICAL SHRUB & GROUNDCOVER

NTS





PLANTING DETAIL – TYPICAL SHRUB/GROUNDCOVER

NTS

PLANTING DETAIL – 30 AND 45 GAL TREES WITH UNDERGROUND BRACING

NTS

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION EC26000202

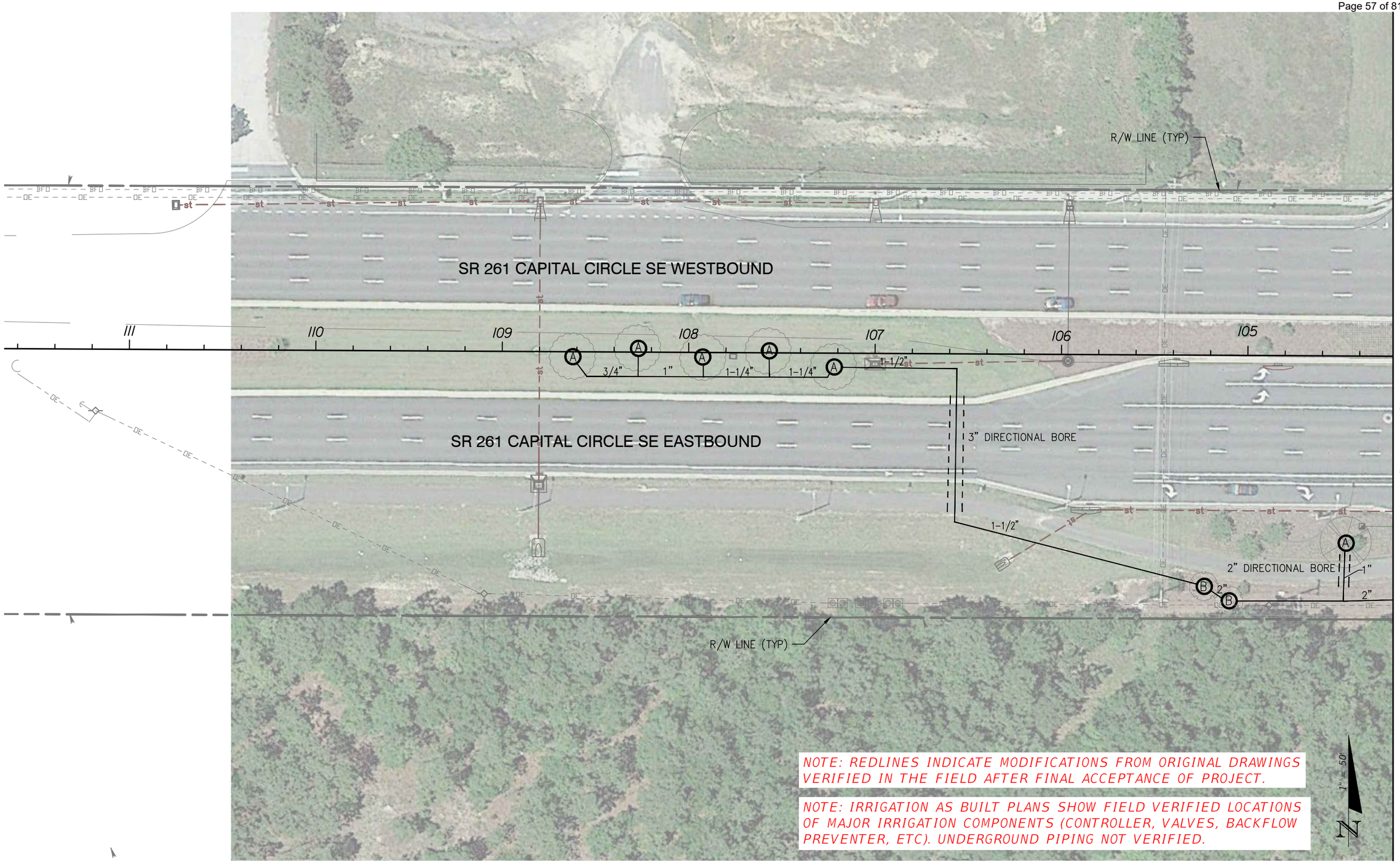
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

LANDSCAPE DETAILS

SHEET NO. LD-50

Laura Duplain 12/22/2017 3:44:41 PM F:\fdt3\208\CAD\21968935201\landscp\DETLLD01.dwg LD-32 LANDSCAPE DETAILS



MATCHLINE SHEET LD-52

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28000128

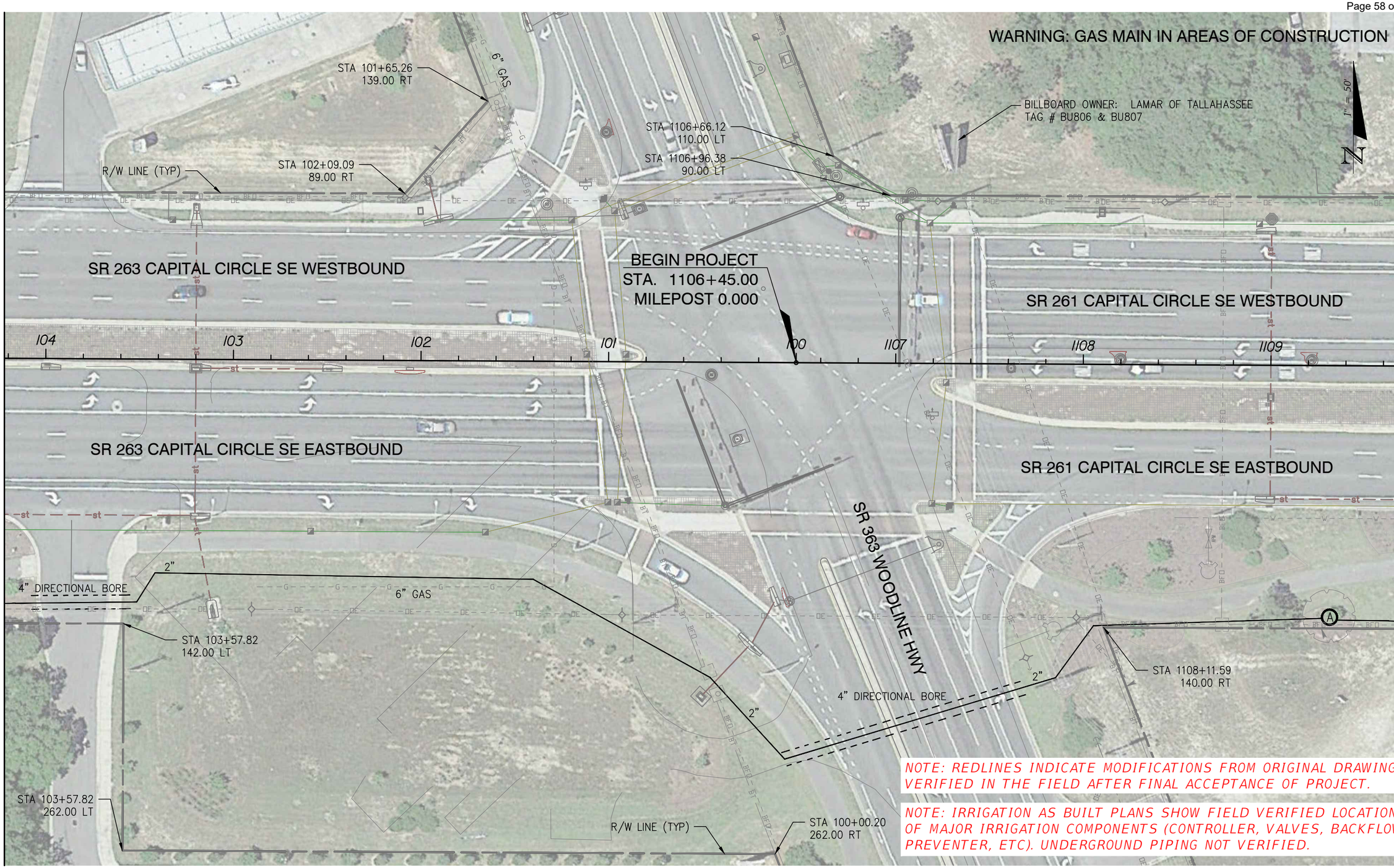
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (1)

SHEET NO. LD-51

Laura Duplain 12/22/2017 3:44:52 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg



MATCHLINE SHEET LD-51

MATCHLINE SHEET LD-53

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION: [illegible]

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

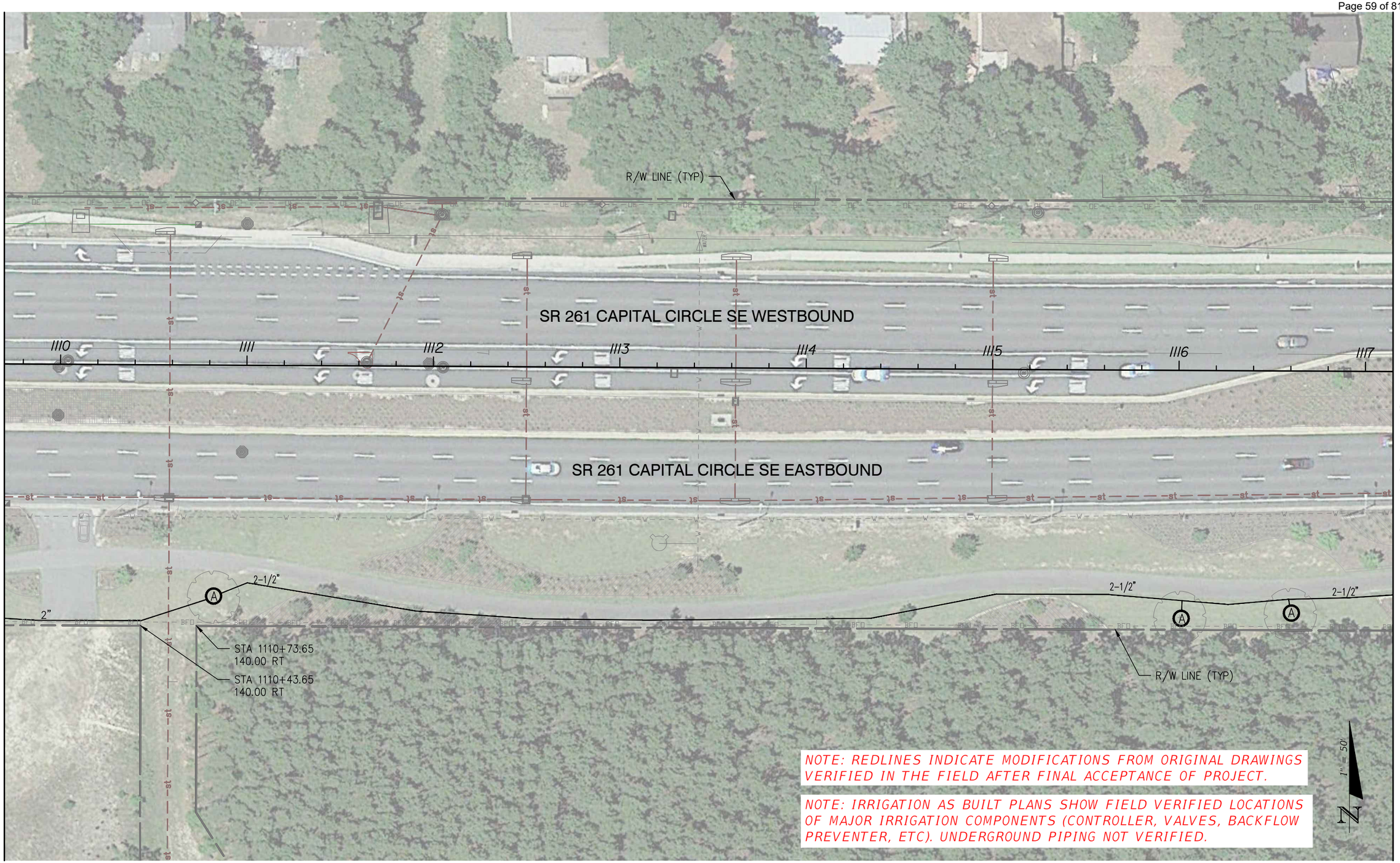
IRRIGATION PLAN (2)

SHEET NO.
LD-52

Laura Duplain 12/22/2017 3:44:58 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg ----

MATCHLINE SHEET LD-52

MATCHLINE SHEET LD-54



NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION 28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (3)

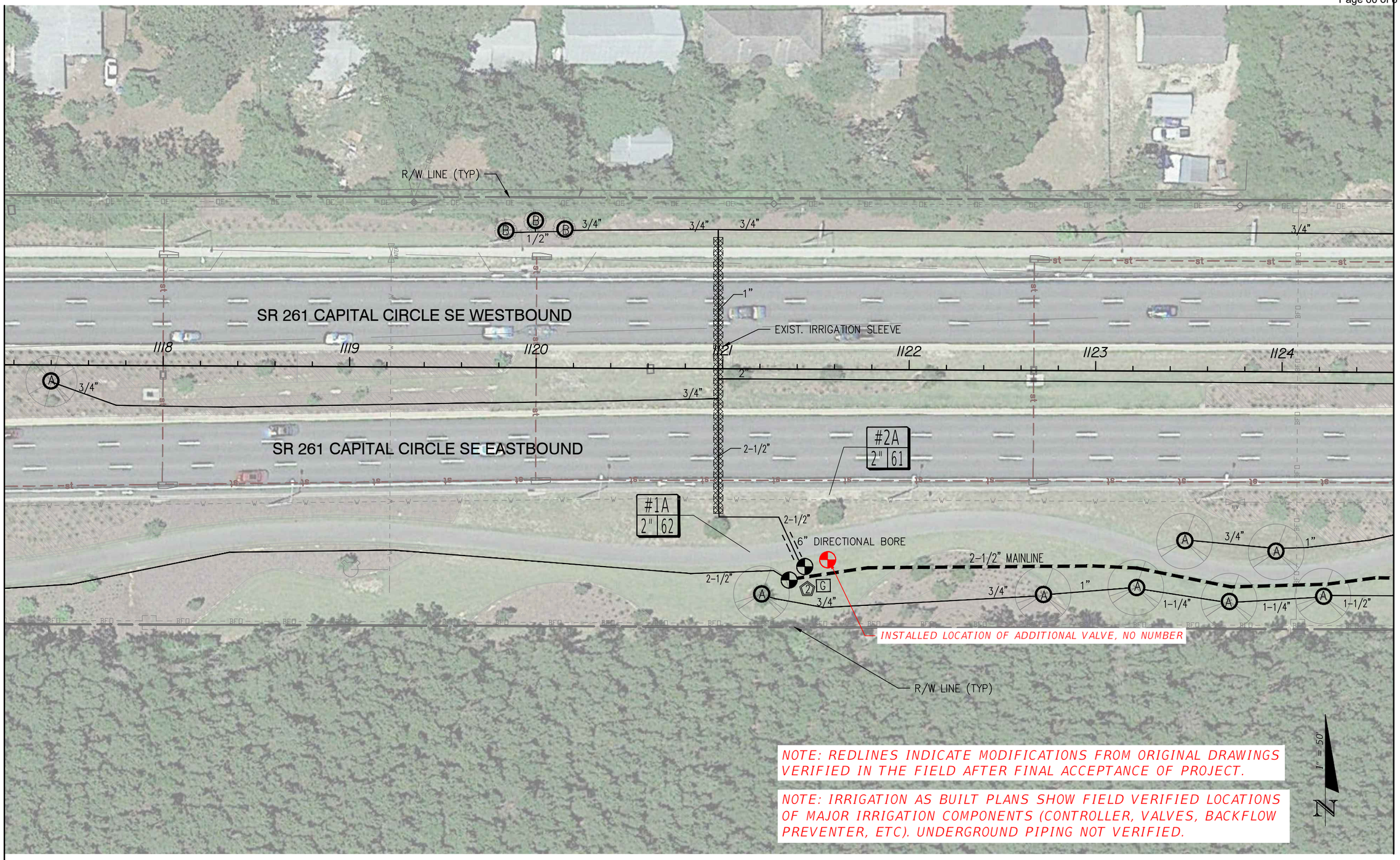
SHEET NO. LD-53

Laura Duplain 12/22/2017 3:45:05 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg

Posted July 2, 2018

MATCHLINE SHEET LD-53

MATCHLINE SHEET LD-55



NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #26000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

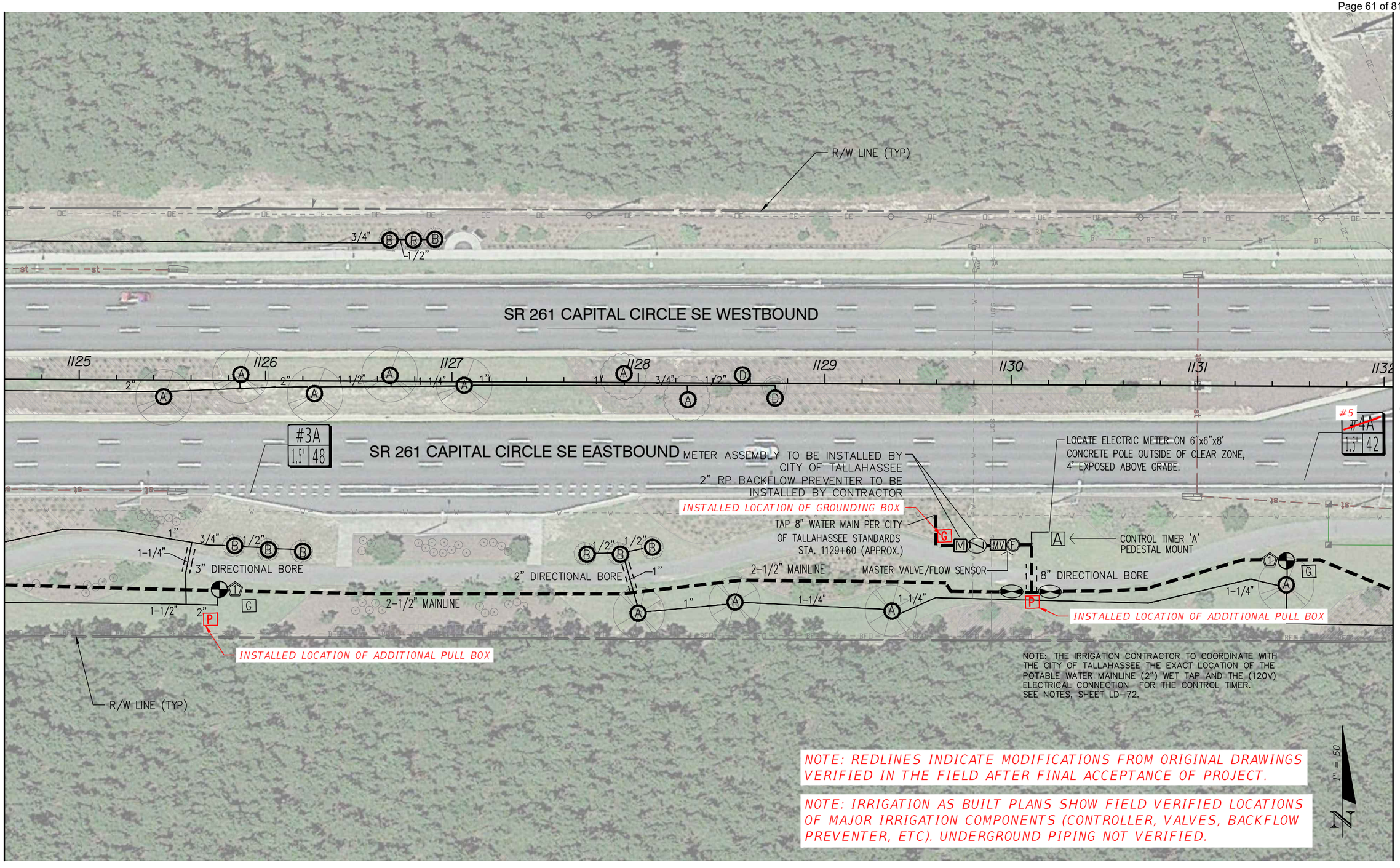
IRRIGATION PLAN (4)

SHEET NO. LD-54

Posted July 2, 2018

Laura Duplain 12/22/2017 3:45:12 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg

MATCHLINE SHEET LD-54



NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

MATCHLINE SHEET LD-56

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION: [illegible]

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (5)

SHEET NO. LD-55

Laura Duplain 12/22/2017 3:45:20 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg ----

MATCHLINE SHEET LD-55

MATCHLINE SHEET LD-57

R/W LINE (TYP)

EXIST. IRRIGATION SLEEVE
(NOT USED)

SR 261 CAPITAL CIRCLE SE WESTBOUND

1133 1134 1135 1136 1137 1138 1139

S

INSTALLED LOCATION OF SPIGOT

SR 261 CAPITAL CIRCLE SE EASTBOUND

8" DIRECTIONAL BORE

2" DIRECTIONAL BORE

2-1/2" MAINLINE

3/4"

1"

A

2-1/2" MAINLINE

EXIST. IRRIGATION SLEEVE

2-1/2" MAINLINE

P

INSTALLED LOCATION OF ADDITIONAL PULL BOX

G

GROUNDING BOX NOT FOUND,
SEE SHEET LD-55

R/W LINE (TYP)

1" = 50'

N

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #00001213

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (6)

SHEET NO.
LD-56

Sherri M. French, PLA, ISA 12/22/2017 4:01:08 PM

F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg

MATCHLINE SHEET LD-56

MATCHLINE SHEET LD-58

R/W LINE (TYP)

INSTALLED LOCATION OF ADDITIONAL BUBBLER

1"

1/2"

2" DIRECTIONAL BORE

EXIST. IRRIGATION SLEEVE

1"

#8 #7A 1.5" 39.5

SR 261 CAPITAL CIRCLE SE WESTBOUND

INSTALLED LOCATION OF SPIGOT

1140 1141 1142 1143 1144 1145 1146

3/4" 3/4" 1-1/2" 1-1/4" 1-1/4"

2-1/2"

#6 #5A 2" 60

#7 #6A 1.5" 54

SR 261 CAPITAL CIRCLE SE EASTBOUND

2-1/2" MAINLINE

8" DIRECTIONAL BORE

2-1/2" MAINLINE

2-1/2" 2"

3/4"

BUBBLER NOT FOUND

R/W LINE (TYP)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

1" = 50'

N

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #00001018

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

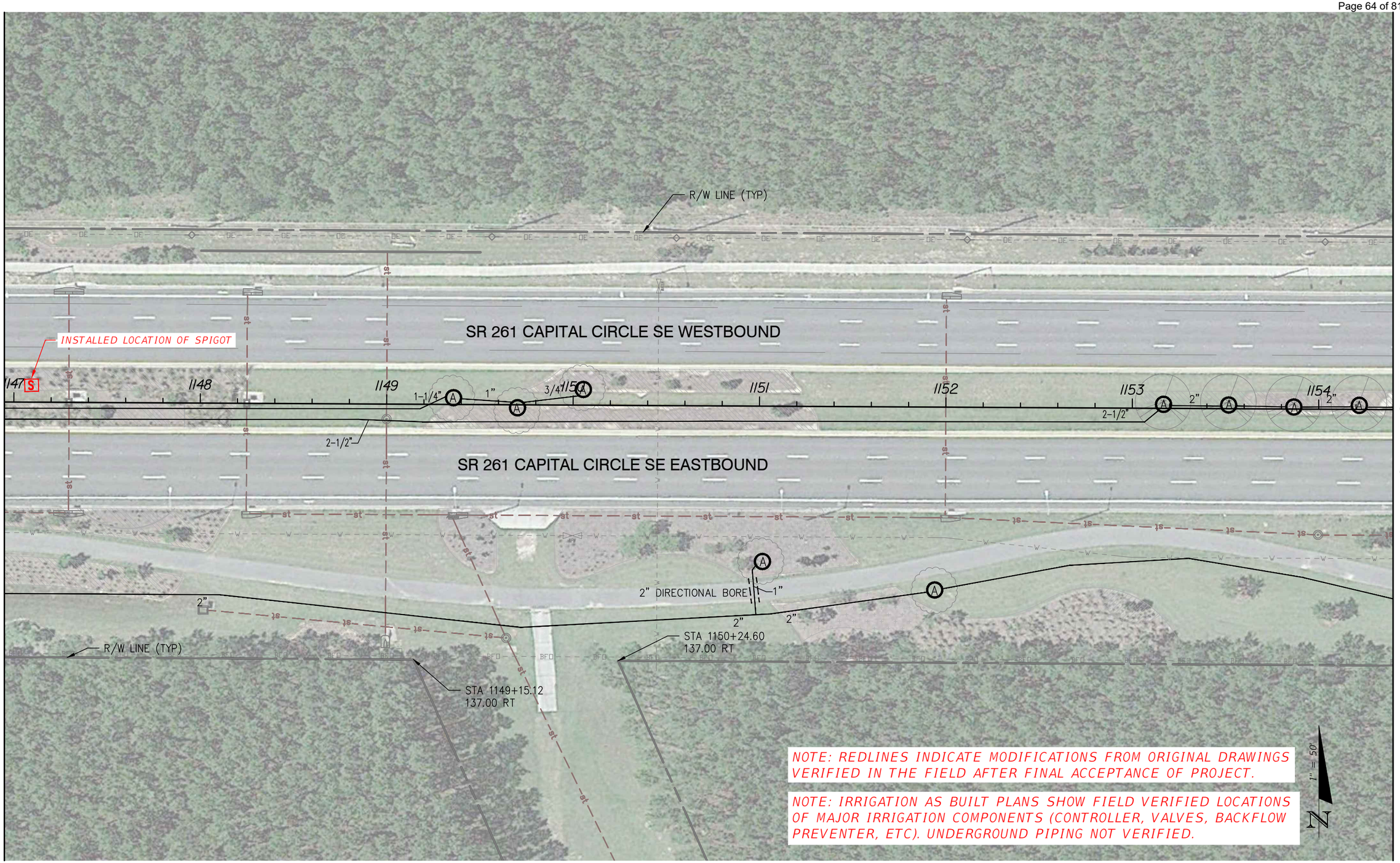
IRRIGATION PLAN (7)

SHEET NO. LD-57

Posted July 2, 2018

Laura Duplain 12/22/2017 3:45:33 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg

MATCHLINE SHEET LD-57



NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

MATCHLINE SHEET LD-59

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION: [illegible]

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (8)

SHEET NO.
LD-58

Laura Duplain 12/22/2017 3:45:40 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg ----

MATCHLINE SHEET LD-58

MATCHLINE SHEET LD-60

R/W LINE (TYP)

SR 261 CAPITAL CIRCLE SE WESTBOUND

1155 1156 1157 1158 1159 1160 1161

1-1/2" 1-1/2" 1-1/4" 1-1/4" 1" 3/4"

S

INSTALLED LOCATION OF SPIGOT

SR 261 CAPITAL CIRCLE SE EASTBOUND

1" 2" DIRECTIONAL BORE

2" 1-1/2" 1-1/2" 1-1/4" 1-1/4" 1"

R/W LINE (TYP)

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

1" = 50'

N

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #C26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (9)

SHEET NO.
LD-59

Posted July 2, 2018

Laura Duplain 12/22/2017 3:45:47 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg

MATCHLINE SHEET LD-59

MATCHLINE SHEET LD-61

R/W LINE (TYP)

EXIST. IRRIGATION SLEEVE
(NOT USED)

SR 261 CAPITAL CIRCLE SE WESTBOUND

SR 261 CAPITAL CIRCLE SE EASTBOUND

1162 1163 1164 1165 1166 1167 1168 1169

1" 3/4"

1/2" 1/2"

EXIST. IRRIGATION SLEEVE
(NOT USED)

STA 1164+61.94
138.00 RT

R/W LINE (TYP)

1" = 50'

N

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #2000012

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (10)

SHEET NO.
LD-60

Posted July 2, 2018

Laura Duplain 12/22/2017 3:45:54 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg

MATCHLINE SHEET LD-60

MATCHLINE SHEET LD-62

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

R/W LINE (TYP)

1/2"

(2) BUBBLERS NOT FOUND

1/2" 3/4" 1"

1"

(5) BUBBLERS NOT FOUND

SR 261 CAPITAL CIRCLE SE WESTBOUND

INSTALLED LOCATION OF SPIGOT

1170 1171 1172 1173 1174 1175 1176

3/4" 1" 1-1/4" 1-1/4"

SR 261 CAPITAL CIRCLE SE EASTBOUND

3" DIRECTIONAL BORE 1-1/2"

1-1/2"

2"

3/4" 1" 1" 1-1/4" 1-1/4" 1-1/4" 1-1/2" 1-1/2" 1-1/4"

R/W LINE (TYP)

STA 1173+36.18
138.00 RT

1" = 50'

N

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #00001213

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (11)

SHEET NO.
LD-61

Posted July 2, 2018

Laura Duplain 12/22/2017 3:46:00 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

MATCHLINE SHEET LD-61

MATCHLINE SHEET LD-63

R/W LINE (TYP)

EXIST. IRRIGATION SLEEVE

1"

1-1/4"

1-1/4"

(3) BUBBLERS NOT FOUND

1-1/4"

1-1/4"

SR 261 CAPITAL CIRCLE SE WESTBOUND

1177 1178 1179 1180 1181 1182 1183 1184

SR 261 CAPITAL CIRCLE SE EASTBOUND

INSTALLED LOCATION OF (5) BUBBLERS

INSTALLED LOCATION OF (3) BUBBLERS

6" DIRECTIONAL BORE

6" DIRECTIONAL BORE

2"

2-1/2"

2-1/2"

2-1/2" MAINLINE

2-1/2" MAINLINE

1-1/2"

1-1/2"

2"

2"

2-1/2"

2-1/2"

INSTALLED LOCATION OF VALVE #3B

#1B
2" | 64

#2B
1.5" | 57

STA 1177+27.49
138.00 RT

R/W LINE (TYP)

1" = 50'

N

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28010

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (12)

SHEET NO. LD-62

Posted July 2, 2018

Laura Duplain 12/22/2017 3:46:07 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg

MATCHLINE SHEET LD-62

MATCHLINE SHEET LD-64

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

R/W LINE (TYP)

SR 261 CAPITAL CIRCLE SE WESTBOUND

#4B 1" 20

1-1/4"

EXIST. IRRIGATION SLEEVE (NOT USED)

#3B 2" 60

SEE SHEET LD-62 FOR VALVE #3B LOCATION

1185 1186 1187 1188 1189 1190 1191

2-1/2" 2-1/2" 2" 2" 2"

#5B 1" 15

SR 261 CAPITAL CIRCLE SE EASTBOUND

2-1/2" MAINLINE

EXIST. IRRIGATION SLEEVE

INSTALLED LOCATION OF PULL BOX

8" DIRECTIONAL BORE

8" DIRECTIONAL BORE

2-1/2" MAINLINE

2-1/2" MAINLINE

2-1/2" MAINLINE

GROUNDING BOX NOT FOUND, SEE SHEET L-64

1" 1" 1" 1" 1-1/4" 1/2"

STA 1164+61.94
138.00 RT

INSTALLED LOCATION OF ISOLATION VALVE

R/W LINE (TYP)

1" = 50'

N

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #28000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

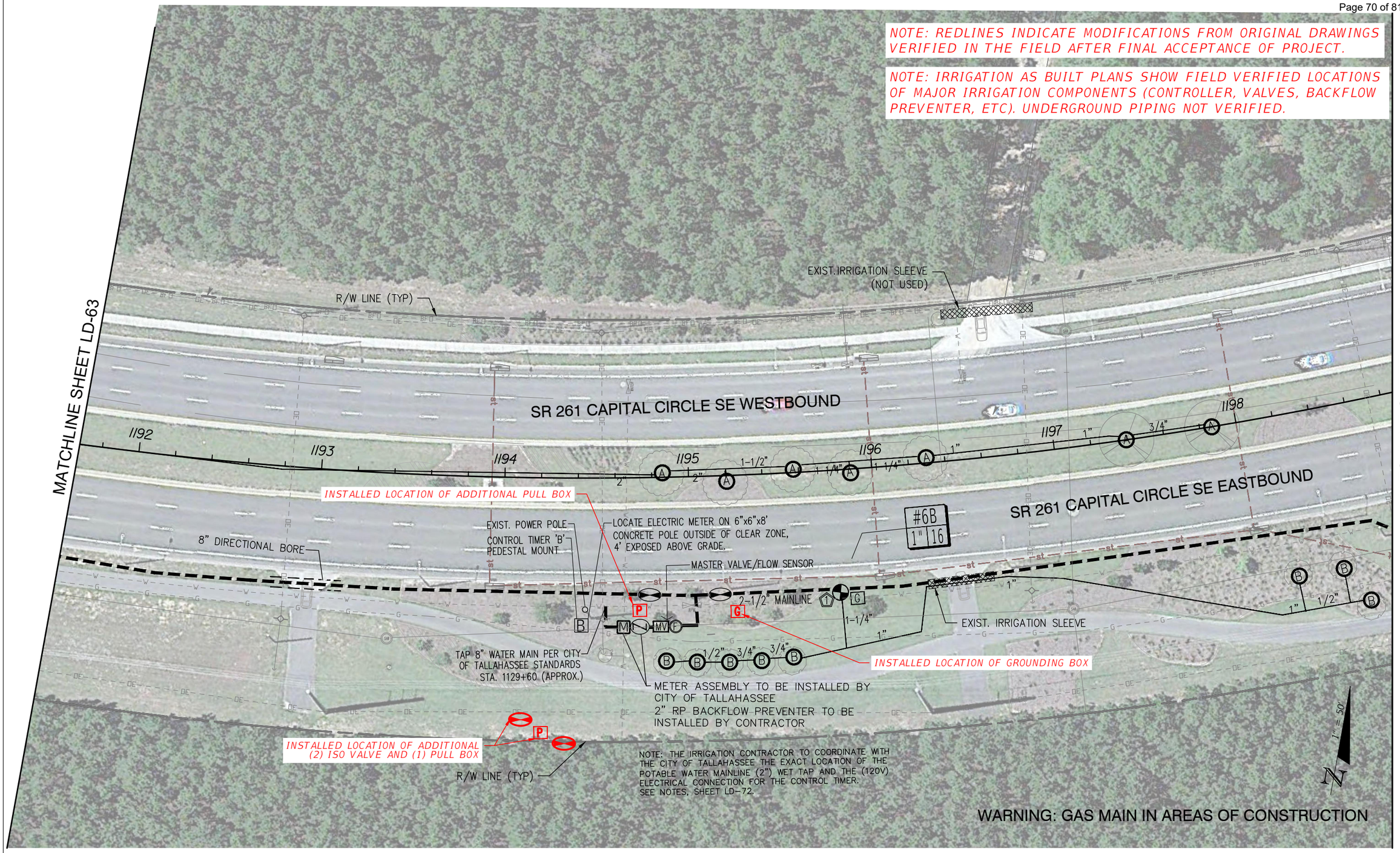
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (13)

SHEET NO. LD-63

Posted July 2, 2018

Laura Duplain 12/22/2017 3:46:15 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg


NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.
NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION: [illegible]

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

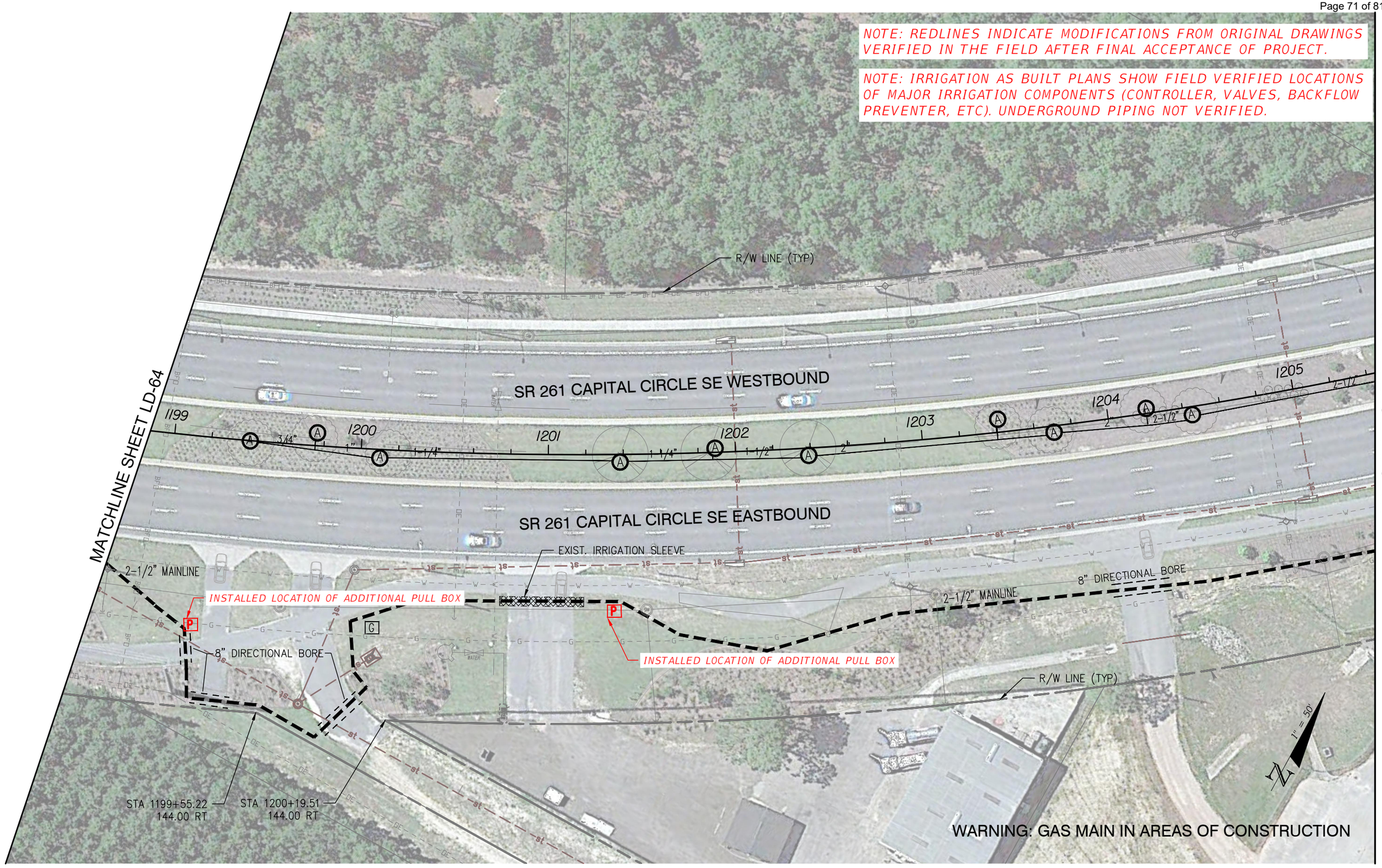
IRRIGATION PLAN (14)

SHEET NO. LD-64

Laura Duplain 12/22/2017 3:46:23 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg ----

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.



REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION NO. 26000128

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (15)

SHEET NO. LD-65

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

Posted July 2, 2018

Laura Duplain 12/22/2017 3:46:32 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.

MATCHLINE SHEET LD-65

MATCHLINE SHEET LD-67

R/W LINE (TYP)

1-1/4"

1"

1-1/4"

1"

3/4"

1/2"

#9B
1" | 18

SR 261 CAPITAL CIRCLE SE WESTBOUND

1206

1207

1208

1209

1210

1211

INSTALLED LOCATION OF SPIGOT

1-1/4"

2-1/2" MAINLINE

#8B
2" | 60

EXIST. IRRIGATION SLEEVE

SR 261 CAPITAL CIRCLE SE EASTBOUND

EXIST. IRRIGATION SLEEVE

2"

2"

4" DIRECTIONAL BORE

2"

2"

EXIST. IRRIGATION SLEEVE

#7B
1.5" | 37.5

R/W LINE (TYP)

BILLBOARD OWNER: LAMAR OF TALLAHASSEE
TAG # BV341 & BV342

1" = 50'

WARNING: GAS MAIN IN AREAS OF CONSTRUCTION

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #26000128

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

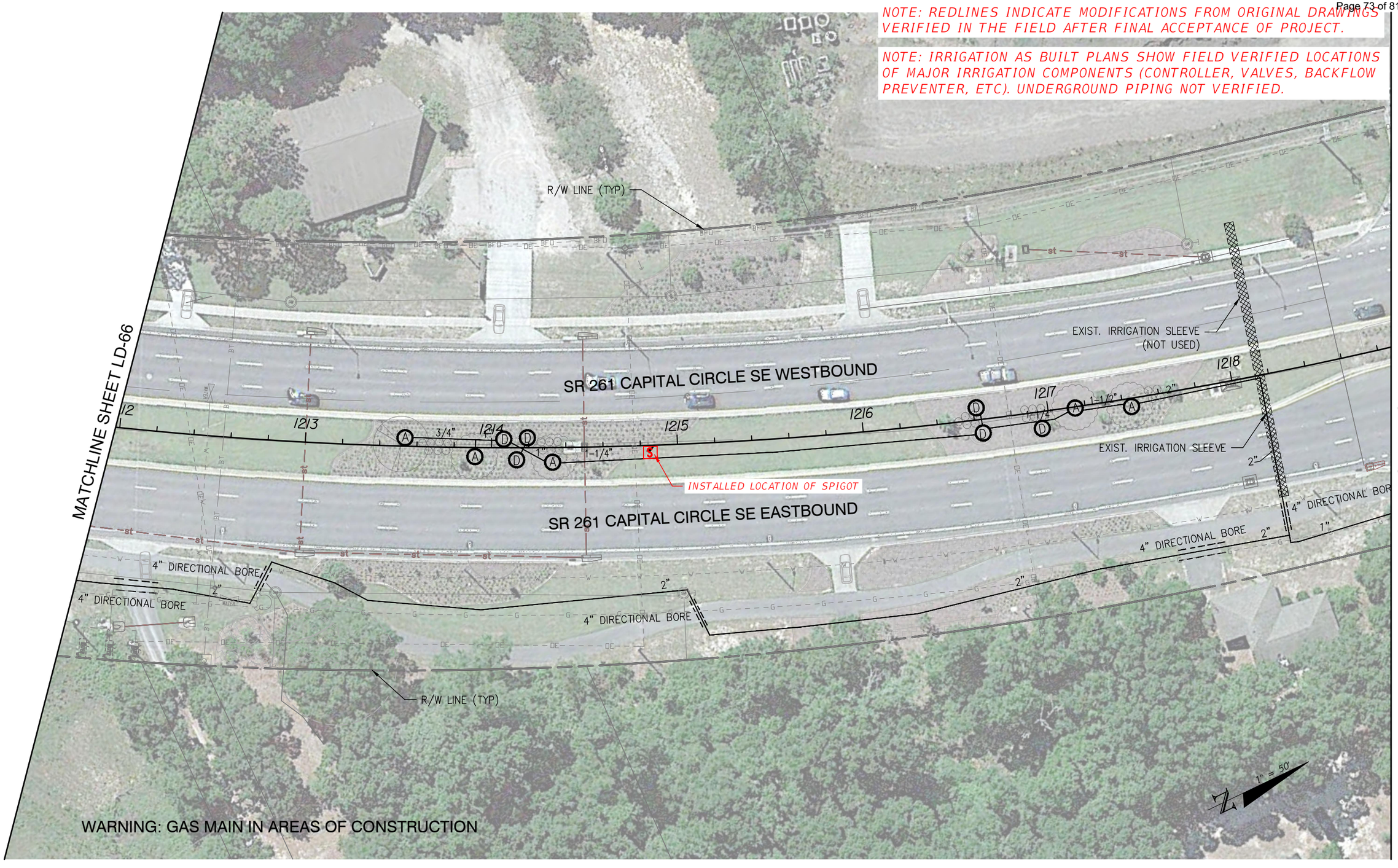
IRRIGATION PLAN (16)

SHEET NO.
LD-66

Laura Duplain 12/22/2017 3:46:42 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg

NOTE: REDLINES INDICATE MODIFICATIONS FROM ORIGINAL DRAWINGS VERIFIED IN THE FIELD AFTER FINAL ACCEPTANCE OF PROJECT.

NOTE: IRRIGATION AS BUILT PLANS SHOW FIELD VERIFIED LOCATIONS OF MAJOR IRRIGATION COMPONENTS (CONTROLLER, VALVES, BACKFLOW PREVENTER, ETC). UNDERGROUND PIPING NOT VERIFIED.



NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #00001213

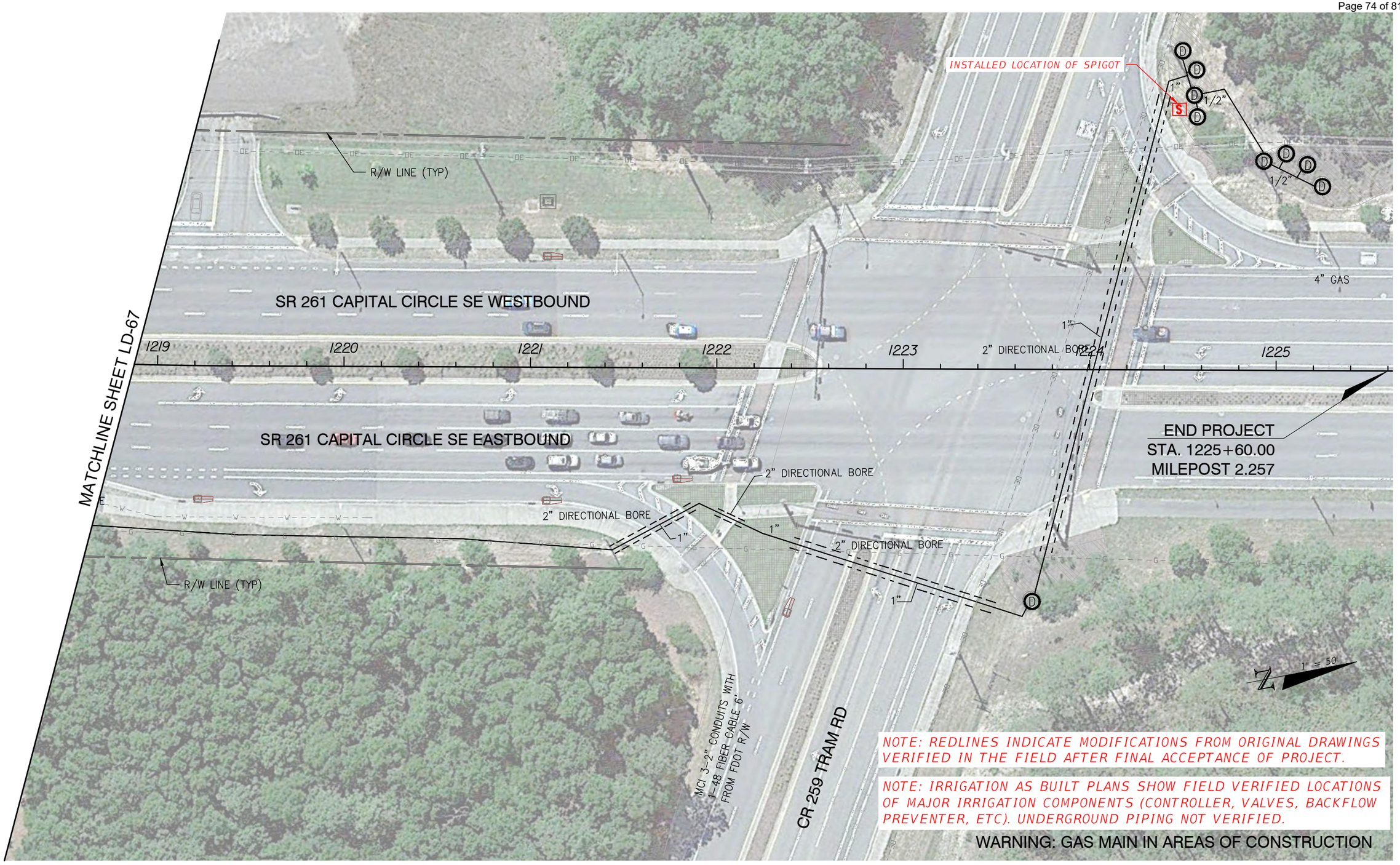
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (17)

SHEET NO. LD-67

Laura Duplain 12/22/2017 3:46:52 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg



NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION #26000213

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

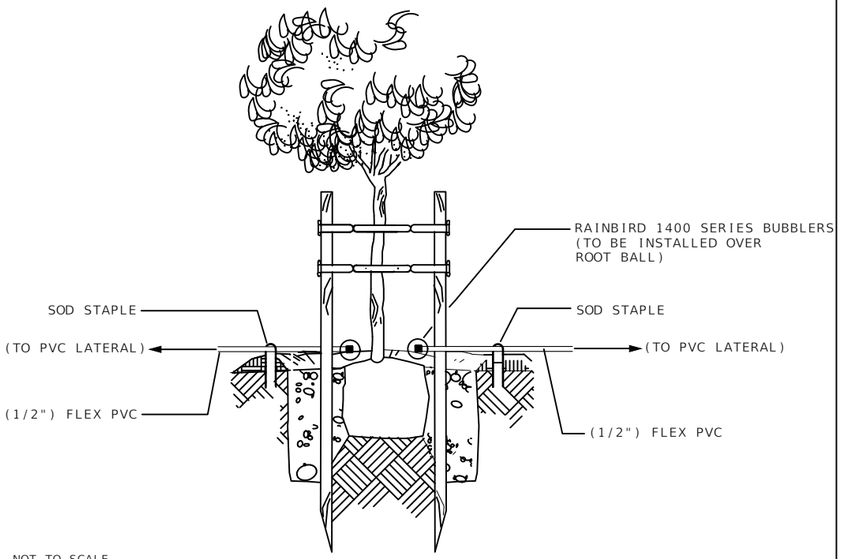
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION PLAN (18)

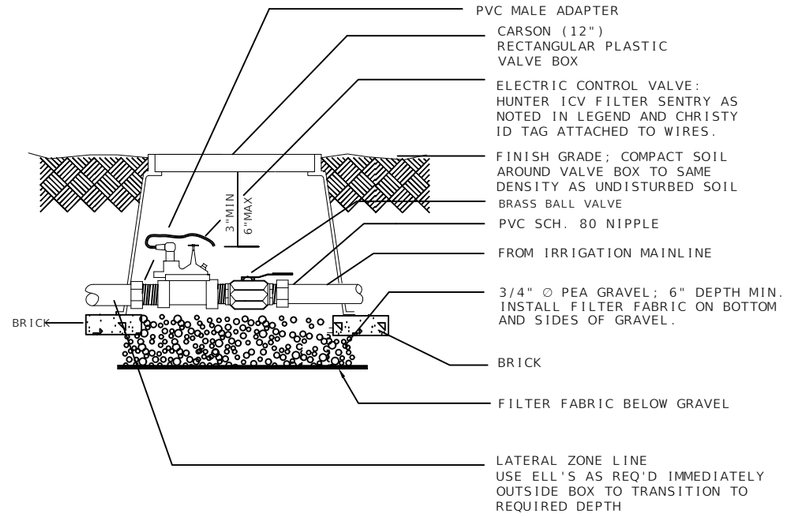
SHEET NO.
LD-68

Posted July 2, 2018

Laura Duplain 12/22/2017 3:47:00 PM F:\fdt3\208\CAD\21968935201\landscp\IRRGLD01.dwg

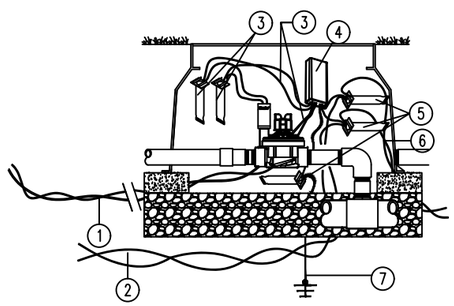


(A) TREE BUBBLER DETAIL



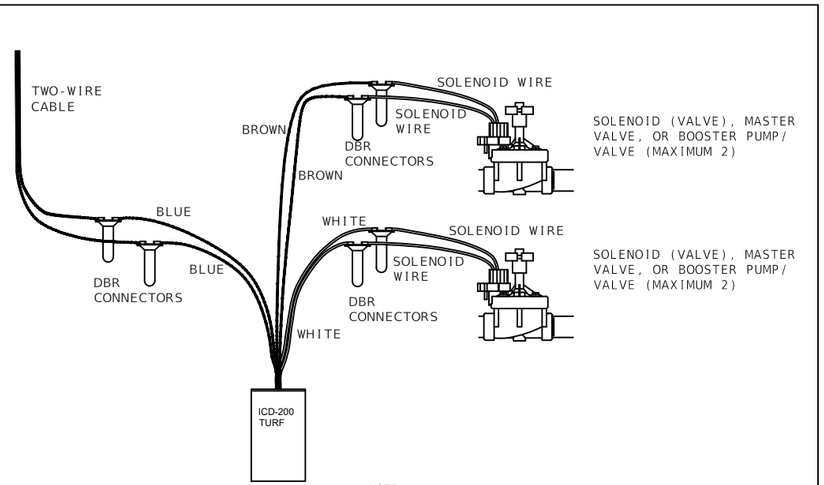
(B) HUNTER ICV FILTER SENTRY VALVE

NOTE: All ICD-200 DECODERS SHALL HAVE THE FOLLOWING ADDRESS AND CORRESPONDING COLOR ADDRESS
1 = Black
2 = Yellow



1. DECODER TO SOLENOID
   MAX RUN 100 ft./33M
2. ID WIRE PATH
   TWISTED TO NEXT DECODER
3. DBR (4)
   COLOR CODED VALVE WIRES. SEE
   LEGEND FOR COLOR AND VALVE #
4. DECODER
5. DBR-6 (3)
6. ID WIRE CONTROLLER
   ALLOW 6 FT. SLACK PER DECODER
7. TO EARTH GROUND INSTALLED
   PER ASIC GUIDELINES. 1 PER
   12 DECODERS OR EVERY 700 ft./330m.

(C) ICD 100 DECODER DETAIL



NOTE:
1. MAXIMUM LENGTH OF SECONDARY WIRE PATH (14 AWG) FROM DECODER TO SOLENOID IS 450 FEET.

2. ALLOW 6 FT. SLACK LINE LENGTH.

(D) ICD 200 DECODER SCHEMATIC

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION EC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION DETAILS

SHEET NO.
LD-69

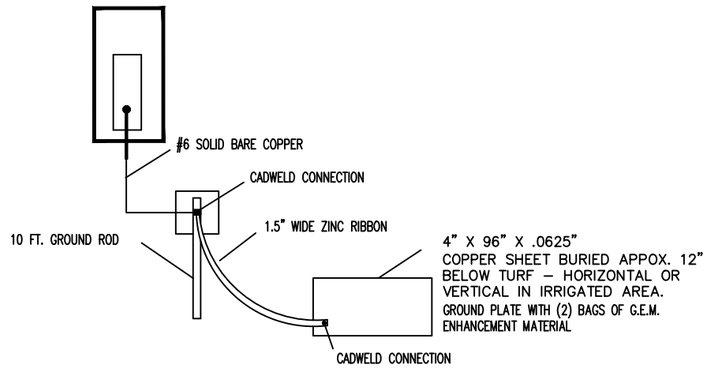
Posted July 2, 2018

Laura Duplain 12/22/2017 3:47:08 PM

F:\fdt3\208\CAD\21968935201\landscp\DETLLD02.dwg

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

DECODER SURGE PROTECTOR GROUNDING INLINE AND ENDLINE

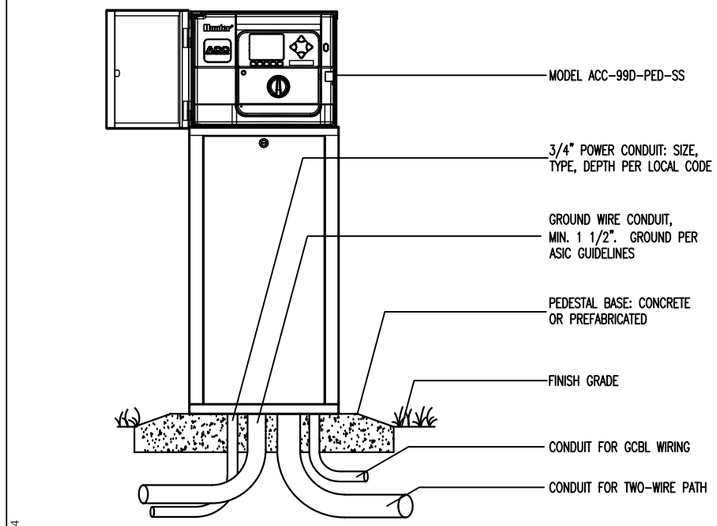


5/8" X 10' COPPER CLAD GROUNDING ROD. A MINIMUM OF 11' APART FROM EACH OTHER. GROUNDING GRID TO HAVE A RESISTANCE OF 10 OHMS OR LESS.

D2501

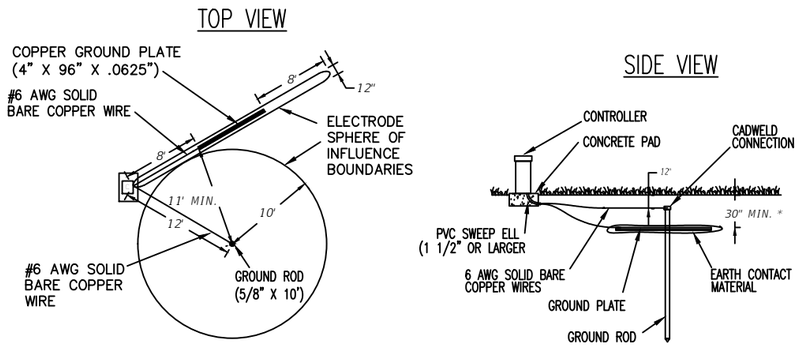
NOT TO SCALE

(E) DECODER SURGE GROUNDING



D2104

(F) ACC-99D (IMMS COMPATIBLE) CONTROLLER



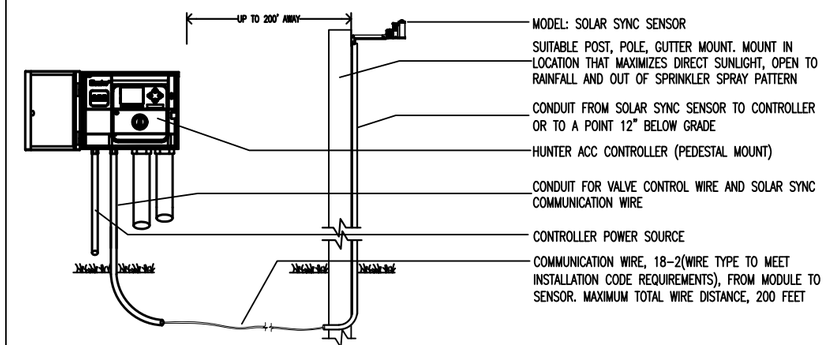
DO NOT INSTALL ANY OTHER WIRES OR CABLE WITHIN THE SPHERE OF INFLUENCE

* OR BELOW FROSTLINE, WHICHEVER IS DEEPER

5/8" X 10' COPPER CLAD GROUNDING ROD. A MINIMUM OF 11' APART FROM EACH OTHER. GROUNDING GRID TO HAVE A RESISTANCE OF 10 OHMS OR LESS.

NOT TO SCALE

(G) CONTROLLER GROUNDING DETAIL



(H) SOLAR SYNC SENSOR

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION EC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

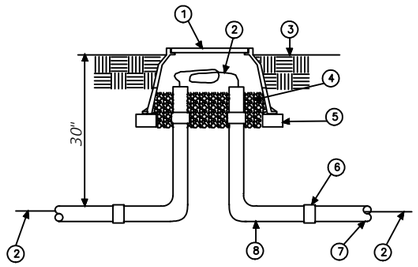
IRRIGATION DETAILS

SHEET NO. LD-70

Laura Duplain 12/22/2017 3:47:13 PM

F:\fdt3\208\CAD\21968935201\landscp\DETLLD02.dwg ----

NOTE:
INSTALL PULL BOXES EVERY 500 FEET FOR CONDUIT PORTION ONLY.

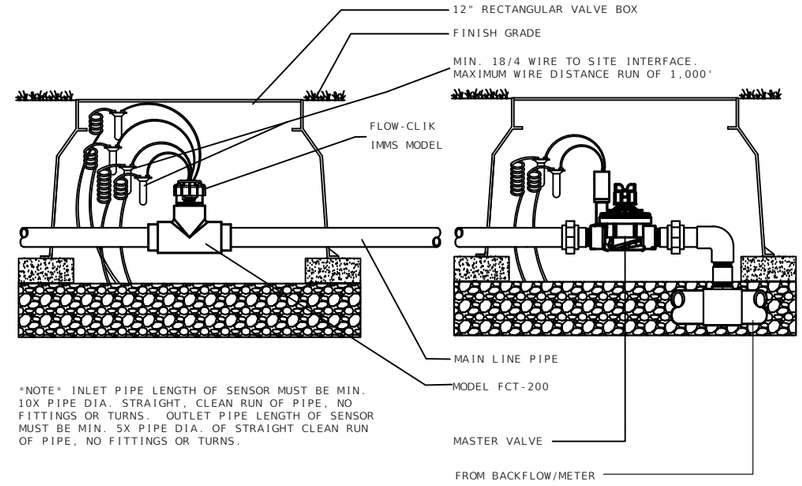


LEGEND

1. CARSON 910 COMMUNICATION CABLE PULL BOX W/ PURPLE BOLT DOWN COVER.
2. HUNTER TWO-WIRE IDWIRE-1 TWO-WIRE-PATH CABLE INSTALLED WITHIN 1-1/4" CONDUIT. PROVIDE 30" LOOP WITHIN PULL BOX. CABLE INSTALLED WITHIN CONDUIT. WHEN NOT INSTALLED WITH MAINLINE.
3. FINISH GRADE
4. 3/4" CRUSHED ROCK - 6" DEEP
5. COMMON BRICK - 4 REQUIRED
6. PVC SXS COUPLING (TYPICAL)
7. PVC SCH.40 1-1/4" CONDUIT (TYPICAL)
8. PVC SCH.40 ELECTRICAL SWEEP ELL (TYPICAL)

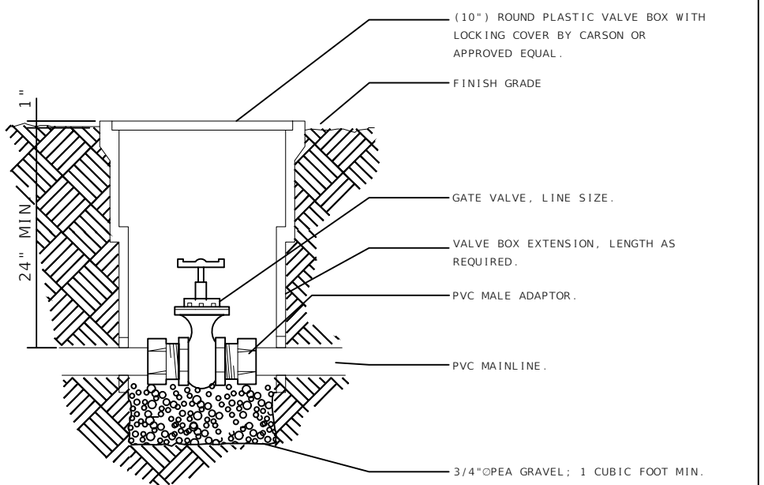
NOT TO SCALE

(I) CONDUIT IN VALVE BOX



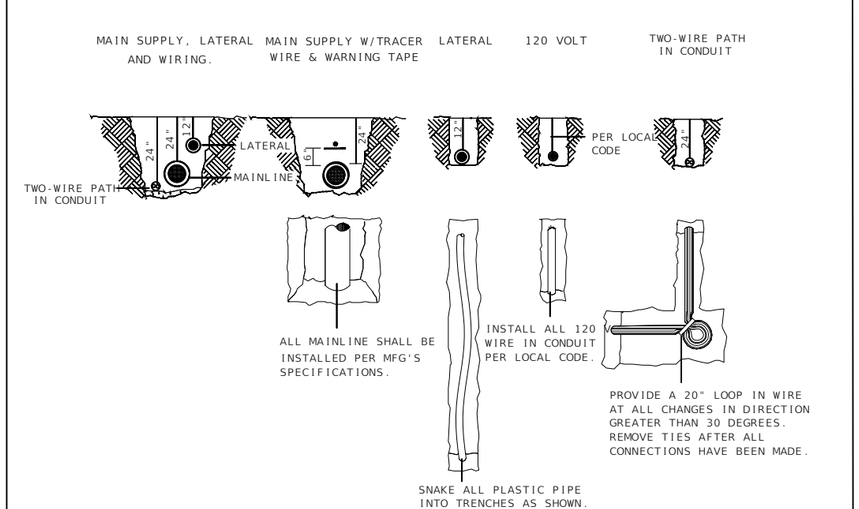
NOTE INLET PIPE LENGTH OF SENSOR MUST BE MIN. 10X PIPE DIA. STRAIGHT, CLEAN RUN OF PIPE, NO FITTINGS OR TURNS. OUTLET PIPE LENGTH OF SENSOR MUST BE MIN. 5X PIPE DIA. OF STRAIGHT CLEAN RUN OF PIPE, NO FITTINGS OR TURNS.

(J) FLOW-CLIK/FLOW METER/MASTER VALVE ASSEMBLY



D2001

(K) ISOLATION GATE VALVE



(L) TRENCH DETAIL

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION LC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION DETAILS

SHEET NO. LD-71

Laura Duplain 12/22/2017 3:47:17 PM F:\fdt3\208\CAD\21968935201\landscp\DETLLD02.dwg ----

GENERAL IRRIGATION NOTES

1. LOW VOLUME PRESSURE COMPENSATING BUBBLERS SHALL BE INSTALLED ON ALL TREES.
2. AUTOMATIC CONTROL TIMER LOCATIONS TO BE VERIFIED WITH PROJECT ENGINEER, DISTRICT LANDSCAPE ARCHITECT, AND CITY OF TALLAHASSEE (CRIS REVELL 850–570–1398).
3. FIELD ALTERATIONS MADE IN THE IRRIGATION CONTRACT DRAWING MUST BE IN THE BEST INTEREST OF THE PLANT MATERIAL, SOD AND LANDSCAPE IRRIGATION SYSTEM. CHANGES MADE BY THE IRRIGATION CONTRACTOR WHICH ARE DEEMED, BY THE PROJECT ENGINEER AND DISTRICT LANDSCAPE ARCHITECT, NOT TO BE IN CONFORMITY WITH THIS CRITERIA WILL BE REMOVED AND REPLACED AT THE IRRIGATION CONTRACTOR'S EXPENSE. IF A QUESTION SHOULD ARISE AS TO THE BEST WAY TO COMPLETE A FIELD ALTERATION, CONTACT THE PROJECT ENGINEER AND DISTRICT LANDSCAPE ARCHITECT FOR APPROVAL.
4. THE CONTRACTOR SHALL STAKE OUT THE LOCATION OF EACH RUN OF PIPE, BUBBLERS AND VALVES PRIOR TO TRENCHING. TRENCHES FOR PIPE SHALL BE CUT TO REQUIRED GRADE LINES, AND COMPACTED TO PROVIDE ACCURATE GRADE AND UNIFORM BEARING FOR THE FULL LENGTH OF THE LINE. THE BOTTOM OF TRENCHES SHALL BE FREE OF ROCK OR OTHER SHARP EDGED OBJECTS. MINIMUM COVER SHALL BE AS FOLLOWS: PRESSURE MAINLINE 24" AT TOP OF PIPE TO FINISH GRADE. LATERAL PIPING 12" AT TOP OF PIPE FROM FINISH GRADE.
5. INITIAL BACKFILL ON PVC LINE SHALL BE PULVERIZED NATIVE SOIL, FREE OF FOREIGN MATTER. WITHIN RADIUS OF 4" OF THE PIPE SHALL BE CLEAN SOIL OR SAND. PLANT LOCATIONS SHALL TAKE PRECEDENCE OVER BUBBLER AND PIPE LOCATIONS. THE CONTRACTOR SHALL COORDINATE THE PLACING OF SPECIMEN TREES AND SHRUBS WITH THE ROUTING OF LINES AND FINAL HEAD LOCATIONS.
6. THE IRRIGATION AND LANDSCAPE CONTRACTORS SHALL COORDINATE THE PLACEMENT OF THE SPRINKLER EQUIPMENT AND LANDSCAPE MATERIAL WITHIN THE PLANTED AREAS. COORDINATE WITH THE DISTRICT LANDSCAPE ARCHITECT AND PROJECT ENGINEER. THE IRRIGATION CONTRACTOR SHALL INSTALL HIS MATERIAL AT THE EDGE OF THE PLANTED AREAS AVOIDING PLANTS, ROOT BALLS, LIGHTS, BOLLARDS, FENCES, ETC.
7. BEFORE SPRINKLER HEADS ARE SET, THE CONTRACTOR SHALL FLUSH THE LINES THOROUGHLY TO MAKE SURE THERE IS NO FOREIGN MATTER IN THE LINES. THE CONTRACTOR SHALL FLUSH THE MAIN LINES FROM FROM DEAD END FITTINGS FOR A MINIMUM OF FIVE MINUTES UNDER A FULL HEAD OF PRESSURE.
8. ALL WATER MAINLINE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF TALLAHASSEE STANDARD SPECIFICATIONS 328400 – IRRIGATION SYSTEMS, SEE LINK BELOW: http://www.talgov.com/you/you–learn–utilities–water–design–construction.aspx

   IN THE EVENT OF A CONFLICT, FDOT DESIGN STANDARDS SHALL PREVAIL.
9. ALL SLEEVING/DIRECTIONAL BORING OPERATIONS SHALL BE IN ACCORDANCE WITH FDOT DEVELOPMENTAL DESIGN STANDARDS D591 FOR IRRIGATION SLEEVES. AN FDOT INSPECTOR SHALL BE PRESENT BEFORE WORK BEGINS. SEE LINK BELOW: http://www.dot.state.fl.us/rddesign/ds/dev/d00591.pdf
10. WATER SOURCE SHALL BE EXISTING 8" POTABLE WATER MAINS (TWO POINTS OF CONNECTION).
11. A MINIMUM OF 15 WORKING DAYS PRIOR TO WATER CONNECTION CONSTRUCTION, CONTRACTOR SHALL SCHEDULE A PRE–CONSTRUCTION CONFERENCE WITH JERRY WALDEN/CITY OF TALLAHASSEE, TELEPHONE (850) 891–6107.
12. CITY OF TALLAHASSEE SHALL BE PRESENT AT TAP OF EXISTING 8" WATER MAINS. COORDINATE WITH JERRY WALDEN.
13. CITY OF TALLAHASSEE SHALL INSTALL 2" WATER METERS. CONTACT JERRY WALDEN TO COORDINATE CONSTRUCTION.
14. CONTRACTOR SHALL INSTALL 2" RP BACKFLOW PREVENTERS.
15. METERS AND BACKFLOW PREVENTERS SHALL BE INSTALLED OUTSIDE OF CLEAR ZONE AND SHALL BE PLACED NO MORE THAN 5' APART.
16. COATED CONDUCTIVE TAPE SHALL BE INSTALLED DIRECTLY ABOVE NEWLY INSTALLED SLEEVES, PER DDS D591.
17. ALL PERMITTING AND COSTS ASSOCIATED WITH POTABLE WATER AND ELECTRIC CONNECTIONS ARE THE RESPONSIBILITY OF THE CONTRACTOR.
18. INSTALL ALL ELECTRICAL SERVICE TO MEET LOCAL CODES.
19. CONTRACTOR SHALL CONTACT TINA DROSE/ELECTIC SUPERVISOR ENGINEER, POWER ENGINEERING DIVISION, (850) 891–5016 TO REQUEST ELECTRICAL CONNECTIONS.
20. ELECTRICAL CONDUIT SHALL BE INSTALLED INSIDE HDPE SLEEVING. UTILIZE SCHEDULE 40 GREY ELECTRICAL CONDUIT.
21. ELECTRICAL WIRING SHALL BE 120V FOR CONTROLLER/TIMER AND 12V FOR VALVES. CONTRACTOR SHALL DETERMINE APPROPRIATE WIRE SIZE.
22. WIRE SPLICE SHALL OCCUR IN VALVE BOX FLUSH WITH FINISH GRADE IN PLASTIC BOX, AND LID WITH GASKET.
23. THESE DRAWINGS ARE TO BE CONSIDERED DIAGRAMMATIC. THE LOCATIONS OF THE EQUIPMENT SHALL BE COORDINATED IN FIELD, AND ADJUSTED AS NECESSARY TO AVOID CONFLICTS, AND TO REACT TO FIELD VARIABLES.
24. DUE TO THE SCALE OF DRAWINGS, IT IS OFTEN NECESSARY TO SHOW PIPING OR OTHER ELEMENTS OUTSIDE OF RIGHT–OF–WAY OR IN PAVEMENT AREAS. THE INSTALLATION OF ALL PIPING AND OTHER EQUIPMENT SHALL BE IN PREVIOUS AREAS AND WITHIN RIGHTS–OF–WAY UNLESS IT IS SPECIFICALLY NOTED TO THE CONTRARY.

MATERIAL LEGEND

- (D) – DENOTES (2) RAINBIRD 1401 SERIES PRESSURE COMPENSATING BUBBLERS
- (C) – DENOTES (2) RAINBIRD 1402 SERIES PRESSURE COMPENSATING BUBBLERS
- (B) – DENOTES (2) RAINBIRD 1404 SERIES PRESSURE COMPENSATING BUBBLERS
- (A) – DENOTES (3) RAINBIRD 1408 SERIES PRESSURE COMPENSATING BUBBLERS
- [A] [B] – HUNTER ACC–99D–SS–PED–SS MODEL (99–STATION TWO–WIRE DECODER SERIES), IMMS COMPATIBLE W/SOLAR SYNC ET/RAIN/FREEZE SENSOR, ACC–COM–GPRS (CELL PHONE CENTRAL COMMUNICATION DEVICE), ACC–COM–HWR (CONTROLLER COMMUNICATION DEVICE), RAD3 (INCLUDING UHF RADIO, CABLE & MOUNTING HARDWARE) AND IMMS–ANT2 (RAD3 INTERFACE ANTENNA). UTILIZE E–CLIPS SURGE PROTECTION DEVICE FOR CONTROLLER.
- – CONTROL VALVE ASSEMBLY – HUNTER ICV–G–FS–AS–ADJ SERIES W/BRASS BALL VALVE INSTALLED IN CARSON (12") RECTANGULAR VALVE BOX W/LID. BRASS BALL VALVE TO BE SAME SIZE AS ELECTRIC VALVE.
- (1) (2) – HUNTER DECODER MODELS ICD–100 (SINGLE ADDRESS); ICD–200 (TWO–ADDRESSES)
- [G] – DECODER SURGE SUPRESSION AND GROUNDING
- (F) [MV] – MASTER VALVE/FLOW SENSOR ASSEMBLY (HUNTER IBV–201G–FS MASER VALVE/HUNTER FCT–200 FLOW SENSOR/HUNTER IMMS FLOW–CLIK AND ICD–SEN SENSOR DECODER).
- (N) – FEBCO/WILKINS MODEL (OR APPROVED EQUAL) DOUBLE CHECK OR REDUCED PRESSURE MODEL (PER LOCAL CODE) BACKFLOW PREVENTER (2") MINIMUM. BACKFLOW PREVENTER TO BE INSTALLED IN FIBERGLASS HOUSING PER C.O.T. SPECIFICATIONS.
- – NIBCO T–113 SERIES ISOLATION GATE VALVE INSTALLED IN CARSON (10") ROUND VALVE BOX W/LID. VALVE SIZE SAME SIZE AS LINE SIZE.
- ——— – CLASS 200 PVC LATERAL PIPE (SIZES AS INDICATED) W/SCH. 40 SOLVENT WELD FITTINGS.
- – – – – – SCH. 40 PVC SOLVENT WELD MAINLINE W/SCH. 40 PVC SOLVENT WELD FITTINGS (SIZE AS INDICATED ON DRAWINGS).
- ⊠⊠⊠⊠⊠⊠⊠⊠ – EXISTING SCH. 40 PVC SLEEVE BANK (8"); IRRIGATION CONTRACTOR TO FIELD VERIFY EXISTING SLEEVE SIZES AND LOCATIONS PRIOR TO BID CALCULATIONS.
- = = = = – NEW DIRECTIONAL BORE (HDPE PIPE, SDR 11) UNDER EXISTING ROADWAYS/PATHWAYS (SIZE AS INDICATED ON DRAWINGS). HDPE PIPE TO BE UTILIZED AS SLEEVE PIPE FOR LATERALS AND MAINLINE.
- [M] – (2") POTABLE WATER METER CAPABLE OF (65–70) GPM @ (65–70) PSI. METER TO BE INSTALLED IN VALVE BOX PER C.O.T. SPECIFICATIONS.

NOTE: TWO–WIRE PATH TO BE INSTALLED IN (1–1/4") SCH. 40 PVC CONDUIT. CONTRACTOR TO ENSURE THAT THE IRRIGATION CONTROLS AS SPECIFIED, WITH THE APPROPRIATE EQUIPMENT, ARE INSTALLED SO THAT THEY WILL BE FULLY COMPATIBLE TO INTERFACE WITH THE EXISTING HUNTER IMMS SYSTEM PROGRAM.

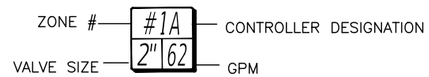
VALVE SCHEDULE

CONTROLLER 'A'

ZONE #1A - 62 GPM - 2" CONTROL VALVE - BUBBLER
ZONE #2A - 61 GPM - 2" CONTROL VALVE - BUBBLER
ZONE #3A - 48 GPM - 1.5" CONTROL VALVE - BUBBLER
ZONE #4A - 42 GPM - 1.5" CONTROL VALVE - BUBBLER
ZONE #5A - 60 GPM - 2" CONTROL VALVE - BUBBLER
ZONE #6A - 54 GPM - 1.5" CONTROL VALVE - BUBBLER
ZONE #7A - 39.5 GPM - 1.5" CONTROL VALVE - BUBBLER
ZONES #8A THROUGH 99A ARE OPEN.

CONTROLLER 'B'

ZONE #1B - 64 GPM - 2" CONTROL VALVE - BUBBLER
ZONE #2B - 57 GPM - 1.5" CONTROL VALVE - BUBBLER
ZONE #3B - 60 GPM - 2" CONTROL VALVE - BUBBLER
ZONE #4B - 20 GPM - 1" CONTROL VALVE - BUBBLER
ZONE #5B - 15 GPM - 1" CONTROL VALVE - BUBBLER
ZONE #6B - 16 GPM - 1" CONTROL VALVE - BUBBLER
ZONE #7B - 37.5 GPM - 1.5" CONTROL VALVE - BUBBLER
ZONE #8B - 60 GPM - 2" CONTROL VALVE - BUBBLER
ZONE #9B - 18 GPM - 1" CONTROL VALVE - BUBBLER
ZONES #10B THROUGH 99B ARE OPEN.



NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION EC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

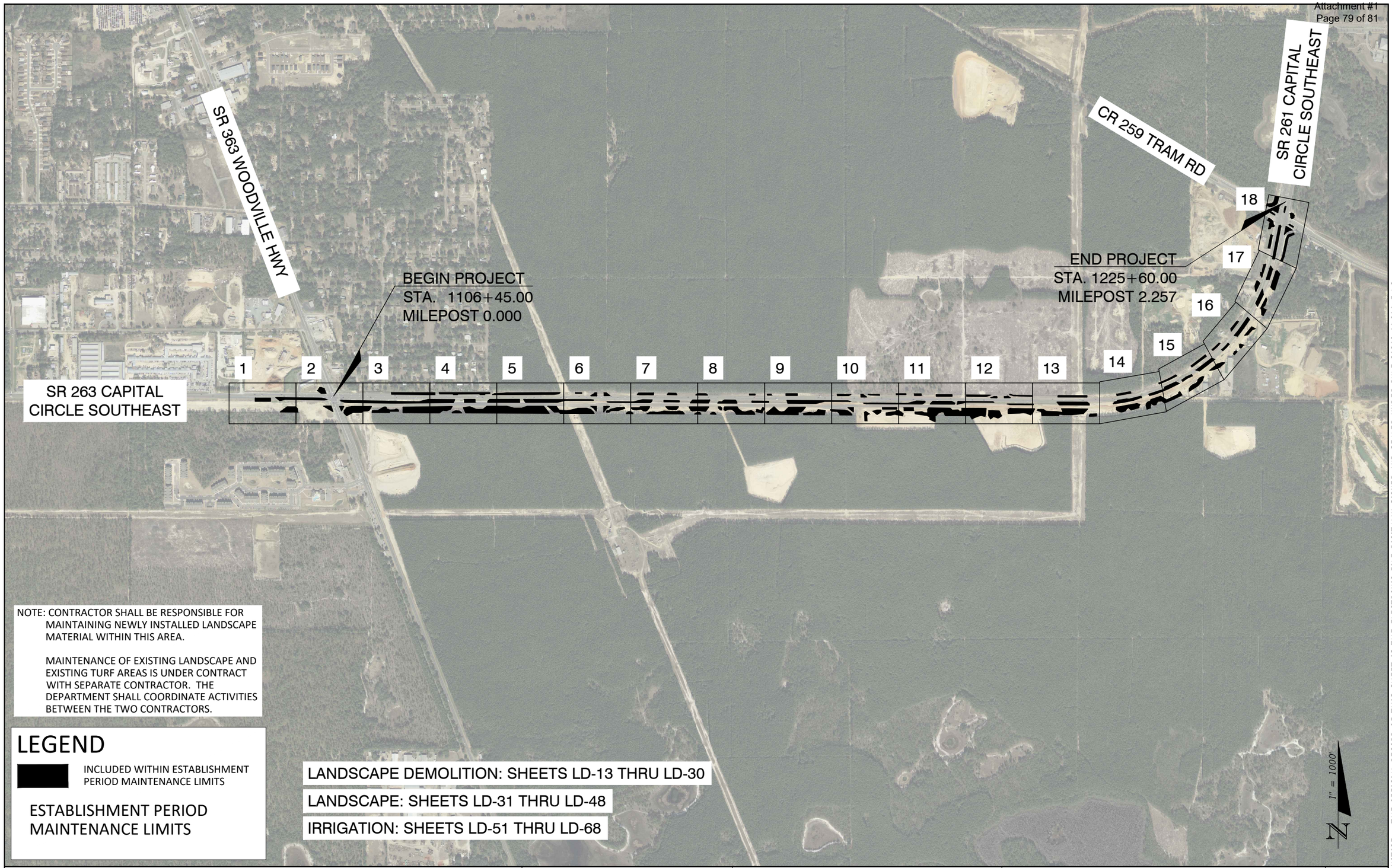
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

IRRIGATION DETAILS

SHEET NO. LD-72

Posted July 2, 2018

Laura Duplain 12/22/2017 3:47:21 PM F:\fdt3\208\CAD\21968935201\landscp\DETLLD02.dwg ----



NOTE: CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING NEWLY INSTALLED LANDSCAPE MATERIAL WITHIN THIS AREA.

MAINTENANCE OF EXISTING LANDSCAPE AND EXISTING TURF AREAS IS UNDER CONTRACT WITH SEPARATE CONTRACTOR. THE DEPARTMENT SHALL COORDINATE ACTIVITIES BETWEEN THE TWO CONTRACTORS.

LEGEND

INCLUDED WITHIN ESTABLISHMENT PERIOD MAINTENANCE LIMITS

ESTABLISHMENT PERIOD MAINTENANCE LIMITS

LANDSCAPE DEMOLITION: SHEETS LD-13 THRU LD-30

LANDSCAPE: SHEETS LD-31 THRU LD-48

IRRIGATION: SHEETS LD-51 THRU LD-68

1" = 1000'

N

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION LC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

CONTINUING MAINTENANCE PLAN

SHEET NO. LD-73

Posted July 2, 2018

Laura Duplain 12/22/2017 3:47:42 PM F:\fdt3\208\CAD\21968935201\landscp\TM0TLD01.dwg

CONTINUING MAINTENANCE PLAN NOTES

(TO COMMENCE AT THE CONCLUSION OF THE 730 DAY ESTABLISHMENT PERIOD, NOT INCLUDED IN CONTRACTOR BID.)

THE FOLLOWING LISTS MINIMUM MAINTENANCE ACTIVITY REQUIREMENTS FOR CONTINUING LONG TERM HEALTH, AND VIABILITY AND ATTRACTIVENESS OF THE PROJECT. ACTIVITIES DESCRIBED ARE FOR A YEAR TIME PERIOD, TO BE REPEATED EACH YEAR:

1. MOWING
   MOWING SHALL BE PERFORMED WEEKLY AT A MINIMUM, APRIL THROUGH SEPTEMBER, AND MONTHLY OCTOBER THROUGH MARCH.

2. FERTILIZER
   APPLY FERTILIZER TO ALL PLANTS THAT HAVE BEEN PLANTED AS A PART OF THIS PROJECT. SEE GENERAL NOTES FOR SUGGESTED APPLICATION RATES.

3. EDGING
   EDGING SHALL BE DONE ON A REGULAR BASIS, A MINIMUM OF 12 TIMES PER YEAR, TO COINCIDE WITH THE MAINTENANCE SCHEDULE. WHERE BEDS ABUT TURF OR HARDSCAPE, EDGE WITH A MECHANICAL EDGER. CARE SHALL BE TAKEN NOT TO SCAR CONCRETE OR OTHER HARDSCAPE SURFACES WITH EDGING EQUIPMENT. ALL PLANT BEDS AND TREE RINGS SHALL BE KEPT CLEAN AND WELL DEFINED IN ORDER TO PREVENT ENCROACHMENT BY TURF GRASSES. WHERE PAVEMENT EDGES ABUT THE WORK, PAVEMENT EDGES SHALL BE KEPT FREE OF WEEDS BY THE SPRAYING OF FDOT APPROVED HERBICIDE.

4. WEEDING
   WEEDING SHALL BE DONE ON A ROUTINE BASIS. WEEDS SHALL BE IMMEDIATELY REMOVED FROM PLANTING AREAS. WEED REMOVAL SHALL BE DONE MANUALLY (HAND PULLING) AND HERBICIDES MAY BE UTILIZED IN PROBLEM AREAS. APPLICATION OF HERBICIDES SHALL BE DONE WITH EXTREME CAUTION TO PREVENT POTENTIAL DAMAGE TO LANDSCAPE. A MINIMUM OF 3 PRE-EMERGENT HERBICIDE APPLICATIONS PER YEAR WILL BE REQUIRED.

5. HERBICIDE/PESTICIDE
   A. ANY INVASIVE, EXOTIC SPECIES (PER FLORIDA EXOTIC PEST PLANT COUNCIL CAT. 1 & 2 LISTS) SHALL BE REMOVED.
   B. PROVIDE PLANT MATERIAL INSECT AND DISEASE CONTROL INSPECTIONS CONTINUALLY AND TREAT AS NECESSARY.

6. PRUNING
   PLANT PRUNING (HAND PRUNING, NOT SHEARING) SHALL BE THE PRIMARY METHOD OF SHAPE AND SIZE CONTROL AND SHALL BE ACCOMPLISHED UNDER THE SUPERVISION OF AN INTERNATIONAL SOCIETY OF ARBORICULTURE (ISA) CERTIFIED ARBORIST WITH A MINIMUM 5 YEARS EXPERIENCE ON SIMILAR PROJECTS TO ENSURE THIS FUNCTION IS IN ACCORDANCE WITH RECOMMENDED HORTICULTURAL PRACTICES.

   CRAPE MYRTLE TREES MAY BE TIP PRUNED DURING THE GROWING SEASON (CUTS THROUGH SMALLER DIAMETER BRANCHES 1 YEAR OLD OR LESS). POLLARDING (ANNUAL REMOVAL OF ALL SPROUTS) AND TOPPING (REMOVAL OF LARGE DIAMETER WOOD) ARE NOT ACCEPTABLE PRUNING METHODS.

   SELECTIVE HAND PRUNING SHALL BE PERFORMED AS NECESSARY ON ALL TREES AND SHRUBS IN ORDER TO MAINTAIN THE NATURAL HABIT OF THE PLANT, ENSURE HEALTH AND VIGOR, AND MAINTAIN SAFETY AND SETBACK CRITERIA. REVIEW AT EACH MAINTENANCE VISIT.

   NATIVE GRASSES SHALL BE CUT BACK IN EARLY MARCH AND AS NEEDED TO MAINTAIN A NEAT APPEARANCE; REVIEW ANNUALLY.

7. MULCH
   ALL MULCH AREAS SHALL BE MAINTAINED AT A 3" COMPRESSED DEPTH MULCH. REMULCH AS NEEDED (A MINIMUM OF ONCE PER YEAR) WITH MINI PINE BARK NUGGETS.

   MINI PINE BARK NUGGETS SHALL BE 1"-2" IN SIZE, DRY, BRIGHT IN COLOR, AND 3" DEPTH AFTER SETTLING. MULCH SHALL NOT BE USED IF IT IS ROTTED OR MOLDY, OR CONTAINS SEED, TUBERS, OR RHYZOMES OF ANY NOXIOUS SPECIES.

8. SPECIAL CARE REQUIREMENTS
   ENSURE THAT ALL HARDSCAPE ELEMENTS (SIDEWALK, MUTIL-USE TRAIL, ROADSIDE EDGE) ARE PROTECTED DURING MAINTENANCE ACTIVITIES. THIS INCLUDES THE PERIODIC INSPECTION AND CLEANING OF ALL HARDSCAPE ITEMS AT EACH MAINTENANCE VISIT TO ASSURE A WELL KEPT LANDSCAPE ENVIRONMENT.

9. LITTER PICK-UP
   ENSURE LITTER PICKUP DURING EACH MAINTENANCE VISIT.

10. LANE CLOSURES ARE ONLY PERMITTED MONDAY THROUGH THURSDAY, 9:00 AM TO 4:00 PM. WORK ZONE TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH STANDARD INDEXES. ALL LANES MUST BE REOPENED TO NORMAL TRAFFIC WITHIN 12 HOURS OF AN EVACUATION NOTICE FOR A HURRICANE OR ANY OTHER EMERGENCY EVENT AND SHALL REMAIN OPEN FOR THE DURATION OF THE EVENT AS DIRECTED BY THE ENGINEER.

11. IRRIGATION
    A. REVIEW IRRIGATION SYSTEM IN OPERATION AT EACH MAINTENANCE VISIT. IMMEDIATELY REPAIR ANY ITEMS IN DISREPAIR.
    B. REVIEW ZONE TIMING CONTROL AT EACH MAINTENANCE VISIT, AND ADJUST WATERING SCHEDULE AS NEEDED.

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION EC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

CONTINUING MAINTENANCE NOTES

SHEET NO. LD-74

Posted July 2, 2018

Laura Duplain 12/22/2017 3:47:53 PM F:\fdt3\208\CAD\21968935201\landscp\TMOTLD02.dwg

STORMWATER POLLUTION PREVENTION PLAN

1. SITE DESCRIPTION

A. NATURE OF CONSTRUCTION ACTIVITY:
THE PROPOSED IMPROVEMENTS TO SR 261 (US 319) EXTEND FROM WOODVILLE HIGHWAY MILEPOST 0.000 EASTWARD AND NORTHWARD TO TRAM ROAD MILEPOST 2.257. THE PROPOSED PROJECT IS APPROXIMATELY 2.257 MILES LONG. THE PURPOSE IS TO RECONSTRUCT THE EXISTING LANDSCAPE BY REMOVING UNHEALTHY/DECAYING PLANT MATERIAL, REINSTALLING AND INFILLING EXISTING BEDS, AND PROPOSE NEW BEDS AND MATERIAL THROUGHOUT THE CORRIDOR.

B. SEQUENCE OF MAJOR SOIL DISTURBING ACTIVITIES:
IN THE SEDIMENT AND EROSION CONTROL PLAN, THE CONTRACTOR SHALL PROVIDE A DETAILED SEQUENCE OF CONSTRUCTION FOR ALL CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL FOLLOW THE SEQUENCE OF MAJOR ACTIVITIES DESCRIBED BELOW, UNLESS THE CONTRACTOR PROPOSES A DIFFERENT SEQUENCE THAT IS EQUAL OR BETTER AT CONTROLLING EROSION AND TRAPPING SEDIMENT AND IS APPROVED BY THE ENGINEER.
SEQUENCE:
1. CONSTRUCT EROSION CONTROL
2. CLEAR & GRUB
3. CREATE LANDSCAPE BEDS
4. PLANT TREES AND SHRUBS
5. PLACE SOD PRIOR TO REMOVING EROSION CONTROL

C. AREA ESTIMATES:
TOTAL SITE AREA: 10.945 ACRES
TOTAL AREA TO BE DISTURBED: 10.945 ACRES

D. RUNOFF DATA:

PRE-CONSTRUCTION: 0.45
DURING CONSTRUCTION: 0.45
POST CONSTRUCTION: 0.45

E. DESCRIPTION OF SOIL OR QUALITY OF DISCHARGE:
THE SOILS WITHIN THE MAJORITY OF THE PROJECT LIMITS ARE SILTY FINE SANDS AND FINE SANDS. THE SEASONAL HIGH GROUNDWATER TABLE WAS ENCOUNTERED ONLY ONCE AT ELEVATION 22.2 (17 FEET BGS). THIS INFORMATION IS BASED ON A ROADWAY SOIL SURVEY PERFORMED BY ENVIRONMENTAL AND GEOTECHNICAL SPECIALISTS, TALLAHASSEE, FLORIDA, DATED JANUARY, 2006.

F. ESTIMATED DRAINAGE AREA AND AVERAGE SLOPE OF DRAINAGE AREA FOR EACH OUTFALL:
a. SITE MAP: SEE KEY SHEET CONSTRUCTION PLANS
b. DRAINAGE MAP: NOT AVAILABLE

G. RECEIVING WATERS:
THE ON-SITE RUNOFF IS CONVEYED THROUGH CLOSED PIPES AND LIMITED ROADSIDE SWALES, WHICH DRAIN TO RETENTION PONDS. RETENTION PONDS ARE ALL LOCATED IN CLOSED BASINS. ONLY POND 100 DISCHARGES BEYOND THE 100 YEAR STORM EVENT. THIS POND DISCHARGES TO A PUBLICLY MAINTAINED DRAINAGE SYSTEM THAT ENDS IN ANOTHER CLOSED BASIN. THE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO PREVENT UNAUTHORIZED MATERIALS FROM LEAVING THE SITE.

H. THE OUTFALL IS NOT A 303(d) LISTED WATER FOR TOTAL SUSPENDED SOLIDS (TSS), TURBIDITY, AND SETTLEABLE SOLIDS.

I. OUTFALL LOCATIONS: (TEMPORARY AND PERMANENT)
a. WOODVILLE RECHARGE BASIN (ALL CLOSED)
b. LAKE MUNSON BASIN (CLOSED SUB-BASIN)

K. NO WETLAND IMPACTS ARE ANTICIPATED FOR THIS PROJECT.

H. THE PLAN SET KEYSHEET, LAYOUT SHEET AND PLANS SHALL BE USED TO LOCATE PROJECT IN LIEU OF A SITE MAP.

2. CONTROLS

THE FOLLOWING DISCUSSION DEFINES GENERAL GUIDELINES FOR THE SEQUENCE OF CONSTRUCTION AND THE USE OF STABILIZATION AND STRUCTURAL PRACTICES. THE EROSION AND SEDIMENT CONTROL IS IDENTIFIED IN THE FDOT STANDARD SPECIFICATIONS.

THE CONTRACTOR IS RESPONSIBLE FOR DOCUMENTING THIS PORTION OF THE SWPPP IN THE EROSION CONTROL PLAN.

A. EROSION AND SEDIMENT CONTROLS:
FOR EACH CONSTRUCTION ACTIVITY, INSTALL SEDIMENT BARRIER AND INLET PROTECTION AFTER CLEARING AND GRUBBING NECESSARY FOR INSTALLATION OF CONTROLS BUT PRIOR TO BEGINNING OTHER WORK. REMOVE SEDIMENT BARRIER AND INLET PROTECTION ONLY AFTER ALL UPSTREAM AREAS ARE STABILIZED.

B. STORMWATER MANAGEMENT:
EXISTING STORMWATER MANAGEMENT AREAS (SWALES, CULVERTS, ENDWALLS, ETC) ARE TO BE MAINTAINED UNLESS DISTURBED BY CONSTRUCTION.

C. OTHER CONTROLS:

a. OFFSITE VEHICLE TRACKING:
LOADED HAUL TRUCKS ARE TO BE COVERED WITH TARPS, EXCESS DIRT ON ROADWAY IS TO BE REMOVED DAILY.

b. FERTILIZER & PESTICIDE:
FERTILIZER WILL BE APPLIED IN ACCORDANCE WITH SECTION 570 OF THE SPECIFICATIONS.

c. STATE, FEDERAL, AND LOCAL PLANS AND PERMITS:
NONE

3. MAINTENANCE:

THE FOLLOWING DISCUSSION DEFINES GENERAL GUIDELINES FOR THE MAINTENANCE OF STABILIZATION AND STRUCTURAL PRACTICES.

THE CONTRACTOR IS RESPONSIBLE FOR DOCUMENTING THIS PORTION OF THE SWPPP IN THE EROSION CONTROL PLAN.

A. ITEM: PROPOSED MAINTENANCE: REPLACEMENT INTERVAL:
SEDIMENT BARRIER IN ACCORDANCE WITH SPECIFICATION 104 1 YEAR

4. INSPECTION:

QUALIFIED PERSONNEL SHALL INSPECT THE FOLLOWING ITEMS AT LEAST ONCE DAILY. WHERE SITES HAVE BEEN FINALLY STABILIZED, INSPECTION SHALL BE CONDUCTED AT LEAST ONCE MONTHLY.

*DISTURBED AREAS OF THE SITE THAT HAVE NOT BEEN FINALLY STABILIZED.
*AREAS USED FOR STORAGE OF MATERIALS THAT ARE EXPOSED TO PRECIPITATION.
*STRUCTURAL CONTROLS & STORMWATER MANAGEMENT SYSTEMS.
*LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE.

5. NON-STORMWATER DISCHARGES:

THE CONTRACTOR IS RESPONSIBLE FOR DOCUMENTING THIS PORTION OF THE SWPPP IN THE EROSION CONTROL PLAN. IF CONTAMINATED SOIL OR GROUNDWATER IS ENCOUNTERED, CONTACT THE FLORIDA DEPARTMENT OF TRANSPORTATION, DISTRICT 3, DISTRICT CONTAMINATION IMPACT COORDINATOR (850-330-1511).

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G10-11.011, F.A.C.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

SHERRI M. FRENCH, PLA
PLA NO. 6667344
GGI, LLC dba GENESIS
2507 CALLAWAY ROAD, SUITE 100
TALLAHASSEE, FLORIDA 32303
CERTIFICATE OF AUTHORIZATION EC26000202

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
261	LEON	219689-3-52-01

STORMWATER POLLUTION PREVENTION PLAN

SHEET NO. LD-75

Posted July 2, 2018

Laura Duplain 12/22/2017 3:48:03 PM F:\fdt3\208\CAD\21968935201\drainage\SWPPRD01.dwg

Leon County
Board of County Commissioners

Notes for Agenda Item #17

Leon County Board of County Commissioners

Agenda Item #17

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Florida Department of Environmental Protection Permitting and Compliance Assistance Program Contract Amendment for the Petroleum Storage Tank Regulation Program for FY 2017-2027

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator David McDevitt, Director, Department of Development Support & Environmental Management
Lead Staff/ Project Team:	John Kraynak, Director, Environmental Services Bob Bass, Environmental Inspection Supervisor Edwin French, Senior Environmental Compliance Specialist

Statement of Issue:

As requested by the Florida Department of Environmental Protection (FDEP), this agenda item seeks approval of an amendment making minor formatting and clarifications to the County's Petroleum Storage Tank Inspection contract with FDEP.

Fiscal Impact:

This Amendment will have no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the Contract Amendment to the Florida Department of Environmental Protection Permitting and Compliance Assistance Program Contract for the Petroleum Storage Tank Regulation Program for FY 2017-2027 (Attachment #1) for execution by the Chairman with an effective date of July 10, 2018.

Option #2: Authorize the County Administrator or designee to approve future contract amendments which do not have any fiscal or program impacts.

Report and Discussion

Background:

As requested by the Florida Department of Environmental Protection (FDEP), this agenda item seeks approval of an amendment making minor formatting and clarifications to the County's Petroleum Storage Tank Inspection contract with FDEP.

On October 1, 1990, the Board entered into a contract with FDEP to administer the Petroleum Storage Tank Regulation Program. Under this contract, the County inspects underground and aboveground petroleum storage tanks to ensure compliance with state and federal regulations. This program has historically been funded entirely by the FDEP, and previous contracts were negotiated annually. In 1997, 2007, and 2017, the FDEP entered into ten-year contracts with Leon County, as well as other counties. Under the ten-year contracts, annual task assignments are allocated annually and approved by staff. The Petroleum Storage Tank Regulation Program has received funds from FDEP to provide groundwater protection services since 1990.

In 2012, the FDEP consolidated the individual county contracts in an effort to improve program performance. Since Leon County had consistently been one of the top performing programs in the State, FDEP offered Leon County the opportunity to oversee storage tank compliance in Wakulla and Gadsden Counties. In 2017, Leon County was also offered the opportunity to oversee storage tank compliance in Jefferson County. Leon County accepted these challenges in an attempt to ensure regional groundwater protection (Attachment #2).

Since Leon County began this Program, many abandoned storage tanks have been discovered and properly abandoned. Older out of compliance facilities have been properly closed. Also, all open facilities have been upgraded with secondarily contained (double-walled) tank systems, leaking facilities have been cleaned up, and fueling stations are better able to detect loss due to leakage because of compliance with leak detection and overfill requirements. Compliance with the State Stationary Tank Codes is viewed as the best way to ensure that storage tanks do not leak into the environment and groundwater.

The Petroleum Storage Tank Regulation Program has provided many benefits to Leon County, such as aquifer protection, compliance with the Wellhead Protection Ordinance as required by the Comprehensive Plan and the availability of personnel with expertise and equipment to assist other County Departments in the management of County-owned storage tank facilities. The Petroleum Storage Tank Regulation Program operates from the Department of Development Support & Environmental Management, Division of Environmental Services. The contract provides for one Environmental Compliance Specialist, who performs storage tank compliance inspections, and a Senior Environmental Compliance Specialist, who provides limited enforcement, and also performs compliance inspections.

Analysis:

The proposed contract amendment includes four minor formatting and clarification changes as follows:

- Item 24 relating to subcontracting options indicates that the County will not subcontract any work under this contract which is consistent with current practices.
- Item 49 relating to public records is relocated as Attachment F.
- Attachment A, Item 28 relating to Guidance Documents for the scope of work has been modified to omit redundant requirements (formerly listed as A, B, C1, C2, D1, D2, E, F, G, H, I,).
- Attachment B is now labeled as "Does Not Apply" due to language discussing Level 2 Enforcement actions, which are not provided by Leon County.

Minor contract amendments with no fiscal or program impacts such as this one, are occasionally sought by FDEP. For such instances, the Board may wish to authorize the County Administrator to approve such minor contract amendments in the future that do not have any fiscal or program impacts.

Options:

1. Approve the Contract Amendment to the Florida Department of Environmental Protection Permitting and Compliance Assistance Program Contract for the Petroleum Storage Tank Regulation Program for FY 2017-2027 (Attachment #1) for execution by the Chairman with an effective date of July 10, 2018.
2. Authorize the County Administrator to approve contract amendments in the future that do not have any fiscal or program impacts.
3. Do not approve the Contract Amendment to the Florida Department of Environmental Protection Permitting and Compliance Assistance Program Contract for the Petroleum Storage Tank Regulation Program for FY 2017-2027 (Attachment #1).
4. Board direction.

Recommendation:

Options #1 & #2.

Attachments:

1. FDEP Amended and Restated Petroleum Storage Tank Regulation Program contract for FY 2017 – 2027 (#GC914).
2. May 23, 2017 agenda item for the contract renewal of the Petroleum Storage Tank Regulation Program, 2017 – 2027

AMENDED AND RESTATED CONTRACT

This Amended and Restated Contract No. GC914 (Contract) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and the Leon County Board of County Commissioners (Contractor), on the date last signed below.

WHEREAS, the Department entered into the Contract with the Contractor to perform compliance inspections within the jurisdictional (geographical) boundaries of the specified counties, effective June 27, 2017; and

WHEREAS, the parties wish to amend and restate the Contract as set forth herein.

NOW, THEREFORE, the parties agree as follows:

SERVICES AND PERFORMANCE

1. SERVICES. Department does hereby retain, and Contractor agrees to perform compliance inspections within the jurisdictional (geographical) boundaries of the specified counties, including facilities registered to the Contractor as required by an executed Task Assignment(s) and Contractor's response thereto, incorporated herein by reference, and in accordance with **Attachment A,** Scope of Work - Level 1 and if applicable **Attachment B,** Scope of Work – Level 2 (Scope) and all exhibits and Attachments named and incorporated herein by reference. Contractor has been determined to be a vendor to the Department under this Contract.

2. WORK.

A. Contractor shall provide the services specified in the Scope (Work). Department shall authorize all work assignments by Task Assignment Notification Form (TA) or Task Assignment Change Order Form (TACO). Contractor shall perform the services required under this Contract in accordance with the guidance documents attached to each executed TA or TACO and in accordance with the provisions of this Contract. The Department reserves the right to update or amend the guidance documents as needed.

B. Contractor shall not commence Work until either 1) a TA/TACO has been fully executed, by both Department and Contractor, or 2) a Purchase Order(PO) or Change Order(CO) has been issued.

C. In the event services are required that are within the general description of services, but are not specifically set out in the Scope, Department and Contractor reserve the right to negotiate the Task Assignments covering performance of those required services.

D. There is no minimum amount of Work guaranteed as a result of this Contract. Any and all Work assigned will be at the sole discretion of the Department.

E. Department reserves the right to not authorize any Work, and may suspend or terminate for cause any Work assigned to Contractor under this or any other contract, if and in the event that the Department and Contractor (or any of its affiliates or authorized subcontractors) are adverse in any litigation, administrative proceeding or alternative dispute resolution, until such adverse relationship is resolved either by agreement or by final non-appealable order of a court.

3. STANDARD OF CARE FOR PERFORMANCE.

A. Contractor shall perform as an independent contractor and not as an agent, representative, or employee of the Department.

B. Contractor shall perform the services in a proper and satisfactory manner as determined by the Department. Any and all such equipment, products or materials necessary to perform these services, or requirements as further stated herein, shall be supplied by the Contractor.

C. Contractor shall provide competent, suitably qualified personnel. Contractor must notify the Department's Contract Manager of any changes in the personnel identified in this Contract. Notification shall include a detailed explanation of the need to change personnel and the Contractor's documentation that proposed replacement personnel have equal or greater qualifications and experience.

D. Contractor shall perform the services in a manner consistent with that level of care and skill ordinarily

exercised by other contractors performing the same or similar services under similar circumstances at the time performed.

4. TERM OF CONTRACT.

A. Initial Term. This Contract shall begin July 1, 2017, and shall remain in effect for a period of ten (10) years, inclusive.

B. Renewal Term. An "X" beside the correct provision in this section signifies that the provision is applicable to the Contract.

☒ This Contract may be renewed, in writing, on the same terms and conditions as the original Contract and any amendments thereto, for a period no greater than the term above, or three (3) years, whichever is longer. All renewals are contingent upon satisfactory performance by Contractor. Renewals may be for the entire period or in increments.

☐ This Contract may not be renewed.

COMPENSATION

5. COMPENSATION.

A. As consideration for the services rendered by Contractor under the terms of this Contract, the Department shall pay the Contractor on a combination fee-schedule/cost-reimbursement basis not to exceed $1,253,854.00. For the monthly operation and maintenance services as well as repair and emergency service calls, the Contractor shall be compensated on a fee-schedule basis at the rates specified in the executed task assignment. It is understood that fee schedule amounts include all costs necessary to perform the work outlined herein including, but not limited to, labor, fringe benefits, overhead, supplies, and travel, but do not include reimbursement for equipment purchases. Equipment purchases costing $1,000.00 or more shall be reimbursed on a cost-reimbursement basis and must be pre-approved by the Department.

B. CONTRACTOR SHALL NOT COMMENCE WORK ON ANY SERVICES THAT WILL EXCEED THE COMPENSATION AMOUNT OF THE CONTRACT UNLESS AND UNTIL THE CONTRACT IS AMENDED. It is the Contractor's responsibility to know when the authorized compensation amount of the Contract will be reached.

6. ANNUAL APPROPRIATION. Department's performance and obligation to pay under this Contract is contingent upon an annual appropriation by the Florida Legislature. Authorization for continuation and completion of Work and payment associated therewith may be rescinded with proper notice at the discretion of the Department if state or federal appropriations are reduced or eliminated.

7. PAYMENT METHOD.

A. Contractor shall submit invoices as specified in **Attachment A** and **B**, under Payments section.

B. All invoices submitted must have sufficient detail for a proper pre-audit and post-audit review.

C. Department must approve the final deliverable(s) before the Contractor may submit a final invoice and any forms.

D. Each invoice, including appropriate supporting documentation as required herein, shall be submitted via email to the following:

Florida Department of Environmental Protection
PCAP Program
Attn: Department Contract Manager
Email address: STR_Invoices@dep.state.fl.us

Copy: Department District Task Manager and DEP Contract Manager

8. TRAVEL. An "X" beside the correct provision in this section signifies that the provision is applicable to the Contract.

☐ Travel is not authorized under this Contract.

☒ Travel costs are included in the fee schedule amounts of this Contract.

☐ Travel costs shall be paid on a cost-reimbursement basis in accordance with the paragraph contained herein of this Contract.

9. EQUIPMENT. Upon satisfactory completion of this Contract, the Contractor may retain ownership of the non-expendable personal property or equipment purchased under this Contract prior to the execution of an Amendment of said Contract. The following terms shall apply:

A. The Contractor is responsible for any loss, damage, or theft of, and any loss, damage or injury caused by the use of, non-expendable personal property or equipment purchased with state funds and held in his possession for use in a contractual arrangement with the Department.

B. In the event that the Department determines a need to loan equipment needed for the completion of services under this Contract to the Contractor, a Department Property Loan Agreement shall be completed and maintained in the Contract file.

C. The Contractor shall have title to and use of any vehicle previously purchased under a former Contract, by its authorized employees only, for the authorized purposes of this Contract as long as the required work is being satisfactorily performed. In the event that this Contract is terminated for any reason, or the use of the vehicle is no longer needed (such as completion of the Contract), title of the vehicle shall be transferred to the Department.

D. The Contractor is responsible for the implementation of adequate maintenance procedures to keep the non-expendable personal property or equipment in good operating condition.

E. If the Contractor fails to perform its obligations under this Contract, the Contractor shall deliver possession and custody of all such equipment to the nearest District Office location, unless otherwise agreed, within thirty (30) calendar days of Contract termination.

10. PROMPT PAYMENT.

A. Department's Contract Manager shall have five (5) business days, unless a greater period is specified herein, to inspect and approve an invoice. Department shall submit a request for payment to DFS within twenty (20) business days; and DFS shall issue a warrant within ten (10) business days thereafter. Days are calculated from the latter of the date the invoice is received or services received, inspected, and approved. Invoice payment requirements do not start until a proper and correct invoice has been received. Invoices which have to be returned to the Contractor for correction(s) will result in an uncompensated delay in payment. A Vendor Ombudsman has been established within DFS who may be contacted if a Contractor is experiencing problems in obtaining timely payment(s) from a State agency. The Vendor Ombudsman may be contacted at (850) 413-5516, per Section 215.422, F.S.

B. If a warrant in payment of an invoice is not issued within forty (40) business days after receipt of a correct invoice and receipt, inspection, and approval of the goods and services, the Department shall pay the Contractor interest at a rate as established by Section 55.03(1), F.S., on the unpaid balance of the invoice. Interest payments of less than $1 will not be issued unless Contractor requests such payment. The interest rate for each calendar year for which the term of this Contract is in effect can be

obtained from DFS' Vendor Ombudsman at the telephone numbers provided above, or the Department's Procurements Section at (850) 245-2361, per Section 215.422, F.S.

11. RELEASE OF CLAIMS. Upon payment for satisfactory completion of any portion of the Work, the Contractor shall execute and deliver to the Department a release of all claims against the Department arising under, or by virtue of, the Work, except claims which are specifically exempted by the Contractor to be set forth therein (Contractor Release, using **Attachment E**, Contractor Affidavit/Release of Claims). Receipt by the Department of the Contractor's Release is a condition of final payment under this Contract. Unless otherwise provided in this Contract, by State law or otherwise expressly agreed to by the parties to this Contract, final payment or settlement upon termination of this Contract shall not constitute a release or waiver of the Department's claims against the Contractor, or the Contractor's sureties, subcontractors, successors or assigns under this Contract or as against applicable performance and payment bonds.

12. PHYSICAL ACCESS AND INSPECTION. As applicable, the Department personnel shall be given access to and may observe and inspect Work being performed under this Contract, including by any of the following methods:

A. Contractor shall provide access to any location or facility on which the Contractor is performing Work, or storing or staging equipment, materials or documents;

B. Contractor shall permit inspection of any facility, equipment, practices, or operations required in performance of any Work; and,

C. Contractor shall allow and facilitate sampling and monitoring of any substances, soils, materials or parameters at any location reasonable or necessary to assure compliance with any Work or legal requirements.

PARTY REPRESENTATIVES

13. NOTICE. All notices and written communication between the parties shall be sent by electronic mail, U.S. Mail, a courier delivery service, or delivered in person. Notices shall be considered delivered when reflected by an electronic mail read receipt, a courier service delivery receipt, other mail service delivery receipt, or when receipt is acknowledged by recipient.

14. IDENTIFICATION OF CONTRACT MANAGERS. All matters shall be directed to the Contract Managers for appropriate action or disposition. Any changes to the Contract Manager information identified below must be noticed, in writing, to the other party within ten (10) calendar days of the change. Either party may provide notice to the other party by email identifying a change of a designated Contract Manager and providing the new contact information for the newly designated Contract Manager. Such notice is sufficient to effectuate this change without requiring a written amendment to the Contract. Department and the Contractor Contract Managers and contact information are provided below:

Contractor	Department
Leon County Board of County Commissioners Department of Development Support & Environmental Management 435 North Macomb Street, 2nd Floor Tallahassee, Florida 32301 Attn: Robert Bass Phone Number: (850) 606-1300 Ext. 1314 Email: bassr@leoncountyfl.gov	Department of Environmental Protection Division of Waste Management 2600 Blair Stone Road, MS 4500 Tallahassee, Florida 32399-2400 Attn: Roger Ruiz Phone Number: (850) 245-8854 Email: roger.ruiz@dep.state.fl.us

15. CHANGE ORDERS AND AMENDMENTS. Department may at any time, by written order designated to be a Change Order, make any change in the Work within the general scope of this Contract (e.g.,

specifications, method or manner of performance, requirements, etc.). All Change Orders are subject to the mutual agreement of both parties as evidenced in writing. Any change which causes an increase or decrease in Contractor's cost or time shall require an appropriate adjustment and modification by Task Assignment Change Order. Following execution of this Contract, any future Amendments or Change Orders may be executed by the Department representative with appropriate delegated authority.

CONSEQUENCES FOR FAILURE TO PERFORM

16. DISPUTE RESOLUTION. Any dispute concerning performance of the Contract shall be decided as follows:

A. All claims or disputes (Claims) must be presented to the Department in writing within thirty (30) days of the date such Claim arises (Notice of Dispute). The Notice of Dispute shall set out in detail all aspects of the disputed matters to be resolved, including the specific relief sought by the Contractor. Claims not presented by Notice of Dispute to Contract Manager shall be deemed waived by the Contractor.

B. The parties shall make a good faith attempt to resolve Claims which may arise from time to time by informal conference within ten (10) days of the Notice of Dispute.

C. Within ten (10) days of the informal conference, the Department shall provide Contractor a detailed written response to the Claim. A formal conference of the parties shall be convened no later than thirty (30) days following the Department's response to the Notice of Dispute, unless the parties mutually agree in writing to a longer period of time within which to schedule a formal conference.

1) All persons necessary to resolution of the claim or disputed matter shall attend the formal conference.

2) Minutes of the formal conference shall be taken, recorded, transcribed, and signed by the Department and the Contractor. Any terms of settlement and/or resolution reached shall be signed by all persons authorized to resolve the Claim.

D. Either party may request mediation of unresolved Claims, with the party seeking mediation to bear the expense of mediation.

E. Any Claim not resolved at formal conference or mediation, may be the subject of a complaint filed in a court of competent jurisdiction in Leon County, Florida.

17. FINANCIAL CONSEQUENCES FOR UNSATISFACTORY PERFORMANCE.

A. No payment will be made for deliverables deemed unsatisfactory by the Department. In the event that a deliverable is deemed unsatisfactory by the Department, the Contractor shall re-perform the services needed for submittal of a satisfactory deliverable, at no additional cost to Department, within thirty (30) days of being notified of the unsatisfactory deliverable.

B. If a satisfactory deliverable is not submitted within the specified time frame, the Department may, in its sole discretion: 1) assess liquidated damages if specified in the Contract or its attachments; 2) request from the Contractor agreement to a reduction in the amount payable; 3) suspend all Work until satisfactory performance is achieved, or 4) terminate the Contract for failure to perform.

18. CORRECTIVE ACTION PLAN. In the event that deliverables are unsatisfactory or are not submitted within the specified timeframe, the Department Contract Manager may, by letter specifying the failure of performance under the Contract, request that a proposed Corrective Action Plan (**CAP**) be submitted by the Contractor to the Department. All CAPs must be able to be implemented and performed in no more than sixty (60) days.

A. A CAP shall be submitted within ten (10) calendar days of the date of the letter request from the Department. The CAP shall be sent to the Department Contract Manager for review and approval. Within ten (10) calendar days of receipt of a CAP, the Department shall notify the Contractor in writing whether the CAP proposed has been accepted. If the CAP is not accepted, the Contractor shall have ten (10) calendar days from receipt of the Department letter rejecting the proposal to submit a revised

proposed CAP. Failure to obtain the Department approval of a CAP as specified above shall result in the Department's termination of the Contract for cause as authorized in the Contract.

B. Upon the Department's notice of acceptance of a proposed CAP, the Contractor shall have ten (10) calendar days, or longer if specified in the approved CAP, to commence implementation of the accepted plan. Acceptance of the proposed CAP by the Department does not relieve the Contractor of any of its obligations under the Contract. In the event the CAP fails to correct or eliminate performance deficiencies by the Contractor, the Department shall retain the right to require additional or further remedial steps, or to terminate the Contract for failure to perform. No actions approved by the Department or steps taken by the Contractor shall stop the Department from subsequently asserting any deficiencies in performance. Contractor shall continue to implement the CAP until all deficiencies are corrected. Reports on the progress of the CAP will be made to the Department as requested by the Department Contract Manager.

C. Failure to respond to a Department request for a CAP shall result in suspension or termination of the Contract.

19. PAYMENT AND PERFORMANCE BONDS. An "X" beside the correct provision in this section signifies that the provision is applicable to the Contract.

☒ No Payment or Performance bonds are required.

☐ Contractor shall provide executed Payment and Performance Bonds naming the Department as obligee, issued by a surety acceptable to the Department, in the amount(s) of $_____.

☐ Contractor may be required to provide executed Payment and/or Performance Bonds naming the Department as obligee, issued by a surety acceptable to the Department, in an amount of up to one hundred and twenty percent (120%) of the total anticipated cost of any Work.

20. LIQUIDATED DAMAGES. An "X" beside the correct provision in this section signifies that the provision is applicable to the Contract.

☒ No liquidated damages will be assessed.

☐ In addition to other remedies elsewhere in this Contract, and as provided by law, unless otherwise stipulated in the Scope, the Contractor hereby covenants and agrees to pay liquidated damages to the Department as follows:

A. Contractor acknowledges that time is of the essence for all services provided under this Contract, and whereas the actual damages to be suffered by late performance are incapable of accurate calculation, the parties agree to the following as a reasonable estimation thereof as liquidated damages. In addition to any other provisions of this Contract, in the event that the deliverable identified in the Scope, is not completed and submitted by the close of business on the date the deliverable is due, the compensation amount stated for that portion of the Work may be reduced by five percent (5%) per week for each week the deliverable is late, with the total amount of the liquidated damages not to exceed the total compensation amount of the Scope deliverable.

B. The date of submission shall be the date of receipt by the Department.

C. If no Department receipt date appears or the date is illegible, the date of submission shall be deemed to be five (5) days prior to receipt by the Contract Manager.

D. If completion is or will be justifiably delayed due to reasons as set out in paragraph contained herein, the Department may grant an extension of time as evidenced by a properly executed Amendment.

E. If the deliverable(s) fail to comply with the requirements of this Contract, or if questions arise from review and the Contractor is so notified and requested to respond, the Contractor shall furnish the required additions, deletions, or revisions in accordance with the Scope at no additional cost to the Department.

F. If the additions, deletions, and revisions are not submitted to the Department's Contract Manager in accordance with the Scope, the compensation stated for that portion of the Work may be reduced by five percent (5%) for each week that the requested deliverable is late, as specified. The total reduction shall not exceed the total amount of the Work.

G. Contractor's failure to respond to a request to correct the deliverables will result in termination of the Work and **forfeiture** of any unpaid balance for such deliverables. Additionally, the Department, at its discretion, may re-assign future Work.

21. RETAINAGE

A. Department reserves the right to establish the amount and application of retainage on the Compliance Routine Inspection (CRI) Work to a maximum of ten percent (10%). Any retainage to be applied shall be specified in the Task Assignment. Retainage shall be withheld from each payment to the Contractor pending satisfactory completion of CRI performance criteria listed in Task Assignment and approval of all deliverables.

B. Department reserves the right to withhold payment of retainage for the Contractor's failure to meet performance criteria listed in the Task Assignment. Department shall provide written notification to the Contractor of the Department's intent to withhold retainage on the Routine Compliance Inspection Work in the Task Assignment. Contractor's failure to rectify the identified deficiency within the timeframe stated in the Department's notice will result in forfeiture of retainage by the Contractor.

C. If the Contractor fails to perform the requested Scope, or fails to perform the Compliance Routine Inspection Work in a satisfactory manner, Contractor shall forfeit its right to payment for the Compliance Routine Inspection Work and the retainage called for under the Task Assignment. Failure to perform includes, but is not limited to, failure to submit the required deliverables or failure to provide adequate documentation that the work was actually performed.

D. No retainage shall be released or paid for uncompleted Compliance Routine Inspection Work while a Contract is suspended.

E. Except as otherwise provided above, the Contractor shall be paid the retainage associated with the Work, provided the Contractor has completed the work and submits an invoice for retainage held in accordance with paragraph contained herein above.

LIABILITY

22. INSURANCE. To the extent required by law, the Contractor will be self-insured against, or will secure and maintain during the life of this Contract and any renewals, Workers' Compensation Insurance for all of its employees connected with the work of this project. The Contractor shall require any and all subcontractors, if authorized under this Contract, to provide Workers' Compensation Insurance for all employees unless such employees are covered by the protection afforded by Contractor. Such self-insurance program or insurance coverage shall comply fully with the Florida Workers' Compensation law. In case any class of employees engaged in hazardous work under this Contract is not protected under the Workers' Compensation statute, the Contractor shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the Department, for the protection of its employees not otherwise protected.

23. INDEMNIFICATION. The Contractor and the Department shall each be solely responsible for the negligent or wrongful acts of its respective employees and agents acting within the scope of their employment. Further, each party shall bear its own costs of every name and description, including attorneys' fees, arising from or relating to personal injury and damage to real or personal tangible property alleged to be caused in whole or in part by its employees and agents acting within the scope of their employment. However, nothing contained herein shall constitute a waiver by the Contractor or the Department of its sovereign immunity or waiver or modification of Section 768.28, F.S.

THIRD PARTIES

24. SUBCONTRACTING. An "X" beside the correct provision in this section signifies that the provision is applicable to the Contract.

☒ Contractor shall not subcontract any work under this Contract.

x A. Contractor shall not subcontract any work under this Contract without the prior written consent of the Department's Contract Manager. Department reserves the right to reject any proposed subcontractor based upon the Department's prior experience with subcontractor, subcontractor's reputation, or the Department's lack of adequate assurance of performance by subcontractor. Contractor agrees to be responsible for the fulfillment of all work elements included in any subcontract and agrees to be responsible for the payment of all monies due under any subcontract.

B. Department shall not be liable to any subcontractor for any expenses or liabilities incurred under any subcontract, regardless of whether the Department has approved such subcontract or subcontractor. Contractor shall be solely liable to its subcontractor(s) for all expenses and liabilities incurred under any subcontract. Any subcontracts made under or in performance of this Contract must include the same conditions specified in this Contract, with the exception of insurance requirements (paragraph contained herein), and shall include a release of any rights, claims or liabilities against the Department. The level of insurance to be carried by subcontractors performing work under this Contract shall be at the discretion of Contractor.

25. NONASSIGNABILITY. Contractor shall not sell, assign or transfer any of its rights, duties or obligations under this Contract (its **Rights and Duties**), without the prior written consent of the Department. Contractor shall remain liable for performance of its Rights and Duties, regardless of any assignment to or assumption by any third party, notwithstanding any approval thereof by the Department. However, the Department may expressly release the Contractor from any and all Rights and Duties through a novation accompanying an approved assignment. Department may assign the Department's Rights and Duties, but shall give prior written notice of its intent to do so to the Contractor. The foregoing notwithstanding, the Contractor hereby assigns to the State any and all claims it has with respect to the Contract under the antitrust laws of the United States and the State.

26. THIRD PARTY BENEFICIARIES. This Contract is neither intended nor shall it be construed to grant any rights, privileges or interest in any third party without the mutual written agreement of the parties hereto.

SUSPENSION AND TERMINATION

27. SUSPENSION.

A. Department may order the Contractor in writing to suspend, delay or interrupt all or any part of the Work for failure to perform, or as otherwise specified herein, such period of time as the Department may determine to be appropriate for any of the following reasons:

1.) Contractor fails to timely and properly correct deficiencies in or performs unsatisfactory work;

2.) Contractor's or subcontractor's insurer or surety notifies the Department that any of its required insurance or bonds has lapsed or will lapse, and the Contractor fails to provide replacement insurance or bonds acceptable to the Department before the insurance or bond cancellation or termination date;

3.) Contractor or subcontractor materially violates safety laws or other constraints;

4.) Department determines that there is a threat to the public health, safety or welfare that necessitates such suspension; or

5.) For the convenience of the Department.

B. If the performance of all or any part of the Work is suspended, delayed or interrupted for an unreasonable period of time by an act of the Department in administration of the Work, or by the Department's failure to act within a reasonable time to review or approve an invoice, the Department shall provide an equitable extension of the time allowed to complete the Work and modify the Scope accordingly. However, no adjustment shall be made under this clause for any suspension, delay or interruption if and to the extent that:

1.) Performance would have been suspended, delayed or interrupted by any other cause, including the fault or negligence of the Contractor; or

2.) Equitable adjustment is provided for (or excluded) under any other provision of this Contract.

C. Contractor shall not be compensated for Work performed subsequent to a notice of suspension by Department.

28. TERMINATION.

A. Department may terminate this Contract at any time for cause, in the event of the failure of the Contractor to fulfill any of its obligations. Prior to termination, the Department shall provide ten (10) calendar days written notice of its intent to terminate for cause, including the reasons for such, and shall provide the Contractor an opportunity to consult with the Department regarding the reason(s) for termination. Contractor may be afforded the possibility of curing any default at the sole discretion of the Department.

B. The Department may terminate this Contract without cause and for its convenience by giving thirty (30) calendar days written notice to the Contractor. Termination for convenience shall not entitle either party to any indirect, special or resulting damages, lost profits, costs or penalties, and the Contractor shall be entitled only to recover those amounts earned by it for authorized deliverables completed up to the date of termination (or as may be agreed to in writing by the Department for completion of all or any portion of the Work in process).

GENERAL CONDITIONS

29. ATTORNEY'S FEES. In the event of any legal action to enforce the terms of this Contract, each party shall bear its own attorney's fees and costs.

30. CONFLICT OF INTEREST. Contractor covenants and warrants that it presently has no interest, and shall not acquire any interest, which would conflict in any manner or degree with its performance of this Contract or the Services required hereunder.

31. COMPLIANCE WITH APPLICABLE LAW. Contractor shall comply with all applicable federal, state and local rules and regulations in providing services to the Department under this Contract including, but not limited to, local health and safety rules and regulations. This provision shall be included in all subcontracts issued as a result of this Contract.

32. DISQUALIFICATION.

A. The employment of unauthorized aliens by the Contractor/vendor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the Contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Contract. Contractor shall be responsible for including this provision in all subcontracts with private organizations issued as a result of this Contract.

B. Contractor is required to use the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all employees used by the Contractor under this Contract, pursuant to State of Florida Executive Order No.: 11-116. Also, the Contractor shall include in related subcontracts, if authorized under this Contract, a requirement that subcontractors performing work or providing services pursuant to this Contract utilize the E-Verify system to verify employment eligibility of all employees used by the subcontractor for the performance of the Work.

C. If Contract value exceeds one (1) million dollars, Contractor certifies that it and any of its affiliates are not scrutinized companies as identified in Section 287.135, F.S. In addition, Contractor agrees to observe the requirements of Section 287.135, F.S., for applicable sub-agreements entered into for the performance of work under this Contract. Pursuant to Section 287.135, F.S., the Department may immediately terminate this Contract for cause if the Contractor, its affiliates, or its subcontractors are found to have submitted a false certification; or if the Contractor, its affiliates, or its subcontractors are placed on any applicable scrutinized companies list or engaged in prohibited contracting activity during the term of the Contract. As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

33. EXECUTION IN COUNTERPARTS. This Contract, and any Change Orders or Amendments thereto, may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a.pdf format data file, such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or.pdf signature page were an original thereof.

34. FORCE MAJEURE. Contractor shall not be responsible for delay resulting from its failure to perform if neither the fault nor the negligence of the Contractor or its employees, subcontractors or agents contributed to the delay and the delay is due directly to acts of God, wars, acts of public enemies, strikes, fires, floods, hurricanes, or other similar cause wholly beyond the Contractor's control, or for any of the foregoing that affect subcontractors or suppliers if no alternate source of supply is available to the Contractor. In case of any delay the Contractor believes is excusable, the Contractor shall notify the Department in writing of the delay or potential delay and describe the cause of the delay either 1) within five (5) days after the cause that creates or will create the delay first arose, if the Contractor could reasonably foresee that a delay could occur as a result, or 2) if delay is not reasonably foreseeable, within ten (10) days after the date the Contractor first had reason to believe that a delay could result. **THE FOREGOING SHALL CONSTITUTE THE CONTRACTOR'S SOLE REMEDY OR EXCUSE WITH RESPECT TO DELAY.** Providing notice in strict accordance with this paragraph is a condition precedent to such remedy. No claim for damages, other than for an extension of time, shall be asserted by the Contractor against the Department. Contractor shall not be entitled to an increase in the price or payment of any kind from the Department for direct, indirect, consequential, impact or other costs, expenses or damages, including but not limited to costs of acceleration or inefficiency, arising because of delay, disruption, interference, or hindrance from any cause whatsoever. If performance is suspended or delayed, in whole or in part, due to any of the causes described in this paragraph, after the causes have ceased to exist the Contractor shall perform at no increased cost, unless the Department determines, in its sole discretion, that the delay will significantly impair the value of the Contract to the State or to the Department, in which case the Department may 1) accept allocated performance or deliveries from the Contractor, provided that the Contractor grants preferential treatment to the Department with respect to products subjected to allocation, or 2) purchase from other sources (without recourse to and by the Contractor for the related costs and expenses) to replace all or part of the products that are the subject of the delay, which purchases may be deducted from the Contract quantity, or 3) terminate the Contract in whole or in part.

35. FORUM SELECTION, SEVERABILITY, AND CHOICE OF LAW. This Contract has been delivered in the State of Florida and shall be construed in accordance with substantive and procedural laws of Florida. Wherever possible, each provision of this Contract shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Contract shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Contract. Any action in connection with this Contract shall be brought in a court of competent jurisdiction located in Leon County, Florida.

36. GOVERNMENTAL RESTRICTIONS. If the Contractor believes that any governmental restrictions require alteration of the material, quality, workmanship or performance of the products offered under this Contract, the Contractor shall immediately notify the Department so in writing, identifying the specific

restriction and alteration. Department reserves the right and the complete discretion to accept any such alteration or to cancel the Contract at no further expense to the Department. Contractor's failure to timely notify the Department of its asserted belief shall constitute a waiver of such claim.

37. HEADINGS. The headings contained herein are for convenience only, do not constitute a part of this Contract and shall not be deemed to limit or affect any of the provisions hereof.

38. INTEGRATION. This Contract contains all the terms and conditions agreed upon by the parties, which terms and conditions shall govern all transactions between the Department and the Contractor. Any alterations, variations, changes, modifications or waivers of provisions of this Contract shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Contract, unless otherwise provided herein. No oral agreements or representations shall be valid or binding upon the Department or the Contractor. No alteration or modification of the Contract terms, including substitution of product, shall be valid or binding against the Department. Contractor may not unilaterally modify the terms of this Contract by affixing additional terms to product upon delivery (e.g., attachment or inclusion of standard preprinted forms, product literature, "shrink wrap" terms accompanying or affixed to a product, whether written or electronic) or by incorporating such terms onto the Contractor's order or fiscal forms or other documents forwarded by the Contractor for payment. Department's acceptance of product or processing of documentation on forms furnished by the Contractor for approval or payment shall not constitute acceptance of the proposed modification to terms and conditions.

39. INTERPRETATION OF CONTRACT.

A. Where appropriate: the singular includes the plural and vice versa; references to statutes or regulations include all statutory or regulatory provisions consolidating, amending or replacing the statute or regulation referred to; unless otherwise indicated references to Rules are to the adopted rules in the Florida Administrative Code; the words "including," "includes" and "include" shall be deemed to be followed by the words "without limitation"; unless otherwise indicated references to sections, appendices or schedules are to this Contract; words such as "herein," "hereof" and "hereunder" shall refer to the entire document in which they are contained and not to any particular provision or section; words not otherwise defined which have well-known technical or construction industry meanings, are used in accordance with such recognized meanings; references to Persons include their respective permitted successors and assigns and, in the case of Governmental Persons, Persons succeeding to their respective functions and capacities; and words of any gender used herein shall include each other gender where appropriate.

B. Contractor acknowledges and agrees that it has independently reviewed this Contract with legal counsel, and that it has the requisite experience and sophistication to understand, interpret and agree to the particular language of the terms. Accordingly, if an ambiguity in (or dispute regarding the interpretation of) this Contract shall arise, the Contract shall not be interpreted or construed against the Department, and, instead, other rules of interpretation and construction shall be used

40. MODIFICATIONS REQUIRED BY LAW. Department reserves the right to revise this Contract to include additional language required by Federal agency(ies) or other sources awarding funding to the Department in support of this Contract, if applicable, and to include changes required by Florida Administrative Code rule changes.

41. MYFLORIDAMARKETPLACE TRANSACTION FEE. The State of Florida, through DMS, has instituted MyFloridaMarketPlace, a statewide e-procurement system. Pursuant to Rule 60A-1.031, Florida Administrative Code, payments under this Contract are exempt from the MyFloridaMarketPlace transaction fee.

42. NONDISCRIMINATION.

A. Contractor certifies that no person, on the grounds of race, creed, color, religion, national origin, age, gender, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Contract.

B. Contractor certifies that neither it nor any affiliate is or has been placed on the discriminatory vendor list. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor or consultant under contract with any public entity, and may not transact business with any public entity. The Florida Department of Management Services ("DMS") is responsible for maintaining the discriminatory vendor list and posts the list on its website. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity at (850) 487-0915.

C. Contractor shall comply with the Americans with Disabilities Act.

43. NON-SOLICITATION. Contractor covenants and warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Contractor to solicit or secure this Contract and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the Contractor any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award or making of this Contract.

44. NON-WAIVER OF RIGHTS. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by the other party under this Contract, shall impair any such right, power or remedy of either party; nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

45. ORDER OF PRECEDENCE. In the event of a conflict in terms between any of the components of this Contract, the order of precedence for resolving such conflict shall be as follows (1 being the highest precedence):

1. Body of this Contract;
2. Scope;
3. All other attachments to this Contract; and
4. Documents, agreements and exhibits incorporated herein by reference.

46. OWNERSHIP OF DOCUMENTS. All plans, specifications, maps, computer files, databases and/or reports prepared or obtained under this Contract, as well as data collected together with summaries and charts derived therefrom, shall be considered works made for hire and shall be and become the property of the Department upon completion or termination of this Contract, without restriction or limitation on their use, and shall be made available upon request to the Department at any time during the performance of such services and/or upon completion or termination of this Contract. Upon delivery to the Department of said document(s), the Department shall become the custodian thereof in accordance with Chapter 119, F.S. Contractor shall not copyright any material and products or patent any invention developed under this Contract.

47. P.R.I.D.E. When possible, the Contractor agrees that any articles which are the subject of, or required to carry out, this Contract shall be purchased from P.R.I.D.E. as specified in Chapter 946, F.S., if available, in the same manner and under the same procedures set forth in Section 946.515(2) and (4), F.S.; and for purposes of this Contract the person, firm or other business entity carrying out the provisions of this Contract shall be deemed to be substituted for this agency insofar as dealings with P.R.I.D.E. are concerned.

The "Corporation identified" is PRISON REHABILITATIVE INDUSTRIES AND DIVERSIFIED ENTERPRISES, INC. (P.R.I.D.E.) which may be contacted at:

P.R.I.D.E.
12425 28th Street, North
St. Petersburg, Florida 33716-1826
Toll Free: 1-800-643-8459
Website: http://www.pride-enterprises.org/

48. PUBLIC ENTITY CRIMES. A person or affiliate (as defined) who has been placed on the convicted vendor list following a conviction for a public entity crime may not perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount for Category Two (as defined in Section 287.017, F.S.), for a period of 36 months from the date of being placed on the convicted vendor list, pursuant to Section 287.133, F.S. Contractor certifies that neither it nor any affiliate has been placed on such convicted vendor list, and shall notify the Department within five (5) days of its, or any of its affiliate's, placement thereon.

49. PUBLIC RECORDS. Public Records Requirements (Attachment F), as attached to this Contract, are hereby incorporated into the Contract.

50. RECORD KEEPING AND AUDIT.

A. Contractor shall maintain books, records and documents directly pertinent to performance under this Contract in accordance with United States generally accepted accounting principles (**US GAAP**) consistently applied. Department, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Contract and for five (5) years following Contract completion or termination. In the event any work is subcontracted, the Contractor shall similarly require each subcontractor to maintain and allow access to such records for audit purposes.

B. The Contractor understands its duty, pursuant to Section 20.055(5), F.S., to cooperate with the Department's Inspector General in any investigation, audit, inspection, review, or hearing. The Contractor will comply with this duty and ensure that its subcontracts issued under this Contract, if any, impose this requirement, in writing, on its subcontractors.

51. REMEDIES. All rights and remedies provided in this Contract are cumulative and not exclusive of any other rights or remedies that may be available to the Department, whether provided by law, equity, statute, in any other agreement between the parties or otherwise. Department shall be entitled to injunctive and other equitable relief, including, but not limited to, specific performance, to prevent a breach, continued breach or threatened breach of this Contract. No remedy or election **hereunder** shall be deemed exclusive. A failure to exercise or a delay in exercising, on the part of the Department, any right, remedy, power or privilege hereunder shall not operate as a waiver thereof; nor shall any single or partial exercise of any right, remedy, power or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, remedy, power or privilege.

52. RESPECT OF FLORIDA. When possible, the Contractor agrees that any articles that are the subject of, or required to carry out, this Contract shall be purchased from a nonprofit agency for the blind or for the severely handicapped that is qualified pursuant to Chapter 413, F.S., in the same manner and under the same procedures set forth in Section 413.036(1) and (2), F.S.; and for purposes of this Contract the person, firm, or other business entity carrying out the provisions of this Contract shall be deemed to be substituted for the state agency insofar as dealing with such qualified nonprofit agency is concerned.

The "nonprofit agency" identified is RESPECT of Florida which may be contacted at:

RESPECT of Florida.
2475 Apalachee Parkway, Suite 205
Tallahassee, Florida 32301-4946
(850) 487-1471
Website: www.respectofflorida.org

53. TAX EXEMPTION. Contractor recognizes that the Department is an agency of the State of Florida, which by virtue of its sovereignty is not required to pay any taxes on the services or goods purchased under the terms of this Contract. Department does not pay Federal excise or sales taxes on direct purchases of tangible personal property. Department will not pay for any personal property taxes levied on the Contractor or for any taxes levied on employees' wages.

54. WARRANTY OF ABILITY TO PERFORM. Contractor warrants that, to the best of its knowledge, there is no pending or threatened action, proceeding, or investigation, or any other legal or financial condition, that would in any way prohibit, restrain, or diminish the Contractor's ability to satisfy its Contract obligations. Contractor warrants that neither it nor any affiliate is currently on the convicted vendor list maintained pursuant to section 287.133 of the Florida Statutes, or on any similar list maintained by any other state or the federal government. Contractor shall immediately notify the Department in writing if its ability to perform is compromised in any manner during the term of this Contract and any renewals.

55. WARRANTY OF AUTHORITY. Each person signing this Contract warrants that he or she is duly authorized to do so and to bind the respective party to this Contract.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed, the day and year last written below.

LEON COUNTY BOARD OF COUNTY COMMISSIONERS

By:_____

Date:_____

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:_ Title: [insert title]
Secretary or designee

Date: _____

FEID No. 59-6000708

List of attachments/exhibits included as part of this Contract:

Specify Type/Letter	Description
Attachment A	Scope of Work - Level One (6 pages)
Attachment B	Scope of Work - Level Two (7 pages)
Attachment C	Task Assignment Notification Form
Attachment D	Task Assignment Change Order Form (2 pages)
Attachment E	Contractor Affidavit/Release of Claims Form
Attachment F	Public Records Requirements (1 page)

- REMAINDER OF PAGE INTENTIONALLY LEFT BLANK -

LEON COUNTY, FLORIDA

By: _____
Nick Maddox, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall, Clerk of Court &
Comptroller, Leon County, Florida

By: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

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

ATTACHMENT A

SCOPE OF WORK

STORAGE TANK SYSTEM COMPLIANCE ASSISTANCE

GUIDANCE DOCUMENTS

The Contractor shall perform the services required under this Contract in accordance with the guidance documents and the terms of this Contract. The guidance documents referenced herein shall be provided to the Contractor with each executed Task Assignment. The Department reserves the right to update or amend the guidance documents as needed.

WORK DESCRIPTION

1. The Contractor shall perform routine compliance inspections within the jurisdictional (geographical) boundaries of the specified counties as required by an executed Task Assignment(s) at the following Chapter 376, F.S., facilities: storage tanks regulated pursuant to Sections 376.30 – 376.317, F.S. (excluding cattle dip vats, dry-cleaning facilities and designated Brownfields) and Chapters 62-761 and 62-762, F.A.C. In addition, the Contractor shall perform closure inspections, installation inspections, discharge inspections, re-inspections, and complaint inspections as applicable, in accordance with each Task Assignment. All inspections shall be performed by an individual(s) in a position equivalent to an Environmental Specialist I level or higher. Beginning on the effective date of this Contract, the Contractor is authorized to enter private property in order to carry out inspections pursuant to Sections 403.091 and 403.858, Florida Statutes. However, an authorized facility representative must safely access all storage tank system components for inspection by the Contractor, and must demonstrate operational functionality of electronic equipment. This Scope of Work provides the minimum services the Department is seeking. The specific Tasks, Deliverables, Performance Measures, and Deliverable due dates will be included in each issued Task Assignment.

TASKS

2. Inspections must be performed in accordance with each executed Task Assignment.

    A. Perform routine compliance inspections of facilities listed on each executed Task Assignment. Facilities not listed for inspection during the current executed Task Assignment will be prioritized to be inspected during subsequent Task Assignments.

    B. Perform all closure inspections at known storage tank system closure activities (limited to Tanks, Sumps, Spill Containment Systems, Spill Buckets, Integral Piping and Bulk Product Piping and any other components as directed) and of past closure activities that have been discovered as having taken place without notification to ensure that the system or system component is properly closed in accordance with Chapters 62-761 and 62-762, F.A.C., as applicable.

    C. Perform all installation inspections of known new installations and of past installations (limited to Tanks, Sumps, Spill Containment Systems, Spill Buckets, Integral Piping and Bulk Product Piping and any other components as directed) that have been discovered as having taken place without notification to ensure that the system or system component is properly constructed and installed in accordance with Chapters 62-761 and 62-762, F.A.C., as applicable.

    D. Perform a discharge inspection at all facilities with known or suspected discharges within fourteen (14) calendar days of receipt of notification.

    E. Re-inspections may only be performed for payment as needed to verify compliance of items identified as requiring a re-inspection, as referenced in the “Storage Tank System Program

Violation List" (Guidance Document A). For all other violations, a re-inspection may only be performed for payment if the Contractor and the Department Task Manager agree, prior to the inspection, that it is warranted.

F. Respond to complaints concerning regulated facilities, and/or as directed by the Department Task Manager by performing a complaint inspection. Inspection findings concerning regulated facilities shall be documented in a complaint inspection report activity in FIRST. Complaint inspections not involving a regulated facility shall be documented in writing and/or as directed by the Department Task Manager.

3. Inspector responsibilities shall include:

A. Contacting facility owners, operators, and/or other authorized representatives verbally or in writing, to schedule inspections. The Department Task Manager may require written notification of inspections if verbal methods have proven unsatisfactory. For routine compliance inspections, the Contractor shall provide outreach to each facility prior to the inspection by contacting the facility at least five (5) calendar days in advance of the inspection, reminding the facility to view the inspection videos on the Department's website prior to the upcoming inspection, and discussing recent previous inspections at the facility noting any violations cited. This outreach is to be documented in FIRST in a Phone or Electronic Communication Activity, depending on how the contact was made.

B. Conducting inspections with the owners, operators, and/or other authorized representatives of facilities for the purpose of determining compliance with Chapters 62-761 and 62-762, F.A.C., and Chapter 376, F. S.

C. Distributing registration forms or providing directions for the use of the Electronic Self Service Application Portal (ESSA) on the Department's website to all facilities that are determined by the Contractor to need registration updates.

D. All inspection activities shall be documented using the Florida Inspection Reporting for Storage Tanks (FIRST) database and FIRST equipment in accordance with the minimum standards referenced in the "FIRST User's Guide" (Guidance Document B).

E. All inspection reports shall be completed in accordance with the "Level of Effort Guidance" (Guidance Document F). The date and manner of the issuance of the inspection report to the facility owner/operator shall be documented in FIRST. This may be accomplished with the completion of one or more supporting activities in FIRST, such as a Non-Compliance Project Letter Activity, Issue Document Activity, and/or Electronic Communication Activity.

F. Responding to requests for public assistance both in the office and during inspections.

4. Perform Level 1 Compliance Assistance Actions.

A. These actions shall include investigation and documentation of violations of Chapters 62-761 and 62-762, F.A.C., or the county's equivalent regulations, preparation of Compliance Assistance letters and related activities in accordance with the "Storage Tank System Program Violation List" (Guidance Document A) and "Level of Effort Guidance" (Guidance Document F).

B. An individual(s) in a position equivalent to an Environmental Specialist II level or higher shall conduct Level 1 Compliance Assistance activities. Compliance Assistance letters may be prepared and sent by an individual(s) at the Environmental Specialist I level under the direction of an individual at the Environmental Specialist II level or higher.

C. All Compliance Assistance letters shall be on Department forms, in Department format, or have Department approval.

D. Compliance Assistance letters shall be issued through FIRST in accordance with the "FIRST User's Guide" (Guidance Document B) to ensure that the letters are posted to the OCULUS

document management system.

E. If there is any indication that Compliance Assistance actions are not being performed in accordance with "Level of Effort Guidance" (Guidance Document F); the Department Task Manager may request the submission of a Corrective Action Plan (CAP), and may recommend to the Department Contract Manager to hold invoices until such actions are being performed to the satisfaction of the Department Task Manager. The Department Task Manager shall be responsible for reviewing the CAP and notifying the Contractor if the CAP is approved or in need of revision.

F. The Contractor must maintain the administrative organization, staff, financial and other resources necessary to effectively administer the requirements of this Attachment. Failure to do so is a material breach of this Contract.

G. This Attachment specifically does not include actions associated with the cleanup or enforcement of Contractor-owned or operated petroleum storage systems or anydischarge(s) associated with them.

ASSESSMENT OF PERFORMANCE LEVELS

5. The Contractor shall perform inspections as directed in paragraph 4, above, and assess performance levels monthly to determine its progress towards completion of each Task Assignment. Upon discovery of any problems that would delay or prevent the timely progress and completion of each Task Assignment, the Contractor shall notify the Department Task Manager.

6. Following the effective date of each Task Assignment, the Contractor must have completed the following percentage of the required routine compliance inspections unless otherwise indicated in the Task Assignment:

   A. After four (4) months, thirty three percent (33%) of inspections must have been completed.

   B. After eight (8) months, sixty six percent (66%) of inspections must have been completed.

   C. After twelve (12) months, one hundred percent (100%) of inspections must have been completed.

7. If the actual number of completed inspections falls below these levels, then the Contractor must submit a CAP to the Department Task Manager, and associated invoices will be held by the Department Contract Manager until these completion percentages are subsequentlyreached.

8. If there is any indication that other required inspections or activities are not being performed, the Department Task Manager may request the submission of a CAP and may recommend to the Department Contract Manager to hold invoices until such actions are being performed to the satisfaction of the Department Task Manager.

9. The Department Task Manager shall be responsible for reviewing all CAPs and notifying the Contractor if the CAP is approved or is in need of revision.

10. A completion rate of 100 percent is required for those activities described in Paragraph 1, above, and as set forth in each Task Assignment, unless otherwise indicated in the TaskAssignment.

11. The Department shall authorize the Contractor to provide services under this Contract utilizing the Task Assignment Notification Form, attached to the Contract as Attachment C. The Contractor acknowledges that no work shall be performed until a Task Assignment authorizing work has been fully executed by the Department and the Contractor. If, during the term of an executed Task Assignment, a modification of the Task Assignment is needed, the Department may issue a new Task Assignment Form clearly marked with the original task number and the appropriate amendment number, detailing the revised description of the work to be performed. As with the original Task

Assignment, all amendments to Task Assignments must be executed by both the Department and the Contractor prior to the work being performed.

SCOPE REQUIREMENTS

12. The Contractor shall administer the compliance verification program, provide technical assistance, and perform level 1 Compliance Assistance actions. Data generated from all inspections conducted under the direction of the Department shall be entered into FIRST, and completed, prior to the submittal of an invoice to the Department Contract Manager.

13. The Contractor shall comply with all provisions of this Contract, verify facility compliance with Chapter 376, F.S., and Chapters 62-761 and 62-762, and be knowledgeable of the differences between the state and federal environmental statutes and rules applicable to underground storage tanks.

14. The Contractor shall require that qualified individuals perform field inspections and that they receive training on Chapters 62-761 and 62-762, and Chapter 376, F.S.

15. The Contractor shall provide a sufficient number of qualified staff to satisfactorily complete all the responsibilities included in this Contract. All individuals hired after the effective date of this Contract shall possess qualifications equivalent to Department position levels as specified in this Contract.

16. The Contractor shall determine the accurate latitude and longitude coordinates for each regulated facility inspected using Department-approved procedures and ensure the proper entry of this data into the Department inspection database.

17. The Contractor shall review closure reports filed by facility owners, operators, or authorized representatives to ensure that the Department's “Instructions for Conducting Sampling During Aboveground Storage Tank Closure” (Guidance Document C1) and “Instructions for Conducting Sampling During Underground Storage Tank Closure” (Guidance Document C2) have been followed. In cases where these requirements have not been met, the Contractor shall initiate Level 1 Compliance Assistance actions to compel compliance. In cases where these requirements have been met and none the of Department’s cleanup target levels have been exceeded, the Contractor shall issue a Closure Report Review Letter for the system or component described in the Closure Report indicating the Closure Report meets the requirements of Chapter 62-761 and/or 62-762, F.A.C. In cases where cleanup target levels have been exceeded and it has been determined to be a new discharge, the Contractor shall prepare and send a Site Assessment Report request letter to the facility owner and operator, if appropriate. In addition, the Contractor shall provide notification to the Department Task Manager within thirty (30) days of the determination of a new discharge at a facility.

18. The Contractor shall prepare and send a Site Assessment Report request letter to the facility owner and operator, if appropriate, in cases where a new discharge has been discovered related to a regulated storage tank system, but unrelated to a closure as discussed in paragraph 13., above. In addition, the Contractor shall provide within thirty (30) days of the determination of a new discharge at a facility.

19. The Contractor shall maintain its paper files on regulated facilities that were composed prior to the FIRST database implementation, as well as documentation from the facility that may not be available in FIRST, such as closure reports. In the event a case referral to the Department District Office for further enforcement is necessary, a copy of any documents pertinent to the case that are not available in FIRST shall be submitted to the Department District Office in accordance with the “Guidelines for Case Referrals” (Guidance Document G).

20. Facility files must be kept until the site has been determined closed. Once the facility has been closed for five (5) years, the records may be transmitted electronically to the Department Contract Manager

in Tallahassee for preservation, unless the Contractor is subject to more stringent local record retention requirements. Copies can be maintained by the Contractor at the Contractor's expense. If, for any reason, the Department's contractual arrangement with the Contractor to perform the inspection program (through this Contract or any future contracts) ceases, the Contractor shall transmit electronic copies of all documents to the Department Contract Manager.

21. The Contractor shall provide attendance of at least one program staff member at scheduled meetings, conferences, and teleconferences. The Department Task Manager may authorize attendance at a location other than the District Office. The Contractor shall provide attendance of additional staff members as requested by the Department.

22. The Contractor shall ensure that all field personnel receive the health and safety training required to meet OSHA standards (an initial 24 or 40-hour course within 6 months of employment under this Contract, followed by an annual 8-hour refresher course).

23. The Contractor shall supervise the Local Compliance Program with an individual at a minimum equivalent to the Department's Environmental Specialist III personnel category.

24. The Contractor shall provide copies of applicable rules, inspection forms, and other program/public assistance information to the public and regulated interests. However, this provision does not authorize photocopying of reference documents in violation of copyright law.

25. The Contractor shall maintain financial books, records, and documents directly pertinent to performance under this Contract in accordance with generally accepted accounting principles consistently applied. All books, records, and documents pertinent to performance under this Contract shall be maintained for the entire term of this Contract and for five years following the expiration or termination of this Contract. The Department, the State, or their authorized representatives shall have access to such records for audit purposes during the entire term of this Contract and for five years following the expiration or termination of this Contract. A penalty of 8.3% of the current Task Assignment amount will be assessed for each year that shows insufficient record keeping.

26. The Contractor shall not allocate funding to non-program activities outside the scope of this Contract or any Task Assignment. Sections 376.3071 and 376.11, F.S., prohibit the use of Inland Protection Trust Fund (IPTF) and Florida Coastal Protection Trust Fund (FCPTF) moneys for purposes other than those specified in these sections.

27. Access to Department databases shall be made by using an Internet connection. Therefore, the Contractor is responsible for subscribing to and paying for all charges related to use of the services of a reputable Internet service provider. The Contractor must have a dedicated Internet line for FIRST.

28. The Contractor shall provide a written response within forty-five (45) days to the Program Review findings conducted in accordance with paragraph 36, below, and at a minimum, provide details on any corrective actions that will be implemented*.*

29. The Contractor shall submit a satisfactory Corrective Action Plan to the Department Task Manager upon notification of a score below seventy-five (75) on the Program Review within fourteen (14) calendar days of notification of the score. Because a score below seventy-five (75) reflects an unacceptable level of performance, if the Contractor receives a score below seventy-five (75) may result in contract termination.

30. The Contractor is responsible for the professional quality, technical accuracy, and coordination of all reports and other services furnished by the Contractor under this Contract. The Contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in its reports and other services.

DEPARTMENT RESPONSIBILITIES

31. The Department shall serve in an advisory capacity to the Contractor. The Department shall make

legal interpretations of Department rules, which shall be binding with respect to the Contractor's ordinances to the extent that those ordinances adopt the provisions of Chapters 62-761 and 62-762, F.A.C., as required by this Contract.

32. The Department shall review completed inspection reports when and as deemed necessary.

33. The Department shall provide program and regulatory guidance for the Contractor. The Department shall provide training in new technology and program management changes as necessary.

34. The Department shall conduct enforcement activities for violations of Chapters 62-761 and 62-762, F.A.C., when case referrals are properly made and forwarded to the District Office in accordance with the "Guidelines for Case Referrals" (Guidance Document G).

35. The Department shall provide information to the Contractor about Department registered storage tank system equipment and alternate procedures (waivers, variances, or registrations).

36. At least once annually, the Department shall perform a Program Review using the "Compliance Verification Program Local Program Review Form" (Guidance Document D), and provide a copy of the Program Review findings to the Contractor upon completion of the Program Review. The Department may conduct inspections, including accompanied inspections and follow-up inspections, at any reasonable time. In addition, the Department may also conduct facility file reviews through FIRST at any time. The Department Task Manager may perform additional program reviews, as deemed necessary, to insure the required performance of the Contractor. The Department Task Manager may forgo a Program Review for the next Task Assignment for a Contractor that receives a score of 95 or greater on the Program Review during the current Task Assignment.

PAYMENTS

37. The Contractor shall submit invoices on a monthly basis. Each invoice shall be submitted using the "Contractual Services Invoice" (Guidance Document E). Each invoice is due no later than the 15th day of the month following the month of services. The invoice shall be submitted electronically to the Department Contract Manager at STR_Invoices@dep.state.fl.us and copied to the Department Task Manager. Reimbursement requests for the purchase of non-expendable equipment costing $1,000 or more must include copies of invoices or receipts to document the charges.

DOCUMENTATION

38. Prior to the submittal of each month's invoice to the Department Contract Manager, the Contractor shall complete and submit electronically the "Payment Calculation Sheet" (Guidance Document H) for the month to the Department Task Manager no later than the 10th day of the month following the month of services. The Department Task Manager shall review the monthly Payment Calculation Sheet for accuracy and completeness and shall return the approved Payment Calculation Sheet to the Contractor for submittal with the monthly invoice to the Department Contract Manager in Tallahassee, Florida for processing. If the Contractor fails to perform as directed by the terms of this Contract, the Department shall return the unpaid invoice to the Contractor documenting the areas in which the Contractor has failed to meet its contractual obligations.

MANAGEMENT

39. The Department Contract Manager is Roger Ruiz, Phone (850) 245-8854. The Contractor's Contract Manager is Robert Bass, Phone (850) 606-1300, Ext. 1314. Each Task Assignment will identify the Department Task Manager and the Contractor's Task Manager. All matters relating to a specific Task Assignment shall be directed to the Department Task Manager for appropriate action or disposition. All matters relating to this Contract shall be directed to the Department Contract Manager.

(DOES NOT APPLY) ATTACHMENT B

SCOPE OF WORK

STORAGE TANK SYSTEM COMPLIANCE ASSISTANCE AND ENFORCEMENT ACTIONS

GUIDANCE DOCUMENTS

The Contractor shall perform the services required under this Contract in accordance with the guidance documents and the terms of this Contract. The guidance documents referenced herein shall be provided to the Contractor with each executed Task Assignment. The Department reserves the right to update or amend the guidance documents as needed.

WORK DESCRIPTION

1. The Contractor shall perform routine compliance inspections within the jurisdictional (geographical) boundaries of the specified counties as required by an executed Task Assignment(s) at the following Chapter 376, F.S., facilities: storage tanks regulated pursuant to Sections 376.30 – 376.317, F.S. (excluding cattle dip vats, dry-cleaning facilities and designated Brownfields) and Chapters 62-761 and 62-762, F.A.C., In addition, the Contractor shall perform closure inspections, installation inspections, discharge inspections, re-inspections, and complaint inspections as applicable, in accordance with each Task Assignment. All inspections shall be performed by an individual(s) in a position equivalent to an Environmental Specialist I level or higher. Beginning on the effective date of this Contract, the Contractor is authorized to enter private property in order to carry out inspections pursuant to Sections 403.091 and 403.858, Florida Statutes. However, an authorized facility representative must safely access all storage tank system components for inspection by the Contractor, and must demonstrate operational functionality of electronic equipment. This Scope of Work provides the minimum services the Department is seeking. The specific Tasks, Deliverables, Performance Measures, and Deliverable due dates will be included in each issued Task Assignment.

TASKS

2. Inspections must be performed in accordance with each executed Task Assignment.

   A. Perform routine compliance inspections of facilities listed on each executed Task Assignment. Facilities not listed for inspection during the current executed Task Assignment will be prioritized to be inspected during subsequent Task Assignments.

   B. Perform all closure inspections at known storage tank system closure activities (limited to Tanks, Sumps, Spill Containment Systems, Spill Buckets, Integral Piping and Bulk Product Piping and any other components as directed) and of past closure activities that have been discovered as having taken place without notification to ensure that the system or system component is properly closed in accordance with Chapters 62-761 and 62-762, F.A.C., as applicable.

   C. Perform all installation inspections of known new installations and of past installations (limited to Tanks, Sumps, Spill Containment Systems, Buckets, Integral Piping and Bulk Product Piping and any other components as directed) that have been discovered as having taken place without notification to ensure that the system or system component is properly constructed and installed in accordance with Chapters 62-761 and 62-762, F.A.C., as applicable.

   D. Perform a discharge inspection at all facilities with known or suspected discharges within fourteen (14) calendar days of receipt of notification.

   E. Re-inspections may only be performed for payment as needed to verify compliance of items identified as requiring a re-inspection, as referenced in the “Storage Tank System Program Violation List” (Guidance Document A). For all other violations, a re-inspection may only be

performed for payment if the Contractor and the Department Task Manager agree, prior to the inspection, that it is warranted.

F. Respond to complaints concerning regulated facilities, and/or as directed by the Department Task Manager by performing a complaint inspection. Inspection findings concerning regulated facilities shall be documented in a complaint inspection report activity in FIRST. Complaint inspections not involving a regulated facility shall be documented in writing and/or as directed by the Department Task Manager.

3. Inspector responsibilities shall include:

A. Contacting facility owners, operators, and/or other authorized representatives verbally or in writing, to schedule inspections. The Department Task Manager may require written notification of inspections if verbal methods have proven unsatisfactory. For routine compliance inspections, the Contractor shall provide outreach to each facility prior to the inspection by contacting the facility at least five (5) calendar days in advance of the inspection, reminding the facility to view the inspection videos on the Department's website prior to the upcoming inspection, and discussing recent previous inspections at the facility noting any violations cited. This outreach is to be documented in FIRST in a Phone or Electronic Communication Activity, depending on how the contact was made.

B. Conducting inspections with the owners, operators, and/or other authorized representatives of facilities for the purpose of determining compliance with Chapters 62-761 and 62-762, F.A.C., and Chapter 376, F. S.

C. Distributing registration forms or providing directions for the use of the Electronic Self Service Application Portal (ESSA) on the Department's website to all facilities that are determined by the Contractor to need registration updates.

D. All inspection activities shall be documented using the Florida Inspection Reporting for Storage Tanks (FIRST) database and FIRST equipment in accordance with the minimum standards referenced in the "FIRST User's Guide" (Guidance Document B).

E. All inspection reports shall be completed in accordance with the "Level of Effort Guidance" (Guidance Document F). The date and manner of the issuance of the inspection report to the facility owner/operator shall be documented in FIRST. This may be accomplished with the completion of one or more supporting activities in FIRST, such as a Non-Compliance Project Letter Activity, Issue Document Activity, and/or Electronic Communication Activity.

F. Responding to requests for public assistance both in the office and during inspections.

4. Perform Level 1 Compliance Assistance and Level 2 enforcement actions in accordance with Exhibit A, Storage Tank System Compliance Assistance and Enforcement Actions, attached hereto and made a part hereof.

A. Level 1 Compliance Assistance actions.

(1) These actions shall include investigation and documentation of violations of Chapters 62-761 and 62-762, F.A.C., or the county's equivalent regulations, preparation of Compliance Assistance letters and related activities in accordance with the "Storage Tank System Program Violation List" (Guidance Document A) and "Level of Effort Guidance" (Guidance Document F).

(2) An individual(s) in a position equivalent to an Environmental Specialist II level or higher shall conduct Level 1 Compliance Assistance activities. Compliance Assistance letters may be prepared and sent by an individual(s) at the Environmental Specialist I level under the direction of an individual at the Environmental Specialist II level or higher.

(3) All Compliance Assistance letters shall be on Department forms, in Department format, or have Department approval.

(4) Compliance Assistance letters shall be issued through FIRST in accordance with the "FIRST User's Guide" (Guidance Document B) to ensure that the letters are posted to the OCULUS document management system.

(5) If there is any indication that Compliance Assistance actions are not being performed in accordance with "Level of Effort Guidance" (Guidance Document F); the Department Task Manager may request the submission of a Corrective Action Plan (CAP), and may recommend to the Department Contract Manager to hold invoices until such actions are being performed to the satisfaction of the Department Task Manager. The Department Task Manager shall be responsible for reviewing the CAP and notifying the Contractor if the CAP is approved or in need of revision.

B. Level 2 enforcement actions.

(1) These actions shall include initiation and completion of administrative and judicial enforcement actions as lead party; preparing, delivering, and executing enforcement documents including Warning Letters, Consent Orders, Notices of Violation, and Final Orders; taking lead responsibility in the discovery process; determining appropriate judicial remedies, including civil penalties, injunctive relief, and assessment of damages; and performing post-judgment enforcement activities.

(2) All Level 2 enforcement actions shall be conducted under the supervision of an attorney licensed to practice law in the State of Florida and employed by the Contractor.

(3) All enforcement documents shall be on Department forms, in Department format, or have Department approval unless documents are being filed as part of a legal proceeding in which case the rules of procedure for the body before which the legal proceeding is taking place shall apply.

(4) Any penalties assessed under this Exhibit shall be in accordance with "DEP Directive 923: Settlement Guidelines for Civil and Administrative Penalties" (Guidance Document I).

5. The Contractor must perform the enforcement actions specified in this Exhibit under its own ordinances. Therefore, the Contractor must have and maintain provisions adopting Chapters 62-761 and 62-762, F.A.C., or their equivalent and penalty authority equivalent to that set forth in Sections 403.141 and 403.161, F.S., as their own local ordinances during the term of this Contract. Failure to maintain such requirements shall result in the unilateral termination of this Contract by the Department.

6. The Contractor must maintain the administrative organization, staff, financial and other resources necessary to effectively administer the requirements of this Attachment. Failure to do so is a material breach of this Contract.

7. This Attachment specifically does not include actions associated with the cleanup or enforcement of Contractor-owned or operated petroleum storage systems or any discharge(s) associated with them.

8. If there is any indication that enforcement actions are not being performed or are inadequate, the Department Task Manager may request the submission of a CAP and may recommend to the Department Contract Manager to hold invoices until such actions are being performed to the satisfaction of the Department Task Manager. The Department Task Manager shall be responsible for reviewing the CAP and notifying the Contractor if the CAP is approved or in need of revision.

ASSESSMENT OF PERFORMANCE LEVELS

9. The Contractor shall perform inspections as directed in paragraph 4, above, and assess performance levels monthly to determine its progress towards completion of each Task Assignment. Upon

discovery of any problems that would delay or prevent the timely progress and completion of each Task Assignment, the Contractor shall notify the Department Task Manager.

10. Following the effective date of each Task Assignment, the Contractor must have completed the following percentage of the required routine compliance inspections unless otherwise indicated in the Task Assignment:

    A. After four (4) months, thirty three percent (33%) of inspections must have been completed.

    B. After eight (8) months, sixty six percent (66%) of inspections must have been completed.

    C. After twelve (12) months, one hundred percent (100%) of inspections must have been completed.

11. If the actual number of completed inspections falls below these levels, then the Contractor must submit a CAP to the Department Task Manager, and associated invoices will be held by the Department Contract Manager until these completion percentages are subsequently reached.

12. If there is any indication that other required inspections or activities are not being performed, the Department Task Manager may request the submission of a CAP and may recommend to the Department Contract Manager to hold invoices until such actions are being performed to the satisfaction of the Department Task Manager.

13. The Department Task Manager shall be responsible for reviewing all CAPs and notifying the Contractor if the CAP is approved or needs revision.

14. A completion rate of 100 percent is required for those activities described in Paragraph 1, above, and as set forth in each Task Assignment, unless otherwise indicated in the Task Assignment.

15. The Department shall authorize the Contractor to provide services under this Contract utilizing the Task Assignment Notification Form, attached to the Contract as Attachment C. The Contractor acknowledges that no work shall be performed until a Task Assignment authorizing work has been fully executed by the Department and the Contractor. If, during the term of an executed Task Assignment, a modification of the Task Assignment is needed, the Department may issue a new Task Assignment Form clearly marked with the original task number and the appropriate amendment number, detailing the revised description of the work to be performed. As with the original Task Assignment, all amendments to Task Assignments must be executed by both the Department and the Contractor prior to the work being performed.

SCOPE REQUIREMENTS

16. The Contractor shall administer the compliance verification program, provide technical assistance, and perform level 1 Compliance Assistance actions. Data generated from all inspections conducted under the direction of the Department shall be entered into FIRST, and completed, prior to the submittal of an invoice to the Department Contract Manager.

17. The Contractor shall comply with all provisions of this Contract, verify facility compliance with Chapter 376, F.S., and Chapters 62-761 and 62-762, and be knowledgeable of the differences between the state and federal environmental statutes and rules applicable to underground storage tanks.

18. The Contractor shall require that qualified individuals perform field inspections and that they receive training on Chapters 62-761 and 62-762, and Chapter 376, F.S.

19. The Contractor shall provide a sufficient number of qualified staff to satisfactorily complete all the responsibilities included in this Contract. All individuals hired after the effective date of this Contract shall possess qualifications equivalent to Department position levels as specified in this Contract.

20. The Contractor shall determine the accurate latitude and longitude coordinates for each regulated facility inspected using Department-approved procedures and ensure the proper entry of this data into the Department inspection database.

21. The Contractor shall review closure reports filed by facility owners, operators, or authorized representatives to ensure that the Department's "Instructions for Conducting Sampling During Aboveground Storage Tank Closure" (Guidance Document C1) and "Instructions for Conducting Sampling During Underground Storage Tank Closure" (Guidance Document C2) have been followed. In cases where these requirements have not been met, the Contractor shall initiate Level 1 Compliance Assistance actions to compel compliance. In cases where these requirements have been met and none the of Department's cleanup target levels have been exceeded, the Contractor shall issue a Closure Report Review Letter for the system or component described in the Closure Report indicating the Closure Report meets the requirements of Chapter 62-761 and/or 62-762, F.A.C. In cases where cleanup target levels have been exceeded and it has been determined to be a new discharge, the Contractor shall prepare and send a Site Assessment Report request letter to the facility owner and operator, if appropriate. In addition, the Contractor shall provide notification to the Department Task Manager within thirty (30) days of the determination of a new discharge at a facility.

22. The Contractor shall prepare and send a Site Assessment Report request letter to the facility owner and operator, if appropriate, in cases where a new discharge has been discovered related to a regulated storage tank system, but unrelated to a closure as discussed in paragraph 13., above. In addition, the Contractor shall provide within thirty (30) days of the determination of a new discharge at a facility.

23. The Contractor shall maintain its paper files on regulated facilities that were composed prior to the FIRST database implementation, as well as documentation from the facility that may not be available in FIRST, such as closure reports. In the event a case referral to the Department District Office for further enforcement is necessary, a copy of any documents pertinent to the case that are not available in FIRST shall be submitted to the Department District Office in accordance with the "Guidelines for Case Referrals" (Guidance Document G).

24. Facility files must be kept until the site has been determined closed. Once the facility has been closed for five (5) years, the records may be sent to the Department Contract Manager in Tallahassee for preservation, unless the Contractor is subject to more stringent local record retention requirements. Copies can be maintained by the Contractor at the Contractor's expense. If, for any reason, the Department's contractual arrangement with the Contractor to perform the inspection program (through this Contract or any future contracts) ceases, the Contractor shall return all original facility files to the Department Contract Manager in Tallahassee within 30 calendar days of Contract expiration or termination.

25. The Contractor shall provide attendance of at least one program staff member at scheduled meetings, conferences, and teleconferences. The Department Task Manager may authorize attendance at a location other than the District Office. The Contractor shall provide attendance of additional staff members as requested by the Department.

26. The Contractor shall ensure that all field personnel receive the health and safety training required to meet OSHA standards (an initial 24 or 40-hour course within 6 months of employment under this Contract, followed by an annual 8-hour refresher course).

27. The Contractor shall supervise the Local Compliance Program with an individual at a minimum equivalent to the Department's Environmental Specialist III personnel category.

28. The Contractor shall provide copies of applicable rules, inspection forms, and other program/public assistance information to the public and regulated interests. However, this provision does not authorize photocopying of reference documents in violation of copyright law.

29. The Contractor shall maintain financial books, records, and documents directly pertinent to performance under this Contract in accordance with generally accepted accounting principles consistently applied. All books, records, and documents pertinent to performance under this Contract shall be maintained for the entire term of this Contract and for five years following the expiration or termination of this Contract. The Department, the State, or their authorized representatives shall have access to such records for audit purposes during the entire term of this Contract and for five years following the expiration or termination of this Contract. A penalty of 8.3% of the current Task Assignment amount will be assessed for each year that shows insufficient record keeping.

30. The Contractor shall not allocate funding to non-program activities outside the scope of this Contract or any Task Assignment. Sections 376.3071 and 376.11, F.S., prohibit the use of IPTF and Florida Coastal Protection Trust Fund (FCPTF) moneys for purposes other than those specified in these sections.

31. Access to Department databases shall be made by using an Internet connection. Therefore, the Contractor is responsible for subscribing to and paying for all charges related to use of the services of a reputable Internet service provider. The Contractor must have a dedicated Internet line for FIRST.

32. The Contractor shall provide a written response within forty-five (45) days to the Program Review findings conducted in accordance with paragraph 40, below, and at a minimum, provide details on any corrective actions that will be implemented*.*

33. The Contractor shall submit a satisfactory Corrective Action Plan to the Department Task Manager upon notification of a score below seventy-five (75) on the Program Review within fourteen (14) calendar days of notification of the score. Because a score below seventy-five (75) reflects an unacceptable level of performance, if the Contractor receives a score below seventy-five (75) may result in contract termination.

34. The Contractor is responsible for the professional quality, technical accuracy, and coordination of all reports and other services furnished by the Contractor under this Contract. The Contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in its reports and other services.

DEPARTMENT RESPONSIBILITIES

35. The Department shall serve in an advisory capacity to the Contractor. The Department shall make legal interpretations of Department rules, which shall be binding with respect to the Contractor's ordinances to the extent that those ordinances adopt the provisions of Chapters 62-761 and 62-762, F.A.C., as required by this Contract.

36. The Department shall review completed inspection reports when and as deemed necessary.

37. The Department shall provide program and regulatory guidance for the Contractor. The Department shall provide training in new technology and program management changes as necessary.

38. The Department shall conduct enforcement activities for violations of Chapters 62-761 and 62-762, F.A.C., when case referrals are properly made and forwarded to the District Office in accordance with the "Guidelines for Case Referrals" (Guidance Document G).

39. The Department shall provide information to the Contractor about Department registered storage tank system equipment and alternate procedures (waivers, variances, or registrations).

40. At least once annually, the Department shall perform a Program Review using the "Compliance Verification Program Local Program Review Form" (Guidance Document D), and provide a copy of the Program Review findings to the Contractor upon completion of the Program Review. The Department may conduct inspections, including accompanied inspections and follow-up inspections, at any reasonable time. In addition, the Department may also conduct facility file reviews through FIRST at any time. The Department Task Manager may perform additional program reviews, as deemed necessary, to insure the required performance of the Contractor. The Department Task Manager may forgo a Program Review for the next Task Assignment for a Contractor that receives a score of 95 or greater on the Program Review during the current Task Assignment.

PAYMENTS

41. The Contractor shall submit invoices on a monthly basis. Each invoice shall be submitted using the "Contractual Services Invoice" (Guidance Document E). Each invoice is due no later than the 15th day of the month following the month of services. The invoice shall be submitted electronically to the Department Contract Manager at STR_Invoices@dep.state.fl.us and copied to the Department Task Manager. Reimbursement requests for the purchase of non-expendable equipment costing $1,000 or more must include copies of invoices or receipts to document the charges.

REPORTS AND DELIVERABLES

42. Prior to the submittal of each month's invoice to the Department Contract Manager, the Contractor shall complete and submit electronically the "Payment Calculation Sheet" (Guidance Document H) for the month to the Department Task Manager no later than the 10th day of the month following the month of services. The Department Task Manager shall review the monthly Payment Calculation Sheet for accuracy and completeness and shall return the approved Payment Calculation Sheet to the Contractor for submittal with the monthly invoice to the Department Contract Manager in Tallahassee, Florida for processing. If the Contractor fails to perform as directed by the terms of this Contract, the Department shall return the unpaid invoice to the Contractor documenting the areas in which the Contractor has failed to meet its contractual obligations.

MANAGEMENT

43. The Department Contract Manager is Roger Ruiz, Phone (850) 245-8854. The Contractor's Contract Manager is Robert Bass, Phone (850) 606-1300, Ext. 1314. Each Task Assignment will identify the Department Task Manager and the Contractor's Task Manager. All matters relating to a specific Task Assignment shall be directed to the Department Task Manager for appropriate action or disposition. All matters relating to this Contract shall be directed to the Department Contract Manager**.**

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

Attachment C

Florida Department of Environmental Protection Task Assignment Notification Form for LEON COUNTY

Contract No. GC914 Task No. xx Amendment No. Date xxx

Performance Period: Effective the date of execution of this Task Assignment or July 1, 2017, whichever is later, and shall remain in effect until June 30, 2018.

Description: (Additional Pages May Be Utilized)

The Contractor shall complete the following services in accordance with the requirements in DEP Contract No. GC914 and the guidance documents attached to this Task Assignment

- Conduct routine compliance inspections at the xx facilities storage tank systems within Leon County, identified in Exhibit #1, by May 31, 2xxx.
- Perform all re-inspections per Guidance Document A to confirm compliance within Leon County. Comply with the **Revised Invoice Procedure** (Page 2)
- Utilize the new **Contractual Services Invoice Form** for all monthly invoices (Guidance Document E)
- Compensation will only occur for routine annual compliance inspections conducted at the facilities explicitly identified in the revised **Payment Calculation Sheet** (Guidance Document H)
- The Contractor must perform all Enforcement Actions in accordance with Guidance Document F (Level of Effort), as attached to this Task Assignment.

Order of Inspection and Substitutions of Facilities on Exhibit #1:

Contractor is to conduct routine inspection in order provided in Exhibit #1. Substitutions of facilities are authorized with sites listed on the substitution list on Exhibit #1. The Contractor wishing to substitute a facility shall email department at STR_Invoices@dep.state.fl.us stating the facility and reason for the substitution. The Department will notify via email authorizing the substitution. Copies of authorizations shall be retained by the Contractor for the remainder of the Contract.

Performance Criteria:

A. Number of days to return to compliance for facilities receiving routine inspections

B. Percent of facilities returned to compliance for facilities receiving routine inspections

FDEP will determine levels of performance based on routine inspections completed before May 1, 2xxx. This will allow for the sixty days return to compliance rate to be determined before July 1, 2xxx.

Payment schedule: Compensation will occur on a monthly basis, per the attached fee schedule. Invoices are due no later than the 15th day of the month proceeding work activity. The Contractor must submit a signed 'Contractual Services Invoice' noting the quantity and location of inspections.

Retainage reimbursement criteria for the amount retained per Paragraph 21 of the Contract:

- Half (50%) of the amount retained will be returned to Contractor having an average return to compliance in less than 45 days for facilities receiving routine inspections.
- Half (50%) of the amount retained will be returned to Contractor having an average return to compliance rate of 95% or higher for facilities receiving routine inspections.
- Forty percent (40%) of the amount retained will be returned to Contractor having an average return to compliance rate between 45 and 60 days for facilities receiving routine inspections.
- Forty percent (40%) of the amount retained will be returned to Contractor having an average return to compliance rate of between 90% and up to 95% for facilities receiving routine inspections.
- Thirty percent (30%) of the amount retained will be returned to Contractor having an average return to compliance rate between 61 days and 75 days for facilities receiving routine inspections.
- Thirty percent (30%) of the amount retained will be returned to Contractor having an average return to compliance rate of between 85% and up to 90% for facilities receiving routine inspections.
- Twenty percent (20%) of the amount retained will be returned to Contractor having an average return to compliance rate between 76 days and 90 days for facilities receiving routine inspections.
- Twenty percent (20%) of the amount retained will be returned to Contractor having an average return to compliance rate of between 80% and up to 85% for facilities receiving routine inspections.
- NO retainage will be returned to Contractor having either: more than ninety (90) days as average time to return to compliance for facilities receiving routine inspections; or having an average of less than 80% of facilities receiving routine inspections returned to compliance.

Invoice Procedure

Review of Inspections: The Payment Calculation Sheet shall be submitted by the Contractor to the appropriate DEP District Office. The District will review in Florida Inspection Reporting of Storage Tanks (FIRST) each variable inspection listed on the Payment Calculation Sheet to ensure that the inspection is correctly invoiced. The District will ensure that each routine compliance inspection on the Payment Calculation Sheet is also listed on the task assignment facilities list. Upon completion of the review, the District shall report via email to the Permitting and Compliance Assistance Program's Contract Manager and the Contractor that the review of the inspections has been completed and of any known contractual obligations that have not been met.

Invoice Submission: All invoices with verified and approved Payment Calculation Sheet by the appropriate DEP District Office will be directly submitted by the Contractor to the Permitting and Compliance Assistance Program's Contract Manager by the 15th of each month. Submission of invoice shall be via email to: STR_Invoices@dep.state.fl.us. The email shall consist of a single PDF package. The order of documents in the complete PDF package shall be as follows:

1) Contractual Services Invoice
2) Verified Payment Calculation Sheet (please make sure the month of services rendered appears below the "Invoice Period")
3) FIRST Report (Compliance and Activity by Date Range)
4) Tracking Form (Monthly percentage of Routine Inspections Completed)

The Contractor acknowledges receipt of the following guidance documents:

Guidance Document A	Storage Tank System Program Violation List
Guidance Document B	Florida Inspection Reporting for Storage Tanks (FIRST) User Requirements. Please visit DEP OCULUS website to download this document; click the "PUBLIC OCULUS LOGIN": https://depedms.dep.state.fl.us/Oculus/servlet/shell?command=getEntity&[guid=11.3384454.1]&[profile=DWM
Guidance Document C1	Instructions for Conducting Sampling During Aboveground Storage Tank Closure
Guidance Document C2	Instructions for Conducting Sampling During Underground Storage Tank Closure
Guidance Document D1	Compliance Verification Program Local Program Review Form
Guidance Document D2	Contractual Review Form
Guidance Document E	Contractual Services Invoice
Guidance Document F	Level of Effort Guidance
Guidance Document G	Guidelines for Case Referrals
Guidance Document H	Contractual Service Payment Calculation
Guidance Document I	DEP Directive 923 Settlement Guidelines for Civil and Administrative Penalties

Florida Department of Environmental Protection

TASK ASSIGNMENT FORM

Required Signatures: **Adobe Signature**

FDEP Contract No:	Task Assignment No:	Date:	DEP Task Manager:
Project:			
Contractor Name:			
Contractor Representative:		Phone:	Email:
FDEP Contract Manager:		Phone:	Email:
Task Description:			
Deliverables:			
Performance Measures:			
Financial Consequences:			

Florida Department of Environmental Protection

TASK ASSIGNMENT FORM

Schedule:

Start Date:	Completion Date:
Fixed Price Cost:	Cost Reimbursement not to exceed:
Total Task Value:	

Signatures and Date:

1._____
Task Manager, FDEP Signature Date

2._____
Contract Manager, FDEP Signature Date

3._____
Budget Representative, FDEP Signature Date

4._____
Contractor, Contract Manager Signature Date

5._____
Contract Authority, FDEP Signature Date

Encumbrance Information:

Budget Entity	Project #	Grant #	Org Code	Category & Year	Fund	Special Category	Object Code	EO	Amount
								Total:	0

Florida Department of Environmental Protection

TASK ASSIGNMENT CHANGE ORDER FORM

Required Signatures: **Adobe Signature**

Task Assignment Number: _____ Date: _____ Change Order No. _____

Contractor Name: _____

Contractor Representative: _____

DEP Contract Manager: _____

Description of Change (Use additional sheets if necessary):

Change in Task Amount

Item	Cost Reimbursement	Fee Schedule	Total
Original Task Amount:			
Task amount prior to this change order:			
Net increase/decrease in task amount:			
Task amount with all change orders:			

Change in Task Time

Original task completion date:	
Completion date prior to this change:	
Net increase/decrease in task period:	
Completion date with all change orders:	

Florida Department of Environmental Protection

TASK ASSIGNMENT CHANGE ORDER FORM

Change in Funding Information

Org. Code	E.O.	Object Code	Budget Entity	Special Category	Grant #	Year	Amount

CONTRACTOR

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Contract Manager Date

Contract Manager Date

APPROVED:

Budget Representative Date

Contractual Authority Date

cc: Procurement Section (MS93)
Bureau of Finance & Accounting (MS78) - 2 copies

ATTACHMENT E
CONTRACTOR AFFIDAVIT / RELEASE OF CLAIMS FORM

This affidavit must be completed and signed by the Contractor when requesting final payment for a Florida Department of Environmental Protection (Department) authorized Task Assignment. The signature of the Contractor shall be notarized as set forth below. Final payment for a Task Assignment will not be released until this form is accepted by the Department.

The undersigned certifies as follows:

1. I,_____ am the _____ of
(name of person appearing) (title of person appearing)

_____ with the authority to
(name of Contractor)

make this statement on behalf;

2. _____ ("the Contractor") entered into an
(name of company or person)

Agreement with the Department to perform certain work under Task Assignment No. _____.

3. Contractor has completed the work in accordance with the aforementioned Work Assignment, including all attachments. Thereto.

4. All subcontractors have been paid in full.

5. Upon receipt by Contractor from Department of final payment under the aforementioned Work Assignment, Contractor releases Department from any and all claims of Contractor and any of its subcontractors and vendors that may arise under, or by virtue of, the Task Assignment, except those claims that may be specifically exempt and set forth under the terms of this Contract. Exemptions claimed must be attached to this affidavit and reference the Task Assignment number. Any exemptions not attached are waived.

_____
(signature of authorized Contractor representative)

---------- Notarization of Signature of Contractor (required) ----------

State of _____ County of _____

Sworn to and subscribed before me by _____ this _____ day of _____, 20____.

☐ Personally known

☐ Produced Identification. Type of ID: _____

_____ My Commission Expires: _____
(Notary's Signature)

Notary Public, State of _____ Commission Number (if applicable) _____

(Approved Template 05/10/16)

DEP Contract No. GC914, Attachment E, Page 1 of 1

ATTACHMENT F, PUBLIC RECORDS REQUIREMENTS

A. Public Records Access Requirements.

a. If the Contract exceeds $35,000.00, and if the Contractor is acting on behalf of the Department in its performance of services under the Contract, the Contractor must allow public access to all documents, papers, letters, or other material, regardless of the physical form, characteristics, or means of transmission, made or received by the Contractor in conjunction with the Contract (Public Records), unless the Public Records are exempt from section 24(a) of Article I of the Florida Constitution or section 119.07(1), F.S.

b. The Department may unilaterally terminate the Contract if the Contractor refuses to allow public access to Public Records as required by law.

B. Additional Public Records Duties of Section 119.0701, F.S., If Applicable.

If the Contractor is a "contractor" as defined in section 119.0701(1)(a), F.S., the Contractor shall:

(1) Keep and maintain Public Records required by the Department to perform the service.

(2) Upon request, provide the Department with a copy of requested Public Records or allow the Public Records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, F.S., or as otherwise provided by law.

(3) A Contractor who fails to provide the Public Records to the Department within a reasonable time may be subject to penalties under section 119.10, F.S.

(4) Ensure that Public Records that are exempt or confidential and exempt from Public Records disclosure requirements are not disclosed except as authorized by law for the duration of the Contract term and following completion of the Contract if the Contractor does not transfer the Public Records to the Department.

(5) Upon completion of the Contract, transfer, at no cost, to the Department all Public Records in possession of the Contractor or keep and maintain Public Records required by the Department to perform the service. If the Contractor transfers all Public Records to the Department upon completion of the Contract, the Contractor shall destroy any duplicate Public Records that are exempt or confidential and exempt from Public Records disclosure requirements. If the Contractor keeps and maintains Public Records upon completion of the Contract, the Contractor shall meet all applicable requirements for retaining Public Records. All Public Records stored electronically must be provided to the Department, upon request from the Department's custodian of Public Records, in a format specified by the Department as compatible with the information technology systems of the Department. These formatting requirements are satisfied by using the data formats as authorized in the Contract or Microsoft Word, Outlook, Adobe, or Excel, and any software formats the Contractor is authorized to access.

(6) IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, F.S., TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE CONTRACT, CONTACT THE DEPARTMENT'S CUSTODIAN OF PUBLIC RECORDS AT:

Telephone: (850) 245-2118
Email: public.services@dep.state.fl.us
Mailing Address: Department of Environmental Protection
ATTN: Office of Ombudsman and Public Services
Public Records Request
3900 Commonwealth Boulevard, MS 49
Tallahassee, Florida 32399

Leon County Board of County Commissioners
Agenda Item #7
May 23, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Florida Department of Environmental Protection Permitting and Compliance Assistance Program Contract Renewal for the Petroleum Storage Tank Regulation Program for 2017-2027

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator David McDevitt, Director, Department of Development Support & Environmental Management
Lead Staff/ Project Team:	John Kraynak, Director, Environmental Services Robert Bass, Environmental Inspection Supervisor Edwin French, Senior Environmental Compliance Specialist

Statement of Issue:
This agenda item seeks the Board's approval of Contract GC914 with the Florida Department of Environmental Protection (FDEP) for the renewal of the Petroleum Storage Tank Regulation Program with an effective date of July 1, 2017 and requests the Board's authorization for staff to continue to approve the associated annual Task Assignment (Attachment #1). This item also seeks the Board's authorization to expand the program into Jefferson County. Approval of a new contract is required for staff to perform petroleum storage tank inspections.

Fiscal Impact:
This program has been budgeted and adequate funding is available which anticipates the revenues generated by this contract. Since 2012, the Board has subsidized the program to ensure that 100% of the facilities are inspected each year in Leon County. The current year budget subsidy is anticipated to be $54,184. If the Board accepts the FDEP's offer to expand the County's program into Jefferson County, the program subsidy would reduce to $41,337.

Staff Recommendation:
Option #1: Approve the FDEP Contract GC914 with an effective date of July 1, 2017 (Attachment #1) and authorize the Chairman to execute, authorize expansion of the program into Jefferson County, and authorize staff to continue to approve the annual task assignment.

Report and Discussion

Background:

On July 16, 1990, Policy 1.1.5 of the Aquifer Recharge/Utilities Element of the Comprehensive Plan became effective, which required the County to assume responsibly for the enforcement of state regulations concerning underground storage tanks. On October 1, 1990, the Board entered into a contract with the Florida Department of Environmental Protection (FDEP) to administer the Petroleum Storage Tank Regulation Program. Under this contract, the County inspects underground and aboveground petroleum storage tanks to ensure compliance with state and federal regulations. This program has historically been funded entirely by the FDEP and previous contracts were negotiated annually. In 1997, the governor directed that all contracts are to run from July 1 - June 30, for synchronization with the State's budget cycle. Under the ten year contract, Task Assignments are allocated annually and approved by staff. The Petroleum Storage Tank Regulation Program has received funds from FDEP to provide groundwater protection services since 1990.

In 2012, the FDEP 100% inspection rate of regulated facilities was reduced along with the funding for the local programs. The FDEP also consolidated the individual county contracts in an effort to improve program performance. Since Leon County has consistently been one of the top performing programs in the state, FDEP offered Leon County the opportunity to oversee storage tank compliance in Wakulla and Gadsden Counties. On July 10, 2012, the Board conducted a workshop to consider acceptance of the two additional counties, and their action to approve was ratified at their regularly scheduled meeting the same day. To ensure the Aquifer Protection requirements of the Comprehensive Plan are met, the Board began subsidizing the program to inspect 100% of the facilities in Leon County.

Also in 2012, the Petroleum Storage Tank Regulation Program staff assisted in the creation and implementation of the Leon County Ordinance entitled "Refueling Assistance for Persons with Disabilities." This Ordinance ensures compliance with the Americans with Disabilities Act (ADA) at a local government level by requiring gas stations to provide equal access for customers with disabilities.

The Petroleum Storage Tank Regulation Program operates from the Department of Development Support & Environmental Management, Division of Environmental Services. The contract provides for one Environmental Compliance Specialist, who performs storage tank compliance inspections and a Senior Environmental Compliance Specialist, who performs limited enforcement as well as compliance inspections.

Prior to contracting with Leon County, FDEP was able to obtain only limited compliance with State regulations regarding storage tanks due to lack of compliance staff. Major progress toward compliance has been made over the last 27 years because of the contract with Leon County.

Since Leon County began this program, many abandoned storage tanks have been discovered and properly abandoned and older, out of compliance facilities have been properly closed. Also, all open facilities have been upgraded with secondarily contained (double-walled) tank systems, leaking facilities have been cleaned up, and fueling stations are better able to detect loss due to leakage because of compliance with leak detection and overfill requirements. Compliance with the State stationary tank codes is viewed as the best way to ensure that storage tanks do not leak into the environment and groundwater.

Analysis:

The program, or a variation of it, is necessary to meet requirements of the Wellhead Protection Ordinance and the Comprehensive Plan. If this contract is not approved, the County would have to institute a new program to meet the requirements of the Comprehensive Plan for wellhead protection. Aquifer protection would suffer during the transition period while Leon County implemented a non-state funded program.

The FDEP process calls for contracts to be executed for ten year periods with Task Assignments renewed annually. The Task Assignments set tank inspection priorities and the applicable funding to complete the inspections as required by the Task Assignment. Priority inspections have typically included facilities noted as out of compliance the previous year, and facilities that have not been inspected within a 16-24 month interval (roughly fifty percent of total active facilities in each county annually). In addition to priority inspections, FDEP also allocates funding to perform variable inspections such as discharges, installations, closures and non-compliance inspections. With approval of the new contract, Contract GC681 will no longer be needed and can be replaced with Contract GC914 on June 30, 2017.

The FDEP utilizes a specific contracting formula. The contracted dollar amount is relative to approximately fifty percent of the number of active facilities in each county, multiplied by a fixed rate per facility set each year by the State, plus a fixed rate for variable inspections. For instance, in Task Assignment ten of the last contract, Petroleum Storage Tank Regulation Program was tasked to perform 187 compliance inspections valued at $464 each, for a guaranteed annual amount of $86,768, with options to cover up to an additional $25,770.10 for variable inspection costs, for a total revenue of $112,538.10.

The Petroleum Storage Tank Regulation Program has provided many benefits to Leon County, such as aquifer protection, compliance with the Wellhead Protection Ordinance as required by the Comprehensive Plan and the availability of personnel with expertise and equipment to assist other County Departments in the management of County-owned storage tank facilities. By having the program under local jurisdiction, the State's storage tank program is more accessible to the public.

The public considers a program administered at the local level to be an easily accessible resource. The local presence provides guidance to facility owners and operators on maintaining compliance with state and federal regulations. Local tank inspectors can respond to reports of petroleum product discharges more quickly than State personnel. County tank inspectors are

able to witness the removal and installation of all storage tank systems, whereas prior to the local program, an inspector would rarely be on site during these operations.

By continuing the program, there will be greater protection from groundwater contamination through a more effective compliance program administered by Leon County. Prior to the program, the State conducted a limited number of compliance inspections. Leon County personnel have conducted compliance inspections at all Leon County regulated facilities annually, and approximately fifty percent of the regulated facilities in the adjoining contracted counties. The funding package enhances the County's environmental and code compliance programs in many ways, including readily available expertise regarding petroleum storage and consistent monitoring in the field to spot violations of the Environmental Management Act.

In March of 2017, the FDEP offered Leon County the opportunity to oversee storage tank compliance in Jefferson County. The addition of Jefferson County would continue the program's attempt to ensure regional groundwater protection and close the eastern geographical end of FDEP's northwest district. Staff recommends accepting the addition of Jefferson County, which would reduce the budget subsidy and increase the annual contract Task Assignment amount by $12,847.30. This would add approximately twenty annual inspections to the current list and would provide a total estimated annual contract Task Assignment revenue amount of $125,385.40.

Options:

1. Approve the FDEP Contract GC914 with an effective date of July 1, 2017 (Attachment #1) and authorize the Chairman to execute for execution by the Board, authorize expansion of the program into Jefferson County, and authorize staff to continue to approve the annual task assignment.

2. Do not approve the FDEP Contract GC914.

3. Board direction.

Recommendation:

Option #1

Attachment:

1. FDEP Contract GC914 without Attachments.

Leon County
Board of County Commissioners

Notes for Agenda Item #18

Leon County Board of County Commissioners

Agenda Item #18

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Herbert W. A. Thiele, County Attorney

Title: Southwood Development of Regional Impact Integrated Development Order and Tri-Party Development Agreement with the City and The St. Joe Company

Review and Approval:	Vincent S. Long, County Administrator Herbert W. A. Thiele, County Attorney
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator David McDevitt, Director, Development Support and Environmental Management
Lead Staff/ Project Team:	Barry Wilcox, Chief of Development Resources Officer Jessica Icerman, Assistant County Attorney

Statement of Issue:

The St. Joe Company has approached the County and City to explore options of rescinding or abandoning the Southwood Development of Regional Impact (DRI) Integrated Development Order. To ensure any outstanding commitments made to the County in the DRI are fulfilled, this agenda item seeks the Board's approval for the County to prepare a new development agreement with the City and The St. Joe Company to replace the DRI. Pursuant to Leon County ordinance, the proposed development agreement could be considered by the Board at a future public hearing.

Fiscal Impact:

This item has no current fiscal impact but recommends bringing a tri-party development agreement back to the Board that would address a number of outstanding mitigation requirements made to the County as a result of the Southwood DRI Development Order.

Staff Recommendation:

Option #1: Direct staff to bring back a tri-party development agreement with the City of Tallahassee and The St. Joe Company for the Board's consideration at a future Public Hearing.

Report and Discussion

Background:

This agenda item seeks the Board's approval to bring back a tri-party development agreement with the City of Tallahassee and The St. Joe Company for the Board's consideration at a future public hearing that would replace the Southwood Development of Regional Impact (DRI) Integrated Development Order. The developer of Southwood, The St. Joe Company, has approached the County and City to explore options of rescinding or abandoning the Southwood Development of Regional Impact (DRI) Integrated Development Order. For the remaining concurrency and mitigation requirements, the St. Joe Company would seek a tri-party development agreement with the County and City to satisfy the requirements of the DRI Development Order.

Southwood is a 3,222-acre mixed-use development located in the southeast area of the City of Tallahassee and Leon County. Due to the size and scope of the Southwood development, it is a Development of Regional Impact (DRI), pursuant to Florida Statutes Chapter 380. The DRI Integrated Development Order (DO) for Southwood was adopted by the City and County in 1999. The Board approved seven Notices of Proposed Change (NOPC) to the Southwood DO between 2000 and 2012. Most recently in 2017, the Board approved an administrative amendment to the Southwood DO (Attachment #1). The DO defines the plan of development of the Southwood DRI and requires the developer to fund a number of infrastructure improvements. The entire site is zoned Planned Unit Development (PUD), which implements the entitlements of the DRI and establishes the standards for development of each component of the DRI.

A Development of Regional Impact is defined in Chapter 380, Florida Statutes, as "any development that, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county." The DRI program was initially created in 1972 and provided for an exhaustive and time-consuming process, which included review of any new DRIs or amendments to existing DRIs by the Regional Planning Council and multiple state agencies, as well as the local governments with regulatory approval for the DRI.

With the rise of comprehensive planning under Chapter 163, Florida Statutes, the need for DRI regional review has diminished and the Legislature has more and more shifted the review responsibility to the local governments. In 2011, the DRI law was amended to allow administrative amendments to approved DRIs. In 2015, the Legislature amended the DRI law to provide that new developments that meet the definition of DRI must be approved through the Comprehensive Plan amendment process instead of pursuant to the DRI law. The DRI law was again amended in 2016 and 2018 to shift more responsibilities to the local governments. As a result of the various law changes, the DRI law now only applies to existing DRIs with DOs that were approved prior to July 1, 2015, and which have not been abandoned or rescinded. Therefore, the DRI law continues to apply to Southwood. The developer of Southwood, the St. Joe Company, has approached the County and City to explore options of rescinding or abandoning the Southwood DRI.

That DRI law provides two avenues for terminating a DRI: abandonment and rescission. Initially, abandonment and rescission were two distinct processes with different procedures and criteria. However, the several amendments to the DRI law have made abandonment and rescission almost indistinguishable. While the process of abandonment and rescission vary slightly, the criteria for abandonment and rescission are now identical. St. Joe has not yet determined if abandonment or rescission will be pursued.

Abandonment

The recently amended Section 380.06(11), Florida Statutes, provides for the abandonment of DRIs and their associated DOs. The developer, owner, or local government may propose abandonment. If the local government proposes abandonment, individual written notice must be provided to each DRI owner and developer of record; however, abandonment by the local government may not commence if any owner or developer objects in writing to the local government before or at the Public Hearing pertaining to the abandonment of the DRI. No such restriction exists if the abandonment is proposed by the owner or developer.

Ultimately, if abandonment of the Southwood DRI is requested, the DRI DO must be abandoned by the City and County upon a showing that all required mitigation related to the amount of development which exists on the date of abandonment has been completed or will be completed under an existing permit or equivalent authorization. All development following abandonment must be fully consistent with the current Comprehensive Plan and applicable zoning.

Rescission

Section 380.115, Florida Statutes, provides that a development that has received a DRI DO, but is no longer required to undergo DRI review by operation of law may elect to rescind the development order. The developer or landowner may request rescission of the DRI.

Ultimately, if the developer or landowner requests rescission of the Southwood DRI, the DRI DO must be rescinded by the City and County upon a showing that all required mitigation related to the amount of development which exists on the date of abandonment, has been completed or will be completed under an existing permit or equivalent authorization.

Analysis:

The St. Joe Company has expressed its interest with the County, City, and the Southwood Community Development District in exploring their options to abandon or rescind the Southwood DRI DO. For The St. Joe Company to abandon or rescind the Southwood DRI DO, all mitigation must have been completed or programmed to be completed under an existing permit or equivalent authorization. Such authorization may be accomplished through a variety of ways, such as development agreements, mitigation agreements and/or development orders conditioned upon the completion of the required mitigation.

Generally, the outstanding issues associated with the DO for Southwood that are of importance to the County and would need to be addressed prior to the rescission or abandonment of the integrated DRI DO include the following:

- Payment of outstanding transportation concurrency mitigation fees which are estimated to be approximately $1.8 million and would be utilized for improvements to the intersection of Blair Stone and Old St. Augustine Roads.
- The timely completion of Biltmore Avenue to Apalachee Parkway no later than December 31, 2020.
- The disposition of the payment in-lieu of affordable housing fees ($160.00/single family residential unit permitted) that have been collected to date.
- The donation of a 2.5-acre tract of property to the County which is identified in the DRI as a potential future library site or other community facility.

The remaining undeveloped components of the Southwood DRI are totally under the jurisdiction of the City of Tallahassee; therefore, if the integrated DRI DO is rescinded or abandoned, the County would lose its ability to ensure enforcement of outstanding commitments made by St. Joe, especially the completion of Biltmore Avenue to Apalachee Parkway. However, this commitment, as well as others important to the County, could be memorialized in a development agreement between the County, City and St Joe to ensure timely completion of the roadway. If St. Joe pursues a development agreement, the Local Planning Agency and the Board will each hold one public hearing on the proposed development agreement.

Based on the Board's guidance, staff will continue discussions with the City and The St. Joe Company in order to support the goals of the developer and realize the mitigation requirements of interest to the County. Staff anticipates bringing back a development agreement for the Board's consideration at a public hearing in the fall.

Options:

1. Direct staff to bring back a tri-party development agreement with the City of Tallahassee and The St. Joe Company for the Board's consideration at a future Public Hearing.
2. Accept report and do not direct staff to bring back a tri-party development agreement with the City of Tallahassee and The St. Joe Company for the Board's consideration at a future Public Hearing.
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. Southwood DRI Integrated Development Order, 1999-2017

APPROVAL OF THE CITY COMMISSION OF THE CITY OF TALLAHASSEE, FLORIDA, THE COUNTY COMMISSION OF LEON COUNTY, FLORIDA, OF A MINOR AMENDMENT FILED BY THE ST. JOE COMPANY, F/K/A ST. JOE TOWNS & RESORTS, L.P. F/K/A ST. JOE/ARVIDA COMPANY, L.P., RESTATING AND APPROVING AMENDMENTS TO THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, AS AMENDED, FOR THE SOUTHWOOD DEVELOPMENT OF REGIONAL IMPACT

INTEGRATED DEVELOPMENT ORDER, 1999-2017

WHEREAS, the Southwood Development of Regional Impact (DRI) is a proposed mixed use development on approximately 3,322 acres located in the City of Tallahassee and in unincorporated Leon County, Florida; and

WHEREAS, on November 7, 1994, the City adopted an Urban Services Agreement with The St. Joe Company ("St. Joe") to provide guidelines concerning future utilities and public services; and

WHEREAS, in 1995, the City of Tallahassee (City) and Leon County (County) adopted the Southeast Sector Plan (SESP) as a critical area plan within the Tallahassee-Leon County Comprehensive Plan for the purpose of encouraging well-planned, high-quality development within the southeastern portion of the community in keeping with the City's and the County's commitment to promote the Southern Strategy; and

WHEREAS, in 1995, the City adopted the Southeast Sector Overlay (Ordinance No. 95-O-0029, as amended) to provide guidelines and standards for future development in the area subject to the SESP; and

WHEREAS, the Southwood DRI is located within the area subject to the SESP and is adjacent to and surrounds the Capital Circle Office Center (CCOC) DRI being developed by the Florida Department of Management Services (DMS) as State office buildings; and

WHEREAS, in October, 1997, the Governor established the Southwood Coordinated Planning Effort (SCOPE) Committee, which consists of representatives of the City, County, DMS, Department of Community Affairs (DCA), Florida State University, Florida Agricultural and Mechanical University, Tallahassee Community College, Leon County School Board, and St. Joe; and

WHEREAS, the purpose of the SCOPE process was to ensure coordination of the planning and future development of the Southwood DRI and the CCOC; and

WHEREAS, on April 28, 1999, the City approved the original development order for Southwood; and

20180029460
THIS DOCUMENT HAS BEEN RECORDED IN THE PUBLIC RECORDS OF
LEON COUNTY FL
BK: 5194 PG:478, Page1 of 108
05/16/2018 at 02:40 PM,
GWEN MARSHALL, CLERK OF COURTS

WHEREAS, the City has previously considered and approved seven (7) notifications of proposed change to the original development order, which have been formally memorialized in the Integrated Development Order, 1999-2012, passed and approved by the City Commission on January 25, 2012; and

WHEREAS, the County has previously considered and approved seven (7) notifications of proposed change to the original development order, which have been formally memorialized in the Integrated Development Order, 1999-2012, passed and approved by the County Commission on July 10, 2012; and

WHEREAS, on June 15, 2017, The St. Joe Company (the "Developer") filed an Administrative Amendment to the Southwood DRI, which is to be located on certain real property more specifically described in Exhibit A-1, attached and incorporated herein by reference ("DRI Property"); and

WHEREAS, The St. Joe Company is the owner of the DRI Property and authorized to file the administrative amendment and obtain an amended development order for the DRI Property which shall be set forth in the form of this Integrated Development Order (hereinafter referred to as "Development Order"); and

WHEREAS, the Developer has provided complete copies of the Administrative Amendment and all information for sufficiency to the City, County, DEO, Apalachee Regional Planning Council (ARPC), and other review agencies; and

WHEREAS, the Southwood DRI is consistent with the SESP and all other provisions in the Tallahassee-Leon County Comprehensive Plan as amended; and

WHEREAS, the City has duly noticed and held on October 25, 2017, a public hearing on the Administrative Amendment as required by Section 380.06, F.S., and afforded the public and all affected parties an opportunity to be heard and present evidence.

WHEREAS, the County has duly noticed and held on November 14, 2017, a public hearing on the Administrative Amendment and afforded the public and all affected parties an opportunity to be heard and present evidence.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TALLAHASSEE, FLORIDA AND THE COUNTY COMMISSION OF LEON COUNTY, FLORIDA:

Section 1. Findings of Fact and Conclusions of Law. The City and County make the following findings of fact and reaches the following conclusions of law regarding this Development Order for the Southwood DRI:

A. Findings of Fact.

1. The above recitals are true and correct, and are incorporated herein by reference.

2. On July 1, 1998, the Developer filed an Application for Development Approval (ADA) for the Southwood DRI with the City and County, pursuant to the provisions of Section 380.06, F.S., and the ADA is incorporated into this Development Order by this reference.

3. The Developer supplemented the ADA with the following information which is incorporated into the ADA and this Development Order by this reference:

   a. Sufficiency Response (dated October 5, 1998).

   b. Supplemental Affordable Housing Analysis (dated November 12, 1998).

   c. Supplemental Transportation Analysis and Mitigation Proposal (dated January 22, 1999).

   d. Second Supplemental Affordable Housing Analysis (dated January 22, 1999).

   e. Second Supplemental Transportation Analysis and Mitigation Proposal (dated February 10, 1999).

   f. Supplemental Land Use Table (dated March 1999).

   g. Preliminary Natural Features Inventory (dated January 1999, as supplemented on March 29, 1999 and April 2, 1999).

   h. Preliminary Environmental Impact Analysis (dated January 1999).

4. The ADA was reviewed as required by Chapter 380, F.S., and the City's and County's land development regulations.

5. The City and County held a joint public hearing on April 28, 1999, considered the ADA and addressed each of the criteria set forth in Sections 380.06(14) and (15), F.S.

6. The City and County determined at the public hearing that all legal requirements of notice and publication as required by Section 380.06(11), F.S., as well as local procedural requirements, for the issuance of the original development order have been met or have occurred.

7. The City and County have received and considered the report and recommendations of the ARPC.

8. The Southwood DRI is not in an Area of Critical State Concern.

9. The City and County have subsequently received applications for seven (7) amendments to the original development order in the form of Notices of Proposed Change.

10. All of the Notices of Proposed Change were duly approved in accordance with law.

11. On June 15, 2017, the Developer filed an Administrative Amendment to the Southwood DRI with the City and County, pursuant to the provisions of Section 380.06(19)(e)2.k, F.S., and the Administrative Amendment is incorporated into this Development Order by this reference.

12. The City held a public hearing on October 25, 2017, considered the Administrative Amendment, and addressed each of the criteria set forth in Sections 380.06(19)(e)2, F.S.

13. The County held a public hearing on November 14, 2017, considered the Administrative Amendment, and addressed each of the criteria set forth in Sections 380.06(19)(e)2, F.S.

13. The City and County determined at the public hearings that all legal local procedural requirements, for the issuance of this Development Order have been met or have occurred.

B. Conclusions of Law

1. The City Commission and the County Commission are the governing bodies having jurisdiction over that portion of the DRI Property described in Exhibit A-1. The City Commission and County Commission have authority to review and approve the Minor Amendment, pursuant to Chapter 380, F.S., and is authorized and empowered to issue this Development Order.

2. The Southwood DRI, as approved herein, is consistent with the State Comprehensive Plan.

3. The Southwood DRI is consistent with the Tallahassee-Leon County Comprehensive Plan, as amended, and the City's and County's land development regulations. All subsequent submittals pursuant to this Development Order shall also be consistent with the Comprehensive Plan.

4. The Southwood DRI is consistent with the Apalachee Strategic Regional Policy Plan as adopted in Chapter 29L-5, F.A.C.

5. The Southwood DRI is consistent with the ARPC Regional Report and Recommendations issued pursuant to Section 380.06, F.S., on December 13, 2010.

6. The provisions of this Development Order shall not be construed as a waiver of or exception to any local ordinance, state or federal law or regulation.

7. The impacts of the Southwood DRI, as conditioned by this Development Order, are adequately addressed pursuant to the requirements of Chapter 380, F.S.

8. To the extent that the ADA is inconsistent with the terms and conditions of this Development Order, this Development Order shall prevail.

9. The Minor Amendment does not constitute a substantial deviation from the Development Order adopted by the City Commission on April 28, 1999, as subsequently amended, and is approved subject to the conditions set forth in this Development Order.

Section 2. Development Identification

A. The development shall be known as: Southwood.

B. The legal description of the Southwood DRI is attached hereto and made part hereof as Exhibit A-1. That property is owned by The St. Joe Company.

C. The Developer of Southwood is The St. Joe Company, f/k/a St. Joe Towns & Resorts, L.P. f/k/a St. Joe/Arvida Company, L.P.

D. The authorized agents for the Developer are Abraham Prado, 3251 Hemingway Blvd, Tallahassee, Florida 32311; and Bridget Precise, 133 South WaterSound Parkway, WaterSound, Florida 32413.

E. The Southwood DRI shall consist of 3,322 acres as follows:

1. 2,194,117 square feet of office uses;

2. 799,502 square feet of commercial uses;

3. 2,728,381 square feet of industrial uses;

4. 4,770 residential units;

5. 403,000 GSF of educational/institutional uses; and

6. 1,387 acres of recreation and open space areas.

Uses shall be located within the Project as set forth in this Development Order, including Exhibit "B" and Exhibit "C".

The Developer shall allocate a minimum 160,000 GSF of Phase 1 Commercial and Office, exclusive of the conversion rights provided in the next paragraph, combined for Town Center with the amount of each land use from the minimum allocation constituting no more than 60 percent of the total and no less than 40 percent of the total.

The Developer may convert up to 31,000 GSF of Commercial to up to 63,000 GSF Institutional at a rate of 203 GSF Institutional for 100 GSF Commercial with no more than 23,000 GSF of total Institutional for day care and the remaining square footage for church, synagogue or mosque. Any conversion must be reported in the next required Annual Report.

The Developer may convert various uses to up to 500 beds of Assisted Living/Continuing Care Facilities. Multifamily Residential to Assisted Living may be converted at a rate of 1 DU Multifamily for 2.7 beds Assisted Living. Commercial to Assisted Living may be converted at a rate of 1,000 SF Commercial for 23.6 beds Assisted Living. Office to

Assisted living may be converted at a rate of 1,000 SF Office for 7.3 beds Assisted Living. Any conversion must be reported in the next required Annual Report.

F. Development of the Southwood DRI shall occur in three (3) phases as described in Exhibit B. Prior to the commencement of development of the Phase 2b entitlements, an updated transportation analysis that addresses the cumulative impacts of Phase 1 and Phase 2a shall be provided by the Developer to the review agencies as a substantial deviation for review of transportation only. Until such time as the Phase 2b entitlements are sought, the lands identified in Exhibit B as being in Phase 2b may be developed with available entitlements from Phase 2a. Traffic mitigation necessary to serve the project at buildout of the Phase 2b entitlements shall be determined on the basis of state, regional and local government requirements then in effect and shall be incorporated into this Development Order by amendment.

G. The development shall proceed, and shall be located substantially as depicted in the Master Development Plan attached hereto and made part hereto as Exhibit C. The exact sizes of buildings or improvements, their utilization and their location shall be determined consistent with applicable land development regulations.

H. Subsequent to approval of this Development Order, the following final development orders, and/or permits shall be applied for by the Developer:

1. Amendment to the Planned Unit Development (PUD) Concept Plan (as set forth in Subsection 10.3.E of the Zoning, Site Plan, and Subdivision Regulations); and

2. PUD Final Development Plans (Preliminary Plat/Final Plat, and/or Limited Partition, and/or Type A Site Plan, and/or Type B Site Plan, and/or Type C Site Plan as set forth in Articles XXI and XXII of the Zoning, Site Plan, and Subdivision Regulations); and

3. Environmental Management Permit(s) (as set forth in Article 2 of the Environmental Management Ordinance); and

4. Building Permit(s) (as set forth in the Building Code).

The foregoing list is not intended to waive or eliminate any rights, procedures or exemptions that may be available to the Developer under federal, state or local law.

I. Master planning and development of the other property owned by St. Joe within the area subject to the SESP shall be consistent with the SESP, as it may be amended from time to time.

Section 3. Development Approval. The development of the Southwood DRI, as described in this Development Order, is hereby approved subject to the following conditions, stipulations, and requirements:

A. Specific Conditions

1. Air Quality

a. To reduce dust emissions, land clearing shall be scheduled immediately ahead of construction activities and only on the land needed for construction. A water sprinkling program shall be initiated over areas that are excavated, and vegetative cover shall be re-established and maintained once construction is complete.

b. Prior to the start of any construction for the Phase 2b entitlements, the Developer shall update the air quality analysis in conjunction with the transportation analysis required by Section 3.A.14 of this Development Order.

2. Natural Features Inventory/Environmental Impact Analysis

a. The Natural Features Inventory (NFI) shall be approved by the City's Director of Growth Management prior to PUD Concept Plan submittal or any other request for development activity. The Environmental Impact Analysis (EIA) with finalized mitigation and preservation area boundaries, wetland and listed species Habitat Restoration and Management Plan must be approved prior to approval of the PUD Concept Plan, and shall be consistent with the 22% open space/greenway areas as specified in the Comprehensive Plan and Section 3.A.19 below.

b. The Developer shall cause that property south of Tram Road which is used for stormwater management purposes to be encumbered with a perpetual stormwater easement to assure its perpetual use for stormwater management purposes consistent with the approved Stormwater Facilities Master Plan. The easement shall be granted within 30 days after approval of the permit(s) necessary for the use of such areas for stormwater management purposes.

c. The placement of any roads or infrastructure within preservation areas will require variances from the Environmental Management Ordinance and shall be consistent with the Comprehensive Plan. Impacts to wetlands shall be mitigated in accordance with state (FDEP) and federal (USACOE) guidelines, the Comprehensive Plan, and the land development regulations.

3. Wetlands/Floodplains

a. No development will occur prior to the submittal, review, and approval of the Stormwater Facilities Master Plan (SFMP).

b. Any development within wetlands and floodplains shall be consistent with the local comprehensive plan, Environmental Management Ordinance (EMO), the approved SFMP and all applicable federal and state laws. No development shall occur within wetlands or floodplains except as permitted by local, state, and federal regulations.

c. Any increases in the flood volume or stage shall be allowed only if the EIA and the SFMP determine that the beneficial functioning of the wetland hydrocycle and associated vegetative components are preserved or enhanced.

d. Wetlands shall be protected through conservation easements granted to the City or its designee or the County or its designee, as the case may be.

e. Pursuant to section 380.06(5)(c), F.S., the Developer has elected to be bound by the rules adopted pursuant to chapters 373 and 403, F.S., that are in effect at the time this Development Order is issued.

4. Vegetation and Wildlife

a. As described in the ADA and the preliminary EIA, the Developer shall mitigate for the impacts to listed species habitat through protection and restoration of on-site and off-site habitat as follows:

(1) On-site: The Developer shall provide appropriate use restrictions on approximately 470 acres of the DRI Property (not including use restrictions on the out-of-bounds areas of the golf course described in Section 4.a.1.(c) below and use restrictions on passive recreation areas that are consistent with the

Habitat Restoration and Management Plan described in Section 4.b. below) to mitigate for impacts to listed species habitat as follows:

(a) Shepherd Branch Mitigation Area. Prior to commencing any development south of Main Street, the Developer will cause a conservation easement to be granted in favor of the City, or its designee, on the 180 acre parcel described in the preliminary EIA to provide for the long-term protection and management of the parcel as habitat for gopher tortoise (Gopherus polyphemus) and commensal species, Southeastern American kestrel (Falco sparverius paulus), Sherman's fox squirrels (Sciurus niger shermani), bent golden aster (pityopsis flexuosa), and listed wetland-dependent species.

(b) Wetlands. The Developer shall cause a conservation easement(s) to be granted in favor of the County or its designee or the City or its designee, as the case may be, on approximately 230 acres of wetlands to provide habitat for wetland-dependent listed species and to mitigate for wetland impacts. The wetlands subject to this paragraph are generally described in the preliminary EIA. The conservation easement(s) shall be executed and recorded prior to the issuance of the Environmental Management Permit for the area which has wetlands to be conserved pursuant to this subsection.

(c) Other Uplands. As described in the preliminary EIA, in addition to that area described in Section 4.a.1.(a) above, a minimum of 60 acres of existing pine/oak/hickory canopy and pasture in the vicinity of the Central Park Preserve, the Eastern Preserve, and the Western Preserve as well as, a minimum of 45 acres located within the out-of-bounds area of the golf course shall be protected through appropriate use restrictions and managed for Southeastern American kestrel and Sherman's fox squirrel habitat. The Habitat Restoration and Management Plan, which shall be approved by the City prior to development, shall incorporate techniques for the protection and management of Sherman's fox squirrel habitat in the out-of-bounds area of the golf course.

(2) Off-site: Prior to undertaking any development, the Developer will cause St. Joe to take one of the following actions to ensure the long-term protection and management of the 264 acre +/- parcel more fully described in the preliminary

EIA as habitat for gopher tortoise and commensal species, Southeastern American kestrel, Sherman's fox squirrel and bent golden aster:

(a) Convey the site to the U.S. Forest Service for incorporation into the adjacent Apalachicola National Forest; or

(b) Convey the site or grant a conservation easement on the site to the City or its designee.

In either event, the conveyance will include appropriate use and transfer restrictions on the property to assure perpetual use of the property for habitat mitigation purposes.

b. A preliminary Habitat Restoration and Management Plan for the designated mitigation areas was included in the preliminary EIA which has been incorporated herein by reference. A final Habitat Restoration and Management Plan must be submitted with the EIA and approved by the City Growth Management Department and the County Development Support and Environmental Management Department. At a minimum, the final Habitat Restoration and Management Plan shall include the mitigation discussed in the preliminary EIA and the following:

(1) The identification of mitigation areas of the size and quality required by state and local agencies as mitigation for impacts to listed species.

(2) Long term habitat management and protection.

(3) The identification of individuals or agencies responsible for the implementation of habitat restoration and long term habitat management.

(4) The source of any financial endowment necessary for the restoration and management of the required mitigation areas in perpetuity.

(5) Grant of conservation easements to the County or its designee or the City or its designee, as the case may be.

(6) Implementation of prescribed burn programs where appropriate.

(7) Thinning plantation pines where appropriate.

(8) Installation and maintenance of kestrel nest boxes in appropriate habitats.

(9) Invasive-exotic vegetation management.

(10) Canopy and understory vegetation management of existing forests where necessary.

(11) Posted signs designating areas as protected zones with use restrictions.

c. Habitat enhancement, restoration and management must commence prior to the initiation of development activity. Development will be consistent with the provisions of the EIA and the Habitat Restoration and Management Plan.

d. Mitigation of development impact to gopher tortoise habitat, as described in section 4.a. above, will include a 1:1 (acre for acre) ratio, meaning that for every acre of gopher tortoises habitat impacted an acre of equal environmental habitat value is set aside in preservation to be restored, enhanced or maintained in such a manner which would allow for the relocation of individuals which otherwise would have been directly impacted by development activity.

e. In accomplishing the mitigation described in Section 4.a. above, relocation, rather than taking of individual gopher tortoises, shall be required. Relocation permits from the Fish and Wildlife Conservation Commission (FWCC) shall be required. Site specific listed species surveys must be performed immediately prior to the initiation of development activity. If individual gopher tortoises are encountered, relocation in accordance with FWCC provisions shall be required. If active Southeastern American kestrel or Sherman's fox squirrel nest sites are encountered, relocation or removal of nests may occur only outside of their respective nesting seasons and consistent with the Habitat Restoration and Management Plan.

f. In addition to the protection and management of bent golden aster in the onsite and offsite mitigation areas described in Section 4.a. above, bent golden aster habitat shall be incorporated into proposed development projects through perimeter buffers, landscape areas, rights-of-way, and other suitable nondevelopment area.

g. Upon the City's approval of the EIA described above, the mitigation described in this section shall be deemed to provide a "net benefit" to the listed species whose habitat is impacted by the Southwood DRI.

5. Historical and Archaeological Sites

a. The ADA identified sixty-six (66) cultural resource sites within the boundaries of the Project. Based upon the findings and recommendations from the Phase I and Phase II site assessments conducted at the direction of the Developer, the Division of Historic Resources (DHR) concurred that five (5) sites LE 1458; LE 1497; LE 1490; LE 2182 (portion); LE 2192 are significant and an additional seventeen (17) sites are potentially significant. The location and status of all of the cultural resource sites within the boundaries of the project is graphically depicted on Exhibit D-1. Letters from DHR concurring in the findings and recommendations in the site assessment reports are included as Exhibits D-2A and D-2B.

b. Boundary delineations for two (2) of the significant sites, LE 1458 and LE 2182, have been completed. DHR has concurred in these boundary delineations.

c. Consistent with the other provisions of this Development Order and all applicable state, regional and local regulations, development may be undertaken on those sites not identified on Exhibit D-1 as significant or potentially significant.

d. Prior to Planned Unit Development final development plan approval, the Developer shall conduct a Phase II site assessment for each potentially significant site within the boundaries of the PUD final development plan and provide a report of the findings and recommendations from that assessment to DHR. Sites which are not determined to be significant or potentially significant may be developed consistent with the terms of this Development Order. Prior to any development which would result in subsurface disturbance or soil compaction on a site determined to be significant, impacts shall be mitigated through one of, or a combination of, the following techniques, as approved by DHR:

(1) Preservation or avoidance: (i) locating development away from the site in order to avoid impacts to the site; (ii) incorporation of the site into the designated open space/greenway areas; or (iii) protection of the site through

deed restriction, conservation easement or other mechanism authorized in Rule 9J-2.043, F.A.C., which prohibits development impacts to the site;

(2) Pre-development data recovery and documentation: development of all or a portion of the site after recovery and documentation of data from the site through a Phase III site assessment program developed in consultation with DHR.

e. Construction monitoring shall be required during the clearing, grubbing, and stripping of the site during the initial construction activities. If additional potential cultural resource sites, deposits or features are located during construction, the Developer shall cease construction within 50 feet of the site, deposit or feature until a professional archaeological expert has been contacted and an assessment of the regional significance of the site has been made in coordination with DHR.

f. The Annual Report required by Section 3.A.23. of this Development Order shall include information regarding the disposition of each potentially significant site identified on Exhibit D-1. The Annual Report shall also include a revised Exhibit D-1 which depicts the current status of each cultural resource site and the location of any additional significant or potentially significant site identified during the preceding year.

g. Cemeteries:

(1) The Developer shall ensure that access remains available to the cemetery located on the out-parcel surrounded by LSF-7. To the maximum extent feasible, the existing vegetation surrounding the cemetery shall be retained to buffer the cemetery from the development in LSF-7.

(2) The Developer shall cause a conservation easement to be placed on the cemetery site located within MUEI-3. This site is depicted on Exhibit D-1 as LE 2192, and DHR concurred in the boundary delineation for the site in the letter attached as Exhibit D-2B. The site may be incorporated into the site plan for the adjacent educational uses so long as it is fenced or otherwise protected to prevent disturbance. The Developer shall ensure that access to the cemetery is available to the family and descendants of the persons buried therein.

(3) The site plan for LSF-10 shall guarantee the protection of the cemetery on the grounds of the existing Southwood main house.

(4) If additional cemetery or burial sites are identified on the DRI Property during development, such sites will be protected consistent with procedures in paragraph e. above.

6. Hazardous Materials and Hazardous Waste

a. No development which alone or cumulatively is known or likely to involve onsite hazardous material usage in amounts equal to or exceeding the amounts set forth in Rule 9J-2.044(5)(a)1.or 2., F.A.C., shall be allowed within the DRI Property without an amendment to this Development Order pursuant to the procedures set forth in Section 380.06, F.S.

b. The following conditions shall apply to commercial or industrial uses within the DRI Property which are known or likely to involve onsite hazardous material usage in amounts less than the amounts set forth in Rule 9J-2.044(5)(a)1., F.A.C.:

(1) The Developer shall implement conditions or operational restrictions so as to permit no activities which involve hazardous materials and/or waste to occur unless precautions are taken to preclude the release of hazardous materials or hazardous waste into the environment.

(2) The Developer shall encourage future industrial and commercial users to notify their employees of the presence of any hazardous materials in the work place, the correct use and disposal of such materials, and the potential health impacts of such materials.

(3) The Annual Report required by Section 3.A.23 of this Development Order shall include a summary of those commercial and industrial users with onsite use, production or storage of hazardous materials, the quantity of materials used or stored and a description of the precautions taken by such users to preclude the release of hazardous materials or hazardous waste into the environment.

c. All uses in the project shall be subject to applicable local, state and federal regulations for use, production, storage, handling and transport of hazardous materials. The Developer shall provide notice of this requirement to purchasers of industrial and commercial property within the project. The Developer shall not be responsible for the action or inaction of any future owner or tenant after providing such notice.

7. Stormwater Management

a. No development shall occur prior to the submittal, review and approval of the SFMP. The SFMP must be approved in accordance with paragraph b. prior to the approval of the PUD Concept Plan for the DRI property by the City and County Commissions.

b. The Scope of Work for the SFMP is attached hereto and made part hereof as Exhibit E. City and County staff shall complete their review of the SFMP within 60 days of the submittal of the SFMP intended for final review. The City Commission and the Board of County Commissioners shall approve,

approve with conditions, or deny the SFMP at their next available meeting, or within 30 days, whichever is sooner. The Developer shall make any changes to the Master Development Plan which may be required for approval of the SFMP. The SFMP is not a permit and approval does not vest the development or otherwise entitle the phases of the development to environmental permits. The SFMP shall be used in conjunction with applicable local, state and federal regulations as the basis for City review of design, permitting, and construction of individual management facilities within the Southwood development.

c. Modifications of the approved SFMP necessitated by a change to the Master Development Plan or to accommodate specific site development shall require approval of the City Commission and the Board of County Commissioners prior to development within an area affected by such modifications. The City Commission and the Board of County Commissioners shall establish standards for modifications which shall be deemed "minor" and which will be reviewed and approved by the City Manager and County Administrator or their designees.

d. Stormwater shall be managed as provided in the approved SFMP. The Developer shall incorporate any future changes to the land uses shown on the Master Development Plan into the approved SFMP.

e. The stormwater system shall be designed to retain floating oils, grease and debris pursuant to applicable federal, state and local regulatory requirements. Drainage ponds and other stormwater management facilities shall be designed, permitted, and constructed in accordance with the requirements of the EMO.

f. The owner of the particular stormwater facility shall provide preventative and restorative maintenance for each stormwater facility on a schedule that shall assure proper functioning of such facility. The maintenance schedule shall be submitted as part of permit applications to the Florida Department of Environmental Protection, the City and the County.

g. No fencing shall be required around drainage ponds or stormwater management facilities. No man-made slopes shall be steeper than a 4:1 ratio for stormwater management facilities without fencing.

8. Water Supply

a. The project is expected to use up to 1.68 million gallons per day (mgd) of potable water, and up to 1.06 mgd of non-potable water. Potable water shall be provided by the City.

b. If concurrency cannot be demonstrated for potable water through those means described in the ADA or this Development Order, the Developer must file a notification of proposed change and comply with the provisions of Section 380.06(19), F.S., and the Comprehensive Plan.

c. The Developer shall use appropriate water conservation techniques, including the use of xeriscaping and plant species with low water demand in landscaping, and water saving toilets and showers.

d. Upon request of the City, the Developer shall cause to be donated to the City at no cost to the City such sites for City water wells, pump and lift stations as mutually agreed by the City and the Developer based on the City's system-wide standards.

e. Upon request of the City, the Developer shall cause to be donated to the City at no cost to the City one elevated water tank site mutually agreed upon by the Developer and the City. The site is currently near MUEI-1 at a location approximately 3,500 feet east of Capital Circle and approximately 2,000 feet south of St. Augustine Road. The City may erect signs (the size, appearance and location of which must be approved by the Developer) indicating the future construction of the elevated tank.

The Developer shall have the right to approve the color, style, and aesthetic design of the elevated water tank, with any difference in cost between standard City water tanks and the Developer-approved design to be paid by the Developer; the location of ingress and egress to the site; the type of landscaping and fencing on the site; and the timing and staging of construction on the site.

f. The City and Developer have concluded discussions regarding the reuse of wastewater effluent for irrigating all or part of the development and regarding an easement for an effluent force main from the T.P. Smith Treatment Plant to the Southeast Farm, which discussions have resulted in the execution of that certain Reuse Agreement dated February 13, 2002. The Developer shall cause

the dedication, at no cost to the City, of a site not to exceed 4 acres for the City to construct water reuse facilities. The site shall be located south of Tram Road immediately to the southwest of Community Park.

g. The Developer may utilize irrigation wells, approved by the Northwest Florida Water Management District, and operated by the Developer for all areas throughout Southwood, except for those areas served by reuse facilities and the golf course. New wells may only be installed for the purpose of recharging lakes, provided the Developer coordinates with the Water Utilities Division prior to such installation.

9. Wastewater

a. The project is expected to generate an average of 1.68 mgd, with a peak hour demand of 3.54 mgd. Wastewater service shall be provided by the City.

b. If concurrency cannot be demonstrated for wastewater through those means described in the ADA or this Development Order, the Developer must file a notification of proposed change and comply with the provisions of Section 380.06(19), F.S., and the Comprehensive Plan.

c. Continued use and maintenance of the privately-maintained wastewater treatment system serving the main house in LSF-10 and its ancillary buildings, and the existing structures in MUOC-1, is allowed. The existing uses served by septic tanks shall connect to the City system when service becomes available within 1,000 feet. New septic tanks within the DRI shall be prohibited, except as indicated in the Urban Services Agreement.

d. Within 30 days after a utilities master plan for the project is approved, the City and the Developer will enter into a Letter of Agreement (letter of understanding) in a standard form used by the City for the installation of on-site water lines and on-site sewer lines. This Agreement will outline the process for payment of rebates, in compliance with City Code and the Urban Services Agreement approved by the City Commission on November 7, 1994 for those improvements, if applicable. The Letter of Agreement is considered subordinate to this Development Order.

e. In compliance with the Urban Services Agreement, the City, within ninety (90) days of acceptance of facilities by the City, shall establish a refunding account to reimburse the Developer in accordance with Section 25-139 and

25-141 of the Code of the City of Tallahassee in effect in 1994 for the installation of on-site water lines and on-site sewer lines.

10. Solid Waste

a. The Developer shall comply with state and local governmental standards for the collection of solid waste and recyclables for facilities that it owns within the DRI Property.

b. If concurrency cannot be demonstrated for solid waste through those means described in the ADA or this Development Order, the Developer shall file a notification of proposed change and comply with the provisions of Section 380.06(19), F.S., and the Comprehensive Plan.

11. Energy

a. The Developer shall ensure that energy efficient lighting, appliances, and heating and cooling equipment are installed in all buildings consistent with applicable building codes.

b. Energy efficient building materials which meet or exceed State of Florida and local energy conservation regulations shall be used in construction consistent with applicable building codes.

c. Energy efficient features shall be used in window design, and provisions shall be made for structural shading, such as overhangs, consistent with applicable building codes.

d. Existing shade trees shall be protected to the greatest extent possible and new shade trees shall be planted after construction.

e. All structures shall comply with energy consumption performance guidelines as required by Section 255.256, F.S.

f. The Developer shall assist builders with architectural energy conservation measures.

g. The Developer shall coordinate on an on-going basis with the City Electric Department to reduce peak demand electricity through the use of demand side management.

h. The City shall provide electric service throughout the project. All electric distribution service provided by the City shall be underground and at the expense of the City. Installation of electrical service shall be coordinated with the Developer so as to minimize any disturbance to the property or the use thereof by the Developer and/or subsequent purchasers. The Developer shall cause a 3.92 net buildable acre site in MUEI-4 to be dedicated for an electrical substation at a location mutually acceptable to the City and the Developer. This site shall meet the requirements for the provision of one of the three substation sites required by the Urban Services Agreement. Transmission line access to this substation shall be via a 100 foot wide right of way provided by the Developer in agreement with the City.

i. The Developer will provide at no cost to the City a 100 foot right of way for an overhead transmission line or in the event the transmission line is to be underground, in compliance with paragraph h of this section, the Developer shall provide a 40 foot wide right-of-way, at a location mutually agreeable to the City and the Developer. Such right-of-way shall be suitable for construction, operation and maintenance of electrical transmission lines that will connect the proposed substation in MUEI-4 with a future substation located northeast from MUEI-4 east of Southwood Plantation Road. Right-of-way alignment shall be identified in the PUD documentation and shall be deeded upon written request from the City.

j. The Developer has requested the relocation of an electrical transmission line presently located within City owned right of way in the northwestern quadrant of the DRI Property. The City has agreed to the concept of the relocation, with the understanding that all cost of such relocation will be at the expense of the Developer. The City and the Developer will enter into an agreement to outline the controlling factors associated with the relocation of the transmission line, design, right-of- way width and location, construction schedule, and payment schedule.

k. The substations referred to in this section shall be landscaped, at the City's expense, for purposes of buffering to ensure compatibility with present and future land uses on the adjacent lands. The landscape design will be mutually acceptable to the City and the Developer. All substation landscaping will be installed and reasonably maintained by locating vegetation, such that buffering does not obstruct entry to any such substation site or the ability to repair, maintain and operate the substation or utilization of easements or rights of way.

l. The Developer has indicated a desire for a modification to City of Tallahassee Electric Department typical transmission line construction and design standards. The Developer will be responsible for any and all cost difference between installation standards and the requested modifications. The Developer will be required to pay the cost difference between an overhead installation and an underground installation of transmission lines. In the future, when further installation of the Electric Transmission System is required and the Developer desires the same modification, the concept of the cost differential will also continue.

m. The Developer has indicated a preference for a different street lighting design standard in the proposed development. The City, although in general agreement with the concept, is doing so with the understanding that the Developer will be responsible for any and all cost difference between applicable installation standards and the requested design standard, including materials, labor, and future operation and maintenance costs. These cost differences shall be payable on an annual basis, in advance, in an amount based on the applicable value of the cost difference. In addition, the Developer agrees to stock any spare parts for the requested design standard which is different than that currently used by the City. This requirement will be transferrable to any subsequent landowners or tenants of the development as long as special street lighting remains in effect.

12. Natural Gas

In compliance with the Urban Services Agreement approved by the City Commission in November 1994, the City natural gas service shall be made available, at the expense of the City, throughout the development of Southwood. Installation of the gas system shall be coordinated so as to minimize any disturbance to the development or the use thereof by the Developer and/or subsequent purchasers of the DRI Property or portions thereof. In exchange, the Developer shall utilize City natural gas to the maximum extent possible for all properties under its direct control and shall actively encourage the use of gas by all subsequent purchasers of the DRI Property or portions thereof.

13. Utility Easements

The Developer shall cause the grant of necessary easements for the placement of potable water, reuse water, sewer, electricity and natural gas facilities and

underground and surface stormwater within the project area. The size, location and number of easements necessary for the safe operation and maintenance of such public facilities shall be mutually agreed to by the City and the Developer and shall be provided at no cost to the City.

14. Transportation

a. As projected, there will be an estimated 9,943 total vehicle trips (4,953 enter trips/4,990 exit trips) during the PM peak hour at the completion of Phase 2a based on a 5% credit for the transportation demand management (TDM) strategies set forth in this specific condition. Including adjustments for internal capture, CCOC trip interaction and pass-by credits, there will be 6,428 net external vehicle trips (3,042 enter trips/3,384 exit trips) at Phase 2a buildout.

The transportation requirements contained in Subsections (b), (c), (d), (e) and (f) as set forth in the original development order, as amended through NOPC 5, have either been completed, performed, deleted, are no longer applicable or have been revised and restated in this Development Order.

b. The internal improvements for Merchants Row Boulevard from Capital Circle SE to Paul Russell Extension, Southwood Plantation Road/Biltmore Avenue from its current terminus to Apalachee Parkway (aligned with Sutor Road), Four Oaks Boulevard and Esplanade Way from their current termini to Orange Avenue Extension, Orange Avenue Extension from Capital Circle SE to SouthWood Plantation Road/Biltmore Avenue, Shumard Oak Boulevard from Capital Circle to Merchants Row Extension and South Chase Boulevard from Capital Circle SE to Tram Road (as shown on the Master Development Plan [Exhibit C]) are to be under construction in accordance with Exhibit G of this Development Order. Prior to issuance of a building permit for any building, the remaining on-site roads needed to serve that development shall be completed as prescribed under Section 9-63 of the City's Land Development Code.

c. The Developer agrees to pay a pro rata share contribution of $14,999,290, to mitigate for impacts to the roadway segments of Phase 2a. The Developer has paid $10,313,308 of this pro rata share contribution therefore the remaining pro rata share contribution is $4,685,982.

The remaining pro rata share contribution shall be "pipelined" toward the capital improvement project(s) identified in the Significant Benefit Memorandum of Agreement executed by the City of Tallahassee, Leon County and the Florida Department of Transportation.

The remaining pro rata share contribution shall be made by the Developer in accordance with the schedule set forth in Exhibit H of this Development Order.

d. If the Developer does not make the pro rata share contributions in accordance with the terms and conditions of this subsection, then all development shall cease, and a new traffic analysis shall be completed at the Developer's expense and the Developer shall file a notification of proposed change and comply with the provisions of section 380.06(19), F.S.

As part of the Annual Report required by Section 3.A.23., the Developer will report on the status of the pro rata share contribution set forth in this subsection.

e. The Developer and City acknowledge the execution of that certain Joint Planning Agreement dated January 25, 2005 and agree that the terms and conditions of such Agreement are incorporated into this Development Order.

f. Connections to Capital Circle shall be consistent with the Southeast Sector Plan Capital Circle Access Points as identified in Figure 10.B of the Southeast Sector Plan.

g. All on-site transportation construction shall meet design and construction standards approved by the City. All off-site transportation construction shall meet all standards or specifications of the applicable government entity assuming responsibility for maintenance and operation thereof.

h. Vehicular access to the off-site road network shall be limited to the approximate locations depicted on the Master Development Plan (Exhibit C).

i. Transportation Demand Management (TDM) Strategies:

(1) The Developer shall locate and construct bus stops and shelters in cooperation with Taltran or some other transportation provider. The Developer shall construct bus stops and shelters at such time bus service becomes available. The Developer will designate a site for a satellite transfer facility consisting of no more than five (5) bus shelters on no more than one (1) acre in the vicinity of the intersection of Shumard Oak Boulevard and the North-South Road so it will be accessible to Town Center, the CCOC and schools located in MUEI-2 and MUEI-3. The design and architectural vernacular for the bus stops, bus shelters and satellite transfer facility shall be compatible with the architectural vernacular for Southwood and must be approved by the Developer prior to construction.

(2) The Developer shall provide bike lanes and sidewalks consistent with the City's Sidewalk and Street Paving Policy. The Developer shall provide separate dedicated pathways within the DRI Property which provide for interconnection as well as bicycle racks or storage facilities. There shall be showers and locker facilities within each building of more than 7,500 square feet, except that buildings with no shared restroom facilities that are designed for individual tenants with no more than 7,500 square feet for each tenant and with individual entry/exit points for those tenants shall not be required to provide shower or locker facilities, provided said buildings are not greater than 15,000 square feet. Any building that is greater than 15,000 square feet or any tenant with greater than 7,500 square feet shall be required to provide showers and locker facilities no matter the design of the building.

(3) The Developer shall provide a transportation coordinator whose responsibilities include providing information to commercial, office and industrial users and the coordination of staggered work hours, ride-sharing, transit, walking, bicycling, telecommuting, flextime and other programs to reduce dependence on single-occupancy vehicles. The Developer shall have sole authority to determine the person who will serve as transportation coordinator and all terms and conditions of employment, but shall notify the City, County ARPC, and DOT of the designation. The Annual Report required by Section 3.A.23. shall include information regarding the effectiveness of these TDM strategies. The Developer shall consult with Commuter Services of North Florida or the designated Regional Transportation Demand Service Provider to review the effectiveness of TDM strategies and to assist in the preparation of information in the Annual Report regarding the effectiveness of TDM strategies.

(4) In furtherance of Mass Transit Policy 2.1.3 of the Tallahassee-Leon County Comprehensive Plan, the Developer shall require commercial, industrial and office users to provide preferential parking facilities for high-occupancy vehicles with said parking facilities located closest to planned buildings. Parking spaces reserved for visitors and the handicapped shall be located closest to planned buildings or clusters.

(5) Community Design.

(a) Those areas located within one-half mile of Town Center (TC-1 and TC-2) and within one-half mile of the Neighborhood Village Center (NVC-1) are designated as Pedestrian Primary Areas in which pedestrian and bicycle travel is encouraged over other means of mobility. In addition, the Developer shall explore the feasibility of designating those areas within a certain distance of schools as Pedestrian Primary Areas. The Developer shall provide an update on this matter in the Annual Report.

(b) Consistent with other purposes of the Southeast Sector Plan, the PUD(s) and site plans for development within the Pedestrian Primary Areas shall maximize bicycle and pedestrian accessibility, encourage walk-to shopping and employment, utilize vehicular alternatives to the single-occupancy vehicle, maximize internal capture of shopping and business trips and promote compact development through the following architectural and design standards:

(i) Concentration of higher-density residential development in these areas;

(ii) Collocation of residential and commercial/office uses in Town Center;

(iii) Reduced setbacks for residential and nonresidential development;

(iv) Narrow streets;

(v) On-street parking and parking to the side or rear of buildings and lots;

(vi) Shared parking facilities;

(vii) Reduced parking standards for nonresidential development;

(viii) Rear access to residential units from alleys;

(ix) Sidewalks or their equivalent on both sides of all roads in these areas;

(x) Traffic calming. The Developer agrees to explore options that include but are not limited to roadway geometric and pavement design, as well as neighborhood traffic circulation networks that will make traffic calming measure unnecessary. However, whenever this is deemed unavoidable, traffic calming measures consistent with the most current state-of-the-art practice, and in consultation with the City, shall already be in place prior to the City accepting the streets for maintenance.

(c) Consistent with other purposes of the Southeast Sector Plan and to the maximum extent feasible, the PUD(s) and site plans for other areas of the Project shall encourage compact development and alternatives to single-occupancy vehicle transportation through the following design standards:

(i) Increased interconnection between residential and nonresidential development;

(ii) Extensive bicycle and pedestrian facilities and amenities, including on-street facilities and an integrated network of trails throughout the Project.

(iii) Corner-lot commercial uses within residential areas as allowed by the Southeast Sector Plan.

(d) The PUD(s) shall also include standards for street and building design, landscaping, signage, stormwater management facility design, public utility location and the design and protection of natural areas. The Southeast Sector Plan shall guide the development and review of these standards.

(e) The Developer shall work with the Department of Management Services (DMS), developer of the Capital Circle Office Center DRI adjacent to the DRI Property, in order to bring about a resumption of shuttle bus service, with or without fares, as a shared cost public transportation service from the Southeast Sector Planning Area to such other locations as will promote non-automobile vehicular travel to and from these two projects. Such other locations shall include activity centers where transfers can be made to Taltran service and may include downtown, Koger Center, and Governor's Square Mall. The Developer's transportation mitigation obligations under this Development Order may be reviewed for potential adjustments in light of such service upon request of the Developer as provided by section 380.06, F.S.

j. Phase 2b Transportation. Prior to the commencement of development of Phase 2b entitlements, an updated transportation analysis that addresses the cumulative impacts of Phase 1, Phase 2a, and Phase 2b shall be provided by the Developer to the review agencies as a substantial deviation for review of transportation only. Traffic mitigation necessary to serve the project at buildout of the Phase 2b entitlements shall be determined on the basis of state, regional and local government requirements then in effect and shall be incorporated in this Development Order by amendment.

k. Development of the Florida State University Developmental Research Charter School on MUEI 2 shall not exceed 234,200 GSF. Development of John Paul II Catholic High School on MUEI 3 shall not exceed 79,000 GSF. Development of the K-8 public school on MUEI 3 shall not exceed 90,000 GSF. Ancillary athletic fields may be developed on both sites.

15. Initial Development Stages

In furtherance of Policy LU 10.1.1(D)(2) of the Comprehensive Plan, the initial development within Phase 1 is encouraged to occur in those areas proximate to the CCOC.

16. Housing

a. During regional review, an unmet need for 48 very low income units (VLI) (18 in Phase 1 and 30 in Phase 2) was determined based on the development program in the Application for Development Approval and Sufficiency Response. Subsequent to regional review, the Developer revised the development program by moving MUOC-3 to Phase 2 and reducing the school on MUEI-2 from 225,000 SF to 200,000 SF. A revised housing analysis submitted on January 22, 1999, determined an unmet need for 43 VLI units all in Phase 2. Based on these analyses, the Department of Community Affairs and Apalachee Regional Planning Council determined that the project will not cause a regionally significant impact on affordable housing.

b. Housing Policy 1.2.4 of the Tallahassee-Leon County Comprehensive Plan does not require any affordable housing mitigation or contribution by the Developer for this project. However, the City has determined that some level of affordable housing mitigation is appropriate for this project and has requested that the Developer provide a mechanism to support the creation of additional affordable housing opportunities. The Developer has offered to provide voluntary affordable housing assistance subject to the terms of this condition and with cooperation of the City and County.

c. The Developer has paid the total sum of $150,000.00 into escrow which constituted prepayment of the voluntary housing assistance fee for the first 1,000 single family residential units constructed and developed on the DRI Property. The Developer shall pay these monies as directed by the local government(s) on or before December 31, 2005.

d. After the first 1,000 units have received a certificate of occupancy, a voluntary fee of $160.00 per single family residential unit constructed and developed for sale on the DRI property shall be paid by the Developer. Such payments shall be based on the number of certificates of occupancy

received on a calendar year basis and shall be paid by the Developer, in arrears, at the time of filing of the Annual Report. The Developer shall pay these monies as directed by the local government(s).

e. The fees from subsections c. and d. shall be used for programs which encourage affordable housing in proximity to the project. The program(s) may include but need not be limited to:

(1) The acquisition of land;

(2) A program for down payment assistance to Low Income or Very Low Income homebuyers;

(3) Prepayment of points for LI or VLI homebuyers;

(4) The rehabilitation of existing LI or VLI housing; or

(5) Construction of new LI or VLI housing by private Developers or not-for-profit housing agencies.

f. An affordable housing supply inventory was conducted by the Developer in accordance with the East Central Florida Regional Planning Council Housing Demand, Supply and Need Methodology for Assessing the Affordable Housing Impact of Developments of Regional Impact, April, 1996, and was accepted in the regional report. This inventory identified the following supply within a 10-mile/20 minute housing accessibility area:

500 Very Low Income Units
561 Low Income Units
253 Middle Income Units

g. The Developer proposed to develop on-site housing to augment the existing supply of affordable housing. When a residential unit is constructed on-site and is within the affordable housing cost range, the existing supply identified in the affordable housing supply inventory shall be increased by 1.5 units in accordance with Rule 9J-2.048(8)(c)1., F.A.C. Each year in the Annual Report required by Section 3.A.23., the Developer shall report the number of units constructed and sold or offered for rent within the DRI Property, during the preceding 12 months and cumulatively, within the housing cost ranges utilized in the regional report.

h. The following demand ratios shall be used to determine when nonresidential development on the DRI Property creates a demand for affordable housing:

1,000 square feet Retail/Commercial	0.298 very low income units 0.338 low income units 0.114 middle income units
1,000 square feet Office	0.031 very low income units 0.510 low income units 0.774 middle income units
1,000 square feet Industrial	0.010 very low income units 0.122 low income units 0.222 middle income units
1 acre Educational/Institutional	0.021 very low income units 0.277 low income units 0.437 middle income units
1 18-hole Golf Course (club house, pro shop, snack bar)	10 very low income units 5 low income units 3 middle income units
Examples:	
200,000 square feet Retail will require:	60 very low income units 68 low income units 23 middle income units
200,000 square feet Office will require:	6 very low income units 102 low income units 155 middle income units

i. If, at the conclusion of a phase, the nonresidential development constructed during that phase creates a demand for affordable housing at the demand ratios provided by paragraph h., which demand is in excess of the available supply inventory as provided by paragraphs f. and g., the Developer may mitigate for such unmet need by making a payment to the escrow account identified in paragraph c. based on the payment schedule in paragraph j.

j. The initial payment of $150,000.00 shall constitute prepayment of voluntary mitigation for the 43-unit unmet need of very low income housing projected for Phase 2. All additional funds from the Developer's voluntary housing assistance fee shall constitute a credit against any additional unmet need for affordable housing pursuant to Rule 9J-2.048, F.A.C., at a rate of $3,542.00 for very low income units, $2,416.00 for low income units and $1,063.00 for middle income units.

k. This condition shall govern affordable housing impacts and mitigation for the project for purposes of the local comprehensive plan and DCA's Adequate Housing Uniform Standard Rule through Phase 2.

17. Recreation

a. The Developer shall cause the 62 acre +/ Community Park to be dedicated to the City for active recreation uses upon request of the City. This area shall be counted toward St. Joe's obligation under the Urban Services Agreement on an acre-for-acre basis. The City will use its best efforts to negotiate an agreement on shared-use facilities with schools located on MUEI-2 and MUEI-3, but the Community Park dedication shall not be contingent upon execution of such an agreement.

b. The 62 acre +/ parcel shall be contiguous and, except for an existing stormwater management facility on the site, shall be exclusive of all easements and stormwater facilities for nonpark drainage.

c. Paragraph b. is not intended to preclude the construction of joint stormwater management facilities for park and nonpark drainage on the site with the City's approval so long as such facilities are designed, constructed and located so as not to interfere with the active recreation use of the site. The Developer shall be responsible for any incremental design, construction, operation or maintenance costs of the joint facilities associated with nonpark drainage. If the Developer and the City are unable to agree on the concept or location of the joint stormwater management facilities, paragraph b. shall apply and nonpark drainage shall be accommodated outside of the 62-acre site in the adjacent open space buffer along Tram Road or other locations consistent with the approved SFMP and SESP.

d. The remainder of St. Joe's obligation under the Urban Services Agreement to dedicate land for active recreation may be satisfied by offering to dedicate approximately 71 contiguous acres to the City for active recreation in

conjunction with development of the remaining portion of the Southwood landholding in the Southeast Sector Planning area.

e. In addition to active recreation area dedicated to the City and described in paragraph a., the project will include a daily-fee golf course, active recreation uses along the western edge of Central Park lake, tot lots and neighborhood recreation areas, and the passive recreation parks and other areas described as "open space" in the ADA and depicted on ADA Figure 26.1.

f. The Developer shall include neighborhood parks within approximately 2 mile of all residential areas of the DRI. Implementing PUDs and site plan shall require the homeowner association(s) to be responsible for the ongoing maintenance of these parks. (For the purposes of using the 2 mile radius to locate sites, recreation facilities on school sites may be counted as neighborhood parks.)

18. Public Facilities

a. The Developer shall cause the dedication, at no cost to the City, of a 15-acre net buildable acre site to serve as a multi-faceted operational facility for public works and utilities in the vicinity of Southwood. The site shall be located south of Tram Road adjacent to the western boundary of the existing City spray field, and shall be dedicated upon written request and after construction funds for on-site development are included in the City's Five (5) Year Capital Improvements Budget. The Developer shall not be responsible for funding or providing other assistance for construction, operation or maintenance of such facility or for mitigation of any on-site or off-site impacts from such facility. The facility shall be buffered with landscaping mutually agreed upon by the City and the Developer at the City's expense.

Although the location has been generally agreed to, no Environmental and/or Zoning evaluation for the suitability of development of the property has been performed. The City will accept the responsibility for performing and evaluating the required environmental analysis. If during such evaluation the site is determined to be constrained by Environmental features, and/or Zoning issues, the Developer agrees to provide an alternate site, of equal size, mutually agreeable to the City.

b. Upon request of the City, the Developer shall cause to be donated to the City a site which contains a minimum 2.47 buildable acres at a location mutually agreed upon by the Developer and the City, to construct a multi-use public safety facility. The facility will house Fire Department personnel and

apparatus, law enforcement offices, and space for emergency medical services, if they choose to have a unit at the facility. The Developer shall not be responsible for funding or providing other assistance for construction, operation or maintenance of such facility or for any mitigation for impacts from its development. The design and architectural vernacular for such facility shall be compatible with the architectural vernacular for Southwood. This site shall be located near the proposed Town Center in MUEI-4.

c. The Developer shall reserve for dedication to the Leon County School Board a 40-acre site in MUEI-3 for an elementary or middle school and all of MUEI-1 for an elementary school, provided that the school board may elect instead to construct a pre-K-8 facility on either or both sites. Each site shall be transferred and dedicated to the Leon County School Board upon written request after construction funds for such school have been included in the school board's five year capital improvements program. The Developer shall not be responsible for financing the construction, operation or maintenance of such schools or any mitigation of impacts from the development of such schools. However, the Developer shall make water, sewer, roads, electrical and telecommunications infrastructure available at the property line of each site with the school board paying its pro rata share of costs for shared stormwater management. The design and architectural vernacular for the two schools shall be jointly determined by representatives of the school board, Tallahassee-Leon County Planning Department, and the Developer and shall be compatible with the architectural vernacular for Southwood. All schools shall be designed to a pedestrian scale and with safe, integrated access to the surrounding residential areas to promote walkability. School facilities shall be designed, sited and constructed to serve both the schools and the general public after hours and on weekends.

d. Unless the County and the Leon County School Board agree to collocate a shared-use facility on school board lands in MUEI-1 or MUEI-3 to provide library services to both the general public and the public schools in Southwood, the Developer shall cause up to 2.5 acres in MUEI-4 to be dedicated to Leon County for establishment of a branch public library.

Such dedication shall take place upon written request from the County after construction funds for such branch public library have been included in the County's Five-Year Capital Improvements Budget.

19. Open Space/Greenway Corridors

a. The open space/greenway system (totaling 22% of the project area) required by the SESP is identified in Figure 26.1. The exact delineation of each portion of the open space/greenway system, based on field verification, shall be through the PUD Final Development Plan.

b. The open space/greenway system may be privately owned and managed or be dedicated to the public by conveyance to the City or its designee. The Developer shall cause a conservation easement for preservation areas to be granted to the City or its designee. Paved trails shall not be allowed in preservation areas.

c. The open space/greenway system shall be protected by easements. The Developer shall cause a conservation easement for each portion of the open space/greenway system to be granted no later than 30 days after approval of the PUD Final Development Plan for lands including that portion of the open space/greenway system.

d. The Developer shall have management plans for the open space/greenway system approved by the City to protect the values for which these areas were designated. A management plan for each portion of the open space/greenway system shall be submitted for approval in conjunction with the application for the PUD Final Development Plan for lands including that portion of the open space/greenway system.

e. As part of the management plan(s) for the open space/greenway corridor, the Developer shall ensure that a continuous trail is available from the northeast corner of the development to the southwest area of the development. This trail will connect to the Lafayette Heritage Trail to the north and to the St. Marks Trail to the south when and if those trails are extended to the DRI Property. The corridor should generally run from the northeast corner of the development to the North Park, then follow the drainage to Central Park and then to the Community Park. The general location of the trail network within the project is depicted on ADA Figure 26.1. The public shall have access to the trail in perpetuity. The Developer shall complete construction of the trail on or before December 31, 2010.

f. Southwood shall comply with all applicable Tallahassee Environmental Management Regulations. Such regulations require certain minimum urban forest and landscaping requirements. Since Southwood has provided for a total open space/greenway system of 32% (which is 10% greater than what is required in the Southeast Sector Plan as well as the original Development Order) and has otherwise protected all conservation and preservation areas within the DRI Property, the Southwood DRI has hereby satisfied all urban forest and landscaping requirements of the Tallahassee Environmental Management Regulations for residential subdivisions with densities greater than four units per acre. For all other types of development, the Southwood DRI is hereby determined to have satisfied: (1) the 10% urban forest requirement set forth in the EMO; and (2) all landscaping requirements for the Town Center and Neighborhood Village Commercial districts. Development within all of the other districts on the DRI Property will be required to comply with the landscaping requirements set forth in the EMO. When non-residential subdivisions are proposed in the MUOC and MUI land use districts, a portion of said landscaping requirements may be provided in common area (outside of the individual lots) at the time a subdivision is reviewed and approved. Within these land use districts, all on-site landscaping requirements outlined in the EMO (e.g. vehicular use area landscape island requirements, vehicular use area lot perimeter landscaping requirements, etc.) must be met on each individual lot. However, the additional landscaping (above and beyond what is required on each individual site in order to meet the minimum 30% landscaping requirement for the overall subdivision) may be provided in common area.

20. Canopy Road Protection/Old St. Augustine Road

a. The Developer shall dedicate a 200-foot-wide corridor centered on the centerline of Old St. Augustine Road between Capital Circle Southeast and the Urban Services Area boundary. Title to each portion of the dedicated corridor shall be transferred to the City upon adoption of an ordinance of voluntary annexation for such portion of the corridor. The Developer shall cause additional lands adjacent to the 200-foot-wide corridor to be preserved as set forth in the ADA for the purpose of protecting the canopy. Such additional lands may be dedicated to the City at the Developer's option.

b. The area within the canopy road corridor may be used by the City for roadway and associated drainage and underground utility purposes only. Walking, jogging or bicycle pathways may be constructed but shall be restricted to a 70-foot-wide corridor from the centerline of Old St. Augustine Road, unless the pathways can be located within the additional lands adjacent to the 200-foot

wide corridor to be preserved as set forth in the ADA for the purpose of protecting the canopy, and such location would be less intrusive to, or afford better protection of the canopy. If it is necessary to relocate fences, the City shall so relocate the fences at its own expense. No parking areas, pulloffs or driveways to adjacent uses are to be constructed within the corridor except as provided in the Southeast Sector Plan. Where pathways must be located outside the 70-foot-wide corridor in order to protect significant trees in the canopy, the Developer will grant variances to the City or County. To the extent possible, pathways constructed pursuant to a variance will be within a 100-foot-wide corridor centered on the centerline of Old St. Augustine Road.

c. There shall be no overhead utility lines placed within the canopy road corridor which is parallel to Old St. Augustine Road except for utility lines in place on November 7, 1994, and utility lines required to serve out-parcels adjacent to the roadway. Roadway lighting shall be provided by the City in such a way as to minimize damage to the tree canopy, including underground circuits where appropriate.

d. One new north-south arterial roadway crossing of Old St. Augustine Road may be located between one-quarter and one-half mile west of Southwood Plantation Road. The location for the crossing shall be selected to minimize tree removal, especially canopy-quality oak trees. This north-south arterial shall be designed to facilitate north-south movement crossing Old St. Augustine; however, turning movements onto Old St. Augustine from this north-south arterial shall be restricted so as to minimize and limit the addition of traffic onto Old St. Augustine Road. Following the construction of the new north-south arterial roadway, and to further limit traffic impacts generated by the project on Old St. Augustine Road, the Developer will:

(1) Request approval to realign the existing Southwood Plantation Road in LDR-3 so that it will connect with the new north-south arterial and, upon completion of such realignment, petition for abandonment of Southwood Plantation Road from the connection with the new north-south arterial roadway south to Old St. Augustine Road; and

(2) Request abandonment of the portion of existing Southwood Plantation Road on the east side of North Lake Park, from the proposed Orange Avenue extension south to the beginning point of the new north-south arterial.

e. There shall be one new local street cut to provide access to property in LDR-1 on the north side of Old St. Augustine Road as provided in the Southeast Sector Plan. The location of said street shall be selected to minimize tree removal, especially canopy-quality oak trees.

21. Employment

The Developer shall coordinate future industrial, office and commercial users with local agencies which match underskilled or limited-opportunity individuals with the job market, and shall advertise available positions in appropriate places within low income areas.

22. Incorporation of SDA

The Developer shall submit eight (8) copies of the final SDA as approved by the City Commission to the Tallahassee-Leon County Planning Department. The Developer shall also submit one (1) copy to the ARPC and one (1) copy to DCA within 30 days of the effective date of this Development Order.

23. Annual Report

The Developer, or as applicable its grantees, lessees, successors or assigns, shall prepare and submit, or cause to be prepared and submitted, an Annual Report to the City Growth Management Department, the County Development Support and Environmental Management Department, ARPC, DCA, Florida Department of Environmental Protection, Florida Department of Transportation, Northwest Florida Water Management District, Fish and Wildlife Conservation Commission, or successors to such agencies as determined by law, on April 1st of each year until the year after buildout of the entire project. The Annual Report shall include, at a minimum, a complete response to each question in the form provided by the Department of Community Affairs. The Annual Report shall also update the Developer's five year schedule of capital improvements that are needed for subsequent development; and affordable housing monitoring. Failure to file an Annual Report in a timely manner may result in the temporary suspension of this Development Order.

In addition, the Developer shall include the following information in each Annual Report: name or number of each plat receiving final approval during the preceding 12 months with identification of those located in a "Pedestrian Primary Area" as

designated in the PUD Concept Plan; name of each pod wholly or partially contained in each final plat; acreage of each residential land use category in each final plat; number of dwelling units of each residential land use category in each final plat; attained density for each residential land use category included within each final plat; cumulative acreage of each residential land use category included in a final plat; cumulative dwelling units of each residential land use category included in a final plat; and cumulative attained density for each residential land use category included in a final plat.

24. Recordation

a. The Developer shall, within thirty (30) days of the effective date of this Development Order, record notice of the adoption of this Development Order in accordance with Sections 28.222 and 380.06(15)(f), F.S., with the Clerk of the Circuit Court of Leon County, Florida. Recordation of such notice shall not constitute or provide actual or constructive notice of lien, cloud or encumbrance of the DRI Property. The Developer shall record notice of any subsequent approved modifications to this Development Order in the same manner.

b. A copy of this notice shall be forwarded to the City's Director of Growth Management within seven (7) days of its being recorded.

c. The notice shall specify that this Development Order runs with the land and is binding on the Developer, its agents, lessees, successors, or assigns. Any contract or agreement for sale of those interest by the Developer for all or any part of the property subject to this Development Order shall contain a legend substantially in the following form clearly printed or stamped thereon:

THE PROPERTY DESCRIBED HEREIN IS PART OF THE SOUTHWOOD DEVELOPMENT OF REGIONAL IMPACT AND IS SUBJECT TO A DEVELOPMENT ORDER, NOTICE OF WHICH IS RECORDED IN THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA, WHICH IMPOSES CONDITIONS, RESTRICTIONS AND LIMITATIONS UPON THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY WHICH ARE BINDING UPON EACH SUCCESSOR AND ASSIGN OF THE ST. JOE COMPANY. THE DEVELOPMENT ORDER DOES NOT CONSTITUTE A LIEN, CLOUD OR ENCUMBRANCE OF THE REAL PROPERTY OR CONSTITUTE ACTUAL OR CONSTRUCTIVE NOTICE OF SAME. A COPY OF THE DEVELOPMENT ORDER MAY BE REVIEWED AT THE OFFICES OF THE CITY OF TALLAHASSEE AND THE LEON COUNTY GROWTH MANAGEMENT DEPARTMENTS, OR AT THE OFFICE OF

THE DEPARTMENT OF COMMUNITY AFFAIRS IN TALLAHASSEE, FLORIDA.

25. Impact Fee Credits.

This Development Order shall not preclude the City from requiring the payment of impact fees and/or other fees for development or construction within the Southwood DRI so long as such fees are assessed in accordance with a duly adopted ordinance and so long as such fees are charged for the same activities within the other incorporated areas of the City. Credits for contributions from the Developer for land for a public facility, or construction, expansion, or contribution of funds for land acquisition or construction or expansion of a public facility required by this Development Order to meet the same need that the impact fee would address shall be granted to the Developer on a dollar for dollar basis. Impact fee credits shall not be available to the Developer for right of way, engineering, construction and other costs for internal roads.

26. Community Development District.

The Developer has indicated it intends to petition the Florida Land and Water Adjudicatory Commission to form one or more Community Development Districts (CDDs) within the Project pursuant to Chapter 190, F.S. Any CDD established within the Southwood DRI may finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain infrastructure, projects, systems and facilities as set forth in Section 190.012(l), F.S., including but not limited to any transportation improvement set forth in this Development Order, whether on site or off site. With respect to the provision of such infrastructure, projects, systems and facilities, the City agrees that the establishment of one or more CDDs meets the criteria set forth in Section 190.005(l)(e), F.S. If the Developer is required by this Development Order to provide, pay for, or otherwise cause to be provided, infrastructure, projects, systems or facilities set forth in Chapter 190, F.S., then the CDD independently may satisfy such obligations. To the extent that any such obligation under this Development Order is deemed by the City to have been met or performed by the CDD, then such obligation shall be deemed to be satisfied and the Developer shall no longer be subject to such obligation.

B. General Conditions. This Development Order shall be subject to the following general conditions:

1. The project buildout date for all development is December 31, 2027. The DRI termination and DRI Development Order expiration dates are also established as December 31, 2027. Neither the City nor County shall subject the development to

down-zoning, unit density reduction, or intensity reduction until December 31, 2027, unless the Developer consents to such a change or it can be demonstrated that substantial changes in the conditions underlying approval of this Development Order have occurred, or that this Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly essential to the public health, safety or welfare.

2. This Development Order runs with the land and is binding on the Developer, its agents, lessees, successors, or assigns.

3. Physical development of the area embraced by the SDA shall conform to all standards and procedural provisions of applicable local government comprehensive plans, land development regulations and codes.

4. All construction shall conform to all applicable covenants and restrictions running with the land not in conflict with the Comprehensive Plan, this Development Order, and other local restrictions.

5. The local official responsible for monitoring the DRI for the City shall be the Director of Growth Management or his or her designee. Monitoring shall be accomplished through review of the subsequent development permits, the Annual Report, and on-site observations.

6. Physical development as defined by Section 380.04, F.S., shall commence within two (2) years of the effective date of this Development Order or this Development Order shall expire. If at any time, development ceases for a period of three (3) consecutive years, then this Development Order shall expire. However, these time periods shall be tolled during the period of any appeal pursuant to Section 380.07, F.S.

7. No change shall be made to this Development Order or to the approved land uses unless the City has approved and authorized said change. Further review pursuant to Chapter 380, F.S., may be required if a change in the project occurs which constitutes a substantial deviation as defined in Section 380.06(19), F.S.

8. All development on the property described in Exhibit A-1 shall be consistent with the ADA and the conditions and restrictions in this Development Order. Nothing herein shall prohibit or restrict the City or County from adopting new or modifying existing land development regulations and make same applicable to the Southwood DRI provided that these regulations do not adversely affect the density or intensity of development allowed within the DRI.

9. The Developer may assign any of its obligations under this Development Order to a community development district to the extent allowed by law.

10. In the event that the Developer, its lessees, agents, successors, or assigns violates any of the conditions of this Development Order or otherwise fails to act in substantial compliance with this Development Order (hereinafter referred to as "Violator"), the City shall stay the effectiveness of this Development Order as to the DRI, tract, or portion of the tract, in which the violative activity or conduct has occurred. All further development permits, approvals and services for development in the said tract or portion of the tract shall be withheld upon passage of any appropriate resolution by the City, adopted in accordance with this section, upon a finding that such violation has occurred. The Violator shall be given written notice by the City that states:

    a. The nature of the purported violation, and

    b. A statement to the effect that unless the violation is cured within 15 days of said notice, the local government of jurisdiction shall hold a public hearing to consider the matter within 30 days of the date of said notice. In the event the violation is not curable in 15 days, the Violator's diligent, good faith efforts to cure the violation within a reasonable period shall obviate the need to hold a public hearing and this Development Order shall remain in full force and effect unless the Violator does not diligently pursue the curative action to completion within a reasonable time, in which event the City shall give 15 days notice to the Violator of its intention to stay the effectiveness of this Development Order and withhold further development permits, approvals and services as to the tract or portion of the tract in which the violation has occurred until the violation is cured. For purposes of this section, the word tract shall be defined to mean any area of development identified on the Southwood Master Plan, Exhibit C. In addition, the phrase portion of a tract means a division of a tract into more than one ownership or use as created by deed, plat, or lease.

11. If development cannot occur as set forth in the Master Development Plan the Developer must file a notification of proposed change and comply with the provisions of section 380.06(19), F.S.

Section 4. Severability.

It is declared to be the intent of the City that if any section, subsection, sentence, clause, or provision of this Development Order is held to be unconstitutional, inoperative, or void, such holdings of invalidity shall not affect remaining portions of this Development Order and it shall be construed to have been the legislative intent to pass this Development Order without such unconstitutional, inoperative, or void part herein, and the remainder after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Development Order or any provisions thereof shall be held inapplicable to any person, group or persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Effective Date.

This Development Order, as restated and amended, shall take effect as provided by law and shall supersede and replace all prior development orders adopted pursuant to Section 380.06, F.S. If this Development Order is appealed pursuant to Section 380.07, F.S., the effectiveness of this Development Order shall be stayed until such time as all appeals have been withdrawn or finally resolved. The City Clerk shall send copies of this Development Order, within seven (7) calendar days of the date of approval, to DCA, the ARPC, and the Developer.

Section 6. Land Use and Environmental Dispute Resolution

Under the Florida Land Use and Environmental Dispute Resolution Act, Sec. 70.51, F.S. (Act), if the owner believes this Development Order is unreasonable or unfairly burdens the use of its land it may file a request for relief pursuant to City Commission Policy No. 414CP for Special Master Proceedings. Before the owner may seek relief under the Act, any appellate proceedings available under the City's Land Development Code must be exhausted. A request for relief under the Act must be filed within 30 days after the conclusion of the appellate proceedings or the expiration of 4 months. A copy of Policy No. 414CP is available at the City Attorney's Office, 2nd Floor, City Hall, 300 S. Adams Street, Tallahassee, FL 32301.

Originally Passed and Approved by the City Commission on August 31, 2005.
Revisions Passed and Approved by the City Commission on October 25, 2017.

CITY OF TALLAHASSEE

By: _____
Andrew D. Gillum
Mayor

ATTEST:

By: _____
James O. Cooke, IV
City Treasurer-Clerk

APPROVED AS TO FORM:

By: _____
Cassandra K. Jackson
City Attorney

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida, this 8th day of May, 2018.

LEON COUNTY, FLORIDA

By: _____
Nick Maddox, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall, Clerk of Court
& Comptroller, Leon County, Florida

By: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

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

LIST OF EXHIBITS

Exhibit A-1	Legal Description of Southwood DRI
Exhibit A-2	Legal Description of Southwood DRI within the City of Tallahassee
Exhibit B-1	Southwood DRI Development Program
Exhibit B-2	Southwood Phasing Program
Exhibit C	Master Development Plan
Exhibit D-1	Map of Cultural Resources Sites (June 2001)
Exhibit D-2A	Division of Historical Resources Letter (1988) Addressed to Mike Donovan
Exhibit D-2B	Division of Historical Resources Letter (1999) Address to Dan Penton
Exhibit D-2C	Natural Features Inventory SouthWood 3 acre addition letter (April 2005) addressed to Denise Roemer
Exhibit D-2D	Natural Features Inventory SouthWood 25 acre addition letter (June 2005) addressed to Denise Roemer
Exhibit E	Stormwater Facilities Master Plan Scope of Work
Exhibit F	Southwood Phase 2A Trip Generation Summary
Exhibit G	Schedule of Internal Road Improvements
Exhibit H	Schedule of Pro Rata Share Contributions for Phase 2a

EXHIBIT "A-1"

LEGAL DESCRIPTION
SOUTHWOOD DRI BOUNDARY

PARCEL "A"
A 38.37 Acre Parcel in Section 3 and 10, Township 1 South, range 1 East, Leon County Florida, more particularly described as follows:

Commence at a found ¼" iron pipe marking the Southwest corner of Section 3, Township 1 South, Range 1 East, Leon County, Florida; thence along the Westerly boundary of Section 3 run North 00°27'17" West, a distance of 177.44 feet to the approximate centerline of Old St. Augustine Road (a Leon County, Florida maintained right of way); thence along said centerline run South 79°50'29" East, a distance of 994.58 feet, thence leaving said centerline run North 00°12'53" West, a distance of 17.95 feet to a point on the maintained right of way of said Old St Augustine Road and the POINT OF BEGINNING. From said POINT OF BEGINNING thence along the easterly boundary of a 100 foot City of Tallahassee Utility Right of Way run North 00°12'53" West, a distance of 1,316.49 feet to a point on the southerly boundary of Paradise Village East, Unit 2 (a subdivision as per map or plat recorded in Plat Book 6, Page 1 of the Public Records of Leon County, Florida); thence along said southerly boundary run North 89°14'24" East, a distance of 821.87 feet to a found 4"x 4" concrete monument, flat top; thence North 89°26'38" East, a distance of 200.27 feet to a found iron pipe; thence North 89°21'13" East, a distance of 131.76 feet to a found ¼" iron pipe and SJPC guard monument; thence along the westerly boundary of that property recorded in Official Records Book 1528, page 1751 run South 00°13'43" West, a distance of 1,687.99 feet to a point on the northerly right of way boundary of said Old St Augustine Road; thence along said maintained right of way run North 58°29'23" West, a distance of 193.63 feet; thence North 60°47'12" West, a distance of 103.39 feet; thence North 67°03'52" West, a distance of 103.19 feet; thence North 72°58'14" West, a distance of 99.98 feet; thence North 77°44'32" West, a distance of 111.58 feet; thence North 79°39'27" West, a distance of 217.22 feet; thence North 78°24'57" West, a distance of 213.86 feet; thence North 81°19'22" West, a distance of 98.63 feet; thence North 76°55'43" West, a distance of 68.24 feet to the POINT OF BEGINNING. The above described parcel contains 1,671,449.70 square feet or 38.37 acres, more or less.

AND ALSO

PARCEL "B"
A 176.80 Acre Parcel in Sections 3, 10 and 11, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

BEGIN at a found pinched iron pipe marking the Southwest corner of the Southeast Quarter of Section 3, Township 1 South, Range 1 East, Leon County, Florida, thence along the easterly boundary of that property recorded in Official Records Book 1528, Page 1751 run North 00°11'54" East, a distance of 864.83 feet to a found iron pipe and SJPC guard monument; thence along the southerly boundary of that property recorded in Official Records Book 845, Page 729 run South 89°20'40" East, a

distance of 323.66 feet to a found pinched iron pipe; thence along the easterly boundary of said property run North 00°14'32" East, a distance of 537.65 feet to a found 1" iron pipe; thence South 89°29'00" East, a distance of 322.81 feet to a found 6"x 6" SJPC concrete monument; thence South 00°48'39" West, a distance of 13.55 feet to a found 6"x 6" SJPC concrete monument; thence South 89°20'53" East, a distance of 167.41 feet to a found iron rod and cap, LB#6745; thence along the southerly boundary of the Wal-Mart SuperCenter (a subdivision as per map or plat recorded in Plat Book 12, Page 8 of the Public Records of Leon County, Florida) run South 89°28'59" East, a distance of 168.17 feet to a found iron rod and cap, LB#6246; thence North 00°38'19" East, a distance of 71.43 feet to a found iron rod and cap, LB#6246; thence North 87°50'52" East, a distance of 778.25 feet to a found iron rod and cap, LB#6246; thence along the easterly boundary of said Wal-Mart SuperCenter run North 00°31'30" East, a distance of 1,171.19 feet to a found iron and cap, LB# 6745; thence North 32°56'29" West, a distance of 121.96 feet to a found iron rod and cap, LB#6745; thence North 00°45'41" East, a distance of 218.75 feet to the southerly right of way boundary of Appalachee Parkway (State Road 20); thence along said southerly right of way boundary run North 85°34'35" East, a distance of 200.77 feet; thence leaving said southerly right of way boundary along the westerly boundary of that property recorded in Official Records Book 2317, Page 788 run South 00°36'45" West, a distance of 322.86 feet; thence along the southerly boundary of said property run South 89°41'02" East, a distance of 66.54 feet to a found pinched iron pipe; thence along the westerly boundary of those properties recorded in Official Records Book 1623, Page 739 and Official Records Book 133, Page 389 run South 00°33'01" West, a distance of 1,157.48 feet to a found 1-1/4" iron rod; thence along the southerly boundary of said property recorded in Official Records Book 133, Page 389 run South 89°25'54" East, a distance of 646.13 feet to a point on the westerly maintained right of way boundary of Southwood Plantation Road (a Leon County, Florida maintained right of way); thence along said westerly maintained right of way run South 00°16'14" West, a distance of 5.39 feet; thence South 01°14'59" West, a distance of 377.99 feet; thence South 00°17'47" West, a distance of 485.66 feet; thence South 01°05'15" West, a distance of 307.47 feet; thence South 00°08'19" East, a distance of 105.02 feet; thence South 00°41'21" East, a distance of 67.66 feet; thence South 03°46'52" East, a distance of 72.89 feet; thence South 01°56'57" East, a distance of 62.01 feet; thence South 04°25'57" East, a distance of 63.83 feet; thence South 04°10'13" East, a distance of 61.89 feet; thence South 07°47'37" East, a distance of 62.60 feet; thence South 10°47'55" East, a distance of 61.46 feet; thence South 17°02'15" East, a distance of 64.74 feet; thence South 16°47'27" East, a distance of 59.13 feet; thence South 21°33'22" East, a distance of 62.50 feet; thence South 19°35'59" East, a distance of 108.30 feet; thence South 15°31'45" East, a distance of 66.10 feet; thence South 14°48'33" East, a distance of 61.60 feet; thence South 12°18'18" East, a distance of 58.84 feet; thence South 05°59'07" East, a distance of 58.06 feet; thence South 03°04'19" East, a distance of 60.47 feet; thence South 03°09'07" West, a distance of 60.44 feet; thence South 03°32'44" West, a distance of 68.32 feet; thence South 01°17'33" West, a distance of 151.12 feet; thence South 04°16'10" West, a distance of 153.69 feet; thence South 02°47'24" West, a distance of 220.92 feet; thence South 03°07'53" West, a distance of 305.65 feet; thence South 42°22'36" West, a distance of 36.68 feet to a point on the northerly maintained right of way boundary of Old St Augustine Road (a

Leon County, Florida, maintained right of way); thence along said northerly maintained right of way boundary run North 87°25'23" West, a distance of 101.08 feet; thence North 77°26'22" West, a distance of 151.23 feet; thence North 78°16'36" West, a distance of 137.90 feet; thence North 78°31'10" West, a distance of 325.77 feet; thence North 77°40'43" West, a distance of 151.37 feet; thence North 78°04'42" West, a distance of 130.55 feet; thence North 78°22'42" West, a distance of 264.02 feet; thence North 74°13'57" West, a distance of 135.72 feet; thence North 68°20'13" West, a distance of 172.86 feet; thence North 58°57'37" West, a distance of 51.13 feet; thence North 57°18'14" West, a distance of 298.31 feet; thence North 55°53'57" West, a distance of 149.20 feet; thence North 56°56'17" West, a distance of 150.16 feet; thence North 57°34'22" West, a distance of 305.49 feet; thence North 57°11'09" West, a distance of 254.03 feet; thence North 56°33'32" West, a distance of 195.77 feet; thence leaving said northerly maintained right of way boundary run North 00°03'21" West along the easterly boundary of said property recorded in Official Records Book 1528, Page 1751, a distance of 688.72 feet to the POINT OF BEGINNING. The above described parcel contains 7,701,214.91 square feet or 176.80 acres, more or less.

The above described parcel being subject to a City of Tallahassee Utility Easement as recorded in Official Records Book 1511, Page 109 and also a City of Tallahassee Utility Easement as recorded in Official Records Book 1951, Page 801 of the Public Records of Leon County, Florida.

AND ALSO

PARCEL "C"
A 26.59 Acre Parcel in Sections 2 and 11, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

Commence at a concrete monument, LB#3293 marking the Southwest corner of Section 2, Township 1 South, Range 1 East, Leon County, Florida, thence along the South boundary of said Section 2 run South 89°33'23" East, a distance of 401.70 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence South 03°00'57" West, a distance of 1,884.82 feet to a point on the northerly maintained right of way boundary of Old St Augustine Road (a Leon County, Florida maintained right of way); thence along said northerly maintained right of way run North 77°20'37" West, a distance of 23.36 feet; thence North 78°59'50" West, a distance of 97.61 feet; thence North 75°10'21" West, a distance of 40.67 feet; thence North 75°09'17" West, a distance of 76.34 feet to a point on the easterly maintained right of way boundary of Southwood Plantation Road (a Leon County, Florida maintained right of way); thence along said easterly maintained right of way boundary run North 02°19'12" East, a distance of 46.74 feet; thence North 03°36'00" East, a distance of 305.64 feet; thence North 03°39'29" East, a distance of 220.91 feet; thence North 03°57'13" East, a distance of 153.68 feet; thence North 03°14'09" East, a distance of 151.00 feet; thence North 03°27'10" East, a distance of 68.32 feet; thence North 01°43'15" East, a distance of 63.49 feet; thence North 00°47'36" West, a distance of 64.38 feet; thence North 06°56'30" West, a distance of 61.87 feet; thence North 10°08'20" West, a distance of 62.73 feet; thence North 15°03'48" West, a distance of 65.77 feet; thence North 17°45'08" West, a distance of 68.93 feet; thence North 23°33'56" West, a distance of 108.43 feet;

thence North 14°02'16" West, a distance of 60.34 feet; thence North 20°47'22" West, a distance of 57.40 feet; thence North 14°23'40" West, a distance of 62.12 feet; thence North 11°45'14" West, a distance of 59.01 feet; thence North 08°42'24" West, a distance of 60.96 feet; thence North 06°00'01" West, a distance of 60.08 feet; thence North 03°57'56" West, a distance of 62.18 feet; thence North 04°17'08" West, a distance of 60.83 feet; thence North 00°13'34" West, a distance of 71.97 feet; thence North 00°15'43" West, a distance of 66.90 feet; thence North 00°08'23" West, a distance of 104.57 feet; thence North 00°26'07" East, a distance of 307.44 feet; thence North 00°03'26" East, a distance of 485.08 feet; thence North 01°12'53" East, a distance of 198.13 feet; thence leaving said easterly maintained right of way run North 89°50'19" East along the southerly boundary of that property recorded in Official Records Book 1890, Page 1175, a distance of 520.78 feet; thence South 03°00'57" West, a distance of 1,305.69 feet to the POINT OF BEGINNING. The above described parcel contains 1,158,279.37 square feet or 26.59 acres, more or less.

AND ALSO

PARCEL "D"
A 2,394.74 Acre parcel in Sections 3,9,10,11,14,15,16,21,22,23,26,and 27, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

BEGIN at a found ¾" iron pipe marking the Southwest corner of Section 3, Township 1 South, Range 1 East, Leon County, Florida, thence along the westerly boundary of said Section 3 run North 00°27'17" West, a distance of 154.44 feet to a point on the southerly maintained right of way of Old St. Augustine Road; thence along said southerly maintained right of way run South 80°30'42" East, a distance of 105.57 feet; thence South 81°09'37" East, a distance of 199.64 feet; thence South 79°56'18" East, a distance of 188.58 feet; thence South 78°33'10" East, a distance of 73.47 feet; thence South 79°57'32" East, a distance of 147.21 feet; thence South 78°22'23" East, a distance of 100.71 feet; thence South 79°09'51" East, a distance of 77.52 feet to a point on the westerly boundary of a 100 foot City of Tallahassee utility right of way as recorded in Official Records Book 152, Page 128 of the Public records of Leon County, Florida; thence along said right of way run South 00°12'53"East, a distance of 46.15 feet; thence run South 33°37'19"West, a distance of 3144.51 feet; thence run South 89°06'28"East, a distance of 118.87 feet to a point on the easterly boundary of said 100 foot utility right of way; thence along said easterly right of way boundary run North 33° 37'19"East, a distance of 3110.66 feet; thence run North 00°12'53"West, a distance of 58.04 feet to a point on the southerly maintained right of way of said Old St. Augustine Road; thence along said southerly maintained right of way run South 81°34'29" East, a distance of 61.55 feet; thence South 79°29'20" East, a distance of 527.69 feet; thence South 76°49'05" East, a distance of 108.23 feet; thence South 73°20'10" East, a distance of 97.35 feet; thence South 66°37'08" East, a distance of 101.55 feet; thence South 61°33'30" East, a distance of 104.58 feet; thence South 56°53'17" East, a distance of 232.32 feet; thence South 57°14'20" East, a distance of 202.97 feet; thence South 57°03'35" East, a distance of 227.63 feet; thence South 56°14'10" East, a distance of 99.46 feet; thence South 57°41'48" East, a distance of 48.03 feet; thence leaving said southerly maintained right of way boundary run South 00°45'50"

West, a distance of 591.82 feet to a found 1" iron pipe; thence South 88°44'41" East, a distance of 361.06 feet to a found 1" iron pipe; thence North 00°50'42" East, a distance of 372.43 feet to a point on the southerly maintained right of way boundary of said Old St Augustine Road; thence along said southerly maintained right of way run South 56°45'39" East, a distance of 161.73 feet; thence South 57°45'47" East, a distance of 148.31 feet; thence South 56°43'39" East, a distance of 154.67 feet; thence South 58°02'32" East, a distance of 167.40 feet; thence South 56°36'42" East, a distance of 228.78 feet; thence South 58°11'05" East, a distance of 101.62 feet; thence South 64°07'41" East, a distance of 181.67 feet; thence South 76°10'54" East, a distance of 137.29 feet; thence South 78°18'21" East, a distance of 134.58 feet; thence South 77°17'09" East, a distance of 133.90 feet; thence South 78°18'16" East, a distance of 124.13 feet; thence South 77°28'58" East, a distance of 145.86 feet; thence leaving said southerly maintained right of way boundary run South 00°40'55" East, a distance of 1,396.29 feet to a found 6" round terra-cotta monument; thence South 89°21'19" East, a distance of 650.26 feet to the westerly maintained right of way boundary of Southwood Plantation Road (a Leon County, Florida maintained right of way); thence along said westerly maintained right of way run South 03°27'00" West, a distance of 2,055.74 feet; thence leaving said westerly maintained right of way boundary run South 89°53'09" West, a distance of 433.91 feet to a found SJPC concrete monument; thence South 02°53'38" West, a distance of 99.81 feet to a found SJPC concrete monument; thence North 89°53'09" East, a distance of 433.49 feet to a point on the westerly maintained right of way boundary of said Southwood Plantation Road; thence along said westerly maintained right of way boundary run South 00°44'23" East, a distance of 25.46 feet; thence leaving said westerly maintained right of way boundary run South 89°39'35" West, a distance of 630.68 feet; thence North 00°20'25" West, a distance of 185.00 feet; thence South 89°39'35" West, a distance of 500.00 feet; thence South 00°20'25" East, a distance of 200.00 feet to a found 6" round terra-cotta monument; thence North 89°39'35" East, a distance of 1,131.40 feet to a found SJPC concrete monument; thence continue easterly along said line North 89°39'35" East, a distance of 38.08 feet to a point on the easterly maintained right of way boundary of said Southwood Plantation Road; thence along said easterly maintained right of way boundary run North 07°04'29" East, a distance of 61.33 feet; thence North 05°43'01" East, a distance of 75.84 feet; thence North 03°33'16" East, a distance of 123.04 feet; thence North 03°33'11" East, a distance of 414.42 feet; thence North 00°58'27" East, a distance of 71.59 feet; thence North 08°20'06" West, a distance of 29.91 feet; thence North 03°26'50" East, a distance of 53.09 feet; thence North 03°29'10" East, a distance of 271.66 feet; thence North 03°27'09" East, a distance of 554.25 feet; thence North 03°26'40" East, a distance of 538.52 feet; thence North 02°33'12" East, a distance of 128.63 feet; thence North 04°25'53" East, a distance of 58.06 feet; thence North 03°33'19" East, a distance of 172.58 feet; thence North 03°29'20" East, a distance of 146.13 feet; thence North 03°23'09" East, a distance of 292.88 feet; thence North 03°41'47" East, a distance of 250.34 feet; thence North 03°00'17" East, a distance of 112.07 feet; thence North 03°18'24" East, a distance of 73.28 feet; thence North 55°51'48" East, a distance of 15.18 feet to a point on the southerly maintained right of way boundary of said Old St Augustine Road; thence along said southerly maintained right of way boundary run South 83°43'49" East, a distance of 56.95 feet; thence South 80°39'06" East, a distance of 54.68 feet; thence South 77°29'03"

East, a distance of 98.39 feet; thence South 77°34'21" East, a distance of 15.69 feet; thence leaving said southerly maintained right of way boundary run South 03°00'57" West, a distance of 2,197.60 feet to a point of curve to the right; thence run southerly along said curve with a radius of 2,700.39 feet through a central angle of 03°50'50" for an arc distance of 181.32 feet (chord of 181.29 feet bears South 04°56'22" West); thence South 06°51'48" West, a distance of 945.08 feet to a point on a non tangent curve concave west; thence run southerly along said curve with a radius of 3,342.64 feet through a central angle of 08°34'15" for an arc distance of 500.02 feet (chord of 499.56 feet bears South 16°40'37" East); thence South 12°23'29" East, a distance of 425.28 feet to a point on a non tangent curve concave west; thence run southerly along said curve with a radius of 10,852.98 feet through a central angle of 04°30'46" for an arc distance of 854.81 feet (chord of 854.59 feet bears South 01°29'56" East); thence South 00°09'48" West, a distance of 556.82 feet to a point on a non tangent curve concave east; thence run southerly along said curve with a radius of 4,983.90 feet through a central angle of 12°57'37" for an arc distance of 1,127.36 feet (chord of 1,124.95 feet bears South 04°27'45" West) to a point of compound curve to the left; thence run southerly along said curve with a radius of 3,144.08 feet through a central angle of 21°38'15" for an arc distance of 1,187.35 feet (chord of 1,180.30 feet bears South 12°50'11" East) to a point of reverse curve to the right; thence run southerly along said curve with a radius of 1,956.02 feet through a central angle of 43°41'55" for an arc distance of 1,491.83 feet (chord of 1,455.93 feet bears South 01°48'21" East); thence South 20°02'36" West, a distance of 635.00 feet to a point on a non tangent curve concave east; thence run southerly along said curve with a radius of 3,444.00 feet through a central angle of 20°02'36" for an arc distance of 1,204.78 feet (chord of 1,198.65 feet bears South 11°31'27" West); thence South, a distance of 2,866.91 feet; thence South, a distance of 507.73 feet to a point on the northerly right of way boundary of Tram Road (County Road 259, a 66 foot right of way); thence along said northerly right of way boundary run North 76°58'41" West, a distance of 6,176.72 feet to a point on the easterly right of way boundary of Four Oaks Boulevard a 120 foot right of way); thence along said easterly right of way boundary run North 13°01'22" East, a distance of 53.22 feet to a point of curve to the right; thence run northeasterly along said right of way curve with a radius of 690.00 feet through a central angle of 23°16'48" for an arc distance of 280.36 feet (chord of 278.43 feet bears North 24°39'46" East); thence North 36°18'10" East, a distance of 182.52 feet; thence leaving said easterly right of way boundary run South 53°41'50" East, a distance of 82.27 feet to a point of curve to the left; thence run easterly along said curve with a radius of 125.00 feet through a central angle of 103°42'45" for an arc distance of 226.27 feet (chord of 196.62 feet bears North 74°26'47" East); thence North 22°35'25" East, a distance of 140.69 feet; thence North 24°35'19" West, a distance of 102.95 feet; thence North 53°41'50" West, a distance of 80.41 feet to a point on said easterly right of way boundary of said Tram Road Connector; thence North 36°18'10" East, a distance of 349.31 feet to a point of curve to the left; thence run northeasterly along said curve with a radius of 810.00 feet through a central angle of 16°01'06" for an arc distance of 226.45 feet (chord of 225.72 feet bears North 28°17'37" East); thence North 20°17'04" East, a distance of 1,027.50 feet to a point of curve to the left; thence run northerly along said curve with a radius of 1,288.00 feet through a central angle of 17°33'58" for an arc distance of 394.88 feet (chord of

393.34 feet bears North 11°30'05" East) to a point of reverse curve to the right; thence run northeasterly along said curve with a radius of 30.00 feet through a central angle of 89°12'47" for an arc distance of 46.71 feet (chord of 42.13 feet bears North 47°19'29" East) to a point on the southerly right of way boundary of Shumard Oak Boulevard (a 140 foot right of way) ; thence along said southerly right of way boundary run South 88°04'07" East, a distance of 170.11 feet; thence North 01°55'53" East, a distance of 140.00 feet to a point on the Northerly right of way boundary of said Shumard Oak Boulevard; thence along said northerly right of way boundary run North 88°04'07" West, a distance of 170.01 feet to a point of curve to the right; thence run northwesterly along said curve with a radius of 30.00 feet through a central angle of 89°59'30" for an arc distance of 47.12 feet (chord of 42.42 feet bears North 43°04'22" West) to a point on the easterly right of way boundary of said Four Oaks Boulevard; thence along said easterly right of way boundary run North 01°55'23" East, a distance of 200.02 feet; thence North 88°04'37" West, a distance of 120.00 feet to a point on the westerly right of way boundary of said Four Oaks Boulevard; thence along said westerly right of way boundary run South 01°55'23"West, a distance of 199.99 feet to a point of curve to the right; thence run southwesterly along said curve with a radius of 30.00 feet through a central angle of 90°00'30"for an arc distance of 47.13 feet (chord of 42.43 feet bears South 46°55'38"West) to a point on the northerly right of way boundary of said Shumard Oak Boulevard; thence along said northerly right of way boundary run North 88°04'07"West, a distance of 297.19 feet to a point of curve to the right; thence run northwesterly along said right of way curve with a radius of 1153.00 feet through a central angle of 23°25'16"for an arc distance of 471.32 feet (chord of 468.04 feet bears North 76°21'29"West) to a point of reverse curve to the left; thence run northwesterly along said right of way curve with a radius of 806.68 feet through a central angle of 21°29'44"for an arc distance of 302.64 feet (chord of 300.87 feet bears North 75°23'43"West); thence run North 45°02'49"West, a distance of 16.88 feet; thence along the easterly boundary of that property recorded in Official Records Book 1432, Page 1260 run North 12°57'04"East, a distance of 425.57 feet to a found concrete monument; thence run North 06°56'31"East, a distance of 313.58 feet to a found concrete monument; thence run North 00°03'25"West, a distance of 403.16 feet to a found concrete monument; thence run North 03°44'41"East, a distance of 288.47 feet; thence run North 11°09'38"East 286.37 feet to a found concrete monument; thence run North 16°57'18"East, a distance of 242.82 feet to a point on the Southerly right of way boundary of Merchants Row Boulevard (right of way varies); thence along said southerly right of way boundary run North 73°00'38" West, a distance of 648.97 feet to a point of curve to the left; thence run westerly along said curve with a radius of 1,495.50 feet through a central angle of 28°41'51" for an arc distance of 749.04 feet (chord of 741.24 feet bears North 87°21'33" West); thence South 78°17'32" West, a distance of 534.04 feet to a point of curve to the right; thence run westerly along said curve with a radius of 1,145.90 feet through a central angle of 13°38'10" for an arc distance of 272.72 feet (chord of 272.08 feet bears South 85°06'37" West) to a point on the westerly boundary of said property recorded in Official Records Book 1432, Page 1260; thence along said westerly boundary run South 00°18'28" West, a distance of 1,438.81 feet to a point of curve to the right; thence run southerly along said curve with a radius of 3,944.69 feet through a central angle of 06°05'13" for an arc distance of 419.08 feet (chord of 418.88 feet bears South

03°21'05" West) to a point on a curve concave northeasterly and the Northerly right of way boundary of Shumard Oak Boulevard (a 120 foot right of way); thence run northwesterly along said right of way curve with a radius of 1577.00 feet through a central angle of 0°10'36" for an arc distance of 4.86 feet (chord of 4.86 feet bears North 81°49'31" West), thence North 81°44'13" West, a distance of 70.18 feet to a point on a non tangent curve concave west and the easterly right of way boundary of Capital Circle SE (State Road 261); thence run northerly along said right of way curve with a radius of 3,869.69 feet through a central angle of 06°03'03" for an arc distance of 408.66 feet (chord of 408.47 feet bears North 03°19'59" East); thence North 00°18'28" East, a distance of 1,113.72 feet; thence South 89°41'32" East, a distance of 5.00 feet; thence North 00°18'28" East, a distance of 2,449.91 feet; thence North 89°41'32" West, a distance of 5.00 feet; thence North 00°18'28" East, a distance of 799.97 feet; thence South 89°41'32" East, a distance of 5.00 feet; thence North 00°18'28" East, a distance of 382.89 feet; thence North 00°01'41" East, a distance of 417.36 feet; thence North 89°58'19" West, a distance of 5.00 feet; thence North 00°01'41" East, a distance of 1,699.95 feet; thence South 89°58'19" East, a distance of 5.00 feet; thence North 00°01'41" East, a distance of 749.98 feet; thence North 89°58'19" West, a distance of 5.00 feet; thence North 00°01'41" East, a distance of 854.62 feet; thence North 00°53'29" East, a distance of 444.58 feet; thence South 89°06'31" East, a distance of 15.00 feet; thence North 00°53'29" East, a distance of 533.70 feet to a point of curve to the right; thence run northerly along said curve with a radius of 1,844.78 feet through a central angle of 26°00'07" for an arc distance of 837.19 feet (chord of 830.03 feet bears North 13°53'32" East); thence North 63°06'25" West, a distance of 15.00 feet to a point on a non tangent curve concave southeast; thence run northeasterly along said curve with a radius of 1,859.78 feet through a central angle of 26°57'30" for an arc distance of 875.05 feet (chord of 867.00 feet bears North 40°22'20" East); thence North 53°51'06" East, a distance of 577.38 feet; thence leaving said easterly right of way boundary run South 00°09'17" West along the westerly boundary of the Plat of Alice Hill Property (unrecorded), a distance of 992.07 feet a found 1" iron pipe; thence North 87°42'40" East, a distance of 209.98 feet to a found iron rod and cap, LB#3732, and SJPC guard monument; thence South 00°20'38" West, a distance of 209.74 feet to a found 1" pinched iron pipe and SJPC guard monument; thence along the southerly boundary of said Plat of Alice Hill Property run North 87°47'14" East, a distance of 1,111.11 feet a SJPC concrete monument; thence along the easterly boundary of said Plat of Alice Hill Property run North 00°01'12" East, a distance of 1,356.16 feet to the POINT OF BEGINNING. The above described parcel contains 105,047,993.29 square feet or 2,411.57 acres, more or less.

The above described parcel being subject to an Easement for Access and Utilities as recorded in Official Records Book 1432, Page 1260, a City of Tallahassee Utility right of way recorded in Official Records Book 2350, Page 1159 and Official Records Book 2529, Page 1656, a Subsurface Utility Easement as recorded in Official Records Book 2486, Page 529, an Alternative Vehicular Access Easement as recorded in Official Records Book 2245, Page 53, and a Sewer Easement as recorded in Official Records Book 2529, Page 1661 of the Public Records of Leon County, Florida.

LESS AND EXCEPT

PARCEL "D1"
A 16.92 Acre parcel in Section 16, Township 1 South, Range 1 East, Leon County, Florida, recorded in Official Records Book 2245, Page 040 of the Public records of Leon County, Florida and being more particularly described as follows:

Commence at found terra-cotta monument marking the Northwest corner of Section 16, Township 1 South, Range 1 East, Leon County, Florida, thence along the northerly boundary of said Section 16 run South 89 degrees 56 minutes 26 seconds East, a distance of 2751.34 feet to a point on the easterly right of way boundary of Capital Circle SE (State Road 261); thence along said easterly right of way boundary run South 00 degrees 01 minutes 41 seconds West, a distance of 1003.03; thence South 89 degrees 58 minutes 19 seconds East, a distance of 5.00 feet; thence South 00 degrees 01 minutes 41 seconds West, a distance of 417.36 feet; thence South 00 degrees 18 minutes 28 seconds West, a distance of 382.89 feet; thence North 89 degrees 41 minutes 32 seconds West, a distance of 5.00 feet, thence South 00 degrees 18 minutes 28 seconds West, a distance of 647.46 feet, thence leaving said easterly right of way boundary run South 89 degrees 41 minutes 32 seconds East, a distance of 75.00 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence South 89 degrees 41 minutes 32 seconds East, a distance of 778.83 feet; thence South, a distance of 176.05 feet to a point of curve to the left; thence run southerly along said curve with a radius of 2,550.00 feet through a central angle of 13 degrees 38 minutes 58 seconds for an arc distance of 607.48 feet (chord of 606.04 feet bears South 06 degrees 49 minutes 29 seconds East); thence South 13 degrees 38 minutes 58 seconds East, a distance of 31.63 feet; thence continue southerly along said line, a distance of 102.93 feet; thence North 89 degrees 57 minutes 06 seconds West, a distance of 887.48 feet; thence North 00 degrees 18 minutes 28 seconds East, a distance of 100.00 feet; thence North 00 degrees 18 minutes 27 seconds East, a distance of 812.00 feet to the POINT OF BEGINNING. The above described parcel contains 736,985.40 square feet or 16.92 acres, more or less.

AND ALSO

PARCEL "E"
A 21.16 Acre Parcel in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida being more particularly describes as follows:

Commence at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida and run thence North 00°13'37" East along the East line of said Section 21 a distance of 937.73 feet to a point at the intersection of said East line with the centerline of Tram Road (66' Right of Way), thence departing said East line of Section 21 run North 76°58'41" West along said centerline of Tram Road a distance of 642.68 feet to a point marking the intersection of Tram Road and the centerline of Four Oaks Boulevard, thence departing said centerline of Tram Road run North 13°01'22" East along said centerline of Four Oaks Boulevard a distance of 86.22 feet to a point on a curve concave southeasterly, thence along said curve with a radius of 750.00 feet through a central angle of 23°16'48" for an arc length of 304.74 feet (chord bears North 24°39'46" East 302.64 feet), thence leaving said curve run North 36°18'10" East a distance of

873.23 feet to a point on a curve concave northwesterly, thence along said curve with a radius of 750.00 feet through a central angle of 16°01'06" for an arc length of 209.68 feet (chord bears North 28°17'37" East 209.00 feet), thence leaving said curve run North 20°17'04" East a distance of 459.89 feet, thence leaving said centerline run North 69°42'56" West 60.00 feet to a point on the westerly right of way boundary of said Four Oaks Boulevard and the POINT OF BEGINNING. From said POINT OF BEGINNING thence run North 69°42'56" West 113.74 feet, thence run South 58°25'35" West 108.90 feet to a point of curve to the left, thence run southwesterly along said curve with a radius of 150.00 feet through a central angle of 65°22'28" for an arc distance of 171.15 feet (chord of 162.02 feet bears South 25°44'21" West), thence run South 06°30'28" East 2.15 feet, thence along the northerly boundary of that property recorded in Official Records Book 2245, Page 40 run North 69°42'56" West 739.36 feet, thence along easterly boundary of that property recorded in Official Records Book 1432, Page 1260 run North 21°57'48" East 95.89 feet to a found concrete monument, thence run North 10°53'34" East 219.79 feet to a found concrete monument, thence run North 02°57'51" East 403.14 feet, thence leaving said easterly boundary run South 87°02'09" East 71.22 feet to a point on a curve concave northeasterly, thence run southeasterly along said curve with a radius of 320.00 feet through a central angle of 33°52'30" for an arc distance of 189.19 feet (chord of 186.45 feet bears South 43°49'36" East), thence run North 76°05'38" East 73.52 feet, thence run North 13°42'13" East 101.60 feet to a point of curve to the left, thence run northwesterly along said curve with a radius of 140.00 feet through a central angle of 42°21'33" for an arc distance 103.50 feet (chord of 101.16 feet bears North 07°28'34" West) to a point of reverse curve to the right, thence run northwesterly along said curve with a radius of 140.00 feet through a central angle of 52°35'40" for an arc distance of 128.51 feet (chord of 124.05 feet bears North 02°21'30" West), thence run North 23°56'20" East 48.26 feet to a point on a curve concave northeasterly and the southerly right of way boundary of Shumard Oak Boulevard, thence run southeasterly along said right of way curve with a radius of 1293.00 feet through a central angle of 23°25'16" for an arc distance of 528.55 feet (chord of 524.87 feet bears South 76°21'29" East), thence run South 88°04'07" East 297.07 feet to a point on a curve to the right, thence run southeasterly along said right of way curve with a radius of 30.00 feet through a central angle of 90°54'41" for an arc distance of 47.60 feet (chord of 42.76 feet bears South 42°36'47" East) to a point on a compound curve to the right and the westerly right of way boundary of said Four Oaks Boulevard, thence run southwesterly along said right of way curve with a radius of 1168.00 feet through a central angle of 17°26'30" for an arc distance of 355.56 feet (chord of 354.19 feet bears South 11°33'49" West), thence run South 20°17'04" West 567.062 feet to the POINT OF BEGINNING. The above described parcel contains 965,102.13 square feet or 22.16 acres more or less.

AND ALSO

PARCEL "F"

A 3.62 Acre Parcel in Section 21, Township 1 South, Range 1 East, Leon County, Florida, more particularly describes as follows:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida,

thence run North 00°13'37" East 937.73 feet to the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76°58'41" West along said centerline, a distance of 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17°06'44" for an arc length of 957.24 feet (chord of 953.69 feet bears North 68°25'19" West), thence North 59°51'57" West, a distance of 725.66 feet, thence leaving said centerline run North 30°08'03" East 33.00 feet to a point on the northerly right of way boundary of said Tram Road and the POINT OF BEGINNING. From said POINT OF BEGINNING thence along the northerly right of way boundary of said Tram Road run North 59°51'57" West, a distance of 78.92 feet to a point on the easterly right of way boundary of Capital Circle SE (State Road 261); thence along the easterly right of way boundary of said Capital Circle Se run North 12°00'27" East, a distance of 1,828.42 feet to a point of curve to the left; thence run northerly along said curve with a radius of 3,869.69 feet through a central angle of 03°52'18" for an arc distance of 261.49 feet (chord of 261.44 feet bears North 10°04'18" East) to a point on the southerly right of way boundary of Shumard Oak Boulevard (a 120 foot right of way); thence along said southerly right of way boundary run South 81°44'13" East, a distance of 68.05 feet to a point of curve to the left; thence run easterly along said curve with a radius of 1,697.00 feet through a central angle of 00°14'05" for an arc distance of 6.95 feet (chord of 6.95 feet bears South 81°51'15" East) to a point on a non tangent curve concave west; thence leaving said southerly right of way boundary run southerly along the westerly boundary of that property recorded in Official Records Book 1432, Page 1260 and said curve with a radius of 3,944.69 feet through a central angle of 03°52'10" for an arc distance of 266.41 feet (chord of 266.36 feet bears South 10°04'21" West); thence South 12°00'27" West, a distance of 1,852.97 feet to the POINT OF BEGINNING. The above described parcel contains 157,851.57 square feet or 3.62 acres, more or less.

AND ALSO

PARCEL "G"

A 39.74 Acre Parcel in Sections 9 and 16, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

Commence at a found terra-cotta monument marking the Northwest corner of Section 16, Township 1 South, Range 1 East, Leon County, Florida, thence along the northerly boundary line of said Section 16 run South 89°56'26" East 1326.14 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence continue South 89°56'26" East 664.44 feet, thence run North 00°02'33" West 649.06 feet to a found concrete monument marking the southerly boundary line of Debko Subdivision as per Plat Book 8, Page 53 of the public records of Leon County, Florida, thence along said southerly boundary run South 89°55'43" East 661.54 feet to a point on the westerly right of way boundary of Capital Circle (State Road 261), thence along said westerly right of way boundary run South 00°01'41" West 648.92 feet to a point of intersection with the northerly boundary line of said Section 16, thence continue along said westerly right of way South 00°01'41" West 970.45 feet to a point of intersection with the northerly right of way boundary of Blair Stone Road Extension, thence along said northerly right run North 89°54'00" West 36.00 feet to a point of curve to the left, thence run southwesterly along said right of way curve with a radius of 2930.00

feet through a central angle of 03°23'59" for an arc distance of 173.86 feet (chord of 173.83 feet bears South 88°24'00" West) to a point of reverse curve, thence run southwesterly along said curve with a radius of 2800.00 feet through a central angle of 03°23'59" for an arc distance of 166.14 feet (chord of 166.12 feet bears South 88°24'00" West), thence run North 89°54'00" West 960.49 feet, thence run North 00°40'40" East 979.55 feet to the POINT OF BEGINNING. The above-described parcel contains 1,731,197.74 square feet or 39.74 acres more or less.

The above described parcel being subject to a City of Tallahassee Utility right of way recorded in Official Records Book 2529, Page 1656 of the Public Records of Leon County, Florida.

AND ALSO
ORB 2529, PAGE 1656
PARCEL "H"
A 34.16 Acre Parcel in Section 16, Township 1 South, Range 1 East, Leon County, Florida, being more particularly described as follows:

Commence at a found terra-cotta monument marking the Northwest corner of Section 16, Township 1 South, Range 1 East, Leon County, Florida, thence along the northerly boundary line of said Section 16 run South 89°56'26" East, a distance of 1044.65 feet to a point on the centerline of Blair Stone Road (right of way varies); thence along said centerline run South 89°54'00" East, a distance of 93.91 feet, thence leaving said centerline run South 00°38'35" West, a distance of 65.00 feet to a point on the southerly right of way boundary of said Blair Stone Road and the POINT OF BEGINNING. From said POINT OF BEGINNING thence along the southerly right of way boundary of said Blair Stone Road run South 89°54'00" East, a distance of 1,243.82 feet to a point on the westerly right of way boundary of Capital Circle SE (State Road 261); thence along said westerly right of way boundary run South 00°01'41" West, a distance of 309.78 feet; thence South 00°18'28" West, a distance of 879.59 feet; thence leaving said westerly right of way boundary run South 89°52'19" West along the northerly boundary of that property recorded in Official Records Book 654, Page 621, a distance of 1,252.35 feet to a point on the easterly right if way boundary of a City of Tallahassee 100 foot Utility Right of Way; thence along said easterly right of way boundary run North 00°38'35" East, a distance of 1,194.41 feet to the POINT OF BEGINNING. The above described parcel contains 1,488,179.85 square feet or 34.16 acres, more or less.

AND ALSO

PARCEL "I"
A 192.97 Acre Parcel in Sections 16 and 21, Township 1 South, Range 1 East, Leon County, Florida, being more particularly described as follows:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00°13'37" East 937.73 feet to the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76°58'41" West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet

through a central angle of 17°06'44" for an arc length of 957.24 feet (chord of 953.69 feet bears North 68°25'19" West), thence North 59°51'57" West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle SE (State Road No. 261); thence along said centerline of Capital Circle SE run South 12°00'01" West, a distance of 1.03 feet to the centerline of said Tram Road; thence along said centerline run North 59°57'12" West, a distance of 52.58 feet; thence leaving said centerline run North 12°00'27" East, a distance of 34.70 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence along the northerly right of way boundary of said Tram Road run North 59°57'12" West, a distance of 2,531.91 feet to a point on the easterly boundary of a City of Tallahassee 100 foot Utility Right of Way as recorded in Official Records Book 152, Page 128 of the Public Records of Leon County, Florida; thence along said easterly right of way boundary run North 06°43'29" East, a distance of 789.11 feet; thence North 00°06'20" East, a distance of 1,270.65 feet; thence North 00°05'50" East, a distance of 2,692.10 feet to a point on the southerly right of way said City of Tallahassee 100 foot Utility Right of Way; thence along said southerly right of way boundary run North 89°58'58" East, a distance of 1,205.92 feet; thence along the westerly boundary of that property recorded in Official Records Book 654, Page 621 run South 00°18'28" West, a distance of 838.75 feet; thence along the southerly boundary of said property run North 89°52'19" East, a distance of 1,361.45 feet to a point on the westerly right of way boundary of Capital Circle SE (State Road 261); thence along said westerly right of way boundary run South 00°18'28" West, a distance of 2,657.37 feet to a point of curve to the right; thence run southerly along said curve with a radius of 3,769.69 feet through a central angle of 11°41'59" for an arc distance of 769.76 feet (chord of 768.42 feet bears South 06°09'27" West); thence South 12°00'27" West, a distance of 1,796.82 feet to the POINT OF BEGINNING. The above described parcel contains 12,518,245.93 square feet or 287.38 acres, more or less.

The above described parcel being subject to a Federal Aviation Administration lease parcel, recording information not provided.

LESS AND EXCEPT

PARCEL "I1"
A 47.84 Acre Parcel in Sections 16 and 21, Township 1 South, Range 1 East, Leon County, Florida, recorded in Official Records Book 2245, Page 40 of the Public Records of Leon County, Florida, being more particularly described as follows:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00°13'37" East 937.73 feet to the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76°58'41" West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17°06'44" for an arc length of 957.24 feet (chord of 953.69 feet bears North 68°25'19" West), thence North 59°51'57" West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261), thence North 12°00'01" East along said centerline 1.97 feet, thence North 12°00'27" East along said centerline 1844.79 feet to a

point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 05°31'26" for an arc length of 368.25 feet (chord of 368.10 feet bears North 09°14'44" East), thence leaving said centerline run North 82°45'59" West 125.01 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 82°45'59" West along the northerly right of way of a proposed road (100 foot right of way) a distance of 407.94 feet to set iron rebar and cap marking a point of curve to the left, thence along said curve with a radius of 4425.00 feet through a central angle of 06°47'31" for an arc length of 524.55 feet (chord of 524.25 feet bears North 86°09'44" West) to a set iron rebar and cap, thence North 89°33'30" West 254.27 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90°00'00" for an arc length of 47.12 feet (chord of 42.43 feet bears North 44°33'30" West) to a set iron rebar and cap on the easterly right of way of a proposed roadway (100 foot right of way), thence North 00°26'30" East along said right of way 992.45 feet to a set iron rebar and cap marking a point of curve to the right, thence along said right of way curve with a radius of 750.00 feet through a central angle of 92°45'19" for an arc length of 1214.16 feet (chord of 1085.85 feet bears North 46°49'10" East) to a set iron rebar and cap thence South 86°48'11" East along said right of way 444.13 feet to a set iron rebar and cap, thence leaving said right of way run South 00°18'28" West 1433.65 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 3694.66 feet through a central angle of 06°09'02" for an arc length of 396.61 feet (chord of 396.42 feet bears South 03°22'59" West) to the POINT OF BEGINNING, containing 47.84 acres more or less.

ALSO LESS AND EXCEPT

PARCEL "I2"
A 46.57 Acre Parcel in Section 21, Township 1 South, Range 1 East, Leon County, Florida, recorded in Official Records Book 2245, Page 40 of the Public Records of Leon County, Florida, being more particularly described as follows:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1101.78 feet to a nail and cap marking a point of curve to the right having a radius of 3205.07 feet; thence continue along said centerline curve 957.24 feet (chord bears North 68 degrees 25 minutes 19 seconds West 953.69 feet) to a nail and cap; thence run North 59 degrees 51 minutes 57 seconds West along said centerline 1469.04 feet to the centerline of Capital Circle (State Road No. 261); thence continue along the centerline of said Tram Road, North 59 degrees 59 minutes 41 seconds West 131.43 feet; thence leaving said centerline run North 12 degrees 00 minutes 27 seconds East 34.47 feet to a concrete monument on the northerly right-of-way of said Tram Road marking the POINT OF BEGINNING. From said POINT OF BEGINNING thence run North 59 degrees 59 minutes 41 seconds West along the right-of-way boundary of Tram Road 1302.84 feet to a concrete monument marking the easterly right-of-way boundary of a proposed 120 foot roadway; thence run North 30 degrees 00 minutes 19 seconds East along

said easterly right-of-way 253.21 feet to a point of curve to the left having a radius of 1575.00 feet; thence run northeasterly along said right-of-way curve 812.67 feet (chord bears North 15 degrees 13 minutes 25 seconds East 803.69 feet); thence run North 00 degrees 26 minutes 30 seconds East 396.20 feet to a point of curve to the right having a radius of 30.00 feet; thence run northeasterly along said curve 47.12 feet (chord bears North 58 degrees 20 minutes 27 seconds East 68.51 feet) to the southerly right-of-way boundary of Shumard Oak Blvd.; thence run South 89 degrees 33 minutes 30 seconds East along said south right-of-way 254.27 feet to a point of curve to the right having a radius of 4325.00 feet; thence run southeasterly along said curve 512.70 feet (chord bears South 86 degrees 09 minutes 44 seconds East 512.40 feet); thence run South 82 degrees 45 minutes 59 seconds East 407.94 feet to a point lying 150 feet west of the centerline of said Capital Circle; thence run southerly along a line lying 150 feet west of and parallel to the centerline of said Capital Circle along a curve to the right having a radius of 3694.66 feet for an arc distance of 257.83 feet (chord bears South 10 degrees 00 minutes 30 seconds West 257.78 feet); thence run South 12 degrees 00 minutes 27 seconds West along said parallel line 1769.49 feet to the POINT OF BEGINNING; containing 46.57 acres, more or less.

AND ALSO

PARCEL "J"
An 11.54 Acre Parcel in Section 20, Township 1 South, Range 1 East, Leon County, Florida, being more particularly described as follows:

Commence at a found 2" iron pipe marking the Southwest corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence along the westerly boundary of said Section 21 run North 00°22'32" West, a distance of 2691.63 feet; thence North 00°05'26" East 565.83 feet to point on the southerly right of way boundary of Tram Road (a 66 foot right of way); thence continue North 00°05'26" East 76.17 feet to a point on the northerly right of way boundary of said Tram Road; thence along said northerly right of way run North 59°57'12" West, a distance of 99.08 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence along said northerly right of way of said Tram Road run North 59°57'12" West, a distance of 1,479.48 feet; thence leaving said northerly right of way run South 89°45'46" East along the southerly boundary of that property recorded in Official Records Book 2519, Page 1091, a distance of 1,367.35 feet to a found 1" iron pipe and the westerly boundary of a City of Tallahassee 100 foot Utility Right of Way as recorded in Official Records Book 152, Page 128 of the Public Records of Leon County, Florida; thence along said westerly right of way boundary run South 06°43'29" West, a distance of 740.21 feet to the POINT OF BEGINNING. The above described parcel contains 502,823.93 square feet or 11.54 acres, more or less.

AND ALSO

PARCEL "K"
A 234.78 Acre Parcel in Section 20, Township 1 South, Range 1 South, Leon County, Florida, more particularly described as follows:

Commence at a found 2" iron pipe marking the Southwest corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence along the westerly boundary of said Section 21 run North 00°22'32" West, a distance of 0.62 feet to the northerly right of way boundary of Capital Circle SE (State Road 263); thence along said northerly right of way boundary run North 89°40'47" West, a distance of 100.01 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence along said northerly right of way boundary of said Capital Circle SE run North 89°40'47" West, a distance of 2,542.61 feet; thence leaving said northerly right of way boundary run North 00°02'23" West, a distance of 4,762.80 feet to a point on the southerly right of way boundary of Tram Road; thence along the southerly right of way boundary of said Tram Road run South 59°57'12" East, a distance of 2,928.63 feet to a point on the westerly boundary of a City of Tallahassee 100 foot Utility Right of Way as recorded in Official Records Book 152, Page 128 of the Public Records of Leon County, Florida; thence along said westerly right of way run South 06°43'29" West, a distance of 50.63 feet; thence South 00°05'26" West, a distance of 570.21 feet; thence South 00°22'32" East, a distance of 2,690.20 feet to the POINT OF BEGINNING. The above described property contains 10,226,967.87 square feet or 234.78 acres, more or less.

AND ALSO

PARCEL "L"
A 60.44 Acre Parcel in Section 21, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

Commence at a found 2" iron pipe marking the Southwest corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida; thence along the westerly boundary of said Section 21 run North 00°22'32" West, a distance of 0.62 feet to a point on the northerly right of way boundary of Capital Circle SE (State Road 263); thence leaving said northerly right of way boundary along the easterly boundary of a City of Tallahassee 100 foot Utility Right of Way as recorded in Official Records Book 152, Page 128 of the Public Records of Leon County, Florida, run North 00°22'32" West, a distance of 2,691.01 feet; thence North 00°05'26" East, a distance of 130.42 feet to a found pinched iron pipe; thence along the southerly boundary of that property recorded in Deed Book 151, Page 143 run South 89°52'45" East, a distance of 100.06 feet to a found pinched iron pipe; thence along the easterly boundary of said property run North 00°07'00" East, a distance of 377.70 feet to a point on the southerly right of way boundary of Tram Road; thence along said southerly right of way boundary run South 59°57'12" East, a distance of 1,291.69 feet; thence leaving said southerly right of way boundary run South 00°01'40" West, a distance of 1,010.97 feet to a found 1" iron pipe; thence South 89°52'21" West, a distance of 540.47 feet to found 6"x 6" concrete monument; thence South 00°01'05" West, a distance of 1,476.83 feet to a point on a non tangent curve concave north and the northerly right of way boundary of Capital Circle SE; thence run westerly along said right of way curve with a radius of 1,956.71 feet through a central angle of 15°19'34" for an arc distance of 523.41 feet (chord of 521.85 feet bears South 82°54'03" West); thence North 89°26'10" West, a distance of 142.25 feet to the POINT OF BEGINNING. The above described parcel contains 2,632,770.78 square feet or 60.44 acres, more or less.

AND ALSO

PARCEL "M"
A 61.62 Acre Parcel in Section 21, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

BEGIN at a found concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence along the southerly boundary of said Section 21 and the northerly boundary of that property recorded in Official Records Book 1111, Page 850 run North 89°34'16" West, a distance of 2,279.65 feet to a found concrete monument; thence along the easterly boundary of said property run North 00°07'13" West, a distance of 1,546.64 feet to found concrete monument on a non tangent curve concave north and the southerly right of way boundary of Tram Road (County Road 259) a 66 foot right of way; thence run easterly along said right of way curve with a radius of 3,238.07 feet through a central angle of 16°07'57" for an arc distance of 911.72 feet (chord of 908.71 feet bears South 68°54'44" East); thence South 76°58'41" East, a distance of 1,476.69 feet; thence leaving said southerly right of way boundary run South 00°14'14" West, a distance of 904.01 feet to the POINT OF BEGINNING. The above described parcel contains 2,684,023.55 square feet or 61.62 acres, more or less.

The above described parcel being subject to a utility easements recorded in Official Records Book 2393, Page 206 and Official Records Book 2598, Page 1083 of the Public Records of Leon County, Florida.

AND ALSO

PARCEL "N"
A 25.26 Acre Parcel in Section 22, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

BEGIN at a found concrete monument marking the Southwest corner of Section 22, Township 1 South, Range 1 East, Leon County, Florida, thence along the westerly boundary of said Section 22 run North 00°14'14"East, a distance of 904.01 feet to a point on the southerly right of way boundary of Tram Road (County Road 259); thence along said southerly right of way boundary run South 76°58'41"East, a distance of 1594.81 feet; thence leaving said southerly right of way boundary run South 13°01'12"West, a distance of 570.01 feet; thence run North 89°34'16"West, a distance of 1429.16 feet to the POINT OF BEGINNING. The above described parcel contains 25.26 acres more or less.

The above described parcel being subject to a utility easements recorded in Official Records Book 2393, Page 206 and Official Records Book 2598, Page 1083 of the Public Records of Leon County, Florida.

The above described parcels containing an aggregate area of 3,322.77 acres more or less.

EXHIBIT A-2

LEGAL DESCRIPTION
SOUTHWOOD DRI BOUNDARY
DRI Property within the City of Tallahassee

PARCEL "A"
A 38.37 Acre Parcel in Section 3 and 10, Township 1 South, range 1 East, Leon County Florida, more particularly described as follows:

Commence at a found ¼" iron pipe marking the Southwest corner of Section 3, Township 1 South, Range 1 East, Leon County, Florida; thence along the Westerly boundary of Section 3 run North 00°27'17" West, a distance of 177.44 feet to the approximate centerline of Old St. Augustine Road (a Leon County, Florida maintained right of way); thence along said centerline run South 79°50'29" East, a distance of 994.58 feet, thence leaving said centerline run North 00°12'53" West, a distance of 17.95 feet to a point on the maintained right of way of said Old St Augustine Road and the POINT OF BEGINNING. From said POINT OF BEGINNING thence along the easterly boundary of a 100 foot City of Tallahassee Utility Right of Way run North 00°12'53" West, a distance of 1,316.49 feet to a point on the southerly boundary of Paradise Village East, Unit 2 (a subdivision as per map or plat recorded in Plat Book 6, Page 1 of the Public Records of Leon County, Florida); thence along said southerly boundary run North 89°14'24" East, a distance of 821.87 feet to a found 4"x 4" concrete monument, flat top; thence North 89°26'38" East, a distance of 200.27 feet to a found iron pipe; thence North 89°21'13" East, a distance of 131.76 feet to a found ¼" iron pipe and SJPC guard monument; thence along the westerly boundary of that property recorded in Official Records Book 1528, page 1751 run South 00°13'43" West, a distance of 1,687.99 feet to a point on the northerly right of way boundary of said Old St Augustine Road; thence along said maintained right of way run North 58°29'23" West, a distance of 193.63 feet; thence North 60°47'12" West, a distance of 103.39 feet; thence North 67°03'52" West, a distance of 103.19 feet; thence North 72°58'14" West, a distance of 99.98 feet; thence North 77°44'32" West, a distance of 111.58 feet; thence North 79°39'27" West, a distance of 217.22 feet; thence North 78°24'57" West, a distance of 213.86 feet; thence North 81°19'22" West, a distance of 98.63 feet; thence North 76°55'43" West, a distance of 68.24 feet to the POINT OF BEGINNING. The above-described parcel contains 1,671,449.70 square feet or 38.37 acres, more or less.

AND ALSO

PARCEL "B"
A 176.80-Acre Parcel in Sections 3, 10 and 11, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

BEGIN at a found pinched iron pipe marking the Southwest corner of the Southeast Quarter of Section 3, Township 1 South, Range 1 East, Leon County, Florida, thence along the easterly boundary of that property recorded in Official Records Book 1528, Page 1751 run North 00°11'54"

East, a distance of 864.83 feet to a found iron pipe and SJPC guard monument; thence along the southerly boundary of that property recorded in Official Records Book 845, Page 729 run South 89°20'40" East, a distance of 323.66 feet to a found pinched iron pipe; thence along the easterly boundary of said property run North 00°14'32" East, a distance of 537.65 feet to a found 1" iron pipe; thence South 89°29'00" East, a distance of 322.81 feet to a found 6"x 6" SJPC concrete monument; thence South 00°48'39" West, a distance of 13.55 feet to a found 6"x 6" SJPC concrete monument; thence South 89°20'53" East, a distance of 167.41 feet to a found iron rod and cap, LB#6745; thence along the southerly boundary of the Wal-Mart SuperCenter (a subdivision as per map or plat recorded in Plat Book 12, Page 8 of the Public Records of Leon County, Florida) run South 89°28'59" East, a distance of 168.17 feet to a found iron rod and cap, LB#6246; thence North 00°38'19" East, a distance of 71.43 feet to a found iron rod and cap, LB#6246; thence North 87°50'52" East, a distance of 778.25 feet to a found iron rod and cap, LB#6246; thence along the easterly boundary of said Wal-Mart SuperCenter run North 00°31'30" East, a distance of 1,171.19 feet to a found iron and cap, LB# 6745; thence North 32°56'29" West, a distance of 121.96 feet to a found iron rod and cap, LB#6745; thence North 00°45'41" East, a distance of 218.75 feet to the southerly right of way boundary of Appalachee Parkway (State Road 20); thence along said southerly right of way boundary run North 85°34'35" East, a distance of 200.77 feet; thence leaving said southerly right of way boundary along the westerly boundary of that property recorded in Official Records Book 2317, Page 788 run South 00°36'45" West, a distance of 322.86 feet; thence along the southerly boundary of said property run South 89°41'02" East, a distance of 66.54 feet to a found pinched iron pipe; thence along the westerly boundary of those properties recorded in Official Records Book 1623, Page 739 and Official Records Book 133, Page 389 run South 00°33'01" West, a distance of 1,157.48 feet to a found 1-1/4" iron rod; thence along the southerly boundary of said property recorded in Official Records Book 133, Page 389 run South 89°25'54" East, a distance of 646.13 feet to a point on the westerly maintained right of way boundary of Southwood Plantation Road (a Leon County, Florida maintained right of way); thence along said westerly maintained right of way run South 00°16'14" West, a distance of 5.39 feet; thence South 01°14'59" West, a distance of 377.99 feet; thence South 00°17'47" West, a distance of 485.66 feet; thence South 01°05'15" West, a distance of 307.47 feet; thence South 00°08'19" East, a distance of 105.02 feet; thence South 00°41'21" East, a distance of 67.66 feet; thence South 03°46'52" East, a distance of 72.89 feet; thence South 01°56'57" East, a distance of 62.01 feet; thence South 04°25'57" East, a distance of 63.83 feet; thence South 04°10'13" East, a distance of 61.89 feet; thence South 07°47'37" East, a distance of 62.60 feet; thence South 10°47'55" East, a distance of 61.46 feet; thence South 17°02'15" East, a distance of 64.74 feet; thence South 16°47'27" East, a distance of 59.13 feet; thence South 21°33'22" East, a distance of 62.50 feet; thence South 19°35'59" East, a distance of 108.30 feet; thence South 15°31'45" East, a distance of 66.10 feet; thence South 14°48'33" East, a distance of 61.60 feet; thence South 12°18'18" East, a distance of 58.84 feet; thence South 05°59'07" East, a distance of 58.06 feet; thence South 03°04'19" East, a distance of 60.47 feet; thence South 03°09'07" West, a distance of 60.44 feet; thence South 03°32'44" West, a distance of 68.32 feet; thence South 01°17'33" West, a distance of 151.12 feet; thence South 04°16'10" West,

a distance of 153.69 feet; thence South 02°47'24" West, a distance of 220.92 feet; thence South 03°07'53" West, a distance of 305.65 feet; thence South 42°22'36" West, a distance of 36.68 feet to a point on the northerly maintained right of way boundary of Old St Augustine Road (a Leon County, Florida, maintained right of way); thence along said northerly maintained right of way boundary run North 87°25'23" West, a distance of 101.08 feet; thence North 77°26'22" West, a distance of 151.23 feet; thence North 78°16'36" West, a distance of 137.90 feet; thence North 78°31'10" West, a distance of 325.77 feet; thence North 77°40'43" West, a distance of 151.37 feet; thence North 78°04'42" West, a distance of 130.55 feet; thence North 78°22'42" West, a distance of 264.02 feet; thence North 74°13'57" West, a distance of 135.72 feet; thence North 68°20'13" West, a distance of 172.86 feet; thence North 58°57'37" West, a distance of 51.13 feet; thence North 57°18'14" West, a distance of 298.31 feet; thence North 55°53'57" West, a distance of 149.20 feet; thence North 56°56'17" West, a distance of 150.16 feet; thence North 57°34'22" West, a distance of 305.49 feet; thence North 57°11'09" West, a distance of 254.03 feet; thence North 56°33'32" West, a distance of 195.77 feet; thence leaving said northerly maintained right of way boundary run North 00°03'21" West along the easterly boundary of said property recorded in Official Records Book 1528, Page 1751, a distance of 688.72 feet to the POINT OF BEGINNING. The above-described parcel contains 7,701,214.91 square feet or 176.80 acres, more or less.

The above described parcel being subject to a City of Tallahassee Utility Easement as recorded in Official Records Book 1511, Page 109 and also a City of Tallahassee Utility Easement as recorded in Official Records Book 1951, Page 801 of the Public Records of Leon County, Florida.

AND ALSO

PARCEL "C"

A 20.71-Acre Parcel in Sections 2 and 11, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

Commence at a concrete monument, LB#3293 marking the Southwest corner of Section 2, Township 1 South, Range 1 East, Leon County, Florida, thence along the South boundary of said Section 2 run South 89°33'23" East, a distance of 401.70 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence South 03°00'57" West, a distance of 1,884.82 feet to a point on the northerly maintained right of way boundary of Old St Augustine Road (a Leon County, Florida maintained right of way); thence along said northerly maintained right of way run North 77°20'37" West, a distance of 23.36 feet; thence North 78°59'50" West, a distance of 97.61 feet; thence North 75°10'21" West, a distance of 40.67 feet; thence North 75°09'17" West, a distance of 76.34 feet to a point on the easterly maintained right of way boundary of Southwood Plantation Road (a Leon County, Florida maintained right of way); thence along said easterly maintained right of way boundary run North 02°19'12" East, a distance of 46.74 feet; thence North 03°36'00" East, a distance of 305.64 feet; thence North 03°39'29" East, a distance of 220.91 feet; thence North 03°57'13" East, a distance of 153.68 feet; thence North 03°14'09" East, a distance of 151.00 feet; thence North 03°27'10" East, a distance of 68.32 feet; thence North 01°43'15" East, a distance of

63.49 feet; thence North 00°47'36" West, a distance of 64.38 feet; thence North 06°56'30" West, a distance of 61.87 feet; thence North 10°08'20" West, a distance of 62.73 feet; thence North 15°03'48" West, a distance of 65.77 feet; thence North 17°45'08" West, a distance of 68.93 feet; thence North 23°33'56" West, a distance of 108.43 feet; thence North 14°02'16" West, a distance of 60.34 feet; thence North 20°47'22" West, a distance of 57.40 feet; thence North 14°23'40" West, a distance of 62.12 feet; thence North 11°45'14" West, a distance of 59.01 feet; thence North 08°42'24" West, a distance of 60.96 feet; thence North 06°00'01" West, a distance of 60.08 feet; thence North 03°57'56" West, a distance of 62.18 feet; thence North 04°17'08" West, a distance of 60.83 feet; thence North 00°13'34" West, a distance of 71.97 feet; thence North 00°15'43" West, a distance of 66.90 feet; thence North 00°08'23" West, a distance of 104.57 feet; thence North 00°26'07" East, a distance of 307.44 feet; thence North 00°03'26" East, a distance of 184.32 feet; thence leaving said easterly maintained right of way run North 89°33'23" East, a distance of 498.73 feet; thence South 03°00'57" West, a distance 800.81 feet to the POINT OF BEGINNING. The above-described parcel contains 902,015.55 square feet or 20.71 acres, more or less.

AND ALSO

PARCEL "D"
A 2,257.17-Acre parcel in Sections 3,9,10,11,14,15,16,21,22,23,26,and 27, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

BEGIN at a found ¾" iron pipe marking the Southwest corner of Section 3, Township 1 South, Range 1 East, Leon County, Florida, thence along the westerly boundary of said Section 3 run North 00°27'17" West, a distance of 50.22 feet to a point on a line 125 feet South of and parallel with the existing centerline of Old St. Augustine Road; thence along said line 125 feet South of Old St. Augustine Road run South 79°43'28" East, a distance of 474.81 feet; thence run South 79°57'32" East, a distance of 381.48 feet to a point on the westerly boundary of a 100 foot City of Tallahassee utility right of way as recorded in Official Records Book 152, Page 128 of the Public records of Leon County, Florida; thence along said right of way run South 33°37'19" West, a distance of 1522.31 feet; thence run North 00°01'12" East, a distance of 12.47 feet to a SJPC concrete monument; thence along the easterly boundary of the Plat of Alice Hill Property (unrecorded) run North 00°01'12" East, a distance of 1,356.16 feet to the POINT OF BEGINNING. The above-described parcel contains 597,277.50 square feet or 13.71 acres, more or less.

AND ALSO

COMMENCE at a found ¾" iron pipe marking the Southwest corner of Section 3, Township 1 South, Range 1 East, Leon County, Florida, thence along the westerly boundary of said Section 3 run North 00°27'17" West, a distance of 154.44 feet to a point on the southerly maintained right of way of Old St. Augustine Road; thence along said southerly maintained right of way run South 80°30'42" East, a distance of 105.57 feet; thence South 81°09'37" East, a distance of 199.64 feet; thence South 79°56'18" East, a distance of 188.58 feet; thence South 78°33'10"

East, a distance of 73.47 feet; thence South 79°57'32" East, a distance of 147.21 feet; thence South 78°22'23" East, a distance of 100.71 feet; thence South 79°09'51" East, a distance of 77.52 feet to a point on the westerly boundary of a 100 foot City of Tallahassee utility right of way as recorded in Official Records Book 152, Page 128 of the Public records of Leon County, Florida; thence along said right of way run South 00°12'53"East, a distance of 46.15 feet; thence run South 33°37'19"West, a distance of 3144.51 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence run South 89°06'28"East, a distance of 118.87 feet to a point on the easterly boundary of said 100 foot utility right of way; thence along said easterly right of way boundary run North 33°37'19" East, a distance of 3060.08 feet to a point on a line 125 feet South of and parallel with the existing centerline of Old St. Augustine Road; thence along said line 125 feet South of Old St. Augustine Road run South 79°57'32" East, a distance of 69.75 feet; thence run South 79°20'58" East, a distance of 541.52 feet to a point of curve to the right; thence run southeasterly along said curve with a radius of 1045.00 feet through a central angle of 22°27'41" for an arc distance of 409.67 feet (chord of 407.05 feet bears South 68°07'07" East); thence run South 56°53'17" East, a distance of 824.53 feet; thence leaving said line 125 feet South of and parallel with the existing centerline of said Old St. Augustine Road run South 00°45'50" West, a distance of 466.74 feet to a found 1" iron pipe; thence South 88°44'41" East, a distance of 361.06 feet to a found 1" iron pipe; thence North 00°50'42" East, a distance of 242.42 feet to a point on said line 125 feet South of and parallel with the existing centerline of said Old St. Augustine Road; thence along said line 125 feet South of Old St. Augustine Road run South 57°06'54" East, a distance of 835.75 feet to a point of curve to the left; thence run southeasterly along said curve with a radius of 1000.00 feet through a central angle of 20°55'38" for an arc distance of 365.25 feet (chord of 365.22 feet bears South 67°34'43" East); thence run South 78°02'32" East, a distance of 611.36 feet; thence leaving said line 125 feet South of and parallel with the existing centerline of said Old St. Augustine Road run South 00°40'55" East, a distance of 1293.58 feet to a found 6" round terra-cotta monument; thence South 89°21'19" East, a distance of 650.26 feet to the westerly maintained right of way boundary of Southwood Plantation Road (a Leon County, Florida maintained right of way); thence along said westerly maintained right of way run South 03°27'00" West, a distance of 1995.73 feet; thence leaving said westerly maintained right of way boundary run South 89°39'35" West, a distance of 1140.52 feet; thence South 00°20'25" East, a distance of 200.00 feet to a found 6" round terra-cotta monument; thence North 89°39'35" East, a distance of 1,129.83 feet to a found SJPC concrete monument; thence continue easterly along said line North 89°39'35" East, a distance of 38.08 feet to a point on the easterly maintained right of way boundary of said Southwood Plantation Road; thence South 89°30'08" East, a distance of 223.15 feet to a point on a curve concave southwesterly; thence run southerly along said curve with a radius of 3,342.64 feet through a central angle of 07°08'57" for an arc distance of 417.08 feet (chord of 416.81 feet bears South 15°57'58" East); thence South 12°23'29" East, a distance of 425.28 feet to a point on a non tangent curve concave west; thence run southerly along said curve with a radius of 10,852.98 feet through a central angle of 04°30'46" for an arc distance of 854.81 feet (chord of 854.59 feet bears South 01°29'56" East); thence South 00°09'48" West, a distance of 556.82 feet

to a point on a non tangent curve concave east; thence run southerly along said curve with a radius of 4,983.90 feet through a central angle of 12°57'37" for an arc distance of 1,127.36 feet (chord of 1,124.95 feet bears South 04°27'45" West) to a point of compound curve to the left; thence run southerly along said curve with a radius of 3,144.08 feet through a central angle of 21°38'15" for an arc distance of 1,187.35 feet (chord of 1,180.30 feet bears South 12°50'11" East) to a point of reverse curve to the right; thence run southerly along said curve with a radius of 1,956.02 feet through a central angle of 43°41'55" for an arc distance of 1,491.83 feet (chord of 1,455.93 feet bears South 01°48'21" East); thence South 20°02'36" West, a distance of 635.00 feet to a point on a non tangent curve concave east; thence run southerly along said curve with a radius of 3,444.00 feet through a central angle of 20°02'36" for an arc distance of 1,204.78 feet (chord of 1,198.65 feet bears South 11°31'27" West); thence South, a distance of 2,866.91 feet; thence South, a distance of 507.73 feet to a point on the northerly right of way boundary of Tram Road (County Road 259, a 66 foot right of way); thence along said northerly right of way boundary run North 76°58'41" West, a distance of 6,176.72 feet to a point on the easterly right of way boundary of Four Oaks Boulevard a 120 foot right of way); thence along said easterly right of way boundary run North 13°01'22" East, a distance of 53.22 feet to a point of curve to the right; thence run northeasterly along said right of way curve with a radius of 690.00 feet through a central angle of 23°16'48" for an arc distance of 280.36 feet (chord of 278.43 feet bears North 24°39'46" East); thence North 36°18'10" East, a distance of 182.52 feet; thence leaving said easterly right of way boundary run South 53°41'50" East, a distance of 82.27 feet to a point of curve to the left; thence run easterly along said curve with a radius of 125.00 feet through a central angle of 103°42'45" for an arc distance of 226.27 feet (chord of 196.62 feet bears North 74°26'47" East); thence North 22°35'25" East, a distance of 140.69 feet; thence North 24°35'19" West, a distance of 102.95 feet; thence North 53°41'50" West, a distance of 80.41 feet to a point on said easterly right of way boundary of said Tram Road Connector; thence North 36°18'10" East, a distance of 349.31 feet to a point of curve to the left; thence run northeasterly along said curve with a radius of 810.00 feet through a central angle of 16°01'06" for an arc distance of 226.45 feet (chord of 225.72 feet bears North 28°17'37" East); thence North 20°17'04" East, a distance of 1,027.50 feet to a point of curve to the left; thence run northerly along said curve with a radius of 1,288.00 feet through a central angle of 17°33'58" for an arc distance of 394.88 feet (chord of 393.34 feet bears North 11°30'05" East) to a point of reverse curve to the right; thence run northeasterly along said curve with a radius of 30.00 feet through a central angle of 89°12'47" for an arc distance of 46.71 feet (chord of 42.13 feet bears North 47°19'29" East) to a point on the southerly right of way boundary of Shumard Oak Boulevard (a 140 foot right of way) ; thence along said southerly right of way boundary run South 88°04'07" East, a distance of 170.11 feet; thence North 01°55'53" East, a distance of 140.00 feet to a point on the Northerly right of way boundary of said Shumard Oak Boulevard; thence along said northerly right of way boundary run North 88°04'07" West, a distance of 170.01 feet to a point of curve to the right; thence run northwesterly along said curve with a radius of 30.00 feet through a central angle of 89°59'30" for an arc distance of 47.12 feet (chord of 42.42 feet bears North 43°04'22" West) to a point on the easterly right of way boundary

of said Four Oaks Boulevard; thence along said easterly right of way boundary run North 01°55'23" East, a distance of 200.02 feet; thence North 88°04'37" West, a distance of 120.00 feet to a point on the westerly right of way boundary of said Four Oaks Boulevard; thence along said westerly right of way boundary run South 01°55'23"West, a distance of 199.99 feet to a point of curve to the right; thence run southwesterly along said curve with a radius of 30.00 feet through a central angle of 90°00'30"for an arc distance of 47.13 feet (chord of 42.43 feet bears South 46°55'38"West) to a point on the northerly right of way boundary of said Shumard Oak Boulevard; thence along said northerly right of way boundary run North 88°04'07"West, a distance of 297.19 feet to a point of curve to the right; thence run northwesterly along said right of way curve with a radius of 1153.00 feet through a central angle of 23°25'16"for an arc distance of 471.32 feet (chord of 468.04 feet bears North 76°21'29"West) to a point of reverse curve to the left; thence run northwesterly along said right of way curve with a radius of 806.68 feet through a central angle of 21°29'44"for an arc distance of 302.64 feet (chord of 300.87 feet bears North 75°23'43"West); thence run North 45°02'49"West, a distance of 16.88 feet; thence along the easterly boundary of that property recorded in Official Records Book 1432, Page 1260 run North 12°57'04"East, a distance of 425.57 feet to a found concrete monument; thence run North 06°56'31"East, a distance of 313.58 feet to a found concrete monument; thence run North 00°03'25"West, a distance of 403.16 feet to a found concrete monument; thence run North 03°44'41"East, a distance of 288.47 feet; thence run North 11°09'38"East 286.37 feet to a found concrete monument; thence run North 16°57'18"East, a distance of 242.82 feet to a point on the Southerly right of way boundary of Merchants Row Boulevard (right of way varies); thence along said southerly right of way boundary run North 73°00'38" West, a distance of 648.97 feet to a point of curve to the left; thence run westerly along said curve with a radius of 1,495.50 feet through a central angle of 28°41'51" for an arc distance of 749.04 feet (chord of 741.24 feet bears North 87°21'33" West); thence South 78°17'32" West, a distance of 534.04 feet to a point of curve to the right; thence run westerly along said curve with a radius of 1,145.90 feet through a central angle of 13°38'10" for an arc distance of 272.72 feet (chord of 272.08 feet bears South 85°06'37" West) to a point on the westerly boundary of said property recorded in Official Records Book 1432, Page 1260; thence along said westerly boundary run South 00°18'28" West, a distance of 1,438.81 feet to a point of curve to the right; thence run southerly along said curve with a radius of 3,944.69 feet through a central angle of 06°05'13" for an arc distance of 419.08 feet (chord of 418.88 feet bears South 03°21'05" West) to a point on a curve concave northeasterly and the Northerly right of way boundary of Shumard Oak Boulevard (a 120 foot right of way); thence run northwesterly along said right of way curve with a radius of 1577.00 feet through a central angle of 0°10'36" for an arc distance of 4.86 feet (chord of 4.86 feet bears North 81°49'31" West), thence North 81°44'13" West, a distance of 70.18 feet to a point on a non tangent curve concave west and the easterly right of way boundary of Capital Circle SE (State Road 261); thence run northerly along said right of way curve with a radius of 3,869.69 feet through a central angle of 06°03'03" for an arc distance of 408.66 feet (chord of 408.47 feet bears North 03°19'59" East); thence North 00°18'28" East, a distance of 1,113.72 feet; thence South 89°41'32" East, a distance of 5.00 feet; thence North 00°18'28" East, a distance of 2,449.91 feet;

thence North 89°41'32" West, a distance of 5.00 feet; thence North 00°18'28" East, a distance of 799.97 feet; thence South 89°41'32" East, a distance of 5.00 feet; thence North 00°18'28" East, a distance of 382.89 feet; thence North 00°01'41" East, a distance of 417.36 feet; thence North 89°58'19" West, a distance of 5.00 feet; thence North 00°01'41" East, a distance of 1,699.95 feet; thence South 89°58'19" East, a distance of 5.00 feet; thence North 00°01'41" East, a distance of 226.71 feet; thence leaving said easterly right of way boundary run South 89°58'19" East, a distance of 95.00 feet; thence North 00°01'41" East, a distance of 998.91 feet; thence run South 89°58'19" East, a distance of 1124.98 feet, thence North 33°37'19" East, a distance of 853.20 feet to the POINT OF BEGINNING. The above-described parcel contains 98,462,274.57 square feet or 2260.38 acres, more or less.

The above described parcels being subject to an Easement for Access and Utilities as recorded in Official Records Book 1432, Page 1260, a City of Tallahassee Utility right of way recorded in Official Records Book 2350, Page 1159 and Official Records Book 2529, Page 1656, a Subsurface Utility Easement as recorded in Official Records Book 2486, Page 529, an Alternative Vehicular Access Easement as recorded in Official Records Book 2245, Page 53, and a Sewer Easement as recorded in Official Records Book 2529, Page 1661 of the Public Records of Leon County, Florida.

LESS AND EXCEPT

PARCEL "D1"
A 16.92 Acre parcel in Section 16, Township 1 South, Range 1 East, Leon County, Florida, recorded in Official Records Book 2245, Page 040 of the Public records of Leon County, Florida and being more particularly described as follows:

Commence at found terra-cotta monument marking the Northwest corner of Section 16, Township 1 South, Range 1 East, Leon County, Florida, thence along the northerly boundary of said Section 16 run South 89 degrees 56 minutes 26 seconds East, a distance of 2751.34 feet to a point on the easterly right of way boundary of Capital Circle SE (State Road 261); thence along said easterly right of way boundary run South 00 degrees 01 minutes 41 seconds West, a distance of 1003.03; thence South 89 degrees 58 minutes 19 seconds East, a distance of 5.00 feet; thence South 00 degrees 01 minutes 41 seconds West, a distance of 417.36 feet; thence South 00 degrees 18 minutes 28 seconds West, a distance of 382.89 feet; thence North 89 degrees 41 minutes 32 seconds West, a distance of 5.00 feet, thence South 00 degrees 18 minutes 28 seconds West, a distance of 647.46 feet, thence leaving said easterly right of way boundary run South 89 degrees 41 minutes 32 seconds East, a distance of 75.00 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence South 89 degrees 41 minutes 32 seconds East, a distance of 778.83 feet; thence South, a distance of 176.05 feet to a point of curve to the left; thence run southerly along said curve with a radius of 2,550.00 feet through a central angle of 13 degrees 38 minutes 58 seconds for an arc distance of 607.48 feet (chord of 606.04 feet bears South 06 degrees 49 minutes 29 seconds East); thence South 13 degrees 38 minutes 58 seconds East, a distance of 31.63 feet; thence continue southerly along said line, a distance of 102.93 feet; thence North 89 degrees 57 minutes 06 seconds West, a distance of 887.48 feet;

thence North 00 degrees 18 minutes 28 seconds East, a distance of 100.00 feet; thence North 00 degrees 18 minutes 27 seconds East, a distance of 812.00 feet to the POINT OF BEGINNING. The above-described parcel contains 736,985.40 square feet or 16.92 acres, more or less.

AND ALSO

PARCEL "E"
A 21.16-Acre Parcel in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida being more particularly describes as follows:

Commence at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida and run thence North 00°13'37" East along the East line of said Section 21 a distance of 937.73 feet to a point at the intersection of said East line with the centerline of Tram Road (66' Right of Way), thence departing said East line of Section 21 run North 76°58'41" West along said centerline of Tram Road a distance of 642.68 feet to a point marking the intersection of Tram Road and the centerline of Four Oaks Boulevard, thence departing said centerline of Tram Road run North 13°01'22" East along said centerline of Four Oaks Boulevard a distance of 86.22 feet to a point on a curve concave southeasterly, thence along said curve with a radius of 750.00 feet through a central angle of 23°16'48" for an arc length of 304.74 feet (chord bears North 24°39'46" East 302.64 feet), thence leaving said curve run North 36°18'10" East a distance of 873.23 feet to a point on a curve concave northwesterly, thence along said curve with a radius of 750.00 feet through a central angle of 16°01'06" for an arc length of 209.68 feet (chord bears North 28°17'37" East 209.00 feet), thence leaving said curve run North 20°17'04" East a distance of 459.89 feet, thence leaving said centerline run North 69°42'56" West 60.00 feet to a point on the westerly right of way boundary of said Four Oaks Boulevard and the POINT OF BEGINNING. From said POINT OF BEGINNING thence run North 69°42'56" West 113.74 feet, thence run South 58°25'35" West 108.90 feet to a point of curve to the left, thence run southwesterly along said curve with a radius of 150.00 feet through a central angle of 65°22'28" for an arc distance of 171.15 feet (chord of 162.02 feet bears South 25°44'21" West), thence run South 06°30'28" East 2.15 feet, thence along the northerly boundary of that property recorded in Official Records Book 2245, Page 40 run North 69°42'56" West 739.36 feet, thence along easterly boundary of that property recorded in Official Records Book 1432, Page 1260 run North 21°57'48" East 95.89 feet to a found concrete monument, thence run North 10°53'34" East 219.79 feet to a found concrete monument, thence run North 02°57'51" East 403.14 feet, thence leaving said easterly boundary run South 87°02'09" East 71.22 feet to a point on a curve concave northeasterly, thence run southeasterly along said curve with a radius of 320.00 feet through a central angle of 33°52'30" for an arc distance of 189.19 feet (chord of 186.45 feet bears South 43°49'36" East), thence run North 76°05'38" East 73.52 feet, thence run North 13°42'13" East 101.60 feet to a point of curve to the left, thence run northwesterly along said curve with a radius of 140.00 feet through a central angle of 42°21'33" for an arc distance 103.50 feet (chord of 101.16 feet bears North 07°28'34" West) to a point of reverse curve to the right, thence run northwesterly along said curve with a radius of 140.00 feet through a central angle of 52°35'40" for an arc distance of

128.51 feet (chord of 124.05 feet bears North 02°21'30" West), thence run North 23°56'20" East 48.26 feet to a point on a curve concave northeasterly and the southerly right of way boundary of Shumard Oak Boulevard, thence run southeasterly along said right of way curve with a radius of 1293.00 feet through a central angle of 23°25'16" for an arc distance of 528.55 feet (chord of 524.87 feet bears South 76°21'29" East), thence run South 88°04'07" East 297.07 feet to a point on a curve to the right, thence run southeasterly along said right of way curve with a radius of 30.00 feet through a central angle of 90°54'41" for an arc distance of 47.60 feet (chord of 42.76 feet bears South 42°36'47" East) to a point on a compound curve to the right and the westerly right of way boundary of said Four Oaks Boulevard, thence run southwesterly along said right of way curve with a radius of 1168.00 feet through a central angle of 17°26'30" for an arc distance of 355.56 feet (chord of 354.19 feet bears South 11°33'49" West), thence run South 20°17'04" West 567.062 feet to the POINT OF BEGINNING. The above-described parcel contains 965,102.13 square feet or 22.16 acres more or less.

AND ALSO

PARCEL "F"

A 3.62-Acre Parcel in Section 21, Township 1 South, Range 1 East, Leon County, Florida, more particularly describes as follows:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00°13'37" East 937.73 feet to the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76°58'41" West along said centerline, a distance of 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17°06'44" for an arc length of 957.24 feet (chord of 953.69 feet bears North 68°25'19" West), thence North 59°51'57" West, a distance of 725.66 feet, thence leaving said centerline run North 30°08'03" East 33.00 feet to a point on the northerly right of way boundary of said Tram Road and the POINT OF BEGINNING. From said POINT OF BEGINNING thence along the northerly right of way boundary of said Tram Road run North 59°51'57" West, a distance of 78.92 feet to a point on the easterly right of way boundary of Capital Circle SE (State Road 261); thence along the easterly right of way boundary of said Capital Circle Se run North 12°00'27" East, a distance of 1,828.42 feet to a point of curve to the left; thence run northerly along said curve with a radius of 3,869.69 feet through a central angle of 03°52'18" for an arc distance of 261.49 feet (chord of 261.44 feet bears North 10°04'18" East) to a point on the southerly right of way boundary of Shumard Oak Boulevard (a 120 foot right of way); thence along said southerly right of way boundary run South 81°44'13" East, a distance of 68.05 feet to a point of curve to the left; thence run easterly along said curve with a radius of 1,697.00 feet through a central angle of 00°14'05" for an arc distance of 6.95 feet (chord of 6.95 feet bears South 81°51'15" East) to a point on a non tangent curve concave west; thence leaving said southerly right of way boundary run southerly along the westerly boundary of that property recorded in Official Records Book 1432, Page 1260 and said curve with a radius of 3,944.69 feet through a central angle of 03°52'10" for an arc distance of 266.41 feet (chord of 266.36 feet bears South 10°04'21"

West); thence South 12°00'27" West, a distance of 1,852.97 feet to the POINT OF BEGINNING. The above-described parcel contains 157,851.57 square feet or 3.62 acres, more or less.

AND ALSO

PARCEL "G"
A 39.74-Acre Parcel in Sections 9 and 16, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

Commence at a found terra-cotta monument marking the Northwest corner of Section 16, Township 1 South, Range 1 East, Leon County, Florida, thence along the northerly boundary line of said Section 16 run South 89°56'26" East 1326.14 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence continue South 89°56'26" East 664.44 feet, thence run North 00°02'33" West 649.06 feet to a found concrete monument marking the southerly boundary line of Debko Subdivision as per Plat Book 8, Page 53 of the public records of Leon County, Florida, thence along said southerly boundary run South 89°55'43" East 661.54 feet to a point on the westerly right of way boundary of Capital Circle (State Road 261), thence along said westerly right of way boundary run South 00°01'41" West 648.92 feet to a point of intersection with the northerly boundary line of said Section 16, thence continue along said westerly right of way South 00°01'41" West 970.45 feet to a point of intersection with the northerly right of way boundary of Blair Stone Road Extension, thence along said northerly right run North 89°54'00" West 36.00 feet to a point of curve to the left, thence run southwesterly along said right of way curve with a radius of 2930.00 feet through a central angle of 03°23'59" for an arc distance of 173.86 feet (chord of 173.83 feet bears South 88°24'00" West) to a point of reverse curve, thence run southwesterly along said curve with a radius of 2800.00 feet through a central angle of 03°23'59" for an arc distance of 166.14 feet (chord of 166.12 feet bears South 88°24'00" West), thence run North 89°54'00" West 960.49 feet, thence run North 00°40'40" East 979.55 feet to the POINT OF BEGINNING. The above-described parcel contains 1,731,197.74 square feet or 39.74 acres more or less.

The above described parcel being subject to a City of Tallahassee Utility right of way recorded in Official Records Book 2529, Page 1656 of the Public Records of Leon County, Florida.

AND ALSO

PARCEL "H"
A 34.16-Acre Parcel in Section 16, Township 1 South, Range 1 East, Leon County, Florida, being more particularly described as follows:

Commence at a found terra-cotta monument marking the Northwest corner of Section 16, Township 1 South, Range 1 East, Leon County, Florida, thence along the northerly boundary line of said Section 16 run South 89°56'26" East, a distance of 1044.65 feet to a point on the centerline of Blair Stone Road (right of way varies); thence along said centerline run South 89°54'00" East, a distance of 93.91 feet, thence leaving said centerline run South 00°38'35" West, a distance of 65.00 feet to a

point on the southerly right of way boundary of said Blair Stone Road and the POINT OF BEGINNING. From said POINT OF BEGINNING thence along the southerly right of way boundary of said Blair Stone Road run South 89°54'00" East, a distance of 1,243.82 feet to a point on the westerly right of way boundary of Capital Circle SE (State Road 261); thence along said westerly right of way boundary run South 00°01'41" West, a distance of 309.78 feet; thence South 00°18'28" West, a distance of 879.59 feet; thence leaving said westerly right of way boundary run South 89°52'19" West along the northerly boundary of that property recorded in Official Records Book 654, Page 621, a distance of 1,252.35 feet to a point on the easterly right if way boundary of a City of Tallahassee 100 foot Utility Right of Way; thence along said easterly right of way boundary run North 00°38'35" East, a distance of 1,194.41 feet to the POINT OF BEGINNING. The above-described parcel contains 1,488,179.85 square feet or 34.16 acres, more or less.

AND ALSO

PARCEL "I"
A 192.97-Acre Parcel in Sections 16 and 21, Township 1 South, Range 1 East, Leon County, Florida, being more particularly described as follows:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00°13'37" East 937.73 feet to the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76°58'41" West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17°06'44" for an arc length of 957.24 feet (chord of 953.69 feet bears North 68°25'19" West), thence North 59°51'57" West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle SE (State Road No. 261); thence along said centerline of Capital Circle SE run South 12°00'01" West, a distance of 1.03 feet to the centerline of said Tram Road; thence along said centerline run North 59°57'12" West, a distance of 52.58 feet; thence leaving said centerline run North 12°00'27" East, a distance of 34.70 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence along the northerly right of way boundary of said Tram Road run North 59°57'12" West, a distance of 2,531.91 feet to a point on the easterly boundary of a City of Tallahassee 100 foot Utility Right of Way as recorded in Official Records Book 152, Page 128 of the Public Records of Leon County, Florida; thence along said easterly right of way boundary run North 06°43'29" East, a distance of 789.11 feet; thence North 00°06'20" East, a distance of 1,270.65 feet; thence North 00°05'50" East, a distance of 2,692.10 feet to a point on the southerly right of way said City of Tallahassee 100 foot Utility Right of Way; thence along said southerly right of way boundary run North 89°58'58" East, a distance of 1,205.92 feet; thence along the westerly boundary of that property recorded in Official Records Book 654, Page 621 run South 00°18'28" West, a distance of 838.75 feet; thence along the southerly boundary of said property run North 89°52'19" East, a distance of 1,361.45 feet to a point on the westerly right of way boundary of Capital Circle SE (State Road 261); thence along said westerly right of way boundary run South 00°18'28" West, a distance of 2,657.37 feet to a point of curve to the right; thence run southerly

along said curve with a radius of 3,769.69 feet through a central angle of 11°41'59" for an arc distance of 769.76 feet (chord of 768.42 feet bears South 06°09'27" West); thence South 12°00'27" West, a distance of 1,796.82 feet to the POINT OF BEGINNING. The above-described parcel contains 12,518,245.93 square feet or 287.38 acres, more or less.

The above-described parcel being subject to a Federal Aviation Administration lease parcel, recording information not provided.

LESS AND EXCEPT

PARCEL "I1"
A 47.84 Acre Parcel in Sections 16 and 21, Township 1 South, Range 1 East, Leon County, Florida, recorded in Official Records Book 2245, Page 40 of the Public Records of Leon County, Florida, being more particularly described as follows:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00°13'37" East 937.73 feet to the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76°58'41" West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17°06'44" for an arc length of 957.24 feet (chord of 953.69 feet bears North 68°25'19" West), thence North 59°51'57" West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261), thence North 12°00'01" East along said centerline 1.97 feet, thence North 12°00'27" East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 05°31'26" for an arc length of 368.25 feet (chord of 368.10 feet bears North 09°14'44" East), thence leaving said centerline run North 82°45'59" West 125.01 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 82°45'59" West along the northerly right of way of a proposed road (100 foot right of way) a distance of 407.94 feet to set iron rebar and cap marking a point of curve to the left, thence along said curve with a radius of 4425.00 feet through a central angle of 06°47'31" for an arc length of 524.55 feet (chord of 524.25 feet bears North 86°09'44" West) to a set iron rebar and cap, thence North 89°33'30" West 254.27 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90°00'00" for an arc length of 47.12 feet (chord of 42.43 feet bears North 44°33'30" West) to a set iron rebar and cap on the easterly right of way of a proposed roadway (100 foot right of way), thence North 00°26'30" East along said right of way 992.45 feet to a set iron rebar and cap marking a point of curve to the right, thence along said right of way curve with a radius of 750.00 feet through a central angle of 92°45'19" for an arc length of 1214.16 feet (chord of 1085.85 feet bears North 46°49'10" East) to a set iron rebar and cap thence South 86°48'11" East along said right of way 444.13 feet to a set iron rebar and cap, thence leaving said right of way run South 00°18'28" West 1433.65 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 3694.66 feet through a central angle of 06°09'02" for an arc length of 396.61 feet

(chord of 396.42 feet bears South 03°22'59" West) to the POINT OF BEGINNING, containing 47.84 acres more or less.

ALSO LESS AND EXCEPT

PARCEL "I2"
A 46.57 Acre Parcel in Section 21, Township 1 South, Range 1 East, Leon County, Florida, recorded in Official Records Book 2245, Page 40 of the Public Records of Leon County, Florida, being more particularly described as follows:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1101.78 feet to a nail and cap marking a point of curve to the right having a radius of 3205.07 feet; thence continue along said centerline curve 957.24 feet (chord bears North 68 degrees 25 minutes 19 seconds West 953.69 feet) to a nail and cap; thence run North 59 degrees 51 minutes 57 seconds West along said centerline 1469.04 feet to the centerline of Capital Circle (State Road No. 261); thence continue along the centerline of said Tram Road, North 59 degrees 59 minutes 41 seconds West 131.43 feet; thence leaving said centerline run North 12 degrees 00 minutes 27 seconds East 34.47 feet to a concrete monument on the northerly right-of-way of said Tram Road marking the POINT OF BEGINNING. From said POINT OF BEGINNING thence run North 59 degrees 59 minutes 41 seconds West along the right-of-way boundary of Tram Road 1302.84 feet to a concrete monument marking the easterly right-of-way boundary of a proposed 120 foot roadway; thence run North 30 degrees 00 minutes 19 seconds East along said easterly right-of-way 253.21 feet to a point of curve to the left having a radius of 1575.00 feet; thence run northeasterly along said right-of-way curve 812.67 feet (chord bears North 15 degrees 13 minutes 25 seconds East 803.69 feet); thence run North 00 degrees 26 minutes 30 seconds East 396.20 feet to a point of curve to the right having a radius of 30.00 feet; thence run northeasterly along said curve 47.12 feet (chord bears North 58 degrees 20 minutes 27 seconds East 68.51 feet) to the southerly right-of-way boundary of Shumard Oak Blvd.; thence run South 89 degrees 33 minutes 30 seconds East along said south right-of-way 254.27 feet to a point of curve to the right having a radius of 4325.00 feet; thence run southeasterly along said curve 512.70 feet (chord bears South 86 degrees 09 minutes 44 seconds East 512.40 feet); thence run South 82 degrees 45 minutes 59 seconds East 407.94 feet to a point lying 150 feet west of the centerline of said Capital Circle; thence run southerly along a line lying 150 feet west of and parallel to the centerline of said Capital Circle along a curve to the right having a radius of 3694.66 feet for an arc distance of 257.83 feet (chord bears South 10 degrees 00 minutes 30 seconds West 257.78 feet); thence run South 12 degrees 00 minutes 27 seconds West along said parallel line 1769.49 feet to the POINT OF BEGINNING; containing 46.57 acres, more or less.

AND ALSO

PARCEL "J"
An 11.54-Acre Parcel in Section 20, Township 1 South, Range 1 East, Leon County, Florida, being more particularly described as follows:

Commence at a found 2" iron pipe marking the Southwest corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence along the westerly boundary of said Section 21 run North 00°22'32" West, a distance of 2691.63 feet; thence North 00°05'26" East 565.83 feet to point on the southerly right of way boundary of Tram Road (a 66 foot right of way); thence continue North 00°05'26" East 76.17 feet to a point on the northerly right of way boundary of said Tram Road; thence along said northerly right of way run North 59°57'12" West, a distance of 99.08 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence along said northerly right of way of said Tram Road run North 59°57'12" West, a distance of 1,479.48 feet; thence leaving said northerly right of way run South 89°45'46" East along the southerly boundary of that property recorded in Official Records Book 2519, Page 1091, a distance of 1,367.35 feet to a found 1" iron pipe and the westerly boundary of a City of Tallahassee 100 foot Utility Right of Way as recorded in Official Records Book 152, Page 128 of the Public Records of Leon County, Florida; thence along said westerly right of way boundary run South 06°43'29" West, a distance of 740.21 feet to the POINT OF BEGINNING. The above-described parcel contains 502,823.93 square feet or 11.54 acres, more or less.

AND ALSO

PARCEL "K"
A 234.78-Acre Parcel in Section 20, Township 1 South, Range 1 South, Leon County, Florida, more particularly described as follows:

Commence at a found 2" iron pipe marking the Southwest corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence along the westerly boundary of said Section 21 run North 00°22'32" West, a distance of 0.62 feet to the northerly right of way boundary of Capital Circle SE (State Road 263); thence along said northerly right of way boundary run North 89°40'47" West, a distance of 100.01 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING thence along said northerly right of way boundary of said Capital Circle SE run North 89°40'47" West, a distance of 2,542.61 feet; thence leaving said northerly right of way boundary run North 00°02'23" West, a distance of 4,762.80 feet to a point on the southerly right of way boundary of Tram Road; thence along the southerly right of way boundary of said Tram Road run South 59°57'12" East, a distance of 2,928.63 feet to a point on the westerly boundary of a City of Tallahassee 100 foot Utility Right of Way as recorded in Official Records Book 152, Page 128 of the Public Records of Leon County, Florida; thence along said westerly right of way run South 06°43'29" West, a distance of 50.63 feet; thence South 00°05'26" West, a distance of 570.21 feet; thence South 00°22'32" East, a distance of 2,690.20 feet to the POINT OF BEGINNING. The above-described property contains 10,226,967.87 square feet or 234.78 acres, more or less.

AND ALSO

PARCEL "L"
A 60.44-Acre Parcel in Section 21, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

Commence at a found 2" iron pipe marking the Southwest corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida; thence along the westerly boundary of said Section 21 run North 00°22'32" West, a distance of 0.62 feet to a point on the northerly right of way boundary of Capital Circle SE (State Road 263); thence leaving said northerly right of way boundary along the easterly boundary of a City of Tallahassee 100 foot Utility Right of Way as recorded in Official Records Book 152, Page 128 of the Public Records of Leon County, Florida, run North 00°22'32" West, a distance of 2,691.01 feet; thence North 00°05'26" East, a distance of 130.42 feet to a found pinched iron pipe; thence along the southerly boundary of that property recorded in Deed Book 151, Page 143 run South 89°52'45" East, a distance of 100.06 feet to a found pinched iron pipe; thence along the easterly boundary of said property run North 00°07'00" East, a distance of 377.70 feet to a point on the southerly right of way boundary of Tram Road; thence along said southerly right of way boundary run South 59°57'12" East, a distance of 1,291.69 feet; thence leaving said southerly right of way boundary run South 00°01'40" West, a distance of 1,010.97 feet to a found 1" iron pipe; thence South 89°52'21" West, a distance of 540.47 feet to found 6"x 6" concrete monument; thence South 00°01'05" West, a distance of 1,476.83 feet to a point on a non tangent curve concave north and the northerly right of way boundary of Capital Circle SE; thence run westerly along said right of way curve with a radius of 1,956.71 feet through a central angle of 15°19'34" for an arc distance of 523.41 feet (chord of 521.85 feet bears South 82°54'03" West); thence North 89°26'10" West, a distance of 142.25 feet to the POINT OF BEGINNING. The above-described parcel contains 2,632,770.78 square feet or 60.44 acres, more or less.

AND ALSO

PARCEL "M"
A 61.62-Acre Parcel in Section 21, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

BEGIN at a found concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence along the southerly boundary of said Section 21 and the northerly boundary of that property recorded in Official Records Book 1111, Page 850 run North 89°34'16" West, a distance of 2,279.65 feet to a found concrete monument; thence along the easterly boundary of said property run North 00°07'13" West, a distance of 1,546.64 feet to found concrete monument on a non tangent curve concave north and the southerly right of way boundary of Tram Road (County Road 259) a 66 foot right of way; thence run easterly along said right of way curve with a radius of 3,238.07 feet through a central angle of 16°07'57" for an arc distance of 911.72 feet (chord of 908.71 feet bears South 68°54'44" East); thence South 76°58'41" East, a distance of 1,476.69 feet; thence leaving said southerly right of way boundary run South 00°14'14" West, a distance of 904.01 feet to the POINT OF BEGINNING. The above-described parcel contains 2,684,023.55 square feet or 61.62 acres, more or less.

The above described parcel being subject to a utility easements recorded in Official Records Book 2393, Page 206 and Official Records Book 2598, Page 1083 of the Public Records of Leon County, Florida.

AND ALSO

PARCEL "N"
A 25.26-Acre Parcel in Section 22, Township 1 South, Range 1 East, Leon County, Florida, more particularly described as follows:

BEGIN at a found concrete monument marking the Southwest corner of Section 22, Township 1 South, Range 1 East, Leon County, Florida, thence along the westerly boundary of said Section 22 run North 00°14'14"East, a distance of 904.01 feet to a point on the southerly right of way boundary of Tram Road (County Road 259); thence along said southerly right of way boundary run South 76°58'41"East, a distance of 1594.81 feet; thence leaving said southerly right of way boundary run South 13°01'12"West, a distance of 570.01 feet; thence run North 89°34'16"West, a distance of 1429.16 feet to the POINT OF BEGINNING. The above-described parcel contains 25.26 acres more or less.

The above described parcel being subject to a utility easements recorded in Official Records Book 2393, Page 206 and Official Records Book 2598, Page 1083 of the Public Records of Leon County, Florida.

The above described parcels containing an aggregate area of 3,178.34 acres more or less.

EXHIBIT B-1
SOUTHWOOD DRI DEVELOPMENT PROGRAM

Residential(1)								
Single Family	455	1,048 DU	489	1,026 DU			944	2,074 DU
Multi-Family	96	777 DU	274	1,919 DU			370	2,696 DU
SUBTOTAL	551	1,825 DU	763	2,945 DU			1,314	4,770 DU
Commercial (Wholesale, Retail and Service) (2)	149	287,000 GSF	191	500,000 GSF	197	12,502 GSF	537	799,502 GSF
Office (2)	120	500,000 GSF	191	150,000 GSF	197	1,544,117 GSF	508	2,194,117 GSF
Hotel (2)			191	170 rooms	197		388	170 rooms
Industrial			55	500,000 GSF	138	2,228,381 GSF	193	2,728,381 GSF
Educational/Institutional								
Educational	148	230,000 GSF		173,000 GSF	29		177	403,000 GSF
Institutional (3)								
SUBTOTAL		230,000 GSF						403,000 GSF
Recreation and Open Space								
Central Park (4)	125						125	
Community Park (5)	215						215	
North Park			36				36	
Golf Course & Clubhouse	214						214	
Other Open Space and Buffers (6)	772		25				797	
SUBTOTAL	1326		61				1,387	
TOTALS (7)	**2145**		**983**		**194**		**3,322**	

Notes:
1. Single-family and multi-family residential acreages include 59 acres of Town Center. The remaining 32 acres of Town Center is included in both the Commercial and Office category.
2. Acreage identified for Office and Commercial in the original development order did not reflect the land necessary to support Office or Commercial. The mixed-use pods were always intended to be the location for Office and Commercial uses. In addition, 17,000 GSF of Commercial may be located at the Historic House overlay as a sales center.
3. Up to 31,000 GSF of Phase 1 Commercial may be converted into Phase 1 Institutional to be located in all pods except areas designated for Recreation and Open Space, at a rate of 203 GSF Institutional for 100 GSF Commercial. Any conversion of Commercial to Institutional must be reported in the next required Annual Report.
4. Central Park includes 22 acres of active recreation uses and 103 acres of passive recreation/open space uses. Refer to ADA Figure 26.1.
5. Community Park includes 62 acres of active recreation uses and 153 acres of passive recreation/open space/conservation uses. Refer to ADA Figure 26.1.
6. Other Open Space and Buffers includes open space corridors throughout the project (see ADA Figure 26.1) as well as the 86 acre stormwater management facility site south of Tram Road.
7. Commercial, Office, Hotel and Industrial Acreages may include the same pods in multiple categories to reflect the wide range of allowable uses within various pods. Refer to exhibit B-2 for specific pod acreages.

EXHIBIT B-2
SOUTHWOOD DRI PHASING PROGRAM

PHASE 1

LSF-6	Large Lot Residential	14
LSF-8	Large Lot Residential	27
LSF-9	Large Lot Residential	53
LSF-10	Large Lot Residential	101
	SUBTOTAL	**195**
LDR-6	Low Density Residential	23
LDR-10	Low Density Residential	53
LDR-11	Low Density Residential	23
LDR-12	Low Density Residential	27
LDR-13a	Low Density Residential	11
LDR-14	Low Density Residential	7
LDR-15	Low Density Residential	46
LDR-16	Low Density Residential	32
	SUBTOTAL	**222**
MDR-6a	Med. Density Residential	8
MDR-7	Med. Density Residential	24
MDR-8	Med. Density Residential	15
MDR-9	Med. Density Residential	5
MDR-12	Med. Density Residential	23
	SUBTOTAL	**75**
TC-1	Town Center(Mixed Use)	59
TC-2	Town Center(Mixed Use)	32
	SUBTOTAL	**91**
MUOC-2	Office/Commercial	33
MUOC-4	Office/Commercial	22
MUOC-6	Office/Commercial	29
MUOC-7	Office/Commercial	4
	SUBTOTAL	**88**
MUEI-2	Educational/Institutional	53
MUEI-3	Educational/Institutional[3]	86
MUEI-4	Educational/Institutional	9
	SUBTOTAL	**148**
REC	Community Park	62
REC	Central Park/Comm. Ctr.	22
REC	Golf Course	214
	SUBTOTAL	**298**
	DEVELOPED	**1,117**
	OPEN SPACE	**1,028**
	TOTAL	**2,145**

PHASE 2a

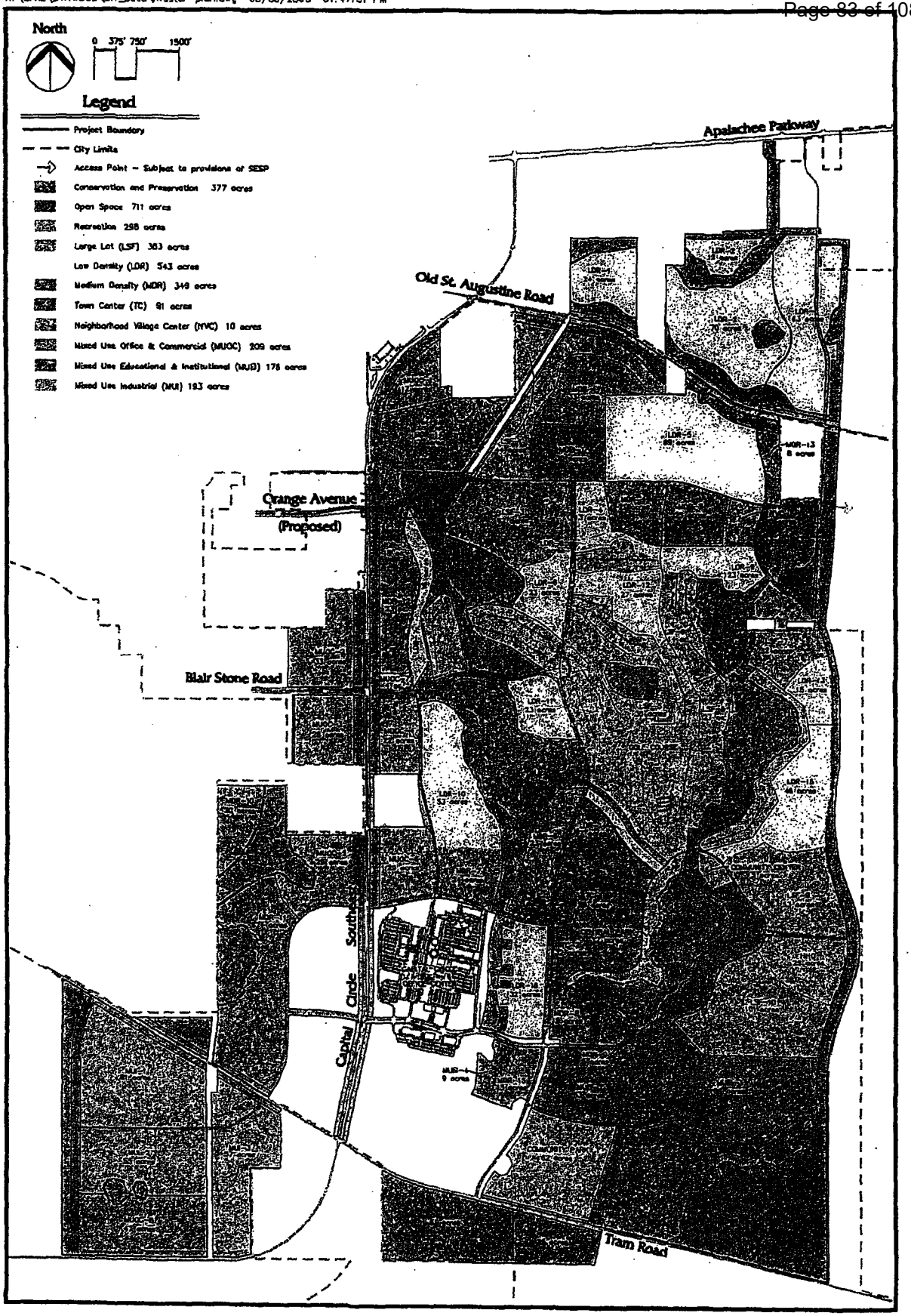
LSF-1	Large Lot Residential	44
LSF-3	Large Lot Residential	62
LSF-5	Large Lot Residential	30
LSF-7	Large Lot Residential	32
	SUBTOTAL	**168**
LDR-1	Low Density Residential	24
LDR-2	Low Density Residential	82
LDR-3	Low Density Residential	63
LDR-4	Low Density Residential	13
LDR-5	Low Density Residential	89
LDR-7	Low Density Residential	16
LDR-8	Low Density Residential	7
LDR-9	Low Density Residential	23
LDR-13b	Low Density Residential	4
	SUBTOTAL	**321**
MDR-1	Med. Density Residential	33
MDR-3	Med. Density Residential	18
MDR-4	Med. Density Residential	21
MDR-5	Med. Density Residential	25
MDR-6b	Med. Density Residential	15
MDR-10	Med. Density Residential	20
MDR-11	Med. Density Residential	74
MDR-13	Med. Density Residential	8
MDR-14	Med. Density Residential	47
MDR-15	Med. Density Residential	13
	SUBTOTAL	**274**
TC-1[4]	Town Center(Mixed Use)	See Ph 1
TC-2[4]	Town Center(Mixed Use)	See Ph 1
	SUBTOTAL	**0**
MUOC-1	Office/Commercial	17
MUOC-3	Office/Commercial	28
MUOC-5	Office/Commercial	29
MUOC-8	Office/Commercial	47
	SUBTOTAL	**121**
NVC-1	Neighborhood Village Center	10
	SUBTOTAL	**10**
MUI-1	Research & Development	81
MUI-2	Research & Development	55
MUI-3	Research & Development	57
	SUBTOTAL	**193**
MUEI-1	Educational/Institutional	29
MUEI-2[5]	Educational/Institutional	53
MUEI-3[5]	Educational/Institutional	86
	SUBTOTAL	**168**
PARK	North Park (Open Space)	36
	SUBTOTAL	**36**
	DEVELOPED[4,5]	**1,255**
	OPEN SPACE	**61**
	TOTAL	**1,316**

PHASE 2b[1]

TC-1[4,6]	Town Center(Mixed Use)	See Ph 1
TC-2[4,6]	Town Center(Mixed Use)	See Ph 1
	SUBTOTAL	**0**
NVC-1[6]	Neighborhood Village Center	See Ph 2a
	SUBTOTAL	**0**
MUOC-1[6]	Office/Commercial	See Ph 2a
	SUBTOTAL	**0**
MUI-1[6]	Research & Development	See Ph 2a
MUI-3[6]	Research & Development	See Ph 2a
	SUBTOTAL	**0**
MUEI-1[6]	Educational/Institutional	See Ph 2a
	SUBTOTAL	**0**
	DEVELOPED[4,6]	**194**
	TOTAL	**194**

Notes:

1. Prior to commencement of development of Phase 2b entitlements, an updated traffic analysis that addresses cumulative impacts of Phases 1 through 2b will be provided by the Developer to the review agencies as a substantial deviation for review of transportation impacts only. Until such time as the Phase 2b entitlments are sought, the pods identified as being in phase 2b may be developed with available entitlements from Phase 2a.
2. Acreage projections for each development pod on this table and on Map H are approximate and may vary based upon final survey and platting.
3. Phase 1 development of MUEI-3 limited to 56,000 GSF and ancillary athletic fields.
4. The referenced pod, land use, and acreage is inclusive of the same pod referenced in Phase 1, and represents developer's ability to develop up to the stated acreage in Phases 2a and 2b.
5. The referenced pod, land use, and acreage is inclusive of the same pod referenced in Phase 1, and represents developer's ability to develop up to the stated acreage in Phase 2a.
6. The referenced pod, land use, and acreage is inclusive of the same pod referenced in Phase 2a, and represents developer's ability to develop up to the stated acreage in Phase 2b.



MASTER DEVELOPMENT PLAN

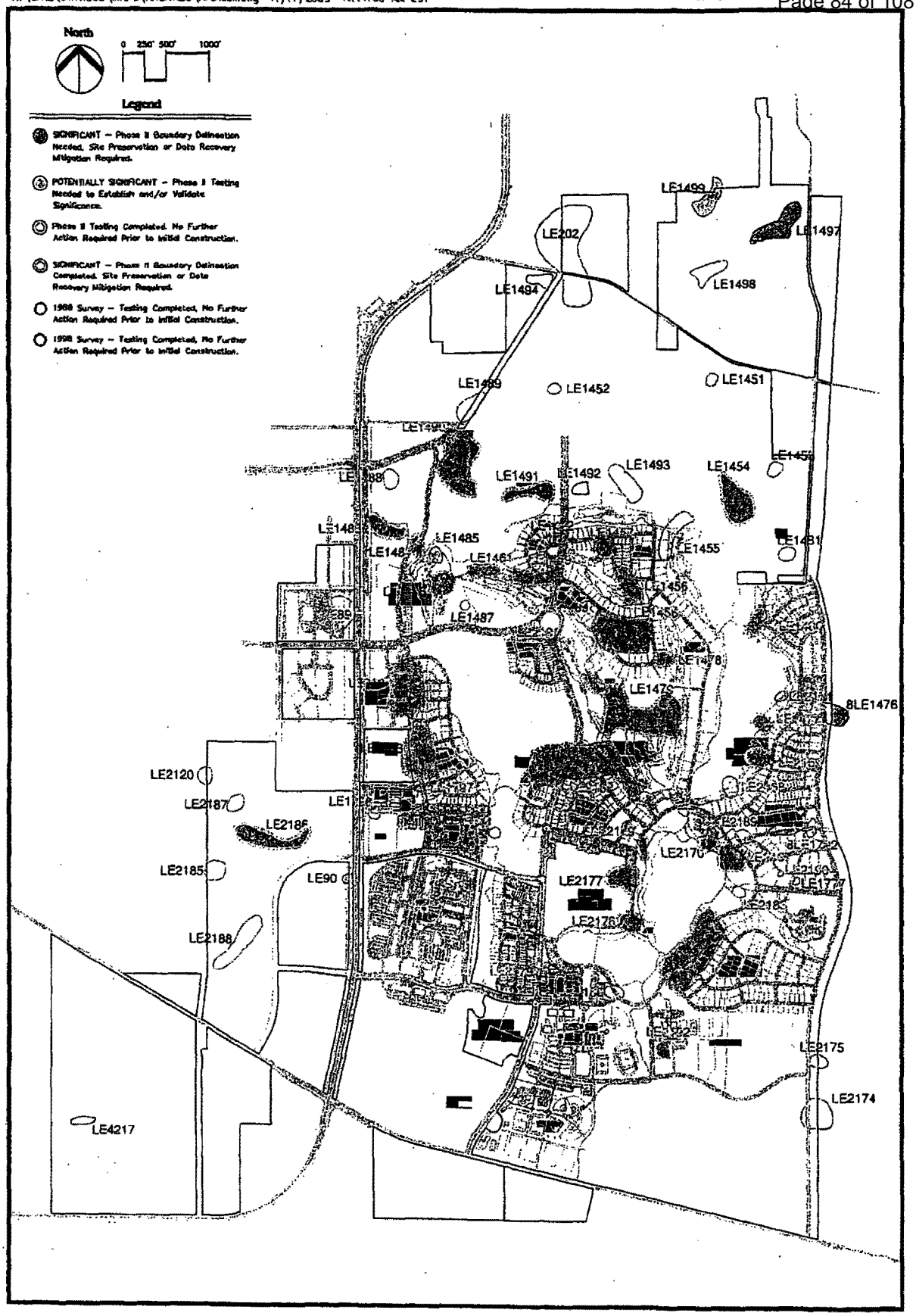
Southwood

DRI Notification of Proposed Change No. 6
March 2005

ARVIDA
a STJOE company

EDAW PBSJ

H:\CIVIL\STHWOOD\MAPS\ARCHAEO\Archeall.dwg 11/17/2003 11:14:08 AM EST



PROPOSED DEVELOPMENT PLAN
w/ ARCHEOLOGICAL ASSESSMENT STATUS

SOUTHWOOD
Tallahassee, Florida
AN ARVIDA COMMUNITY

ARVIDA
a STJOE company

June 2001

PBSJ

FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State
DIVISION OF HISTORICAL RESOURCES
R.A. Gray Building
Tallahassee, Florida 32399-0250
(904) 488-1480

December 20, 1988

Mike Donovan
Apalachee Regional Planning Council
314 East Central Avenue
Blountstown, Florida 32424

In Response Reply To:
Louis D. Tesar
Historic Preservation Supervisor
(904) 487-2333
Project No. 880608 and 883065

RE: December 9, 1988 Letter and Attachments
Received on December 14, 1988
Cultural Resource Assessment Request
Southwood Plantation, Archeological Site Assessment,
Final Report by Robert E. Johnson, Leon County, FL

Dear Mr. Donovan:

We have reviewed the above referenced letter (see attachment) and referenced report for the PDA and Phases I and II portions (3400 acres or 40% of the 8700 acres) of the Southwood Plantation DRI property in Leon County, Florida. We wish to acknowledge Mr. Johnson's frequent consultation and coordination of project activities with staff of this agency with respect to developing field methodology, discussing preliminary field methodology, revising field methodology in response to field results, and in the review of an earlier draft of the current report. We find the field methodology, the report text and site location map to be complete and sufficient for the purposes of preparing our project review comments. It is noted that on page 5 of the report it is stated that 87 cultural resources were identified during the Southwood investigation; however, only 54 sites are discussed in the review document. While some of the discrepancy may be attributable to consolidating some of the identified resources as subareas of reported sites, do the remainder constitute isolated finds which were not designated as sites? This is a minor issue and we note that the final report, once the graphics are completed, will represent a significant contribution to our understanding of the prehistoric and historic heritage of Leon County, Florida. We request that two copies of that final document be provided to this agency, one for inclusion in the Florida Master Site File and one for inclusion in this agency's reference library.

We concur with the author's conclusions that the following sites are not regionally significant or potentially eligible for listing in the National Register of Historic Places, and, thus, that they do not merit any further archaeological testing or preservation, unless an unexpected unique feature (such as a human burial, hearth, concentration of ceramic sherds, lithic caches, historic bottle or other dump, or the like) is encountered during site preparation. In such instances, work should be stopped in the immediate vicinity of the find and the Division of Historical Resources' Compliance Review Section notified to evaluate the site and determine an appropriate course of action in consultation with the affected parties.

The non-significant sites include 8LE1447-B, 8LE1448, 8LE1450-1453, 8LE1454-C, 8LE1455, 8LE1456-B, 8LE1460, 8LE1462, 8LE1463 (based on the results of Phase II testing), 8LE1464 (within the project tract; the unevaluated privately leased lot portion of the site remains to be evaluated), 8LE1465 (within the project tract; the upslope privately owned wooded portion of the site remains to be evaluated); 8LE1469-1470, 8LE1474-1475, 8LE1479, 8LE1481 (while recommended for preservation and further testing in the report (page 178), is not considered significant in the context of the overall survey findings; although, it is noted in agreement with the report that it is probably a component of a larger site located on the adjacent, privately owned, unsurveyed ridgecrest which remains to be evaluated), 8LE1482, 8LE1485, 8LE1487-1489, 8LE1492-1493, 8LE1494 (is recommended for additional testing or preservation in the report (page 206); however, we concur with the author that "Phase II testing may not be productive" and will err against recommending further testing or preservation at this site, in favor of additional work at potentially more productive sites), 8LE1496 (while additional work is recommended for this site on the basis of its lithic artifacts (page 210), we do not concur with this recommendation for the same reasons stated for 8LE1494 above), 8LE1498, and the portion of 8LE202 located within the survey tract.

Based on available site data, the following sites are considered to be regionally significant and potentially eligible for listing in the National Register of Historic Places (*) or to be potentially significant and require additional archaeological testing to permit a final evaluation of significance. In both instances, the site areas of such sites (see attached map) should be preserved and protected as green space or for non-destructive passive recreational use and/or project impacts to affected site areas dealt with as recommended below. It is noted that the recommended Phase II archaeological testing at some of the "potentially significant" sites or identified site subareas, as occurred as a result of such work at 8LE1463, may result in the conclusion that they are either not significant or that the testing was sufficient to recover the data which they contain and thereby mitigate project impacts to such sites. In such instances, no further archaeological work or preservation will be recommended. However, for sites determined to be significant on the basis of Phase II work, it will be our recommendation that they be preserved or that project impacts to such sites be mitigated through Phase III archaeological salvage excavation.

8LE1447, Subareas A and C -- Multicomponent site; Leon-Jefferson Period House sites, and late Historic Period building. Both can yield subsistence, material culture, and settlement data and are considered to be potentially significant and further archaeological testing recommended, if the site area is not to be preserved.

8LE 1449 -- Contains three subareas with both late aboriginal and late 18th - early 19th century European artifacts. This site may represent (part of) the Seminole Indian Village, which historical documents research locates in this vicinity. If so, it would be considered National Register eligible and regionally significant, as very little archaeological research has been conducted at Seminole sites in the Leon County area. Further archaeological testing is recommended for this site, with particular attention focused on Subarea A, in order to permit a final evaluation of significance and preservation/mitigation recommendations.

8LE1454, Subareas A and B -- represent possible Fort Walton Period house site locations. Undisturbed cultural deposits, possibly including features, may be

present and could contribute further to our understanding of the late prehistoric Apalachee culture. Further archaeological testing of 8LE1454-A & B is recommended in order to permit a final evaluation of significance and preservation/mitigation recommendations.

8LE1456 - Subareas A and C with Leon-Jefferson components, and A probable Spanish earthenware sherd. This site (Subarea A and C) is probably a farmstead dating to the Spanish Mission era. Its significance is related to understanding the relationship of small Apalachee habitats to a larger Mission era Apalachee settlement complex. Further archaeological testing and preservation is recommended.

8LE1457, while numbered separately, may be a component of site 8LE1456. It may contain archaeological data important to understanding the Mission era Apalachee settlement in the region. Further archaeological testing and preservation is recommended.

8LE1458*, consists of two subareas, each with major concentrations of late Leon-Jefferson and Spanish artifacts. This site appears to be an Apalachee village with a Spanish occupation, possibly a Spanish mission site. The mission of San Martin de Tomole is a candidate. Site preservation and further archaeological testing to identify the location of and evaluate the nature and integrity of site features is recommended. The site should be protected from any project related adverse impacts until a final assessment of site features and boundaries is completed, and site preservation mitigation incorporated into development plans.

8LE1459 may represent one of several small satellite farmsteads related to a central village. It is important to understanding the Apalachee village/farmstead settlement system. The most important part of the site appears to be the higher rise at the eastern end. Further archaeological testing and preservation is recommended.

8LE1461 is a multicomponent site, representing a Late Archaic Norwood - Early Deptford Transition site with a later Fort Walton and Leon-Jefferson occupation. It is the earlier Late Archaic Norwood-early Deptford component which is potentially significant as few such sites have been studied in the Leon County area. Further archaeological testing and preservation is recommended.

8LE1466 is a small site located on a low terrace-like projection overlooking a broad, shallow (presently) dry sink. While the site report (see page 146) concludes that this site is not significant, this opinion is not accepted as the site (based on the artifacts and topographic setting) may represent a small Swift Creek or early Weeden Island (probably the latter) occupation. Few such sites have been recorded or archaeologically tested in the Leon County, area. Therefore, further archaeological testing and preservation is recommended.

8LE1467 represents a possible late Fort Walton occupation with possible, as yet undetected, features. Further archaeological testing and preservation is recommended.

8LE1468 represents a possible Late Fort Walton Early Leon-Jefferson occupation. It is potentially significant as one aspect of an overall Apalachee settlement pattern

in the region. Further archaeological testing and preservation is recommended.

8LE1471, consisting of three subareas, represents a hamlet-sized protohistoric or early historic Leon-Jefferson period Apalachee occupation. It could contribute to our understanding of the Apalachee settlement system. Further archaeological testing and preservation is recommended.

8LE1472 appears to represent a deeply buried Deptford - Swift Creek period occupation. Few such sites have been recorded or archaeologically studied in the Leon County area. Further archaeological testing and preservation is recommended.

8LE1473 consists of a late 19th - early 20th century standing structure and associated archaeological component in the surrounding yard area. It is probably a tenant farm structure. Most such structures in the area have been demolished. While documentary data exists for this period, little archaeological work has been conducted to add to our understanding of this aspect of Leon County's historic heritage. As such, site preservation is recommended for the structure and surrounding yard area. If preservation is not possible, then documentation of the structure and archaeological excavation of the yard area is recommended.

8LE1476* probably represents a significant, large Leon-Jefferson period Apalachee farmstead. While some site disturbance has occurred, intact buried deposits and features probably remain. Site preservation or Phase III archaeological data recovery to mitigate construction impacts is recommended.

8LE1477 is a relatively small late prehistoric/early historic Apalachee occupation site. It can further our understanding of the Apalachee settlement pattern, as well as their material culture. It is one of the few sites of this period located at a lower elevation near a large sink, in contrast to the usual ridge crest and hilltop site. Further archaeological testing and preservation is recommended.

8LE1478 represents a protohistoric-early historic period Aplachee farmstead. It is noted that the large ridge on which this site is located seems to have supported a major Apalachee settlement complex. A village-size site, a hamlet-size site, and several farmstead-size sites, all with Apalachee components, are located on this ridge and its spurs. Most of these sites can contribute to studies of Apalachee settlement, subsistence, and culture change. 8LE1478 is potentially significant in this context. Further archaeological testing and preservation is recommended.

8LE1480 is a farmstead-size Apalachee site located on a low ridge overlooking a sink hole. Its significance is similar to 8LE1478. Further archaeological testing and preservation is recommended. It is noted that a family cemetery and private residential tract are located just north of 8LE1480, and were excluded from the survey.

8LE1483, along with nearby sites 8LE1484 and 8LE1490, had the strongest Weeden Island occupation evidence encountered during the survey. It is noted that few Weeden Island period sites are recorded for the area. Further archaeological testing and preservation is recommended.

8LE1484 is probably a small activity area associated with the larger 8LE1483 site to its WNW. This Weeden Island site, is recommended for further archaeological testing and preservation.

8LE1486 represents a small Weeden Island occupation, with a possible later Leon-Jefferson component, and late historic component. The Weeden Island component is recommended for further archaeolgical testing and preservation.

8LE1490* represents a major, multi-component occupation dating to the Weeden Island, Fort Walton, and Leon-Jefferson periods. Intrasite patterning, possibly individual house site locations, are indicated by features and artifact concentrations. This site could yield data on the cultural transition from the late Weeden Island to early Leon-Jefferson periods. Site preservation and Phase III archaeological salvage excavation is recommended.

8LE1491 represents a fairly small, Leon-Jefferson period farmstead with potential features. Further archaeological testing and preservation is recommended.

8LE1497* is a multicomponent occupation site. Within the site, two subareas are of note. Subarea 8LE1497-A yielded artifacts representing a Late Archaic Norwood-early Deptford period, one of only two such sites in the survey area, in a buried, relatively intact strata. Subarea 8LE1497-B yielded Deptford period sherds. Site preservation or Phase III archaeological salvage excavation is recommended.

8LE1499 represents a Fort Walton and Leon-Jefferson occupation site. The northern portion of the site, while shown as part of the project tract on the maps, was incompletely surveyed as a local resident claimed ownership and objected to survey efforts. Shovel testing suggests the presence of hearths or house remains near the middle of the terrace. Further archaeological testing and preservation is recommended.

Of the 87 cultural resource locales identified in the PDA, Phase I and II portions (40%) of the overall 8700 acre project tract, additional archaeological Phase II or Phase III work or preservation is recommended at 26 sites. As with site 8LE1463, the Phase II work at most of these will likely be sufficient to adequately characterize them and additional work or preservation will not be recommended beyond the Phase II work. However, some of the identified sites (including but not limited to sites 8LE1458, 8LE1476, 8LE1490 and 8LE1497) will be evaluated as regionally significant and eligible for listing on the National Register of Historic Places. For such sites, preservation is recommended, if possible; and, if not, Phase III archaeological salvage work is recommended for affected portions of such sites.

For sites in which preservation is not possible, and for which Phase II testing is determined to be sufficient, as with site 8LE1463, mechanical stripping is recommended to maximize the identification of site features and data recovery following the completion of test excavation efforts.

For those sites determined to be regionally significant and National Register eligible, additional consultation with this agency is recommended to discuss management alternatives with respect to site preservation and/or salvage excavation.

For the 26 sites identified as significant or potentially significant, it is

recommended that measures be taken to project them until their final disposition is determined. To this end, it is recommended that prior to initiating development in each phase of Southwood's development, that the site areas for such sites be mapped by a registered land surveyor in consultation with the consulting archaeologist. This information should be included on the project development map, perhaps as an overlay with limited distribution to facilitate site protection.

We look forward to continuing cooperative efforts with Southwood Properties, Inc., their archaeological and historical consultants, the Historic Tallahassee/Leon County Preservation Board, the Apalachee Regional Planning Council, the Florida Department of Community Affairs, and others, in the location, evaluation and protection of the archaeological and historic sites within the 8700 acre Southwood Plantation development tract. The present work represents a significant contribution, and heralds other such contributions for the remaining 60% of the tract to be surveyed and for those sites at which Phase II and Phase III work will be conducted.

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest and cooperation in helping to protect Florida's archaeological and historical resources are appreciated.

Sincerely,

George W. Percy, Director
Division of Historical Resources
and
State Historic Preservation Officer

GWP/
Enclosure( )

xc: Kevin McGorty
Henry Bittaker
Robert Johnson

Posted July 2, 2018

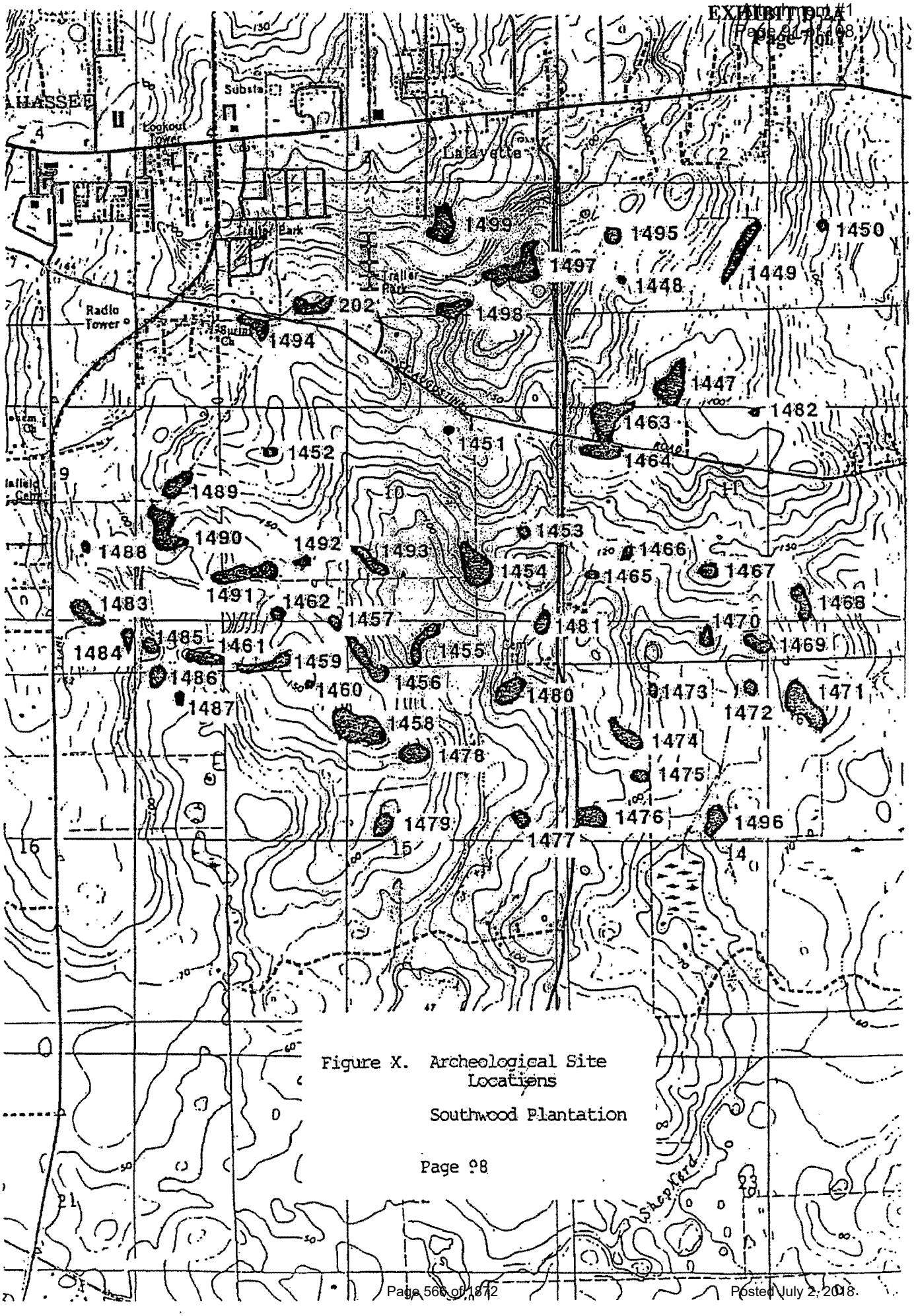


Figure X. Archeological Site Locations

Southwood Plantation

Page 98

Exhibit D2-B

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services

MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State

DIVISION OF HISTORICAL RESOURCES

April 23, 1999

Mr. Daniel Penton
Post Buckley Schuh and Jernigan
1901 Commonwealth Lane
Tallahassee, Florida 32303

RE: St. Joe/Arvida Company, L.P.
Southwood Development of Regional Impact
Draft Development Order Language - March 15, 1999
PBSJ #09-360.00
Leon County, Florida

Dear Mr. Penton:

In accordance with this agency's responsibilities under Section 380.06, Florida Statutes, this office has completed a preliminary review of the Phase I and Limited Phase II Cultural Resources Assessment Survey report and have discussed the findings of the field investigations on several occasions with you and Mr. Phil Causey, project archaeologist. We note that sixty-six (66) archaeological or historic sites were encountered and assessed. In addition, we note that five (5) sites have been determined to be significant and seventeen (17) sites to be potentially significant, based on the level of field investigations conducted to date. This office concurs with those preliminary findings based on the survey data.

We have reviewed the referenced draft Development Order language (March 15, 1999) regarding Cultural Resources (section 4). This office concurs with the boundary delineations for sites 8 LE 1458 and 8 LE 2182, two of the significant historic resources. We suggest that the following language be inserted into:

Section 4.4.
If the five (5) significant sites cannot be preserved and avoided, the Developer shall take the following actions to minimize or mitigate ~~for~~ any adverse....

Section 4.6
...is consistent with the avoidance or mitigation measures....

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • http://www.flheritage.com
Director's Office (850) 488-1480 • FAX: 488-3353
Archaeological Research (850) 487-2299 • FAX: 414-2207
Historic Preservation (850) 487-2333 • FAX: 922-0496
Historical Museums (850) 488-1484 • FAX: 921-2503
Historic Pensacola Preservation Board (850) 595-5985 • FAX: 595-5989
Palm Beach Regional Office (561) 279-1475 • FAX: 279-1476
St. Augustine Regional Office (904) 825-5045 • FAX: 825-5044
Tampa Regional Office (813) 272-3843 • FAX: 272-2340

Please note, Exhibit __-2A - you should have a copy of our the Division of Historical Resources letter from 1988, if not, please let us know; and Exhibit __ -2B should be 1999 not 1998 site assessment report.

If you have any questions concerning our comments, please do not hesitate to contact Laura Kammerer, Historic Preservationist Supervisor, at (850) 487-2333 or (800) 847-7278. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Laura A. Kammerer

for George W. Percy, Director
Division of Historical Resources and
State Historic Preservation Officer

GWP/Klk

xc: Bob Cambric, ARPC

APR - 7 2005

CITY OF TALLAHASSEE

April 5, 2005

Ms. Denise M. Roemer
PBS&J
1901 Commonwealth Lane
Tallahassee, Florida 32303

RE: Natural Features Inventory
Tax I.D.# 31-16-20-032-0000
TER050054

Dear Ms. Roemer,
We have reviewed and approved the Natural Features Inventory (NFI) submitted on March 18, 2005. The following natural features have been identified on site or adjacent to the site.

1. **Listed Species Habitat**
   a. **Sherman's Fox Squirrel (*Sciurus niger shermani*)**
   b. **Southeastern American Kestrel (*Falco sparverius paulus*)**

Should you have any questions or require additional information from us, please contact our office at your convenience (850) 891-7100.

Sincerely,

June M. O'Meara

June M. O'Meara
Senior Environmental Biologist
Growth Management Department
Land Use & Environmental Services

JOM/jom

300 S. Adams St.
Tallahassee, FL 32301-1731
Phone: 850-891-0010 TDD: 711
talgov.com

JOHN R. MARKS, III, Mayor
ANITA R. FAVORS, City Manager
ALLAN J. KATZ, Mayor Pro Tem
JAMES R. ENGLISH, City Attorney
ANDREW D. GILLUM, Commissioner
GARY HERNDON, City Treasurer-Clerk
DEBBIE LIGHTSEY, Commissioner
SAM M. McCALL, City Auditor
MARK MUSTIAN, Commissioner

CITY OF TALLAHASSEE

June 7, 2005

Ms. Denise M. Roemer
PBS&J
1901 Commonwealth Lane
Tallahassee, Florida 32303

RE: Natural Features Inventory
Southwood 25 acre addition
Tax I.D.# 31-22-20-401-0000
TER050051

Dear Ms. Roemer,
We have reviewed and approved the Natural Features Inventory (NFI) submitted on March 14, 2005. The following natural features have been identified on site or adjacent to the site.

1. **Possible Listed Species Habitat**
   a. **Gopher Tortoise (*Gopherus polyphemus*)**
2. **Closed Basin**

The protection of environmentally sensitive areas adjacent to the site will be addressed during the Environmental Impact Analysis.
Should you have any questions or require additional information from us, please contact our office at your convenience (850) 891-7100.

Sincerely,

June M. O'Meara

June M. O'Meara
Senior Environmental Biologist
Growth Management Department
Land Use & Environmental Services

JOM/jom

RECEIVED
JUN - 9 2005

CITY HALL
300 South Adams Street
Tallahassee, FL 32301-1731
850-891-0000
TDD: 711 • talgov.com

JOHN R. MARKS, III
Mayor

ANITA R. FAVORS
City Manager

ANDREW D. GILLUM
Mayor Pro Tem

JAMES R. ENGLISH
City Attorney

ALLAN J. KATZ
Commissioner

GARY HERNDON
City Treasurer-Clerk

DEBBIE LIGHTSEY
Commissioner

SAM M. McCALL
City Auditor

MARK MUSTIAN
Commissioner

Exhibit E

FACSIMILE TRANSMITTAL

SENT TO:	Post, Buckley, Schuh & Jernigan	ATTENTION:	Ken Jones
FAX NO.	575-0105	NUMBER OF PAGES INCLUDING COVER SHEET	9
DATE:	November 13, 1998		
SUBJECT:	Scope for Stormwater Facilities Master Plan		
REFERENCE:	Southwood DRI		

Ken,

I am transmitting the scope for the stormwater study pursuant to our discussions. Please update the attached schedule as shown and send us a copy so we can include a clean copy with the scope. If everything is satisfactory, you may want to circulate the scope again to the other parties. I will provide a copy to City Growth Mgm't. Please call with any questions as we hope to get this completed so as to avoid any delay in the sufficiency process.

As I discussed with you and Charley yesterday, the City does not envision executing a development agreement in connection with this process. We will be working with Bob Cambric to develop language for the development order that sets out the requirement that SJA do the study and which makes the development approval contingent upon the study confirming the assertions made in the ADA. If upon completion of the stormwater planning study, statements in the ADA are found to be inaccurate, the related approvals would be invalidated and those matters would have to be revisited. It is conceivable the scope of affected matters could go beyond stormwater specifically. For instance, wetlands or other ecological concerns could be affected resulting in other parties becoming involved. In a worst case outcome I suppose land uses and densities could be affected.

While no one thinks such an outcome likely, everyone needs to be aware of that potential and there needs to be agreement on what would be done in that eventuality. For that reason, it is important that the D.O. paragraphs which accept this future study in lieu of delaying of sufficiency, need to be worked out before we get a sufficiency determination.

John Buss

cc: Bob Cambric
Wendy Grey
Scott Matteo
Linda Hurst

CITY OF TALLAHASSEE

City of Tallahassee - Stormwater Management Department
Telephone 850-891-6860 Fax 850-891-6820

CITY OF TALLAHASSEE

November 13, 1998

SOUTHWOOD
Stormwater Facilities Master Plan

St. Joe/Arvida Company, L.P., (SJA), will prepare a Stormwater Facilities Master Plan (SFMP) which shall:

1. Define the stormwater data and impacts associated with the proposed Southwood Development.
2. Define the structural and nonstructural techniques to be used to manage the stormwater from the development in compliance with local, state and federal regulations.
3. Document the infrastructure requirements and phasing for long term plan implementation.
4. Document the easement reservations necessary to insure adequate conveyances and management facilities can be provided to serve all parts of the project.

The SFMP will be prepared in accordance with the schedule attached to this scope. Because one use of the SWMP will be to aid in the evaluation of development impacts in connection with the Southwood DRI process, the schedule is a material part of this scope of work.

The SFMP shall include a comprehensive analysis of the existing and proposed stormwater runoff conditions, design of the improvements required for the primary conveyance systems to serve the entire development, and a report which includes the analysis criteria, results, and preliminary plans for the primary system components. The primary drainage system shall include those tributary conveyances and impoundments, whether natural or man-made, which are necessary to provide a hydraulic connection to the boundary of the primary catchments which exist in each of the individual land use tracks identified in Map H-1 (Master Development Plan) of the Application for Development Approval. The SFMP shall evaluate natural and improved drainage systems, document the hydraulic capability of these systems and define the resulting impacts and proposed mitigation measures. Specific consideration shall be given to erosion and sedimentation concerns and long-term maintenance issues with appropriate mitigation measures being proposed.

The SFMP shall be prepared and submitted in a format sufficient for review and approval by the City of Tallahassee (COT), Leon County (LC), and the Florida Department of Environmental Protection (FDEP) in accordance with the requirements of the Final Development Order (DO) associated with the Southwood DRI.

TASK 1 - DATA COLLECTION

A. Collect and assimilate available information and data pertinent to the COT's Southeast Sector watershed, which encompasses the Southwood property. The data shall include the following:

1. Existing stormwater management studies and reports relating to the study area;

2. Existing hydrologic and meteorologic records, topographic maps, soils information and aerial photography;

3. Existing surveys or construction plans relevant to the study area;

4. Documentation of past flooding complaints;

5. Present and projected land uses within the study area;

6. Existing surface water and groundwater quality data;

7. Existing habitat, wildlife, natural vegetative area, wetland inventory and/or Florida Land Use Cover and Classification System (FLUCCS) maps;

8. Rules, regulations, ordinances and laws of the Local, State, Regional and Federal agencies having jurisdiction over development of stormwater management facilities in the City of Tallahassee's Southeast Sector watershed. These agencies include at a minimum the Northwest Florida Water Management District (NWFWMD), Florida Department of Transportation (FDOT), FDEP, U.S. Army Corps of Engineers (ACOE), U.S. Environmental Protection Agency (EPA), City of Tallahassee, and Leon County;

9. Archaeological resources;

10. The City of Tallahassee's EPA NPDES MS4 permit and application.

11. Other necessary information within the study area.

B. Assimilate all pertinent data currently being prepared for the Southwood DRI as applicable toward development of the SFMP.

C. Establish a stream and rainfall monitoring program to include the following elements:

1. Install three stream stage recorders on the major drainage runs within the property.

2. Install a rainfall gage.

(SJA will operate and maintain the stage and rainfall recorders for a period of two years following completion of the SFMP. At a minimum SJA will collect and store data on a monthly basis. Subsequent to that period the City may at its option take over operation of the recorders as a part of its City wide stage and rainfall data collection program. SJA will allow access as required for that purpose. The City and SJA will provide collected data to each other upon request.)

4. Record velocity measurements within gaged stream reaches for at least seven storm events plus two baseline events to establish existing conditions stream rating curves.

5. Collect groundwater levels from existing piezometers during and after two storm events. The piezometer shall be measured six times over a 30-day period.

6. Wetland hydroperiods characterization.

D. Establish a water quality monitoring program to include the following elements:

1. Collect surface water quality samples from six locations along the central drainage runs; two locations at the base of each drainage run; the lake west of Capital Circle; and a location in Shepard's Branch.

2. Water quality samples shall be collected three times at each location and analyzed for selected parameters. These samples shall be obtained in conjunction with a dry period and a storm event.

3. Collect groundwater samples for selected parameters from six existing piezometric wells.

4. Groundwater samples shall be collected three times at each location and analyzed for selected parameters. These samples shall be obtained in conjunction with a dry period and a wet period.

E. Conduct field surveys at selected locations to verify and improve upon available field data for inclusion into the existing conditions stormwater model.

F. Establish the type and extent of specific additional information required for development of the SFMP.

DELIVERABLE:

Data report including evaluation of data.

TASK 2 - EXISTING CONDITIONS STORMWATER MODEL

A. Review and evaluate the data and results of information described in Task 1 as applicable toward development of the Southwood SFMP.

B. Identify and develop hydrologic and hydraulic characteristics including soils, land use, overland flow, conveyance and stage/storage data for watershed areas impacted by the Southwood development.

C. Develop an existing conditions stormwater model encompassing each of the watershed areas identified in Task 2B.

D. Calibrate and validate the existing conditions stormwater model based on data collected in accordance with Task 1C.

E. Establish peak discharge rates and velocities within existing conveyances resulting from the 2-hour and 8-hour durations for the 2, 5, 10, and 25-year return period storm events.

F. Establish runoff volume and peak stage resulting from the 100-year storm event and the yearly continuous simulation for 1964 for closed basins.

G. Prepare an Existing Conditions Drainage Map delineating watershed areas and drainage basins, conveyance systems, storage elements and flood extents.

DELIVERABLES:

Existing Conditions Stormwater Model and Documentation
Existing Conditions Drainage Map

TASK 3 - POST-DEVELOPMENT STORMWATER MODEL

A. Establish overall general stormwater management system design criteria, functional and operational requirements of the completed system (i.e., stormwater treatment, attenuation, flood protection, and maintenance), and environmental constraints related to the site (i.e., protected wetlands and flood plains, water levels, etc.) in accordance with COT regulatory criteria. Coordinate the ecological and land use planning with the stormwater management planning to avoid setting preservation goals in areas where the impacts of urban densities require stormwater uses of an infrastructure nature and to avoid imposing infrastructure type drainage functions into preservation and conservation areas. To implement this strategy, map and classify the stormwater network into Urban System Zones, Special Environmental Management Zones, Conservation Zones, and Preservation Zones.

B. Identify the location, approximate dimensions and control elevations of proposed stormwater management facilities and conveyances.

C. Delineate post-development sub-basins, and primary conveyance systems.

D. Compile hydrologic and hydraulic characteristics for post-development conditions including soils, land use, overland flow, conveyance, and stage/storage data.

E. Modify the existing conditions stormwater model to accommodate post-development conditions established by Tasks 3B, 3C, and 3D.

F. Establish and tabulate discharge rates and velocities within existing and proposed conveyances resulting from the 2 hour and 8 hour durations for the 2, 5, 10, and 25-year return period storm events. Perform analysis and evaluate modifications to the conveyance system necessary for compliance with Task 3A.

G. For closed basins, establish and tabulate runoff volumes and peak stages the continuous

simulation of rainfall occurring in 1964 and for the 25- and 100-year storm events having durations of 8, 24, 96, 168 and 240 hours. Perform analysis and evaluate modifications to the storage components of the proposed drainage system necessary for compliance with Task 3A.

H. Prepare a Post-Development Drainage Map delineating watershed areas and drainage basins, conveyance systems, storage elements and flood extents.

DELIVERABLES:

Post-Development Stormwater Model and Documentation
Post-Development Conditions Drainage Map

TASK 4 - STORMWATER FACILITIES MASTER PLAN REPORT

A. Prepare a SFMP Report which:
- summarizes the technical analyses and evaluation process, and which
- defines the stormwater data and impacts associated with the proposed development, and which
- defines the structural and nonstructural techniques to be used to manage the stormwater from the development in compliance with local, state and federal regulations, and which
- documents the infrastructure requirements and phasing for long term plan implementation, and which
- documents the easement reservations necessary to provide adequate conveyances and facilities to serve all parts of the project.

The SFMP Report will be used as a guide in to insure adequate stormwater management is provided as various phases of the development are undertaken and will assist in the associated permitting reviews. The SFMP Report will include the following documentation;

1. Conveyance Plan (open and closed systems) for the primary drainage system. The primary drainage system shall include those tributary conveyances and impoundments, whether natural or man-made, which are necessary to provide a hydraulic connection to the boundary of the primary catchments which exist in each of the individual land use tracks identified in Map H-1 (Master Development Plan) of the Application for Development Approval. The Conveyance Plan should also include the stormwater system classification designations consistent with Task 3A.

2. Location, hydraulic capacity requirements, dimensions and control elevations of the primary drainage system as defined above, including:

   a. Structures such as culverts, pipes, bridges, and control structures;

b. Open channel conveyance systems;
c. Stormwater management facilities utilized for attenuation or treatment.

3. Location and approximate dimensions of easements and/or rights-of-way necessary for construction, operation, and maintenance of primary drainage system as defined above.

4. An implementation sequence for construction of conveyance and impoundment elements which is cross- referenced to the phased development of planned use tracts. This section shall describe which facilities of the primary drainage system need to be in place before development of each tract in the land use plan goes forward.

5. Tabulation of discharge data for each of the homogeneous land use tracts shown on the land use plan. The data shall include the contributing area and the assumed percent impervious, the pre- and post-volume of discharge in inches of runoff, and the pre- and post-development peak discharges in cubic feet per second (cfs). Where land use tracts are split into one or more sub-basins, the data shall be discretized by sub-basin.

6. Flood stages and profiles along the primary drainage system.

7. 100-year storm event flood exclusion areas, including those associated with closed basins, with flood elevations, and extents.

8. Maps delineating the 100-year floodplain areas under full build-out condition, and the required documentation for revisions to the NFIP FIRM.

9. Projected impacts on water quality.

10. Impacts to environmentally sensitive natural features. Coordinate the stormwater

11. Documentation of coordination with environmental permitting agencies.

12. Copies of input data and output based upon field data and the hydrologic/hydraulic models.

DELIVERABLE:

SFMP Report.

TASK 5 - NFIP FIRM AMENDMENT

A. SJA shall prepare, within 90 days of COT approval of the SFMP, a National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) amendment for a Physical Map Revision (PMR) representing the Special Flood Hazard Areas (SFHA) and corresponding flood profiles under the full build-out condition as determined by the

approved SFMP.

B. The PMR package shall be prepared in a format acceptable to the Federal Emergency Management Agency (FEMA) and shall include the required documentation and review fee necessary for approval of the SFHA within the development boundary as well as outside the boundary if the impacts associated with the increased runoff are mitigated outside the boundary.

C. If the PMR is prepared using hydrologic and hydraulic modeling software which is different than that used to develop the SFMP, SJA will insure the predicted flood stages are not less than those developed in the SFMP. This requirement shall also apply to later FIRM amendments or PMRs. SJA will make this requirement a condition of sale on property it markets so that future owners are bound by this same restriction.

DELIVERABLE:

PMR Package for FIRM amendment.

PBSJ POST, BUCKLEY, SCHUH & JERNIGAN, INC.

File Spec: Ge / Pro; 134.001
Date
CC: 1C

November 23, 1998

COT-Stormwater Management Division
408 N. Adams Street
Tallahassee, FL 32301

Attn: Mr. John Buss, P.E.

Re: **Southwood SFMP Scope**

Dear Mr. Buss:

Your revised scope, dated November 13, 1998, has been accepted by St. Joe/Arvida without further comment. The attached schedule has been revised to include the FEMA map amendment in accordance with your request. The approved scope and schedule were forwarded to Robert Cambric at the Apalachee Regional Planning Council on November 17, 1998.

If you have any questions or need further information, please advise.

Sincerely,

POST, BUCKLEY, SCHUH & JERNIGAN, INC

William K. Johnson, P.E.

Enclosure

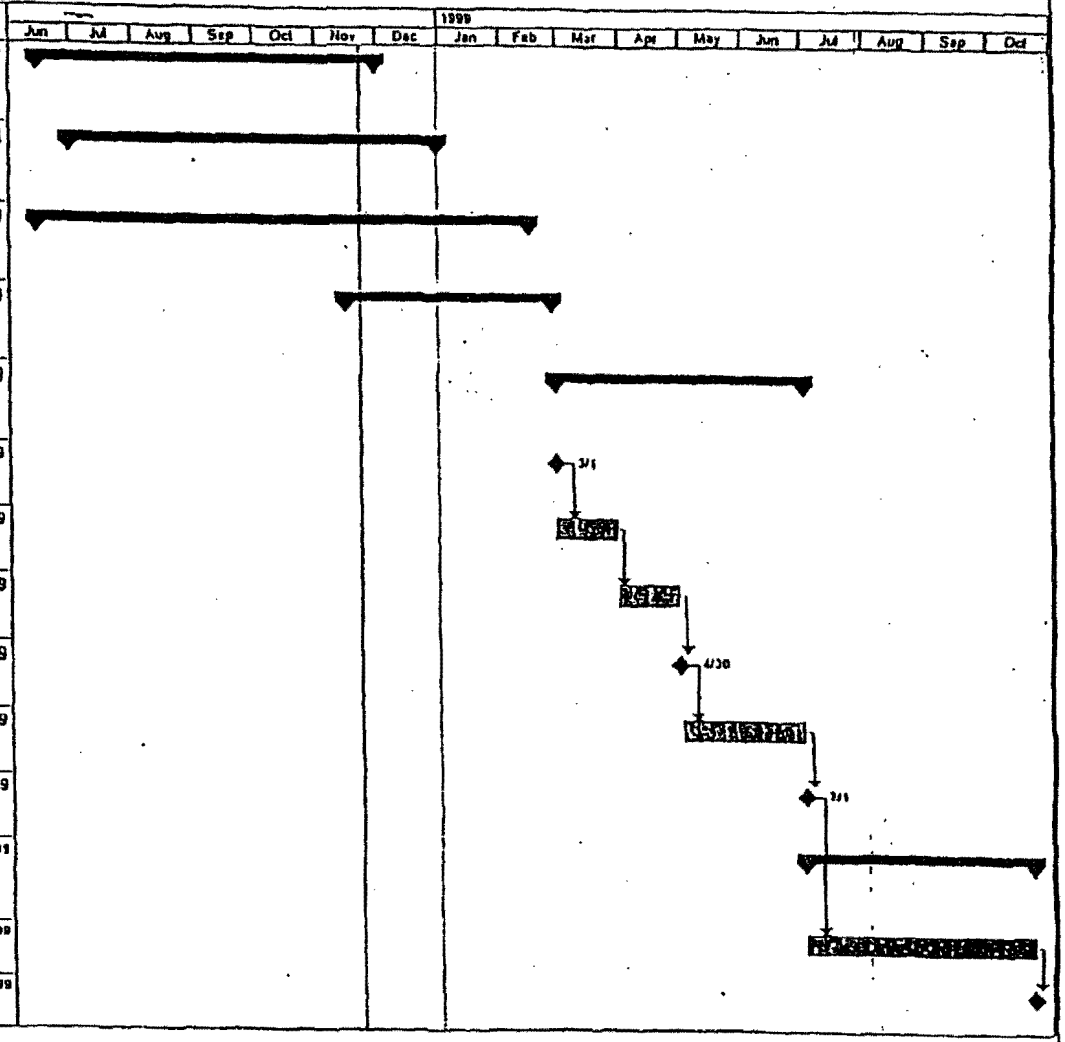
xc: Charles Redding
Ken Jones

RECEIVED
DEC 01 1998
AM Stormwater Management PM
6-7-8-9-10-11-12-1-2-3-4-5-6

1901 Commonwealth Lane · Tallahassee, Florida 32303 · Telephone: 850/575-1800 · FAX: 850/575-0105

Southwood Stormwater Management Plan

ID	Task Name	Duration	Start	Finish
1	Task 1 - Data Collection	169 days	Mon 6/15/98	Mon 11/30/98
7	Task 2 - Existing Conditions Storm Model	184 days	Wed 7/1/98	Thu 12/31/98
14	Task 3 - Post-Development Stormwater Model	246 days	Mon 6/15/98	Mon 2/15/99
23	Task 4 - Facilities Report	103 days	Mon 11/16/98	Fri 2/26/99
26	Regulatory Review	123 days	Mon 3/1/99	Thu 7/1/99
29	Regulatory Submittal	0 days	Mon 3/1/99	Mon 3/1/99
30	Regulatory Review	30 days	Mon 3/1/99	Tue 3/30/99
31	SFMP Revisions	30 days	Thu 4/1/99	Fri 4/30/99
32	Resubmittal	0 days	Fri 4/30/99	Fri 4/30/99
33	Final Review	60 days	Mon 5/3/99	Thu 7/1/99
34	Regulatory Approval	0 days	Thu 7/1/99	Thu 7/1/99
35	Task 5 - NFIP FIRM Amendment	90 days	Fri 7/2/99	Fri 10/22/99
36	Physical Map Revision (PMR)	90 days	Fri 7/2/99	Fri 10/22/99
37	PMR Submittal	0 days	Fri 10/22/99	Fri 10/22/99



STRM_YYT3.MPP
Mon 11/23/98

Task | Split | Progress | Milestone | Summary | Rolled Up Task | Rolled Up Split | Rolled Up Milestone | Rolled Up Progress | External Tasks | Project Summary

SouthWood Phase 2a
Cumulative Trip Generation Summary

Land Use	Pod Code	Units/ Square Feet	Total Trips	5% TDM Trips	Enter Trips	Exit Trips
Single-Family Housing	LSF	491 units	545	518	326	192
Single-Family Housing	LDR	1,585 units	1,675	1,591	1,002	589
Multi-Family Housing	MDR	2,694 units	1,672	1,588	1,032	556
Office	MUOC/TC	650,000 gsf	1,043	991	168	823
Retail/Commercial	MUOC/TC	770,000 gsf	3,999	3,800	1,824	1,976
Southwood House	HHO	17,000 gsf	25	23	10	13
Catholic School	MUEI-3	79,000 gsf	149	141	52	89
FSU High School	MUEI-2	234,000 gsf	606	576	357	219
Public K-8 School	MUEI-3	90,000 gsf	72	68	31	37
Research & Development	MUI	500,000 gsf	502	477	72	405
Hotel	MUOC/TC/HHO	170 rooms	90	85	42	43
Community Center		12,800 gsf	22	21	7	14
Central Park		123 acres	5	5	2	3
Community Park		215 acres	13	12	5	7
Golf Course		18 holes	49	47	21	26
Total			10,468	9,943	4,953	4,990

TRIP GENERATION ASSUMPTIONS

Land Use and Trip Assumptions based on ITE Trip Generation Manual, 7th Edition with the exception of the schools, which are based on local survey data.

The Trip Rate applied to each land use is derived from ITE trip equations (if available) or average trip rates.

The office uses may include typical accessory uses as provided for in the MUOC and TC zoning districts of the Southwood PUD.

Trips reduced by 5% to reflect higher than average bicycle and pedestrian use.

P:\Projects\StJoe\SouthWood\SPREADS\Phase2\TAZ10_alt7 7/22/2005 9:10 AM

EXHIBIT G

Schedule of Internal Road Improvements

Internal Road Improvement	Master Plan Development Pods
Merchant's Row (from Capital Circle SE to Tram Road)	Completed
Merchant's Row (from Tram Road to Southchase Boulevard)	MUI-2, MUI-1, MUI-3
Four Oaks Boulevard (from current terminus to Orange Avenue Extension)	Completed
South Chase Boulevard (fka Paul Russell Extension) (from Capital Circle SE to Tram Road)	MUOC-8, MUI-1, MUI-2
Shumard Oak (from Capital Circle to Merchants Row Extension)	Completed
Esplanade Way (from current terminus to Orange Avenue Extension)	LDR-7, MDR-3
Orange Avenue Extension (from Capital Circle SE to Southwood Plantation Road/Biltmore Avenue)	LDR-5, MDR-5, NVC-1 (Note: Orange Avenue Extension from Capital Circle SE to Mossy Creek Lane is completed)
Southwood Plantation Road/Biltmore Avenue (from current terminus to Apalachee Parkway as aligned with Sutor Road)	LSF-7, LDR-9, NVC-1, MDR-13, LDR-5, LDR-2, LDR-3
Biltmore Avenue (from Salinger Way to Schoolhouse Road)	To be completed by December 31, 2014
Schoolhouse Road (from current terminus to Biltmore Avenue)	To be completed by December 31, 2014

Notes:

1) Segments of each internal road improvement listed above are to be completed no later than the completion of the applicable portion of the referenced development pods that are immediately adjacent to the road segment.

2) For the purpose of this exhibit, a portion of a development pod shall be deemed completed when all of the horizontal infrastructure (i.e. roads, water/sewer, stormwater, etc.) necessary to service the applicable portion of the development pod are constructed and inspected.

3) Each applicable internal road segment is to be designed, permitted, and constructed simultaneously with the applicable portion of a development pod that is immediately adjacent to the road segment.

4) All roads referenced above shall be completed no later than December 31, 2020 unless otherwise noted.

EXHIBIT H

Schedule of Pro Rata Share Contributions For Phase 2a

Year	Payment Amount
2018	$500,000
2019	$500,000
2020	$685,982
2021	$1,000,000
2022	$1,000,000
2023	$1,000,000
Grand Total	**$4,685,982**

Notes:

1) Payments are due prior to December 31st of each respective year

2) Payments will be made to the City of Tallahassee and pipelined in accordance with the Significant Benefit Memorandum of Agreement executed by the City of Tallahassee, Leon County and the Florida Department of Transportation

3) Changes to this schedule are subject to the review procedure set forth in Section 380(19)(e)2., Florida Statutes.

Leon County
Board of County Commissioners

Notes for Agenda Item #19

Leon County Board of County Commissioners

Agenda Item #19

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Request to Schedule the First and Only Public Hearing to Adopt a Proposed Ordinance Amending Section 10-6.617 of the Land Development Code, Residential Preservation, for September 4, 2018 at 6:00 p.m.

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator David McDevitt, Director, Development Support & Environmental Management
Lead Staff/ Project Team:	Ryan Culpepper, Director, Development Services Division Shawna Martin, Principal Planner, Development Services Division

Statement of Issue:

On May 8, 2018, staff recommended and the Board approved proceeding with an Ordinance which seeks to clarify language related to compatibility, permissible density and allowable building types in the Residential Preservation zoning district in an effort to provide additional clarity and certainty of development standards to property owners and adjacent neighborhoods. This agenda items seeks Board approval to schedule the first and only Public Hearing to adopt these recommended changes.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Schedule the First and Only Public Hearing to Adopt a Proposed Ordinance Amending Section 10-6.617 of the Land Development Code, Residential Preservation (Attachment #1), for September 4, 2018 at 6:00 p.m.

Report and Discussion

Background:

On May 8, 2018, staff recommended and the Board approved proceeding with an Ordinance which seeks to clarify language related to compatibility, permissible density and allowable building types in the Residential Preservation zoning district in an effort to provide additional clarity and certainty of development standards to property owners and adjacent neighborhoods. This agenda items seeks Board approval to schedule the first and only Public Hearing to adopt these recommended changes.

In July 1990, the Board adopted the Tallahassee-Leon County Comprehensive Plan, which established the Residential Preservation (RP) Future Land Use Category (Policy 2.2.3, Land Use Element). A subsequent RP zoning district (Section 10-6.617, Land Development Code) was established by the Board in 1992 to implement the RP Future Land Use Category contained in the Comprehensive Plan. Due to the extent of existing residential development, the RP district became one of the largest land use districts in the County. Currently, it is the County's largest district within the Urban Service Area (USA) comprising nearly 33% of the total land area.

When initially adopted, the RP zoning district provided a specific formula for calculating allowable density. Densities for parcels not located within a recorded or unrecorded subdivision (metes and bounds parcels) were limited to no greater than 25% of the densest residential land contiguous to the proposed development. In situations where there was no existing contiguous residential development, the allowable density was limited to no greater than 25% of the densest residential development within ¼ mile. This policy was often difficult to implement and continued a development pattern that inefficiently utilized land and infrastructure, which was in conflict with the Policies of the Comprehensive Plan for development within the USA.

In 2003, the Board established the Residential Land Availability and Affordability Committee to address concerns noted by the real estate and development communities and the Tallahassee Builders Association, regarding a perceived lack of available land for development. This Committee, which included members of Leon County neighborhood associations, provided a report to the Board in July 2004 that noted the need to clarify the allowable density for development within the RP zoning district, especially for those properties located outside of recorded and unrecorded subdivisions. In addition, the Committee found that the density of undeveloped parcels within the RP zoning district was being inhibited by older, lower density development nearby, much of which was developed prior to the availability of urban services, specifically central water and sewer. While the associated regulations were ensuring strict compatibility with surrounding development, they were also preventing the most efficient use of land within the USA. The optimization of underdeveloped land within the USA is a primary tenet of the Comprehensive Plan and serves to achieve many of its most important goals. As a result of the Committee's report and recommendations, the Board directed staff to implement a number of the Committee's findings, including the removal of existing density-limiting restrictions for metes and bounds properties with available urban infrastructure.

In February of 2005, after review by the Development Support and Environmental Management Citizen's User Group and a consistency determination by the Planning Commission, the Board adopted amendments to the Comprehensive Plan and RP zoning district which allowed for the more efficient use of available urban infrastructure for new development within the USA. These amendments replaced the 25% density increase limitation on metes and bounds parcels, outside of unrecorded and recorded subdivisions, with low density residential defined in the Land Development Code as a gross density of up to six dwelling units per acre. The amendments also contained new provisions intended to clarify allowable development types (single family detached, single family attached, etc.) in the RP zoning district by removing the consideration of existing density in adjacent subdivisions from being the primary driver of the allowable density on nearby undeveloped properties.

An analysis of the RP zoning district was previously brought to the Board on January 24, 2017, whereby staff was directed to proceed with determining appropriate site-specific residential zoning designations for parcels outside of recorded or unrecorded subdivisions and within the USA. Subsequent to this action, an administrative challenge was filed against the County for its approval of a residential development within the RP zoning district which delayed consideration of site-specific zoning designations.

At the Public Hearing on January 23, 2018, the Board adopted a recommended order from the Division of Administrative Hearings regarding a proposed residential development within the RP zoning district, thereby approving the Brookside Village residential subdivision. At this meeting, the Board also directed staff to provide a status report on the analysis of the RP zoning district and to include any potential enhancements noted during the review of Brookside Village that may need to be addressed.

On May 8, 2018, the Board provided authorization for staff to proceed with an Ordinance which seeks to clarify language related to compatibility, permissible density and allowable building types in the RP zoning district in an effort to provide additional clarity and certainty of development standards to property owners and adjacent neighborhoods.

Analysis:

The primary purpose of the RP district is to protect existing residential areas from incompatible land uses and density intrusions. The district expressly prohibits commercial, retail, office, and industrial uses. Non-residential uses permissible within the district are limited to community services (libraries, religious facilities, police/fire stations, etc.). In addition, the Comprehensive Plan outlines specific performance criteria for measuring compatibility when non-residential uses are proposed adjacent to RP zoned properties [Policy 2.2.39(e)].

The RP zoning district currently allows densities of zero to six dwelling units per acre, but is silent on development standards such as lot size, building height, impervious area and setbacks. These standards are established during the site and development plan review and approval

process. While this approach provides flexibility for the site designer, it does not provide the developer and neighboring residential areas the certainty typical of other more prescriptive zoning districts. As a result, the Board directed staff in January of 2017 to proceed with an analysis of RP zoned metes and bounds parcels within the USA to identify enhancements that could provide more certainty while ensuring consistency with Comprehensive Plan policies and objectives for urban development.

Many existing subdivisions inside the USA were developed prior to the adoption of the Comprehensive Plan, lacked available urban infrastructure, or did not protect environmentally sensitive features in a stand-alone conservation easement. This resulted in larger lots and much lower densities. Urban infrastructure has since been extended to many of these areas and, along with it, the ability to more efficiently utilize existing, undeveloped land. While continuing to develop these areas in a low-density manner would ensure compatibility with existing development, it would also be inconsistent with many of the growth management goals of the Comprehensive Plan and results in the inefficient use of major infrastructure investments within the community.

The recently approved Brookside Village residential subdivision demonstrated the concerns from adjacent, established subdivisions regarding permissible density, lot size, and the use of clustering as a design technique to ensure preservation of onsite environmental features within the RP zoning district. In their objections to the subdivision, adjacent residents and their legal counsel pointed to some of the more abstract language regarding compatibility and density in the Land Development Code description of the RP zoning district. These same objections are now being raised over another RP residential development currently under review, the Retreat at Mahan. In both situations the adjacent subdivisions were established prior to the adoption of the Comprehensive Plan and before urban infrastructure was extended to these areas, to provide adequate support for the increased density.

Upon analysis of the RP zoning district, and the specific concern raised during these recent residential development application review processes, staff recommends immediately clarifying language under the purpose and intent section of the RP zoning district. These changes include, but are not limited to, removing the following provision from the district intent which has been found to be misinterpreted in objections to residential development:

> Compatibility with surrounding residential type and density shall be a major factor in the authorization of development approval and in the determination of the permissible density.

More specifically, the recommended draft Ordinance presents a reformatted description of the RP zoning district to further clarify permissible density, allowable building types, and applicable development standards, particularly for development proposals on metes and bounds parcels. These changes would not alter the existing density calculation of up to six units per acre. The draft Ordinance will also require at least one Public Hearing before the Board prior to final disposition. It is important to note that this proposed revision would not have prohibited the site

plan approval for the Brookside Village had it already been in place. However, it does provide the developer and neighboring residential areas with greater certainty of the allowable development activity for the RP district. Any changes to permissible density or allowable building types in RP should be addressed through amendments to the Comprehensive Plan.

In addition, the Tallahassee-Leon County Planning Department has undertaken a comprehensive update to the Land Use and Mobility Elements of the Comprehensive Plan. This update includes evaluation of the RP future land use category which will be incorporated into the analysis of the Land Use Element as a whole, and the RP land use category specifically. It is anticipated this process will result in amended or new Comprehensive Plan goals and objectives for the RP future land use category that reflect a countywide vision for future growth and development.

The latest status report on the Comprehensive Plan reform process was provided to the Board on February 27, 2018, and included five goals for the Land Use and Mobility Element (Attachment #2). Planning is conducting a second round of community outreach and will bring back the revised goals for the Land Use and Mobility Element to the Board in the summer. By fall 2018, Planning will present the draft revisions to the Land Use and Mobility Elements for the Board's consideration.

On May 8, 2018, staff provided the Board with a status report which provided an analysis of the RP zoning district and the Board authorized staff to proceed with drafting an Ordinance. As a result, staff recommends the Board schedule a Public Hearing to consider the proposed Ordinance to clarify language related to compatibility, permissible density and allowable building types in the RP zoning.

DSEM Advisory Committee of Quality Growth Comments

Staff presented the proposed Ordinance to the DSEM Advisory Committee of Quality Growth for review and recommendations at their May 21, 2018 meeting. During this meeting, the Committee discussed the following topics: maximum number of units per acre and how density is calculated, minimum lot sizes and why they are not required in the RP zoning district, potential impacts to adjacent property owners, and how future Comprehensive Plan reform will address the character of neighborhoods. The Committee noted an inconsistency regarding the limitation on square footage of community service facilities, which has been incorporated into this revision.

Planning Commission

The proposed Ordinance is scheduled to be heard before the Planning Commission on August 7, 2018 at 6:00 p.m. Recommendations from the Planning Commission will be noted in the agenda item for the Board's Public Hearing on the proposed Ordinance.

Options:

1. Schedule the first and only Public Hearing to adopt a proposed Ordinance amending Section 10-6.617 of the Land Development Code, Residential Preservation (Attachment #1), for September 4, 2018 at 6:00 p.m.
2. Do not schedule the first and only Public Hearing to adopt a proposed Ordinance amending Section 10-6.617 of the Land Development Code, Residential Preservation, for September 4, 2018 at 6:00 p.m.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Ordinance
2. Draft Land Use and Mobility Element Goals

ORDINANCE NO. 18-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-6.617 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "RESIDENTIAL PRESERVATION"; RENAMING SECTION 10-6.617 TO "RESIDENTIAL PRESERVATION (RP) ZONING DISTRICT"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to clarify the intent of the Residential Preservation zoning district specifically with regard to the allowable densities of new development while protecting existing and established residential development;

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

SECTION 1. Section 10-6.617 of Article VI of Chapter 10 of the Code of Laws of Leon County, Florida, entitled "Residential Preservation," is hereby renamed as "Residential Preservation (RP) Zoning District" and is amended to read as follows:

Sec. 10-6.617 - Residential Preservation (RP) Zoning District.

~~Sec. 10-6.617. - Residential preservation.~~

~~(a) *Purpose and intent.* The residential preservation district is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land uses and density intrusions. Commercial, retail, office, and industrial activities are prohibited. Certain nonresidential activities may be permitted, such as home occupations consistent with the applicable provisions of section 10-6.803; community services and facilities/institutional uses consistent with the applicable provisions of section 10-6.806; and churches, religious organizations, and houses of worship. Single-family, duplex residences, manufactured homes, and cluster housing may be permitted within a range of zero to six units per acre. Compatibility with surrounding residential type and density shall be a major factor in the authorization of development approval and in the determination of the permissible density.~~

~~(1) In residential preservation areas outside the urban service area, the density of the nonvested development in residential preservation areas shall be consistent with the underlying land use category.~~

~~(2) In residential preservation areas inside the urban services area, new residential development densities shall be consistent with those within the developed portions of the recorded or unrecorded subdivision in which they are located. Consistency for the purposes of this paragraph shall mean that proposed lots shall not be smaller than the smallest lot that was created by the original subdivision plat or any subsequent replat that may have occurred consistent with county land development regulations in effect at the time.~~

DRAFT

~~(3) When new residential development inside the urban services area is proposed for an area not located within a recorded or unrecorded subdivision, densities shall be permitted in the range of zero to six dwelling units per acre consistent with the availability of central water and sewer service to accommodate the proposed development. If central water and sewer service is not available, density shall be limited to a maximum of two dwelling units per acre consistent with all applicable provisions of the Environmental Management Act.~~

~~(4) Notwithstanding the provisions of subsection 10-6.617(a)(2) above, existing lots in a recorded or unrecorded residential subdivision zoned residential preservation may be resubdivided up to a maximum density of six dwelling units per acre provided that the parent lot directly abuts an existing arterial or major collector roadway that was not constructed as part of the subdivision's roadway network. This provision shall not apply to lots whose current designated primary access is from a street internal to the recorded or unrecorded subdivision zoned residential preservation. Existing lots of record with no current frontage on a major collector or arterial roadway, as specified above, cannot be aggregated to benefit from the provision of this section.~~

~~The following factors shall be used to determine the maximum allowed number of lots per acre created pursuant to this subsection: a) the availability of water and sewer to accommodate the proposed development as cited in subsection 10-617(a)(3) above; b) compliance with applicable local and/or Florida Department of Transportation (FDOT) roadway connection standards c) the mitigation of any adverse impacts on the transportation network, and d) compliance with any other applicable provisions of the Land Development Code, including those pertaining to environmental protection. Acceptable mitigation for impacts to the transportation network include a common ingress/egress access point for all newly created lots, frontage roadways, or any other solution that mitigates the adverse impacts on the transportation network as determined by the director.~~

~~(5) Allowable development type shall be construed to mean the following:~~

~~a. Parcels proposed for residential which are located in a recorded or unrecorded subdivision shall develop consistent with the type of residential development pattern located inside the recorded or unrecorded subdivision.~~

~~b. Parcels proposed for residential which are located inside the urban service area and not in a recorded or unrecorded subdivision shall develop consistent with the type of residential development pattern located adjacent to the vacant parcel.~~

~~c. Parcels proposed for residential development surrounded by a mix of conventional single-family homes and manufactured homes, shall be developed for conventional single-family homes.~~

~~d. Parcels proposed for residential development surrounded by a mix of single-family and duplex development shall be developed for single-family use, unless duplex residential development is the predominant type.~~

~~e. The placement of standard design manufactured homes and mobile homes shall be allowed in manufactured home parks, in subdivisions platted explicitly for allowing manufactured homes, or as a replacement unit for any lawfully existing manufactured home consistent with the provisions of article XII of this chapter.~~

DRAFT

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

(1) Low-density residential.

(2) Passive recreation.

(3) Active recreation.

(4) Community services.

(5) Light infrastructure.

(c) *List of permitted uses.* Some of the uses on these schedules are itemized according to the Standard Industrial Code (SIC). Those uses or activities permitted through special exception shall require review and approval by the Board of County Commissioners consistent with the provisions of section 10-6.611. Allowable uses, appropriate permit level and applicable development and locational standards in the residential preservation district are as follows:

P = Permitted use R = Restricted use S = Special exception

DRAFT

1

Legend					
LR	=	Low-density residential	CS	=	Community services
PR	=	Passive recreation	LI	=	Light infrastructure
AR	=	Active recreation			

2

		Development and Locational Standards				
SIC Code	Name of Use	LR	PR	AR	CS	LI
	RESIDENTIAL					
	Dwelling, one-family	P				
	Dwelling, two-family	R				
	Dwelling, mobile home	P				
	Mobile home park	S				
	SERVICES					

DRAFT

	~~Elementary and secondary schools legally established and in existence as of July 1, 2015, including expansions to existing facilities~~				~~S~~	
	~~Religious organizations~~				~~S~~	
	~~**PUBLIC ADMINISTRATION**~~					
~~922~~	~~Public order and safety~~				~~S~~	
~~9221~~	~~Police protection~~				~~S~~	
~~9224~~	~~Fire protection~~				~~S~~	
	~~**RECREATION**~~					
	~~Hiking and nature trails~~		~~P~~			
	~~Picnicking~~		~~P~~			
	~~Canoe trails~~		~~P~~			
	~~Bicycle trails~~		~~P~~			
	~~Horseback riding trails~~		~~P~~			
	~~Tot lots~~			~~P~~		
	~~Court sports~~			~~P~~		
	~~Field sports~~			~~P~~		

DRAFT

-

Placement of new mobile homes are limited to the following areas: existing mobile home parks; and platted mobile home subdivisions. New mobile homes shall also be allowed as replacements of lawfully existing mobile homes in other locations. New mobile home parks may be established as per the provisions set forth in section 10-6.807.

(d) *Development standards.* All proposed development shall meet the applicable buffer zone standards as outlined in section 10-7.522. For residential development in recorded or unrecorded subdivisions, the development standards including front, rear, side, and side corner yard setbacks for new residential development shall be consistent with the developed portions of the recorded or unrecorded subdivision in which it is located. For new residential development in residential preservation areas not located in recorded or unrecorded subdivisions, the applicable development standards including, but not limited to front, rear, side, and side corner yard setbacks shall be established at the time of subdivision and site and development plan review.

(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 16-07 , § 4, 5-10-16; Ord. No. 17-01 , § 5, 1-24-17)

DRAFT

1

1. District Intent	2. Principal Uses	3. Special Exceptions	4. Prohibited Uses
The purpose and intent of the RP zoning district is to allow for neighborhood-scale development in a manner that is sensitive to the character of existing residential areas. Principal uses within the district shall include residential development and neighborhood supportive facilities such as community services, recreational amenities, and light infrastructure.	(1) Single-family detached dwellings, including Residential Design Manufactured Homes and Standard Design Manufactured Homes (2) Single-family attached dwellings (3) Two-family dwellings (4) Home occupations, consistent with the applicable provisions of Section 10-6.803 (5) Passive recreation (6) Light infrastructure	(1) Community services (2) Expansions to elementary and secondary schools legally established and in existence as of July 1, 2015 (3) Mobile home/manufactured home parks (4) Active recreation	(1) Commercial uses (including retail) (2) Office uses (3) Industrial uses

DEVELOPMENT STANDARDS

5. Parcels Outside the Urban Service Area (USA):

(1)	**Density:** Shall be consistent with the underlying future land use category.
(2)	**Building Type:** Shall develop as single-family detached, which includes Residential Design Manufactured Homes (RDMH) and Standard Design Manufactured Homes (SDMH) as outlined in Article XII, Manufactured Housing.

DRAFT

(3)	**Building Setbacks:** Shall be consistent with the setbacks for the recorded or unrecorded subdivision, as determined by the Department of Development Support and Environmental Management. If on a metes and bounds parcel, the setbacks shall be determined at the time of site and development plan review.

6. Parcels Inside the Urban Service Area (USA) Within a Recorded or Unrecorded Subdivision:

Consistency with surrounding residential building type and density shall be a consideration in granting development approval, notwithstanding the exceptions noted below.

(1)	**Density:** No newly created lot shall be smaller than the smallest lot of record approved as part of the original recorded (platted) or unrecorded subdivision, or any approved reconfiguration or re-plat that may have occurred consistent with the land development regulations in effect at that time. **Exception:** If the parcel proposed for subdivision abuts an existing arterial or major collector roadway that was not constructed as part of the subdivision's roadway network, then the lot shall be considered akin to a metes and bounds parcel and may be re-subdivided per the densities outlined herein: (a) When central water/sewer is available, a maximum gross density of six (6) dwelling units per acre is allowed; or (b) When no central water/sewer is available, a maximum gross density of two (2) dwelling units per acre is allowed, consistent with all the applicable provisions of the Environmental Management Act.
(2)	**Building Type:** Shall develop consistent with the predominant (>50%) residential building type (single-family detached, single-family attached, two-family, manufactured home, etc.) located inside the recorded or unrecorded subdivision. **Exception**: If the parcel proposed for subdivision has been determined to be akin to a metes and bounds parcel, as outlined in the density section above, then it shall be allowed to develop with single-family attached, detached or two-family dwellings, or any combination thereof, notwithstanding the predominant type of development within the original recorded or unrecorded subdivision. If single-family detached units are located directly adjacent to the proposed development, then the development shall provide single-family detached units along these perimeter property boundaries, with the more intensive development type (attached, two-family) located internal to the development.
(3)	**Building Setbacks:** Shall be consistent with the setbacks for the recorded or unrecorded subdivision as determined by the

DRAFT

	Department of Development Support and Environmental Management. **Exception**: If the parcel proposed for subdivision has been determined to be akin to a metes and bounds parcel, as outlined in the density section above, then it shall be allowed to develop applicable building setbacks at the time of site and development plan review that shall be reviewed and approved by the County Administrator or designee.
7. Parcels Inside the Urban Service Area (USA) Not Within a Recorded or Unrecorded Subdivision (Metes and Bounds Parcels):	
(1)	**Density:** (a) When central water/sewer is available, a maximum gross density of six (6) dwelling units per acre is allowed. There is no minimum lot size requirement and a transfer of development units [Policy 4.2.5, Conservation Element of the Comprehensive Plan] shall be allowed in order to meet provisions of the Environmental Management Act, Comprehensive Plan goals, objectives and policies, or to provide open space and recreational opportunities for residents of the proposed development. (b) When no central water/sewer is available, a maximum of two (2) dwelling units per acre is allowed, consistent with all the applicable provisions of the Environmental Management Act.
(2)	**Building Type:** Shall be allowed to develop with single-family detached, attached or two-family dwellings, or any combination thereof. If single-family detached units are located directly adjacent to the proposed development, then the development shall provide single-family detached units along these perimeter property boundaries, with the more intensive development type (attached, two-family) located internal to the development.
(3)	**Building Setbacks**: To be developed at the time of site and development plan review and shall be reviewed and approved by the County Administrator or designee.
8. Community Services and Facilities/Institutional Uses: All community service and facilities/institutional uses shall meet the applicable provisions of Section 10-6.611 (special exception and restricted uses) and Section 10-6.806 (community services and facilities/institutional services). Special exception uses require review and approval of by the Board of County Commissioners.	
(1)	**Intensity:** Community service facilities are limited to a maximum of 5,000 square feet of building area, or a sewage flow estimated not to exceed 900 gallons per day, when central sanitary sewer is not available. Refer to Sanitary Sewer Policy

DRAFT

	2.1.12 of the Comprehensive Plan for additional requirements.
(2)	**Building Setbacks:** Building and parking setbacks are to be developed at the time of site and development plan review and shall take into consideration potential impacts to adjacent development.
(3)	**Lighting:** On-site lighting shall be consistent with the "Dark Sky Friendly" guidelines. All exterior lighting shall have recessed bulbs and filters which conceal the source of illumination. No wall or roof mounted flood or spot lights shall be used as general grounds lighting. Lighting for parking areas shall not exceed 15 feet in height as measured from average grade to the light fixture. Lighting at the property line (six feet above ground) shall not exceed 0.1 foot candles when adjacent to residential uses.
(4)	**Buffers:** Perimeter buffering shall be a minimum of a Type B landscape standard and shall include an eight-foot (height) opaque wooden fence. The buffer fence may include the use of berms for visual screening, and shall be located internal to the required landscape buffer with at least half of the plantings being located on the least intensive side of development.
9. Mobile Home Parks: New mobile home parks may be established as per the provisions set forth in Section 10-6.807. The placement of new mobile/manufactured home is limited to existing mobile home parks, platted mobile home subdivisions or as a replacement for an existing lawfully established mobile/manufactured home in other areas.	
10. Buffer Zone Standards: Unless expressly noted above, all proposed development shall meet the minimum landscape buffer standards in Section 10-7.522.	

GENERAL NOTES:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and nonresidential development is limited to a maximum of 5,000 square feet of building area or a sewage flow estimated not to exceed 900 gallons per day. Refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).

DRAFT

SECTION 2. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Effective date. This ordinance shall be effective according to law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this ____ day of _____, 2018.

LEON COUNTY, FLORIDA

BY: _____
NICK MADDOX, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:
GWENDOLYN MARSHALL, CLERK OF THE COURT
AND COMPTROLLER
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

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

DRAFT

Tallahassee-Leon County Comprehensive Plan
Draft Land Use and Mobility Element Goals
February 12, 2018

Draft Goal 1 [LM] -A Healthy Community:

Our community will maintain a healthy environment comprised of neighborhoods, activity centers places of employment, and natural areas designed and built to be lively, inclusive, safe, and sustainable.

To maintain a healthy environment our community will protect and improve the quality of its: air, potable water, soils, forests, natural water bodies and waterways while also protecting habitats for native plants and animals. Valuable or irreplaceable natural resources will be conserved. All residents and visitors to our community will have access to vitally important open spaces. To achieve this goal, our community will:

- Identify natural resources that contribute to human well-being.
- Prioritize the preservation of natural areas (including conservation areas, environmentally sensitive features and water resources) when making land use and transportation decisions.
- Provide access and opportunities for active and passive recreation, open spaces, greenways and parks.
- Coordinate with neighboring local governments, and regional, state, and federal agencies to cooperatively manage natural resources extending beyond jurisdictional boundaries.

The planning for healthy neighborhoods, activity centers, places of employment, and natural areas will treat all citizens equitably and provide opportunities for citizen involvement while recognizing the importance of private property rights. Planning and development of a healthy community will addresses the importance of school siting, community context and access to:

- Employment
- Parks and recreational opportunities
- Transportation options
- Health services and healthy food options
- Schools and educational opportunities

DRAFT

Draft Goal 2 [LM] – A Robust Economy:

Our community will foster a robust economy by enhancing the ability to:

- Increase access to employment opportunities by locating jobs proximate to the homes of people that can provide critical talent in skilled trades.
- Reduce barriers to starting and growing businesses.
- Retain and create new enhanced employment opportunities that emphasize Tallahassee-Leon County's target industries.

Land use and transportation strategies will support a robust economy through:

- Innovation districts and the clustering of mutually beneficial businesses.
- Access to educational and training facilities.
- Connections to roadways, rail, transit, and aviation systems.
- The appropriate location of manufacturing and distribution facilities.

Our community will strive to facilitate the development, attraction, and cultivation of innovative businesses to foster a robust, financially sustainable economy. Associated job creation will help position the economy for sustained, directed growth, raising the quality and standard of living for the citizens of Tallahassee-Leon County.

DRAFT

Draft Goal 3 [LM] – Places Where People Want to Live, Work, and Play:

Our community will maintain and build places where people want to live, work and play to:

- Provide diverse and expanded lifestyle choices.
- Foster economic development in urban areas and identified activity centers.
- Promote efficient and financially feasible development patterns.
- Maintain distinct development patterns between urban, sub-urban, and rural areas.
- Plan for reduction of urban sprawl while focusing on revitalization efforts to mitigate sprawl.
- Reduce infrastructure costs while recognizing the overall importance of resulting financial viability/sustainability.
- Benefit from viable and sustainable growth.
- Protect agricultural and forestry uses.
- Preserve natural resource-based activities, ecosystem functions and services, hazard protections, cultural resources, and scenic landscapes
- Promote development practices to support:

    - Neighborhoods that are diverse in use and population.
    - Communities that are mutually designed for pedestrians, transit, bikes and cars.
    - Places that are designed and built to be inclusive and accessible.
    - Urban areas framed by locally or regionally derived architecture and landscape design that celebrate local history, climate, and ecology.

DRAFT

Draft Goal 4 [LM] – Greater Housing Diversity:

Our community will strive for greater diversity of the housing stock to:

- Expand affordable housing opportunities and options for people with varying income levels.
- Promote housing options that accommodate an increased population supported by transit or on-demand transportation and non-motorized forms of transportation.
- Support the following principles that offer greater flexibility for people in different stages of life and with different abilities:
    - Accessible outdoor spaces and buildings that can be used and enjoyed by people of all ages.
    - Transportation options that provide non-vehicular drivers with rides to and from healthcare facilities.
    - Housing designed or modified to accommodate aging in place.
    - The availability of accessible, affordable, educational and engaging social activities.
    - Places for intergenerational activities where both young and old can learn from one another to honor what each has to offer.
    - Opportunities for the elderly to work for pay, volunteer their skills and be actively engaged in community life.
    - Public spaces that support interaction and the spread of information through a variety of means.
    - Accessible and affordable health and community services.

While working toward greater housing diversity, our community will protect the character of existing, viable residential areas through neighborhood design and building types.

DRAFT

Draft Goal 5 [LM] – A Balanced Transportation Network:

Our community will have a balanced and viable transportation network with location-appropriate options so pedestrians, bicyclists, motorists and public transportation users of all ages/abilities can travel safely and conveniently throughout the community.

The transportation network shall:

- Include streets, sidewalks, bicycle facilities, shared use paths, trails, airport facilities, transit, and on-demand options.
- Account for land use context, right-of-way constraints, as well as the short-term and long-term costs of transportation infrastructure.
- Incorporate emerging technologies.
- Provide safe routes to schools and options for the transportation disadvantaged and vulnerable road users.
- Distribute the benefits and burdens of transportation projects equitably.
- Maintain adopted quality of service measures.

Our community will coordinate with neighboring local governments and regional, state, and federal agencies to cooperatively plan and manage a balanced transportation network. This coordination will help maximize funding and development opportunities.

DRAFT

Leon County
Board of County Commissioners

Notes for Agenda Item #20

Leon County Board of County Commissioners

Agenda Item #20

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Status Update on the County's Clean Energy Commitment and the City of Tallahassee's Steps to Develop a Clean Energy Plan

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Maggie Theriot, Director, Office of Resource Stewardship
Lead Staff/ Project Team:	Tessa Schreiner, Recycling and Sustainability Manager

Statement of Issue:

As requested by the Board at the May 22nd meeting, this item provides an update on the status of the City of Tallahassee's steps to develop a Clean Energy Plan and provides a summary of the County's existing Clean Energy commitment.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the Status Update on the County's Clean Energy Commitment and the City of Tallahassee's steps to develop a Clean Energy Plan.

Report and Discussion

Background:

At the May 22, 2018 meeting, the Board directed staff to provide an update on the City of Tallahassee's steps to develop a Clean Energy Plan including how the County and City can work collaboratively on this issue and an opportunity for the Board to further discuss a clean energy commitment and goal date. This agenda item provides a status update on the City of Tallahassee's Clean Energy Plan progress and a summary of analysis regarding the contemplation of a 100% Renewable goal.

Analysis:

Update on the City of Tallahassee's Clean Energy Plan

In fall 2017, a group of citizens attended both the City Commission and County Commission meetings to ask each entity to declare a goal to reach 100% renewable energy by the year 2035. This concept is supported by a 2017 Resolution adopted by US Conference of Mayors, and 65 cities and nine counties around the United States have made the commitment.

At the October 25, 2017 City Commission meeting, citizens requested the City Commission commit to achieving a goal of 100% renewable energy by 2035. In response, the City Commission "directed staff to bring back to the Commission a recommendation for a community-wide plan, with clear benchmarks/measurements and citizen involvement, for reaching a renewable energy goal of 100% for Tallahassee by 2035." City staff has not yet brought back an agenda item to the City Commission with a recommendation, but has hired a consultant to create a Clean Energy Plan Study Design.

Per the Board's request, the County Administrator discussed the matter with the Interim-City Manager. The Clean Energy Plan Study Design entails reviewing the City's objectives for developing a Clean Energy Plan and crafting a recommended study design for the plan. The cost to the City for the Study Design is estimated to be $47,000. The deliverable would outline next steps to take in developing a plan. A timeline for the completion of the Study Design or consideration of next steps by the City Commission has not been finalized.

Pending the outcome of the City's study, there may be future opportunities for the County to contribute towards the City's pursuit of clean energy. As recommended by staff during the April budget workshop and approved by the Board, the County is currently pursuing the installation of several demonstration solar arrays on County facilities. As part of the solar installation process, the County and City collaborate through net metering arrangements and the City assists in optimizing the design of the solar arrays.

In addition to the Clean Energy Plan Design Study, the first phase of the City's solar farm came online at the beginning of this year. This phase features a 20 megawatt (MW) system that offsets approximately 2% of the utility's production, with the arrays occupying 120 acres of land owned by the Tallahassee International Airport. The next phases of the City's solar farm will add an

additional 40MW of solar, which will bring the City's total utility production offset to 6% when complete. As a utility, the City of Tallahassee has an opportunity to procure this large scale solar farm through a Power Purchase Agreement (PPA). This type of agreement allows a third party to construct, own, and operate the solar farm and then sell the energy produced by the arrays to the City of Tallahassee at an agreed-upon price schedule for the first 20 years. In doing this, it is anticipated the City will avoid the project development cost of $33.2 million for the 20 MW. This type of energy purchase agreement is only available to utilities in the state of Florida, so the County or other non-utilities are unable to enact similar cost avoidance tools for large-scale energy production such as "solar farms".

100% Renewable Energy by 2035

At the November 14, 2017 meeting, a group of citizens asked the County to commit to the goal of reaching 100% renewable energy for the entire community and internal operations by the year 2035. The Board requested that staff include analysis on the pledge to reach 100% renewable energy by 2035, while taking a holistic look at efforts to develop an action plan. In the December 12, 2017 agenda item (Attachment #1), staff included an analysis on the 100% renewable energy commitment. In summary, analysis indicates that there are multiple aspects of the 100% renewable energy goal that pose considerable challenges for Leon County to reasonably and realistically achieve the lofty goal.

As Leon County does not run a utility, the County does not control the purchase of energy like the City of Tallahassee and Talquin Electric Cooperative. In addition, as a non-utility, Leon County does not have access to large-scale renewable energy purchasing tools like power purchase agreements. The second challenge is the limited renewable energy opportunities in Leon County. For municipalities in other parts of the United States, a renewable energy portfolio might contain a combination of wind, solar, geothermal, and hydroelectric. However, in Leon County, the opportunities to effectively utilize other renewable energy sources other than solar are limited. The third challenge is the cost and space needed for solar energy. While the cost has decreased significantly in recent years, the initial cost to install solar is still high. If Leon County were to install enough solar energy to offset the utilities on just County-owned buildings, the cost is estimated to exceed $50 million at current prices. Furthermore, the United States has recently imposed high solar tariffs on all imported solar panels, so prices are expected to increase. In addition, a significant amount of space is required to install solar panels at a large scale, and purchasing enough just to offset County operations would exceed the County's capacity both on rooftops as well as open usable land.

While a goal of 100% renewable energy by 2035 is a highly aspirational target, Leon County Government has very little direct control in achieving this goal. The County has however, shown support of this goal by becoming the first County in the nation to sign the Sierra Club's Mayors for 100% Clean Energy Endorsement, which includes a commitment to working with other community partners to realize a vision of 100% renewable energy. In addition, the County initiated the development of the Capital Area Sustainability Compact along with some of the largest organizations in the community. The Compact provides a way for the member organizations to work together and share resources on a variety of sustainability topics including, but not limited to, energy conservation, waste reduction, transportation, and food.

As approved by the Board at the May 22, 2018 meeting, the County is also moving forward with conducting an updated Greenhouse Gas (GHG) inventory for County operations and updating the County's Sustainability Action Plan for internal operations. This plan will further the accomplishments of the 2008 Action Plan which has resulted in more than 20% reduction in greenhouse gas emissions from County operations such as buildings, fleet and waste reduction. The daily programmatic efforts of the Office of Sustainability, heightened by the upcoming Action Plan will further drive the County's continued sustainability progress and set goals for future accomplishment.

Options:

1. Accept the Status Update on the County's Clean Energy Commitment and the City of Tallahassee's steps to develop a Clean Energy Plan.
2. Do not accept the Accept the Status Update on the County's Clean Energy Commitment and the City of Tallahassee's steps to develop a Clean Energy Plan.
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. *Annual Sustainability Program Status Report and Update on the 2008 Climate Action Plan* Agenda Item

Leon County Board of County Commissioners

Agenda Item #14

December 12, 2017

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Annual Sustainability Program Status Report and Update on the 2008 Climate Action Plan

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Maggie Theriot, Director, Office of Resource Stewardship
Lead Staff/ Project Team:	Tessa Schreiner, Recycling and Sustainability Manager Annya Shalun, Sustainability Programs Coordinator

Statement of Issue:

Annually, a status report is provided to the Board highlighting accomplishments of the County's Sustainability program's activities for the prior year. In addition, this year's report provides an update on the *2008 Climate Action Plan for Leon County Operations*, and a preliminary analysis of the "100% Renewable by 2035" initiative. Finally, in collaboration with Sustainable Tallahassee, the agenda item provides recommended next steps in evaluating the development of a community-wide climate action plan.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the annual status update on the County's Sustainability Program.

Option #2: Accept the status report on the 2008 Climate Action Plan for Leon County operations.

Option #3: Authorize staff, in collaboration with Sustainable Tallahassee, to pursue next steps in the evaluation of developing a community-wide Climate Action Plan.

Option #4: Direct staff to work with the Sierra Club to allow the County to participate in the "Mayors for 100% Clean Energy Endorsement" and prepare a future agenda item for Board consideration.

Report and Discussion

Background:

Each year, the Office of Sustainability provides the Board with an annual program update that summarizes the Office's accomplishments and outlines several programs and projects on the horizon for the next year. In addition to the annual program update, at the September 20, 2017 Board Meeting, the Board requested staff to provide an update on the 2008 Climate Action Plan for Leon County operations. Subsequently, at the November 14, 2017 meeting, as requested by several citizens in support of the "100% Renewable by 2035" initiative, the Board also requested staff to analyze the feasibility of pursuing 100% renewable energy in Leon County by the year 2035.

Finally, taking into consideration the extensive amount of programs being implemented by Leon County's Office of Sustainability, the update to the 2008 Plan, and the renewable 2035 initiative, this agenda item concludes by recommending collaborating with Sustainable Tallahassee in pursuing a preliminary evaluation of how a community-wide sustainability action plan could be developed. After having sought the organization's initial support for the concept the next proposed step is for Leon County staff together with Sustainable Tallahassee to approach the community's largest organizations (e.g., Florida State, City of Tallahassee, etc.) in order to solicit their level of interest in joining a collaborative approach to creating a community-wide climate action plan.

This agenda item includes updates on topics essential to the following FY2017-FY2021 Strategic Initiatives that the Board approved at the January 24, 2017 meeting:

- Develop strategies to increase recycling and reuse rates. (2016-14)
- Convene the Leon County Sustainable Communities Summit on a bi-annual basis (2016-16)
- Successfully launch a commercial and residential Property Assessed Clean Energy (PACE) program and identify opportunities, including the Leon County Spring Expo, to train industry professionals on sustainable building practices for participation in the PACE program. (2016-19)
- Explore new opportunities for solar on County facilities. (2016-21)

These particular Strategic Initiatives align with the Board's Environment Strategic Priorities and 5-year Targets:

- Conserve and protect environmentally sensitive lands and our natural ecosystems. (EN2)
- Promote orderly growth and sustainable practices. (EN3)
- Reduce our carbon footprint. (EN4)
- Ensure 100% of new County building construction, renovation and repair utilize sustainable design. (T6)

Analysis:

ANNUAL SUSTAINABILITY PROGRAM STATUS REPORT

The Office of Sustainability provides the Board with regular updates on the County's Resource Stewardship/Sustainability activities. The reports contain a brief summary of community engagement and education efforts, and updates on major initiatives, both recently completed and pending. This status report reviews the activities from October 2016 through October 2017.

The County's Resource Stewardship/Sustainability activities are organized by three areas, 1) Resource Conservation; 2) Policy & Program Administration, and 3) Civic Engagement and Community Partnerships.

1. Resource Conservation

The Office of Sustainability is constantly striving to find more ways to promote and implement resource conservation methods in Leon County.

PACE Financing Program:

In February 2017, the Board adopted the Resolution joining the Florida Resiliency and Energy District (FRED) Property Assessed Clean Energy (PACE) Program, approved the Limited Purpose Party Membership Agreement between Leon County and FRED. The PACE program allows for the property assessed financing on energy improvements and weatherization upgrades for residential properties in Leon County. On August 8th, the County officially launched its residential PACE Program with Renovate America, the County's first residential PACE Administrator. Since its launch, 23 local contractors have been certified through the third party administrator, and eight homes have been improved with a total project value of $88,100. A total of 43 homeowners have been approved for PACE financing for future projects.

It is anticipated that within the next year, there will be multiple third party administrators offering PACE financing in Leon County. The third party administrator is responsible for training and vetting of vendors, energy-saving data collection and reporting, developing marketing materials, and facilitating the finance process. Staff continues to work with the third party administrator to ensure that the program exceeds citizens' expectations for quality and service, and will continue to explore more ways to connect with contractors and residents.

Reaching the State-wide 75% Recycling Goal

In 2008, the Florida Legislature enacted House Bill 7135, which set a recycling goal of 75% by 2020 for the State of Florida. Each county over 100,000 in population is expected to meet various benchmarks in years leading up to 2020. The benchmark for 2016 was 60%, and Leon County's rate increased by 1% to a 55% recycling rate. Leon County has achieved one of the highest traditional recycling rates in comparison to other similar counties. For comparison, none of Leon County's like counties hit the 60% goal in 2016.

The DEP recycling rate calculation is based on weight of materials, thus materials such as construction and demolition debris and yard debris make up a large percentage of the annual recycling and waste tonnage. Shifts in the recycling or landfilling of these materials can have a significant impact on the overall recycling rate. For example, the yard debris collected during Hurricane Hermine added an additional 3% to the 2016 recycling rate. On the other hand, thousands of tons of construction debris in the County were landfilled by contractors rather than recycled, which had a negative impact of 10% on the recycling rate. The County's recycling rate is also significantly impacted by the actions of the City of Tallahassee, which has the largest portion of the County's population and controls commercial recycling within city limits. Staff has been engaging with the City's Recycling and Solid Waste teams to find an effective and collaborative way to increase the recycling rate both in the City limits and in unincorporated Leon County.

The Office of Sustainability staff is researching and exploring creative ways to increase the recycling rate. Staff is also constantly expanding recycling education efforts to residents and businesses of unincorporated Leon County in efforts to reach the goal. Some examples of this include the creation of the Growing Green Education curriculum and lesson plans, the creation of the Recycling Video, and improved communication materials. In order to reach the 75% recycling goal, strong initiatives, programs and perhaps policies will need to be taken to increase participation numbers in both residential and commercial sectors. Staff is exploring potential initiatives and policies to further our success in reaching the goal, and this strategy will be brought to the Board for future consideration.

Energy Conservation Measures

The Office of Resource Stewardship's realignment of bringing Parks and Recreation, Facilities Management, Solid Waste, and Sustainability under the same department has expanded opportunities to further integrate sustainability into standard operating practices of each division. Although energy conservation measures have long been a standard practice in Leon County, Sustainability and Facilities staff have been working even closer together on tracking and reporting some of the achieved successes at County facilities, as well as identifying new opportunities for efficiencies. The following examples highlight several significant achievements:

- *Cost Savings from Conservation Measures* – In the past ten years, the County has made considerable strides in building efficiency upgrades, which have resulted in significant energy, water, and cost savings. To date, the County has realized more than $7 million in energy and operational savings from these upgrades. Sustainability staff has been working with Facilities Management to better measure the cost and energy savings from day-to-day upgrades, and a more detailed report will be included in future status reports to the Board.
- *Advancing Analysis* – Facilities and Sustainability are continuing to make data and utility analysis a high priority by working together to streamline building performance data collection, analysis, and reporting. As Facilities staff continues to make efficiency upgrades to buildings, the sustainability team will ensure that the true impacts of these

efforts are tracked and reported. Sustainability staff is also exploring opportunities to greater leverage contracting services to further expand the office's capacity.

- *Sustainability Demonstration Center* – Leon County's Sustainable Demonstration Center continues to serve as a model in the community for sustainability best practices for retrofitting and renovating an old building. The Demonstration Center has continued to operate at its 5th year of being Net-Zero, producing more power than the building consumes over the course of each year. Upcoming upgrades to the building's main bathrooms will drive energy and water efficiency even further, and will provide another opportunity for public education.
- *LED Lighting Upgrades* - Facilities Management staff is working towards transitioning all lighting at Leon County facilities to efficient LED lighting. Two recent upgrades have been implemented at the ORS building and the Clerk's Office. LED lights display a high quality of light at a much higher efficiency, which allowed staff to half the number of bulbs needed while improving the light quality in both facilities. These projects will accomplish significant energy and cost savings with a payback of less than X years.
- *Eastside Branch Library LEED Certification* - In November 2016, the Leon County's Eastside Branch Library formally received LEED Silver certification. LEED (Leadership in Energy and Environmental Design) certification was devised by the United States Green Building Council (USGBC) to evaluate the environmental performance of a building and encourage market transformation towards sustainable design. The library is the County's third LEED-certified building: the Public Safety Complex and the EMS Logistics Building are also certified LEED Silver.

Water Bottle Filling Stations

In an effort to encourage Leon County employees to stay healthy by drinking more water while simultaneously reducing the number of plastic water bottles used, water bottle filling stations have been installed in various County buildings. So far, the stations have been installed at Cooperative Extension, Solid Waste, Facilities, IDA, the Health Department, the State Attorney's Office, the Clerk's Office, and the Main Library. The stations also have an educational screen that displays the estimated number of bottles saved, so employees see the impact of waste reduced. So far, these filling stations have saved a total of 74,000 plastic water bottles from being used. Staff continues to identify new locations to install these filling stations in County facilities.

Fleet Efficiencies

Fleet Management and Sustainability staff have continued to work together on advancing efficiencies in the County's fleet. The following highlights are three of the year's biggest accomplishments in fleet efficiencies:

- *Hybrid Vehicle Procurement:* There has been a continued expansion of the number of more environmentally friendly vehicles in the Leon County fleet. This year, four new hybrid vehicles were added to the fleet; further driving fuel efficiency and sustainable transportation measures.

- *Fuel Software Upgrade:* Fleet is currently in the process of upgrading the department's fueling software with the goal of getting more accurate fuel consumption and efficiency data. Once the upgrade is complete, staff from the Sustainability Office and Fleet will work closely together to identify even more opportunities for efficiencies and savings.
- *Fuel Efficiencies with Leon County EMS:* EMS Leadership and Sustainability staff have been working on exploring creative solutions to achieve higher fuel efficiencies in the County's ambulances. Given the nature of EMS crews' work and the intensely high stress on the ambulances to run continuously for so many hours, staff believes that there are significant opportunities for savings on fuel as well as on materials and Fleet staff time for maintenance. Staff is researching various technologies and operational adjustments to measure the potential for greater efficiencies and cost savings for the ambulance fleet, and will report progress to the Board in future updates.
- *EV Charging Stations:* In an effort to encourage both Leon County citizens and employees to transition to electric vehicles, the Office of Sustainability will be installing three new Electric Vehicle Charging Stations at various Leon County facilities. The stations will be free of charge to the user, and will showcase Leon County's commitment to alternative transportation. Sustainability staff will work with Fleet Management and Facilities Management on finding the best locations for the charging stations where they will be of most use to Leon County employees and citizens.

Solar Energy Production on Leon County Facilities

Leon County has solar PV panels on two County facilities: the Leon County UF/IFAS Cooperative Extension building, and at the Eastside Branch Library. Since these solar arrays came online, they have collectively produced a total amount of 435 MWhs (MegaWatt hours), which is equivalent to taking 70.7 passenger vehicles off the road for a year.

In addition, at the January 24, 2017 meeting, the Board approved the Strategic Initiative to explore new opportunities for solar on County facilities. In 2009, the Office of Sustainability conducted a solar study on a number of County facilities to determine which buildings might be the best candidates for a solar array. Following the study, solar arrays were installed on two buildings that were deemed good candidates: the Sustainable Demonstration Center at the Leon County UF/IFAS Agricultural Center, which has achieved Net Zero status due in part to the solar canopy, and the Leon County Eastside Library, which has been certified LEED Silver.

In early 2017, a preliminary update to the 2009 solar study was conducted, and staff determined that the best candidate for a solar array installation is the Office of Resource Stewardship building. Physically, this building is an excellent candidate for solar due to its directional orientation, ideal roof type and pitch, and lack of shading. This building is also a great candidate as it ties directly with the mission of the Office of Resource Stewardship and the divisions it houses, including Facilities Management and Sustainability. Staff plans to make this facility a prime example of sustainability in practice, and solar panels will greatly help in this effort. A draft request for proposals (RFP) has been created with a budget not to exceed $50,000.

It is estimated a 14kW array could be installed within the allotted budget, and would offset approximately 20% of the building's energy demand. This percentage has the potential to increase as additional energy upgrades to the building are made. The solar panels act as a shade for the part of the roof that gets the most sun, which helps keep the building cool in warmer months. The panels would be visible from S. Monroe for travelers going north. Currently the install is estimated to provide a payback in approximately 18 years. The ROI is often less in cases of residential or commercial install as owners qualify for a 30% Federal Tax Credit. Unfortunately credits on this scale do not exist for governments. However staff will explore grant opportunities in an attempt to reduce the ROI.

In addition to the installation of solar energy upgrades to the Resource Stewardship building on South Monroe Street, staff will prepare a 2-5 year plan to identify the most efficient and best suited facility candidates for solar installations in out years, including projects such as integrating solar into the next phase of the Apalachee Regional Park Master Plan. The Plan includes the construction of a restroom facility adjacent to the cross-country course, which could be an ideal location to showcase Leon County's commitment to solar energy to visitors of the course.

Xerox Print Awareness

In an effort to reduce the amount of paper printed in Leon County work areas, the Sustainability Office staff is working with MIS to roll out a Xerox program called Print Awareness on staff computers. This program keeps track of the volume and type of printing for each user, including details such as single-sided printing, color printing, and printing emails and long documents. Currently, this program is only installed on staff computers in the Office of Sustainability, but will soon be installed on all computers in Resource Stewardship. Impact and effectiveness of the program will be monitored and documented to determine if the program affects the amount of printing in the office. If the feedback is positive, staff will explore rolling this program out to other departments.

2. **Policy & Program Administration**

Staff has implemented and is continuing to develop various policies and programs to expand our reach and improve our services.

Sustainable Communities Summit

In February, the Office of Sustainability hosted the biennial Sustainable Communities Summit on the topic of Sustainable Tourism and Outdoor Recreation. The first event was a Hospitality Industry Workshop that drew over 50 industry professionals to discuss the benefits of sustainable tourism and the benefits it could bring to Leon County's citizens, businesses, and environment. The Office of Sustainability received a grant from USDN (Urban Sustainability Directors Network) to host six sustainability, tourism and economic professionals from local governments around Florida and Georgia. The staff members from other local governments were interested in attending the Workshop to gain ideas and knowledge in order to advance sustainable tourism in their own communities. After attending the workshop, the local government group participated in a deep dive session on sustainable tourism hosted by the Office of Sustainability team. As evidence of the impact of this Workshop, the City of Savannah took inspiration and lessons learned from the experience and has since engaged local hospitality businesses in conversation

about sustainable tourism and created educational materials to drive progress in the local industry. Since the workshop, Sustainability staff has worked closely with the Leon County Tourism department to explore potential future sustainable tourism initiatives.

The second event, the Sustainable Communities Summit: Exploring Our Backyard drew over 200 attendees for an exciting day of hands-on outdoor learning and skills building. The day focused on providing the tools, skills, and resources to help local adventurers recreate confidently and responsibly in our beautiful outdoors. Attendees also learned the ecological importance of the natural resources in our backyard, and how spending more time outside can help protect these resources as well as lead to a more sustainable lifestyle. For the first time in Summit history, a variety of post-Summit adventures was offered to all attendees. Guided by local experts, the groups went off to kayak, bike, hike, fish, and see wildlife at the Tallahassee Museum. The Summit was a great success, and truly showcased the value of our natural resources and recreation opportunities.

Employee Engagement in Sustainability

The Office of Sustainability staff continues to engage employees in sustainability in an effort to integrate best practices into day-to-day work life. The following initiatives are examples of ways that staff is connecting with the greater Leon County team:

- *Workplace Sustainability Workshops* - Sustainability staff has continued to host Workplace Sustainability Workshops for Leon County departments. The objective of these workshops is to increase sustainability education and practice within Leon County departments and operations, conserve more resources, recycle better, and connect employees to sustainable practices. This year, the Workplace Sustainability Workshops initiative was awarded a national Achievement Award by NACo, which shows Leon County's leadership in sustainability across the country.
- *Green Team* - In July 2017, the Sustainability Office kicked off the Green Team, an interdepartmental sustainability task force comprised of one to two representatives from each Leon County work area. The team meets once every two months and dives into various topics as well as discusses additional ways to make Leon County an even more sustainable organization.
- *New Employee Orientation* - Sustainability staff continues to give a short sustainability presentation to all new employees at the New Employee Orientation. This engagement ensures that all new employees know of the sustainable services that the County provides, understands that sustainability is a priority for Leon County, and shows how sustainability can be practiced at work.

Community Garden Program

New gardens continue to be developed and awarded grants consistent with the Board's Community Garden Policy (adopted 2012). With the help of Cooperative Extension, a site visit from a Cooperative Extension Agriculture Agent is now required prior to all garden grant approvals to advise on proper sunlight, water, placement, and overall health of garden. In addition, staff has redesigned the Community Garden Grant Application, which is now in a fillable format online. Staff has also continued communication with existing gardens and garden

organizers, and received updates about the status of the gardens. In an effort to showcase the success of this program, gardens that have received funding from Leon County are featured as a part of the Green Map.

Since the last report, eight grants have been awarded to support community gardens on non-County properties under the County Stakeholder Garden program:

- *Sealey Elementary Garden, 2815 Allen Road* – Sealey Elementary received their first Leon County grant to create a new garden to teach students a holistic approach to health and wellness. Teachers hope to incorporate the organic garden into classroom curriculums to engage all 450 of the school's students.
- *Rexwood Garden, 2509 Regent Drive* – This new garden's purpose is to aid Rexwood neighborhood in its revitalization efforts by providing educational opportunities, fresh produce, and outside physical activity to local citizens. Primary organizers hope that its location in a high poverty-stricken area will help empower youth with leadership experiences and aid in the reduction of violent crime.
- *Adult and Community Education (ACE) Garden, 526 Appleyard Drive* – The ACE Garden is receiving their second Leon County grant as they move and rebuild their garden in a new location. ACE Garden provides ACE's Adult with Disabilities students with an opportunity to participate in active learning activities that will enhance communication and social skills, improve fitness and confidence, and help them gain knowledge in health and nutrition. This year, they hope to also involve students in ACE's horticulture and cooking classes.
- *Macon Community Garden, 322 Macon Road* – After several successful years of promoting nutritional education and organic food production to the Macon area's children and adult, Macon Community received a second Leon County Grant to continue their good work. This second grant will be used for repairs and refurbishing of existing time-worn garden beds, as well as the expansion of new handicapped-accessible raised garden beds to accommodate people who are physically handicapped and veterans in the local area.
- *Betton Hills Preparatory School, 2205 Thomasville Road* – Betton Hills has received a second grant from Leon County in order to expand their existing garden. It has only been operational for a year, but has already provided a unique learning experience for at-risk and special-needs students that would not ordinarily experience a love for gardening.
- *ALARM Community Garden, 2532 W. Tharpe Street* – As part of ALARM Ministries International, the garden supplies fresh produce for families and children in the community and educates volunteers about healthy eating habits and practices. They currently partner with Second Harvest Food Bank to distribute free food to families once a month and act as a Summer Feeding Site for break and lunch for children. Because of its continual success, the garden has received a second grant from Leon County in order to double their garden's size and continue to expand their efforts.
- *School of Arts and Sciences (SAS) Garden, 3208 Thomasville Road* – SAS Gardens are currently used as 'living classrooms' for the students to become active participants in the

garden. With continual support from school administration and parent volunteers, teachers plan to use this garden grant to expand and fortify the current gardens on campus, as well as build new pollinator gardens and add fruit trees.

- *Yellow Thumb Garden at Florida Baptist Children's Homes, 8415 Buck Lake Road* – After a successful year with the organization's first garden, Yellow Thumb Garden has received a second Leon County grant in order to improve and extend the current irrigation system for better water conservation, and continue to expand the garden. The garden helps offset the cost of fresh produce for foster children in their care, as well as provides jobs for children in their Life Skills Program.

The first three gardens on this list are newly established gardens, and the five others are receiving this grant for the second time. One of the biggest challenges that community gardens face is sustaining the enthusiasm and participation of its members. For example, Ft. Braden Community Garden, adjacent to the Ft. Braden Library, has seemingly seen a dramatic decrease in garden participants. Staff is working with the head garden coordinator on exploring new ways the community can reconnect with the garden and reenergize it. To acknowledge the success of two other gardens on County property, Pumpkin Place Community Garden and Lafayette Community Garden have sustained success and involvement in their gardens since their establishment.

Adopt-A-Tree

Sustainability staff and the Urban Forester have been working closely with Public Works staff to amplify this year's Adopt-A-Tree program. In past years, only one variety of tree was available for citizens to "adopt," and this year there are three available varieties: Fringetree, Southern Wax Myrtle, and the Swamp Chestnut Oak. This not only gives citizens more options, but it also helps citizens pick the right tree for their yard which helps ensure the longevity of the tree. Citizens will also receive helpful information on how to take care of their adopted tree.

With the help from the GIS team, Sustainability staff has continued to expand the Green Map to include Adopt-A-Tree data. The map now shows where all the trees have been planted through the program since 2012. This paints a picture for viewers on the impact and breadth of the program, and is a nice visualization. Since 2012, 1,359 trees have been planted through the Adopt-A-Tree program, and staff is aiming to increase the capacity in coming years to accelerate growth.

Tree Planting and Sustainable Landscaping

Per the Board's Bold Goal to plant 15,000 trees by 2021, Sustainability and Public Works staff are exploring ways to amplify the annual Arbor Day planting and celebration. This year, the event will be hosted at Apalachee Regional Park, and a variety of trees will be planted both along the entrance road and adjacent to the cross country track. This event is a great opportunity to showcase the County's tree planting efforts, engage multiple community organizations and members, and educate volunteers on the importance of planting native trees to support a sustainable ecosystem.

In addition, this year, Facilities Management, the Office of Sustainability, and Cooperative Extension Agents worked together to create a plan to amplify native landscaping at County facilities. As the landscaping contractor continues to maintain and beautify County facilities, native plants will be prioritized when new plantings are due, and exotic plants will be removed as deemed necessary. Native plants are vital to a healthy local ecosystem, as they provide habitat and food for local fauna and often require less water and maintenance. Planting natives at County facilities is a way to showcase the County's commitment to sustainable landscaping and design, and a way to be a model in the community for other organizations. In addition, key staff from Office of Resource Stewardship was trained on identifying native and exotic plants. This will help mitigate any invasive plant issues in the future, and advance the native planting initiative.

Carbon Offsetting for Office of Resource Stewardship Travel

Starting in FY18, the Office of Sustainability will track all work travel done by Office of Resource Stewardship employees and calculate the carbon impact. Using the Sustainable Travel International's Carbon Calculator, staff will convert the carbon impact into a dollar amount that will then be donated to Sustainable Tallahassee's Community Carbon Fund, which invests in carbon reduction projects in Leon County.

3. Civic Engagement and Community Partnerships

The Office of Sustainability staff fully recognizes and values the importance of community partnerships and involvement in sustainability efforts throughout Leon County.

Outreach Efforts

Engaging citizens in sustainability and helping drive sustainable action in the community are two important initiatives in the Office of Sustainability. This effort is accomplished by attending community meetings, writing articles for local and state-wide publication, and posting on social media.

- *Written Publications:* Staff has written five articles on distinct sustainability topics that have been published in the Tallahassee Democrat through Sustainable Tallahassee's "Greening Our Community" blog articles. The topics were: Creating a More Waste-Conscious Community Through Education, Sustainable Communities Summit, Communicating Sustainability, Waste Reduction Tips for a Low Waste Lifestyle, and the Lake Jackson Cleanup Event. In addition, staff wrote an article for the Florida Planning Magazine on Community Gardens, as well as an article for The Gazette on Sustainability in Leon County.
- *Recycling Graphic:* In an effort to reach more audiences, staff created a Spanish version of the County's Recycling Graphic. This version has been given to Solid Waste staff as well as Waste Pro, and will help continue to break down barriers to recycling. In addition, two out-of-state organizations, a County in New Mexico and a School District in Virginia, have asked to use the recycling graphic design and adapt it to their organization. This is a testament to the graphic's effective design and ability to clearly communicate the message.

- *Household Hazardous Waste Collection Events:* This year, Household Hazardous Waste (HHW) rebranded a few of its programs for consistency and clarity. This rebranding, coupled with an increase in outreach and communication efforts has resulted in record numbers at the HHW Collection events. The collection events in September, October, and November collectively drew 825 customers who brought 31,820 pounds of hazardous waste and 27,350 pounds of electronic waste.
- *ORS Facebook Page:* Through the Office of Resource Stewardship Facebook page, staff has engaged with the community about relevant Leon County programs and services related to sustainability. The page now has over 1,960 likes, which is a 50% increase from last year's number. Facebook has been a great tool for promoting our office's efforts to Leon County citizens, many of whom were not aware of our services prior to our greater online presence.

Annual Agreement with Sustainable Tallahassee

Reflective of our annual agreement with Sustainable Tallahassee, last year's agreement focused on research and analysis of urban agriculture and entrepreneurship. This project concluded in October 2017, and all parties are working on implementing the findings in the research done in the agreement, such as discussing with other organizations on who will take the project for implementation.

For this next year's agreement, the City of Tallahassee has decided to step away due to the dissolution of the Environmental Policy and Energy Resources (EPER) department. The Office of Sustainability will continue the agreement with Sustainable Tallahassee with a new project in FY18 focused on reducing food waste.

The Sharing Tree

As a founding partner, Leon County remains involved in the growth of the Sharing Tree. In the past year, the organization has diverted over 100,000 pounds of materials to landfill and resold them to the community. In August 2017, the facility that houses the Sharing Tree was sold to a new owner for redevelopment, and the Sharing Tree Board made the decision to relocate to the Centre of Tallahassee. The move took place at the end of October, and the new location will open in mid-November.

Litter Reduction and Beautification Initiatives

In the 2016 Budget Workshop, the Board relocated funds from Keep Tallahassee-Leon County Beautiful to the Office of Sustainability for various litter reduction and beautification initiatives. Sustainability staff has partnered with several organizations over the past year to leverage the impact and breadth of the funds. This has resulted in multiple successful events and community engagement initiatives, which are detailed below.

- *The Big Clean with Capital Area Neighborhood Network (CANN)* – In 2017, CANN hosted its second annual Big Clean Event, a clean-up and beautification effort organized by leaders in various Southside Neighborhoods. The Big Clean is intended to help reignite neighborhood revitalization and activity by organizing and working together to beautify the neighborhood and surrounding area. This year, the Office of Sustainability

sponsored the Big Clean, which included providing funding to three unincorporated neighborhoods for their Big Clean project. Attempts to quantify the success are still ongoing as CANN finalizes their report. This information will be the key to identifying future agreement benefits and impacts.

- *Buy-One-Get-One Free Deal at Native Nurseries* – Native plants are a vital part of the health and biodiversity of our natural areas, and help ensure a sustainable ecosystem. In order to encourage planting natives, the Sustainability Office partnered with Native Nurseries to sponsor a BOGO deal on all native plants at the nursery. The deal "sold out" on the afternoon of the first day due to hundreds of participants, and the feedback from the community was overwhelmingly positive. This event was not only important for promoting native plants, but also for supporting economic development for multiple local businesses, including Native Nurseries itself and its local growers.
- *Lake Jackson Clean-Up* – On September 30th, Leon County partnered with Tall Timbers, the Florida Kayak School, Friends of Lake Jackson, the DEP Office of Greenways and Trails, Sustainable Tallahassee, the FWC Florida Youth Conservation Centers Network, and Leon County 4-H to host an on-the-water clean-up of Lake Jackson. The event was a huge success, with over 60 volunteers working to pull more than 500 pounds of trash out of the water. Participants learned about the importance of Lake Jackson's ecosystem and how to prevent litter from entering our local waterways. Many volunteers had never been to Lake Jackson and were thrilled to have an opportunity to experience all the lake has to offer.
- *Amnesty Day* – At the Budget Workshop on June 20, 2017, the Board authorized staff to host Amnesty Days at the Rural Waste Service Centers two times a year, once in the fall and once in the spring. The intent of the Amnesty Days is to reduce the amount of illegal dumping in Leon County by giving citizens an opportunity to dispose of bulky and hazardous materials free of charge at multiple locations around the County. The fall Amnesty Day was hosted on Saturday, October 14, and over 36,000 pounds of material was collected. Not only does this event give citizens an option to dispose of their materials properly, but highlights the Rural Waste Service Centers for those that might not regularly use the service. The next Amnesty Day will be held in April 2018.

UPDATE on the 2008 CLIMATE ACTION PLAN

Over the past decade the County has made a strong commitment to the creation of a more sustainable community and exemplified our dedication through making tangible enhancements throughout our daily operations. In 2007 Leon County committed to reducing its greenhouse gas (GHG) emissions relating to daily operations. As part of the FY09 budget development process, the Board approved the Climate Action Plan which included funding for capital improvements, operating supplies, and a full-time sustainability coordinator position. The Office of Sustainability was thereby established at the start of FY09.

An analysis was conducted to determine the 2007 base load of GHG being emitted from County operations such as buildings, fleet and waste. GHGs include carbon (CO2), Nitrogen Oxide

(NOx), and Sulfur Dioxide (SO2), and collectively these emissions at high concentrations are indicators of climate change caused by human activity. Leon County aimed to reduce those GHG emissions by 20% (4,510 tons of eCO2) over ten years. A preliminary analysis of energy and vehicle fuel savings indicates the County exceeded the 20% reduction target (5,362 tons of eCO2) as detailed below:

- Buildings (energy use): According to an independent energy consultant, Leon County has saved on average 4,400 tons of eCO2 annually through energy upgrades since the baseline year's figure of 17,205 tons of eCO2 or a 26% reduction.
- Fleet: According to County fuel reports, Fleet has realized an average annual savings of 962 tons of eCO2 from the baseline figure of 4,114 tons of eCO2 or a 24% reduction.
- Total: 5,362 tons eCO2 current reduction compared to original target of 4,510 tons eCO2.
- While these figures verify that the reduction target was met, this does not take into consideration that the County has added additional facilities and vehicles since the baseline year.

As indicated above, these various actions have resulted in significant GHG reductions. However, to update the 2008 Climate Action Plan for current day GHG, staff would need to conduct a refresh of the GHG inventory for County Operations (i.e. all buildings, total fleet, etc.) to reestablish a clear baseline for validating future progress. As an alternative, staff did review Sustainable Tallahassee's recently published community CO2 Scorecard, and although insightful, is limited to CO2 and does not give the same amount of detail as a GHG inventory would for County operations. If a new GHG baseline was pursued, staff would recommend a consultant be engaged due to the significant time and expertise necessary to perform the analysis. However, as discussed in more detailed later in this item, staff is recommending working with Sustainable Tallahassee and other community partners to evaluate a community-wide sustainability action plan and not update the GHG baseline at this time.

To accomplish the reduction goals, the County created a Climate Action Plan as a pathway to reduce GHG emissions over time. The plan postured the County to reduce its carbon footprint by 20% by focusing on strategies which decrease energy demand, increase energy efficiency, switch to renewable energy and vehicle fuels, reduce vehicle miles traveled, and reduce solid waste through increased reuse and recycling. As reflected in Table 1, the plan included six categories with 77 initiatives in total. A comprehensive list of the 77 actions is attached (Attachment #1).

Table 1 – Status of sustainability action items			
Category	**Status**		
	Complete	In Progress	Total
County Buildings and Facilities	27 (96%)	1 (4%)	28
County's Vehicle Fleet	12 (100%)	0 (0%)	12
Employee Commutes To and From Work	2 (100%)	0 (100%)	2
County Employee's Solid Waste	9 (100%)	0 (100%)	9
Support Efforts in County Government Operations	13 (100%)	0 (100%)	13
Other Sustainability Measures	10 (77%)	3 (23%)	13
Total	**73 (95%)**	**4 (5%)**	**77**

Note that many of the initiatives recorded as "Complete" do not stop - rather they will have continued impacts such as sustained utility savings, continued resource conservation, and further integration of sustainability into standard operating practices. Additionally, some of the initiatives recorded as "Complete" are still in process, but require no further Board direction and will be carried out as part of staff's work plan.

Although some actions were relatively simple to perform and have low cost, others took a great deal of time and financial investment. For example, the County embarked on a series of energy savings contracts totaling an investment of over $7 million and occurring throughout many years. As noted above as part of the eCO2 tons savings, these contractual energy upgrades are closely monitored by the independent energy consultant to ensure guaranteed cost and energy savings are achieved, with an average energy payback of less than ten years.

In various instances staff has gone well beyond the initial path set forth in the 2008 action plan. For example, the transformation of the 50-year old Cooperative Extension building into a net-zero facility; and requiring through the County's contract with our curbside provider the transition of 75% of curbside garbage collection trucks to CNG fuel. Additionally through the closure of the County landfill Marpan Recycling was formed, with two recycling plants, one for construction and demolition debris recycling opened in 2008 and one for single-stream recycling opened in 2013; both of which have also lead to emissions reductions. Therefore, as a result of closing the Leon County landfill, a dramatic reduction in emissions has been achieved. Laying the ground work for further opportunities for this type of collaborative community approach to reducing GHGs is discussed later in this item.

The Office of Sustainability has continued to advance sustainability initiatives well beyond those initially envisioned in the 2008 Plan with an emphasis on programmatic initiatives and community engagement and partnerships such as establishing the Community Garden Program and launching the Property Assessed Clean Energy program. An expanded list of accomplishments since the formation of the Office of Sustainability in 2008 is attached to this agenda item (Attachment #2).

100% RENEWABLE ENERGY BY 2035

At the November 14, 2017 Board Meeting several citizens requested the County support the community pursuing a laudable goal of achieving 100% renewable energy by 2035. This concept is supported by a 2017 Resolution (Attachment #3) adopted by the United States Conference of Mayors which states:

> *…that The United States conference of Mayors supports cities establishing a community-wide target of powering their communities with 100 percent clean, renewable energy by 2035…*

This resolution emphasizes cities specifically, as urban areas contain a majority of the Country's population density and subsequently a large percentage of the Country's GHG emissions. So far, 50 cities have committed support for the Conference of Mayor's resolution; although, some of these cities have established their own target years ranging from 2035 to 2080. The resolutions by the 50 individual cities include a commitment to develop and implement a plan to reach their goal. On October 26 at the request of a few citizens, the City of Tallahassee Commission directed staff to come back with analysis for a plan to hit 100% renewable goal by 2035, however the City did not adopt a resolution at that time.

As Leon County does not run a utility, the County (as a utility consumer) and the community purchase utilities from the City of Tallahassee and Talquin Electric Cooperative. If both of these utility providers were to transition to 100% renewable energy, the County, by default, would also reach the goal, along with all Leon County citizens. For the City of Tallahassee and Talquin, renewable energy could come in various forms, including wind, solar, geothermal, and hydroelectric. In Leon County, due to the lack of wind, large bodies of water, and other factors, wind, geothermal, and hydroelectric energy are not yet feasible at a large scale. This leaves solar energy as the best option for renewable energy production. The goal to hit 100% renewable energy is admirable, and is a bold effort towards combatting climate change. Preliminary analysis indicates that there are certain aspects of this goal that pose considerable challenges for Leon County to reasonably achieve it. In a preliminary calculation, the cost to install enough solar panels to offset the utilities on just County-owned buildings would reach over $50 million at current prices. Furthermore, solar panels only have a 20-25 year lifespan, so this investment would result in a negative return and no simple payback. Roof top solar is not a practical solution due to space issues and scale. To achieve such a renewable target, a large scale "farm" would be best suited. For comparison, the City of Tallahassee has recently pursued a 60 megawatt facility encompassing over 370 acres. This installation will offset approximately 6% of the utility's production.

While "100% renewables by 2035" is a highly aspirational target, Leon County Government has very little direct control in achieving the target as the County does not run a utility. The County could adopt a resolution in support of the "100% renewables by 2035", however, recognizing the County's limitations in controlling the fuel supply for the utilities, the resolution would not include tangible action plans and steps towards implementation. The resolution would be aspirational and supportive of the community obtaining the goal. Option #5 provides the Board an option to direct staff to develop a resolution in support of "100% renewables by 2035."

As a community leader in sustainability, the Board may want to pledge the County's support for a community wide renewable energy goal, but not commit to the specificity associated with the "100% by 2035" approach. Similarly, 178 mayors around the Country have pledged their support to the Sierra Club's "Mayors for 100% Clean Energy Endorsement" (Attachment #4). In Florida, 36 Mayors including Orlando, Sarasota, St. Petersburg, and Miami Beach have supported the endorsement. Based on preliminary discussions between Leon County Sustainability and Sierra Club staff, the Sierra Club has indicated that they would consider modifying the endorsement to include Counties. As reflected in Attachment #4, the endorsement includes broad statements of support for 100% clean energy in your community; states that local government is a significant driver of renewable energy; and includes a commitment to work with stakeholders to implement community-driven solutions. If the Board directed, staff could work with the Sierra Club to finalize the inclusion of Counties as part of the "Mayors for 100% Clean Energy Endorsement" program. As another supportive approach, the following section of this agenda item provides the preliminary steps in evaluating a community-driven climate action plan similar to the "Paris Accord" model.

In addition to considering pledging support for a renewable energy target, the Board of County Commissioners has annually endorsed the National Association of Counties (NACO) policies including those in support of renewable energy. NACO has approved policy statements in support of renewable energy sources, including:

- NACo urges Congress to provide financial and technical assistance to local governments to help develop and implement local climate change adaption and mitigation plans and projects, including smart growth initiatives, mass transit development, renewable energy deployment, acquisition of high efficiency fleet vehicles and protection of water supplies. NACo urges the federal government to work closely with counties on climate change initiatives.
- NACo seeks a comprehensive and integrated approach to a national energy policy that... Accelerates development, research and incentives for alternative and renewable energy, clean energy, energy efficient programs, and clean coal technologies.
- NACo supports increased federal resources for researching and developing renewable energy technologies, including wind, solar, geothermal, biomass, electricity from landfill gas, and other forms of waste-to-energy which will achieve the objective of clean and safe forms of energy.
- NACo supports increased and multifaceted federal efforts to increase renewable energy sources and consumption, including consumption incentives to all levels of government to encourage purchase of renewable energy, industry tax incentives, such as R&D credits, encouragement to co-ops to replace wired electricity delivered to remote rural areas that are not cost-effective, and further public and private partnerships.
- NACo supports federal legislation and policies that enables funding mechanisms, including grant programs, for Community Renewable Energy Projects.

- NACo supports expanding the definition of governmental purpose in the Internal Revenue Code (IRC) to include energy efficiency, renewable energy improvements, and water conservation and efficiency projects.
- NACo supports legislation that encourages research and development of energy storage technology.
- NACo supports the development and implementation of a comprehensive national energy policy, which includes conservation, efficiency, exploration, and research and provides for the domestic production of traditional and alternative/renewable energy sources.

NEXT STEPS TOWARDS EVALUATING THE DEVELOPMENT OF A COMMUNITY CLIMATE ACTION PLAN

Since Sustainable Tallahassee's establishment in 2007, Leon County and Sustainable Tallahassee have been close partners on advancing sustainability action in the community. The cooperation has resulted in numerous successful projects, including advancing local food initiatives and reducing food waste, exploring opportunities to engage businesses in sustainable practices, and increasing recycling participation. The Office of Sustainability staff engages with Sustainable Tallahassee on a regular basis, and the relationship continues to grow each year.

Reflective of community members' expressed interest in a renewable energy goal, staff approached leadership of Sustainable Tallahassee on a potential solution that would entail a more holistic approach to how a Community Action Plan might be pursued. While an update of the 2008 Climate Action Plan would cover County operations, the reality is that the County only makes up a small piece of the total pie as it pertains to community GHG emissions. Through Sustainable Tallahassee's CO2 Scorecard, the top ten electricity consumers in Leon County were identified. The biggest consumers are Florida State University, the State of Florida, the City of Tallahassee, Florida A&M University, Tallahassee Memorial Hospital, Leon County Schools, Leon County Government, the Federal Government, Wal-Mart, and Publix. In order to truly move the needle in the County, these top consumers would need to be at the table and willing to work together to collectively develop an action plan and reduce the community's GHG emissions.

The Office of Resource Stewardship is proposing one possible model for this collective effort which would mirror the Paris Climate Accord: while the group as a whole would work towards a collective reduction goal agreed upon by all parties, each organization would be responsible for creating a plan to reduce the GHG emissions of their own operations. This holistic approach would encompass all aspects of climate action initiatives, including, but not limited to expanding renewable energy. This approach is not fully formulated, and would require time to evaluate, plan, and reach out to each organization to determine the level of interest. The next step in this process would be to convene with sustainability staff from the "top ten" electricity consumers noted above for a discussion on a level of interest and how this accord model might work. Based on a preliminary conversation, the Office of Resource Stewardship would work with Sustainable

Tallahassee in convening this meeting. Depending on future steps, Sustainable Tallahassee has indicated their desire to be the lead entity garnering collaboration in this continued community effort. Following this preliminary meeting, staff would provide an update to the Board outlining the proposed next steps depending on the outcome of the conversation and level of interest. Should the Board authorize, staff will initiate the next step alongside Sustainable Tallahassee.

Additionally, as part of evaluating a community action plan, the County will also review the specific efforts required to establish a baseline and current 2017 GHG emissions. Should the Accord model take shape, the reestablishment of GHG metrics could prove valuable in developing the County's action steps needed to reduce our proportionate share of emissions.

Options:

1. Accept the annual status update on the County Sustainability Program
2. Accept the status report on 2008 Climate Action Plan for Leon County operations.
3. Authorize staff, in collaboration with Sustainable Tallahassee, to pursue next steps in the evaluation of a community-wide Climate Action Plan.
4. Direct staff to work with the Sierra Club to allow the County to participate in the "Mayors for 100% Clean Energy Endorsement" and prepare a future agenda item for Board consideration.
5. Direct staff to draft a resolution for Board consideration pledging support for a community wide target to achieve 100% renewable energy by 2035.
6. Board Direction.

Recommendation:

Options #1 through #4

Attachments:

1. Status Report on the 2008 Climate Action Plan for Leon County Operations
2. List of Office of Sustainability Accomplishments
3. U.S. Conference of Mayors Adopted Resolution – 100% Renewable Energy by 2035
4. Mayors for 100% Clean Energy Endorsement

Leon County
Board of County Commissioners

Notes for Agenda Item #21

Leon County Board of County Commissioners

Agenda Item #21

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Status Report on the J. R. Alford Greenway Trail Assessment

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Maggie Theriot, Director, Office of Resource Stewardship
Lead Staff/ Project Team:	Leigh Davis, Director, Parks and Recreation

Statement of Issue:

In order to keep the Board apprised on the progress towards implementing a series of strategic initiatives, this item presents a status report of the recently completed J. R. Alford Greenway Trail Assessment.

Fiscal Impact:

This item does have a fiscal impact. The estimated cost to implement the proposed 3.0 miles of new single-track trails is $100,000 and the new signage implementation plan for the entire greenway is $30,000 for a total cost of $130,000. Funding for this project is included in the existing capital improvement budget.

Staff Recommendation:

Option #1: Accept the status report on the J. R. Alford Greenway Trail Assessment.

Report and Discussion

Background:

In order to keep the Board apprised on progress towards implementing a series of strategic initiatives, this item presents a status report of the recently completed J. R. Alford Greenway Trail Assessment (Attachment #1).

In 2011, the County embarked on the State-mandated Land Management Plan (LMP) Review process for J. R. Alford Greenway. This review was conducted by a Board-created, Citizen's Advisory Committee (CAC). The CAC met numerous times between March 2011 and August 2012, and ultimately produced a revised LMP that was adopted by the Board on April 23, 2013. Subsequently, the State approved the revised "J. R. Alford Greenway Land Management Plan" on December 18, 2013.

The revised LMP enumerates eight goals, with multiple corresponding objectives and activities to accomplish over a ten-year period. Completing the Trail Assessment was a key step in achieving the LMP goals. The implementation of proposed recommendations from the Assessment would further advance and satisfy the goals, objectives, and activities of the LMP (Attachment #2).

In addition, these recommendations address two of the County's Strategic Initiatives, one Bold Goal and one Target as identified in the FY2017-FY2021 Strategic Plan:

- *Add environmental education kiosks, trail marking/mappings at Greenway and Parks* (2016-20)
- *Evaluate additional trail expansion opportunities* (2016-24D)
- *Implement 500 citizen ideas, improvements, solution and opportunities for co-creation* (BG4)
- *Construct 30 miles of sidewalks, greenways and trails* (T8)

These Strategic Initiatives align with the Board's Environment and Quality of Life Strategic Priorities:

- (EN2) *Conserve and protect environmentally sensitive lands and our natural ecosystems.*
- (Q1) *Maintain and enhance our parks and recreational offerings and green spaces.*
- (Q6) *Promote livability, health and sense of community by enhancing mobility, encouraging human scale development, and creating public spaces for people.*

Analysis:

In July 2017 the County released a bid to secure consulting services for the Trail Assessment of the J. R. Alford Greenway. Three local user groups, Tallahassee Mountain Bike Association, the Southern Trail Riders Association, and Gulf Winds Track Club, were invited to participate as part of a review committee. Tallahassee Mountain Bike Association (TMBA) and Southern Trail Riders Association were able to provide representatives. These representatives, along with Leon

County Parks and Recreation staff, reviewed the proposals that were received and ranked Trail Dynamics first, to conduct the desired work (Attachment #3).
Trail Dynamics has over 15 years of experience in providing specialized, trail services that include training, assessment, design and construction of nature trails. Additionally, the company has considerable experience with local topography, as well as established relationships with local users, due to a previous contract with City of Tallahassee. Local representation was also identified as a plus during the bid review, and allowed for the cost of the assessment to be within reason.

In addition to user involvement on the selection committee, the Trail Assessment process was based heavily on community and partner engagement. Project milestones and citizen involvement included:

- October 26, 2017 - Kick-off meeting with consultant.
- December 11, 2017 - Staff presentation of the Joint City/County Bicycle Working Group.
- December 9-17, 2017 and February 19-21, 2018 - On-site surveys were conducted. December 11, 2017 - Online survey went live. Surveys were conducted with 640 participants.
- December 13, 2017 - Public meeting with over 70 people in attendance.
- February 13, 2018 - Users group meeting (biking, hiking, and equestrians) for additional input to refine needs and wants.
- April 28, 2018 - Draft final report submitted.
- May 23, 2018 - Final report submitted.

The Trail Assessment final report had two main objectives:

1) Suggest trail system improvements to better serve the user groups, improve trail function and experience, and reduce environmental impact and maintenance; and
2) Provide a complete signage plan for the property including recommendations for locations of signage and directional scheme.

Trail Assessment Findings and Recommendations
The consultant found the existing multi-use double track trail system to be well maintained and the grass covering on the trails is functioning to control erosion on sloped areas. There were minor areas of erosion and exposed gravel that were identified, and staff is capable of addressing those areas throughout the course of normal operations.

The most prevalent suggestions/recommendations from the user surveys and public meetings were:

- Creating marked trails were deemed a high priority
- Improving signage throughout the Greenway
- Adding single track trails to supplement existing trails

- Improving the equestrian trailer parking area to exclude cars
- Providing a better bathroom (permanent bathroom in lieu of port-a-let)
- Providing more water fountains and trash cans
- Re-evaluating speed bumps entering the park (potential solution – paint for more visibility)
- Positioning a port-a-let closer to the equestrian trailer parking

These recommendations are generally affirmed and seen as opportunities for enhancement of the greenway user experience. The first three suggestions, in particular, are supported in the LMP through observations and suggestions made by the 2012 CAC during its extensive deliberations. Furthermore, the CAC directed that, "The trail assessment shall include the designation of a main loop trail consisting of existing trail segments where feasible and appropriate." To that extent, the consultant has made recommendations with regard to completing the 5+ mile perimeter loop which is largely in place today and has included that loop it in the master signage plan.

Creating marked trails and improving signage throughout the Greenway.
Based on CAC recommendations, periodic user feedback and best practices, staff had already identified that a master signage plan was needed for Alford Greenway and included that as a required element for the final report. The consultant has developed a comprehensive plan that provides numbered and directional trail markers, "you are here" markers, a new trails map, and a large kiosk design for the parking area. In addition, the consultant recommends the County include QR codes (matrix barcodes) that can be linked to Geographic Information Systems (GIS) information and linked to videos that educate all users on trail etiquette. These improvements will provide for a better and safer user experience and are consistent with the County's Strategic Plan Initiatives.

Although adequate CIP funding was available for signage installation, staff seized an opportunity to apply for grant funding through the AARP, Community Challenge 2018 Program. Unfortunately, the County was notified on June 26, 2018, that the project had not been selected.

Construction of single track trails.
Single-track trails are trails that are relatively narrow, typically 4–5 feet in width. These trails, depending on construction and terrain, can be designed for either multi-use (hiking, biking, and equestrian) or one single use. Double track trails, on the other hand, are typically 10-12 feet wide and are generally always multi-use.

By practice, Leon County Parks & Recreation has only constructed and maintained double-track trails. Therefore, single-track trails would be a new venture for the County and provide for a totally new and different user experience. Many in the mountain bike, equestrian, and running communities prefer the single-track trail experience.

Maintaining single-track trails can be more challenging however, since they are narrow and do not accommodate large mowers or heavy equipment. Consequently, the consultant has recommended a phased approach allowing County staff to gain experience with single-track trail maintenance before establishing an extensive network. Phase I identifies locations that would

ultimately add 2-3 miles of trails to the existing system which would advance the County's strategic planning efforts to construct 30 miles new miles of sidewalks, greenways, and trails.

Adding trail inventory will require additional staff time and resources. However, it is believed this can be mitigated by entering into Memorandums of Understanding (MOU's) with various user groups to assist with trail maintenance. These types of MOU's are successfully utilized around the country for assistance with trail maintenance and examples have been provided by the Trail Assessment consultant. Currently the City of Tallahassee utilizes volunteer assistance from the Tallahassee Mountain Bike Association, and the Southern Trail Riders Association has assisted with trail maintenance in state and national forests. Both groups have indicated they would be willing to enter into MOU's with the County for such purposes at J.R. Alford Greenway. Any such agreements would be brought back before the Board for approval.

Another advantage of constructing single-track trail is that it would better position Leon County to successfully seek various certifications, designations, or recognitions such as the International Mountain Bike Association (IMBA) "Ride Center" designation (Attachment #4). Receiving such a designation could be marketed as part of the "Trailahassee" campaign to attract visitors.

Board approval of the proposed recommendations will advance the County's strategic planning initiatives, serve to provide an improved user experience, and may enhance eco-tourism. It is anticipated that the signage plan and Phase I of trail construction could be completed within the next 12 to 18 months.

Options:

1. Accept the status report on the J. R. Alford Greenway Trail Assessment.
2. Do not accept the status report for the J. R. Alford Greenway Trail Assessment.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Trail Assessment Final Report
2. J. R. Alford Greenway Land Management Plan – EXCERPT
3. Bid Specifications for Trail Assessment Project
4. IMBA Ride Center Application Guide



J. R. ALFORD GREENWAY
TRAIL ASSESSMENT
FINAL REPORT

Submitted April 28, 2018

Revised May 23, 2018

The J. R. Alford Trail Assessment Project included 3 interim status reports submitted during Components 1 and 2 of the project. By reference status reports #1 - #3 are included as part of the final report.

EXECUTIVE SUMMARY

July 2017 Trail Assessment RFP Released

The J. R. Alford management plan provides for a trail assessment to determine the current condition of greenway trails and to make recommendations for improving trails if needed and exploring the feasibility of establishing single track trails. An RFP to conduct an assessment was advertised in July 2017. Trail Design and Construction Company Trail Dynamics (TD) was Chosen to Conduct the Assessment.

RFP Deliverables Include:

- Review all existing regulations, management plans, greenway plans, etc.

- Review the condition, layout, maintenance problems and functionality of existing trails.
- Conduct user surveys.
- Recommend any changes, additions, deletions, improvements.
- Develop a comprehensive signage plan.
- Evaluate potential areas for adding single track trails.
- Recommend single track trail locations and a phasing plan for design and construction.

Assessment Results

- The existing double track trail system is well maintained and grass cover on trails functions to control erosion on sloped areas.
- Some areas of erosion and exposed gravel are in need of attention.
- The existing trail system is a wandering system without much organization. Rather than being a negative quality the wandering nature of the system actually adds interest, playfulness and exploration to the trail experience
- The unorganized nature of the trail system is a major deterrent to use because users feel they will become lost on the wandering trails
- Adding a trail location signage system, “you are here” signs, and accompanying maps can help users feel more comfortable venturing onto more of the trail system.
- Several opportunities for interpretive signage were identified.
- Staff has responded to erosion issues successfully and should continue, and in some cases expand, using standard methods.

.

User Surveys and Meetings

- User surveys were conducted on-line and on-site. On-site surveys were conducted mornings and afternoons on two weekend days and two weekdays.
- Over 240 on-line and over 400 on-site surveys were conducted.
- 70+ individuals attended an advertised meeting to receive public comment and a second meeting was attended by representatives of bicycle, hiking, and equestrian stakeholders.

Survey and Meeting Results

- Results from all survey methods, including the public meeting discussion, suggests the public enjoys the greenway and does not want to see much change.
- References to how well the greenway is maintained were common.

- Open space, nature, seclusion, quiet, scenic views and having trails, were common words used to describe what users value and enjoy.
- A better bathroom, more water fountains and trash cans were common suggestions.
- Other common suggestions include adding more single track trails, improving the equestrian trailer area to exclude cars, providing a port-a-let closer to trailer parking, improving the entrance drive, and definitely improving signage throughout the greenway.
- Some requested creating marked and color coded trails or numbering existing sign posts
- Of respondents to the on-line survey, 37 % were Tallahassee Mountain Bike Association members, 21% Gulf Winds Track Club, and 18% Southern Trails Riders Association. The remainder were divided between the Florida Trail association and others.

Establish Marked Trails

- County staff indicated that creating a marked perimeter trail and a comprehensive signage plan were of particular interest.
- User surveys identified adding marked trails was a high priority.
- A 5+ mile perimeter trail and a 3+ mile trail were identified and shown on a trail map.
- An on trail signage system for navigating the marked trails and information panel for an entrance kiosk were developed.

Signage Plan

- A signage plan that provides numbered trail markers to help users find their location on trails, a trails map showing trail location numbers and a kiosk design have been developed.
- Over 100 trail marker locations were identified along greenway trails.
- Each locations was given a unique number and letter combination. JRA was chosen as the letter designation for each marker.
- All numbered markers have been GPS located and the location information can be used for 911 response.
- A QR code that will link to an interactive trail map can be added to each sign.
- Locations for “you are here” signs to further orient users have been identified.
- A trail map and informational entrance kiosk have been designed.
- An on site marking plan to help users navigate marked trails has been developed.
- Equestrians were concerned about trail conflicts and non-equestrian use of the trailer parking area. Instructions and a video on how to interact with equestrians are included on a kiosk information panel.
- Signage and strategies to help limit parking in the trailer area are recommended.

Single Track Trail Recommendations

- The greenway was separated into 10 areas for on site detailed analysis to determine single track trail suitability.
- 9 of the areas were found to have some suitability for single track either single use or shared use.
- Some areas had the potential for both shared and single use trails or trail segments that could be designated for single use along shared use trail corridors.
- Optional trail segments and potential single use trail locations were identified as possibilities to provide challenging features for both mountain bike and equestrian use.

Single Track Phasing Plan

- Existing resources are limited and a plan to phase single track trail design and construction is needed.
- Phasing will allow the County to gain experience with single track trail maintenance and use before establishing an extensive network.
- Establishing an initial shared use single track on the eastern boundary generally paralleling the CSX railroad is recommended.
- Two other areas were recommended as future phase 2 shared use trail locations.
- Final design may recommend some single use trails or trail segments.

Environmental Permitting for Trail Construction

- Environmental permitting including a Natural Features Inventory will be required to construct any single track trails.
- Meetings were held with the City of Tallahassee Growth Management staff to discuss permitting requirements.
- Trail Dynamics stressed that any trail design effort include contacting and coordinating with City Growth Management in the very initial design phase.

Trail Maintenance

- Maintaining single track trails is currently not included in the normal operations of the Parks and Recreation Department.
- Adding new trails especially single track trails will require additional staff time and resources.

- It is highly recommended that a professional trail designer be engaged to design a trail for low maintenance and sustainability.
- Entering into a Memorandum of Understanding with a local trail user group to help maintain single track trails is also recommended and can substantially reduce the impact to staff time and resources.
- Volunteers can also help to implement a risk management plan.

PROJECT REVIEW

Previous reports contain information regarding deliverables completed in Project Components 1 and 2.

Component 1, Status reports #1 and #2

Status report #1 contains a review of current plans and policies including the J. R. Alford management plan, Tallahassee Leon county Greenway Master Plan, Tallahassee Land Development Code permitting requirements, the Leon county parks general permit, Leon County Soil Survey, and the Florida office of greenways and trails trail system plan. The report documents preparations for user input and describes the preliminary site analysis process, results of the analysis and a general discussion of how the results may inform and guide future work.

Status report #2 expands on the previous report and contains information gained from discussing city permitting requirement with city growth management staff. How the county general permit will be considered, how the tree protection requirements of the code will be applied and the fact that a natural features analysis prior to permitting will be required were discussed.

Status report #2 also detailed steps taken to refine a preliminary physical survey of the site and prepare for an eventual detailed survey of all potential single track trail locations. Results of an on line survey and on site surveys were presented and discussed. The survey results showed a wide range of times the greenway is being used and that the most common comments include keeping the greenway as it has been managed with open spaces and little other development, adding a bathroom, adding single track trails, fixing the entrance speed bumps, adding marked trails and signage, keeping vehicles from parking in the equestrian parking are, and do not do anything to change the natural and scenic nature of the property. The survey showed that a large number of users do not venture far into the property and were wary of venturing away from the parking area and canopy walkway because they did not have information about the outer reaches of the property and might get lost. Many respondents said they would like to see more of the property if there was a good signage system and maps.

Component 2, Status report # 3.

Report #3 further examined regulatory requirements for permitting single track trail construction. Conversations with growth management staff continued and culminated in an on site meeting with staff. Specific requirements for identifying protected trees on site and methodologies to provide that information to growth management staff was discussed. Specifically how construction corridors and protected trees could be identified included center line flagging with specific trees marked for orientation on site so permit technicians could check project submittals. The concept of protected areas of the greenway used to provide compensation for tree removal is commonly applied to projects of the same type as Alford trail construction.

The report included a statement stressing the importance of requiring a trail designer to be familiar with all environmental regulations before beginning any design work. This would help to minimize permitting expense and time.

An extensive discussion of forest types found in the Greenway and an analysis of 10 potential single track construction zones was discussed in detail. Two area were recommended for preliminary trail construction.

A discussion of several types of trail construction techniques and methods are discussed in report #3. The discussion includes pros and cons of hand vs. machine construction and volunteer vs. professional design and implementation.

The report includes results of further discussions with users and user groups including a user group meeting held with representatives of equestrian, mountain bike, and hiking organizations. A discussion of a greenway signage plan was also included.

FINAL REPORT RECOMMENDATIONS

Shared Use Single Track Trails

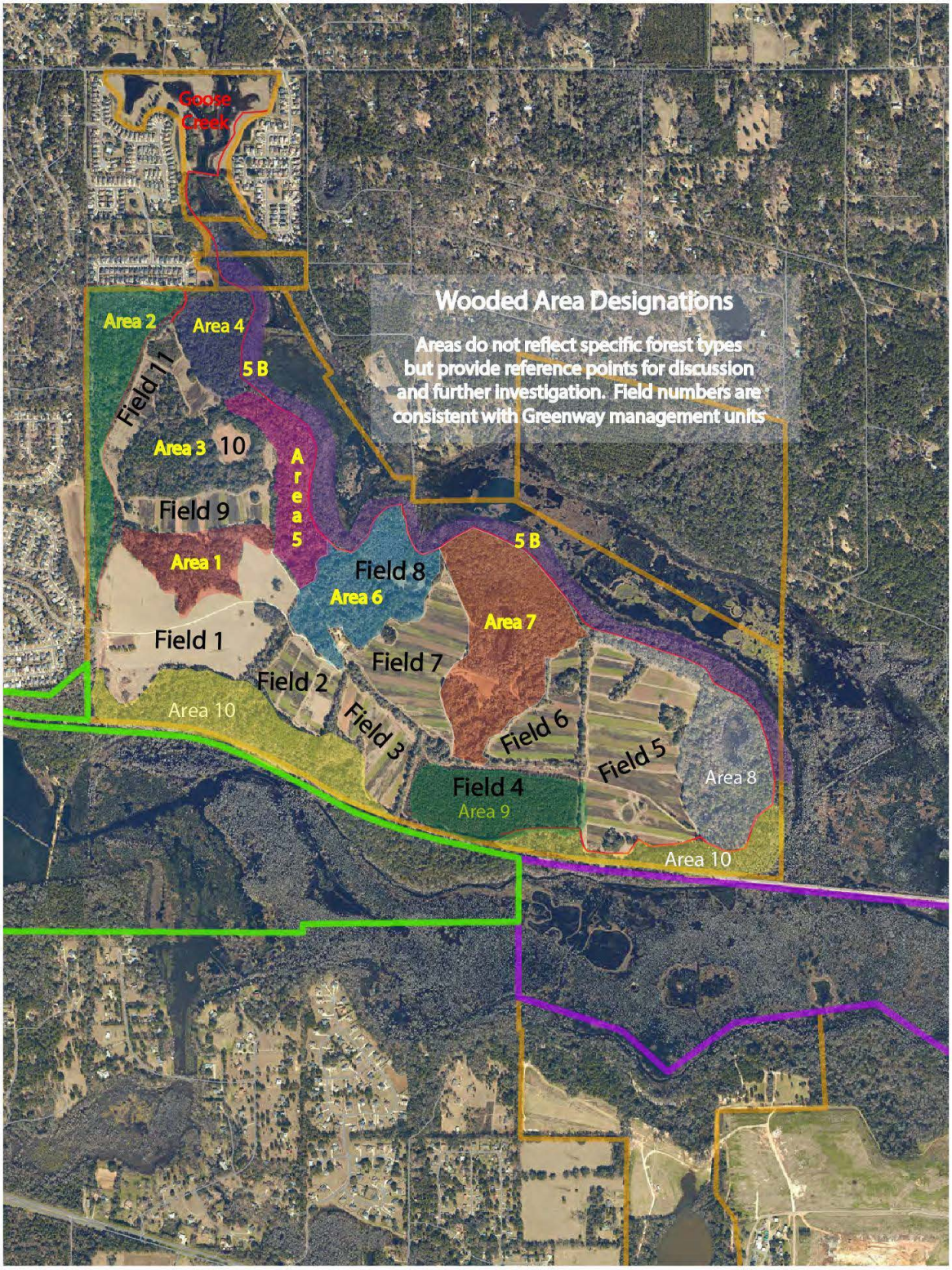
As reported in Status report #3, there are many opportunities to construct single track trails throughout the greenway. All of the areas surveyed with the exception of area 7(see attached color coded area map) had some interesting terrain and adequate acreage to support adding single track trails to the existing trail system. Area 7 did have some interesting terrain but it was limited, much of the area was severely overgrown, may contain listed species noted in the original environmental evaluation, and included wetland features and that are more difficult to develop.

Phasing single track trail design and construction is a required deliverable. Phase 1 and 2 single track trails are to be **shared use** with some separation as needed. It is recommended that the first single track developed should parallel the fire line on the southernmost area of the greenway along the CSX railroad right of way. This fireline has been used by bikers, walkers and equestrians for many years and connects to a trail leading from the Lafayette Heritage Trail Canopy Walkway. The current path includes a “fall line” (fall line refers to an unsustainable down hill grade that results in trail erosion) section accessed from the J. R. Alford Greenway parking area. This fall line section acts as a conduit for water to flow down slope and causes erosion along the fire line corridor. At least two other similar fall line conduits also add water to the fire line.

In order to eliminate erosion along this corridor we recommend eliminating the current fall line entrance and other conduits, establishing a new entrance to the corridor, and relocating a trail following the contour of the slope north of the railroad. A new entrance parallel to the trail leading from the Canopy Walkway would lead users to the single track from Lafayette Heritage Trail Park and begin the trail along a more sustainable contour. Users from the Greenway parking area can be easily directed with signage along the existing trail route From this entrance point a trail can be constructed to parallel the existing fire line corridor and “surf” the contours up slope from the fire line, utilizing more area and providing much more interest and distance while eliminating fall line erosion.

Phase 2 can utilize the interesting forest and topography found in areas 1 and 3 (see attached map) Trails in these two areas can be developed in each area individually or as a connected system. The topography and forest provides interest and opportunity to develop a shared use trail that may diverge at times into single use when conditions require.

Later single track trail development phases can be chosen from the areas described in earlier status reports. The potential of each area designated on the area map is described in detail in the status report.


Goose Creek
Wooded Area Designations
Areas do not reflect specific forest types but provide reference points for discussion and further investigation. Field numbers are consistent with Greenway management units
Area 2
Area 4
5 B
Field 11
Area 3
10
Area 5
Field 9
Area 1
Field 8
Area 6
5 B
Area 7
Field 1
Field 7
Field 2
Area 10
Field 3
Field 6
Field 5
Field 4
Area 9
Area 8
Area 10

Equestrian Trails and Issues

Survey results, personal interviews, public meeting comments and information gained from a meeting of user groups identified several issues of concern to equestrians. Issues most commonly expressed were conflicts with other users on trails, exposed gravel on trails, bathroom facilities closer to trailer parking and non-equestrian users parking in the equestrian parking area To a lesser extent a desire for a water source within the parking area was expresses. Equestrians clearly support establishing single track trails either single use or shared use.

Equestrian Parking

In numerous visits to the Greenway parking area the number and types of vehicles using the equestrian parking area was noted. Some users clearly choose to park in the equestrian area especially along the northern side adjacent to a copse of trees. Many park along the fence in various locations and simply embarke from there to hike or bike. Others park and use the open space for a picnic, family play or walking pets. In most cases only a few non-equestrian vehicles were observed but up to 12 were observed on one sunny sunday afternoon. In most cases observed when horse trailers were present the other vehicles did not appear to interfere with trailer parking, loading or movement.

Although random observations did not show any significant non-equestrian parking in the equestrian area, it is clearly an issue of concern to equestrians who have had cars blocking their trailers movement or loading and have had horses disturbed by other users engaging in activities from unloading and riding bikes to flying kites. Several options are available to limit non-equestrian parking. Because the parking area is so open and appealing many users simply follow the entrance drive directly into the equestrian area and are likely unaware of any problem. A sign indicating which area to park is located at the entrance but numerous interviews with users has shown that the sign is almost never seen.

A phased approach to limiting non-equestrian parking can be applied and monitored to gauge effectiveness.

- A first step may be to move the existing sign to the other side of the entrance more directly in the line of sight of those who are attracted to the wide open equestrian parking area.

- A second step may be to install an alternative sign with little text and clear graphics in the same place. Several equestrians specifically requested a graphic that specifically represented a horse trailer. The sign should be the same size as the existing textual sign. An example is included on the next page. This sign can

be posted on the north side of the entrance either at the end of the entrance fence or on a separate post mounted in the center of the parking area entrance.

- A further step may be relocating this sign either along the fence north of the staff entrance gate or on a new fence line running east from the southwest corner of equestrian parking. A fence can better delimit the open view of the equestrian area and make it visually more separate. The fence can be short enough not to block trailers.

- Leon County Parks and Recreation has previously installed two sections with a gap in the middle sufficient for trailers to further identify the parking area similar to a farm entrance. This solution was not well received by equestrian users and was abandoned. Should this method be revisited as a possible solution, using a roadway standard turning radius sufficient to accommodate the largest anticipated bumper pull trailer might be considered. A HORSE TRAILER PARKING ONLY sign at the entrance gap could not be easily ignored.

- A final solution could be to install a metal gate similar to those existing in the parking area. The gate can be installed to close automatically in the same manner as the staff entrance gate and would not require a lock. If the gate is closed it will provide a definite division between trailer and non-trailer parking. Conversations with several equestrians who pull long horse trailers indicated there is sufficient room to enter and exit the parking area if such a fence was properly located.


HORSE TRAILER PARKING

Trail conflicts between equestrians and other users

If one asks an equestrian the three most effective methods for reducing trail conflicts they will often reply, " Education, Education, Education." It is true that the more users understand each other the less conflict exists. The suggested trailhead kiosk design includes a photo of equestrians and bikers together with the admonition "Say HI To A HORSE! From in front or behind," and instructions to "Talk to the rider," and "Let 'em know you are coming." An offer of how to learn more is made along with a QR code for a 1 minute video showing bikers what to do when meeting horses on a trail.

In addition to signs and videos to help educate users, each user group can use their social media and other communications to remind users of trail etiquette and begin to change the culture of the user to give more consideration of others on the trail. Working together is a very good way to get to know others. Creating a trail maintenance team composed of mountain bikers, equestrians, runners and hikers can be a very effective way of helping each group understand their different concerns. Leon County Parks can make creating such a team part of a requirement to building single track trails. The users will have incentive to get together for a common goal. The County can then enter into a MOU with the resultant group to help maintain the single track trails.

Proper trail design is another way to help reduce trail conflicts. Providing adequate sight lines allows users to see others ahead. Limiting use in some areas with poor sight distance or unsuitable physical conditions is also a way to increase safety and avoid conflicts.

Trail Conditions of concern to equestrians

Gravel on trails is a major concern of equestrians. In fact, gravel can not only harm horses hoofs but a bicyclist traveling at a high speed especially around a turn can lose traction and fall on loose gravel. Several areas around the greenway have patches of loose gravel exposed on the surface. These areas can be covered with the same fine textured shell material already being used on other trails. Paying attention to covering gravel patches will not only help equestrians enjoy the greenway more but will increase safety for all users.

Areas along the now designated Outer Loop Trail are very rooty and active erosion is ongoing. Leon county staff have begun repairing erosion in some areas along a sloped portion at the southern end of the trail. Significant erosion is occuring along other areas that are flatter but have some rolling sections. Between markers 8 and 12 and in the area of marker 21 water is beginning to wash out between roots causing high exposed roots, gulleys and holes that can be dangerous for horses and other users. The current practice of covering eroded areas with road base topped with finer shell material has

been very successful and is recommended to be applied in other areas. Sandy clay material as a covering is also an option that may be more economical but will not be as long lasting.

Bathrooms and water access is a concern for some equestrians because they may be forced to leave a horse tied to a trailer while using the existing portolet. A horse tied without supervision can be severely injured if frightened. Adding an additional portolet convenient to the equestrian parking area is a popular request. Additionally, extending the water line from the current location adjacent to the entrance drive to a location inside the equestrian parking area would make washing and watering horses much easier.

Single Track Trail Design Considerations

Equestrians, mountain bikers, and hikers all have clearly stated they would enjoy single track trails. Even though some equestrians have said they would support single track trails shared with bikes and hikers, as a practical matter the difference in speed and type of activity between these modes can pose a problem to successfully and safely sharing single track trails. Additionally, experience has shown that while users accept shared trails they are most comfortable with single use. These factors should be considered when designing single track trails.

Both equestrians and bicyclists enjoy challenging topography. In some areas topography is so severe that bikes may reach high speeds and technical conditions which will limit the riders attention to equestrians who may be on the trail.
Given the difference in speed and type of activity between equestrians and hikers on one hand and mountain bikes on the other, single track trails must be designed accordingly. Rather than a one size fits all approach, single track trail design must consider what use is most appropriate for each individual environment. Such consideration is important not only to provide an enjoyable user experience but especially important for safety and risk management.

Trails shared with equestrians, hikers and bicyclists must have good sight lines in order to provide time for faster moving bikes to see horses or hikers ahead and for equestrians and hikers to see bikes approaching. In areas of steep topography bikes can attain greater speeds and riders are much less likely to see other users or prepare for them. Steep topography is a good place to provide single use mountain bike sections and is not appropriate for shared use. In some cases a separate bike trail option may diverge from a shared use trail as a safety measure. The resultant single use option should be marked “not designed for equestrian use.”

In some areas such as areas 1 and 3 shown on the attached color coded map, a shared use trail may separate where topography becomes more steep and a single track bike only section can be an option that is safe for all users. For the enjoyment of equestrians some more steep topography can also be included on shared use trails but the steepest

sections should be separate. In this way a shared use trail can provide access to all users but separated in some areas to safely accommodate equestrian, mountain biking and foot traffic.

Areas such as 5 and 7 may be a good location for a signature mountain bike only trail that can be designed with the steep topography found there. Again, the resultant single use mountain bike trail should be marked “not designed for equestrian use.” In other areas an equestrian only trail could be located to include some less severe topography that can provide an interesting and challenging experience for equestrians free of other users. The exact location for any of the aforementioned options should be part of a design phase that is beyond the scope of this project.

Other Users Issues, Concerns and Considerations

Mountain bikers certainly prefer single use trails but are also willing to share trails in exchange for having more single track mileage. Bikers are looking for challenging trails that contain more extreme topography and technical trail features. Shared use single track is certainly welcome especially if there is substantial mileage but there is certainly an expectation that some of the more severe topography of the greenway will be devoted to mountain bike specific trails.

Runners appreciate single track trails and can often match the speed of mountain bikes and are thus more compatible with bikes than slower users. Some runners prefer trail running and sometimes join with mountain bikers to stage shared events where bikers run and runners bike. A single track trail system could ultimately be combined with adjoining City park trails to develop a trail marathon or half marathon. Again, trail etiquette is important to stress and includes not wearing stereo headphones that drown out any warnings from others and properly yielding to others.

Hikers have requested better signage and properly marked trails. Hikers seem to be fairly content with the current trail system but will appreciate the opportunity to use single track trails.

Single Track Trail Maintenance

The level of maintenance needed on single track trails is directly connected to proper trail design. A well designed trail must be sustainable in several ways. Social sustainability is accomplished when trails become popular because they are enjoyable to use. Economic sustainability is the result of trails that are supported by the community and are well designed for low maintenance. Physical sustainability is the result of a trail that is properly designed for longevity and low maintenance.

No matter how well a trail is designed some preventative maintenance will be needed on any natural surface trail. Leon County Parks and Recreation Department currently does not have the resources to conduct extensive single track trail maintenance. A trail designer can provide training for county staff to help prepare for some level of maintenance. Training can help staff direct and evaluate work done by volunteers. In some cases, such as after major storms when large trees fall across the trail, maintenance is beyond the scope of being done safely by volunteers alone. In these cases the county may be better equipped and trained to accomplish the needed maintenance possibly assisted by volunteers. The level of maintenance expected of volunteers vs. being the responsibility of the county can be part of a maintenance MOU.

Mountain bikers, equestrians and hikers all have a history of helping to build and maintain trails. Runners often attend trail work days as well. As much as possible a coalition of users from organization such as Tallahassee Mountain Bike Association, Southern Trail Riders Association, Florida Trail Association, Gulf Winds Track Club, and Paso Fino Association is recommended to be developed to help maintain any single track trails. Some participants at the first public meeting and subsequent users meeting expressed agreement in the concept of a shared maintenance responsibility and entering into a MOU with the county. Ideally such a group should be formed and an MOU developed before significant resources are used to design a build single track trails. Helping to develop a user maintenance organization, being involved in creating an MOU, and explaining how the trail should be maintained can be part of a trail design contract.

A risk management plan for the trail system should be developed and all staff and volunteers should be instructed about the contents and importance of the plan. Volunteers can assist to implement provisions of the plan and should be expected to act according to those provisions.

Trail Signage Plan

A signage plan for existing shared use trails has been developed. The plan includes a map created to show orient potential users on the site. A numbering system has been created to mark locations on the property that are also depicted on the site map.

How to number the existing trail system in a logical manner has been discussed many times. Because the existing trail system is a collection of random routes with numerous intersections creating a consecutive numbering system is not possible. The proposed numbering system uses consecutive numbering as much as possible and organizes non-consecutive numbers in clusters for easy location. The numbering system along the two marked trails is consecutive and non-consecutive numbers are clustered within specific areas so users do not have to scan the entire trail map to locate a specific point. The Outer Loop Tail is numbered from 1 to 44 and the 5K trail follows the outer Loop to number 2 and then diverges and is numbered consecutively from 45 to 59. Numbers

60 to 89 are clustered in the eastern portion of the Greenway and numbers 90 to 104 in the northern portion.

The numbers are printed on 4" x 6" green signs affixed to over 100 existing, and some added, trail marker posts. The signs include a property designation of JRA for J.R. Alford, a location number, a QR code that can be scanned with a smartphone to display a site map that shows the marker location, and the words " 911 Location."

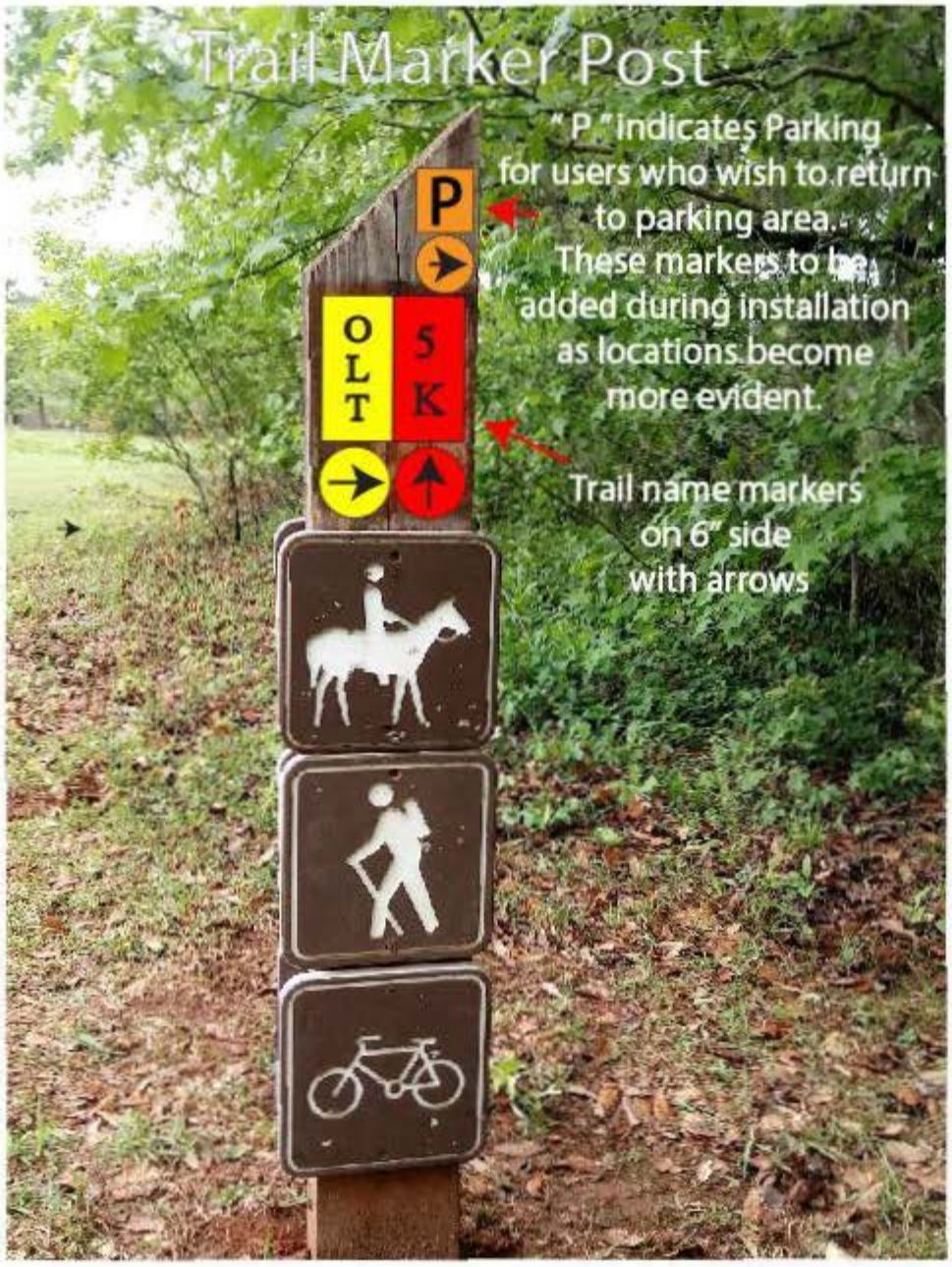
Currently Leon County EMS maintains a record of trail markers similar to those proposed for J. R. Alford Greenway. Marker numbers on other trails are maintained in the Computer Assisted Dispatch (CAD) system and are available on maps accessible to responders. If someone calls for assistance and uses the trail name and number, the system will be able to use that information to find that location. TD staff has discussed adding the JRA locations to the current system with Leon County EMS. Before actually installing markers on the greenway it is essential that Leon County EMS confirm the system has obtained the marker information and it has been entered into the system and is functional.

Providing information in a GIS compatible format is a required deliverable. All marker locations have been located by GPS and entered into a GIS feature class file. The file uses fields identical to those in the feature class currently used to store trail marker information. An existing feature class called "Alltrails" has also been used to identify corrections in the trail data for the greenway. Additions and deletions of current trail data has been entered into another feature class that can be used to edit existing data.

Two feature class files have been created to include GPS location information for all numbered trail markers depicted on the suggested trail map and additions or deletions to existing trail line information. **Once the County accepts the recommended signage plan or requests some changes to the marked locations the GIS information will be provided in a GIS geodatabase.** Discussions with EMS, Leon County MIS, and others regarding how the information should be formatted and how it will be integrated into the existing system suggest that once the information is added to the existing GIS data it will be included as part of a system of regular updates. The files will be provided to Leon County Parks and Recreation.

Before a statement that trail markers function as 911 locations are added to the actual markers, the location information should be added to the GIS system. Otherwise the 911 location will not be functional. Either signage should not be installed until the GIS system is updated or signs should not include a 911 location statement until the system is updated. One option is to make the markers in two parts so that the 911 location information can be added when functional. If the current estimated time for installing signs remains sometime in November of 2018 there will be adequate time for trail location information to be added to the GIS system and all signs can be installed with 911 location included. To avoid confusion adding GIS information to the system should coincide with sign installation.


Trail Marker Post
View Facing Trail
Trail location marker
" P " indicates Parking for users who wish to return to parking area. These markers to be added during installation as locations become more evident.
P
OLT
5K
Trail name markers added on the 4 " side of posts at some 3 way intersections


Trail Marker Post
" P " indicates Parking for users who wish to return to parking area. These markers to be added during installation as locations become more evident.
Trail name markers on 6" side with arrows
P
OLT
5K

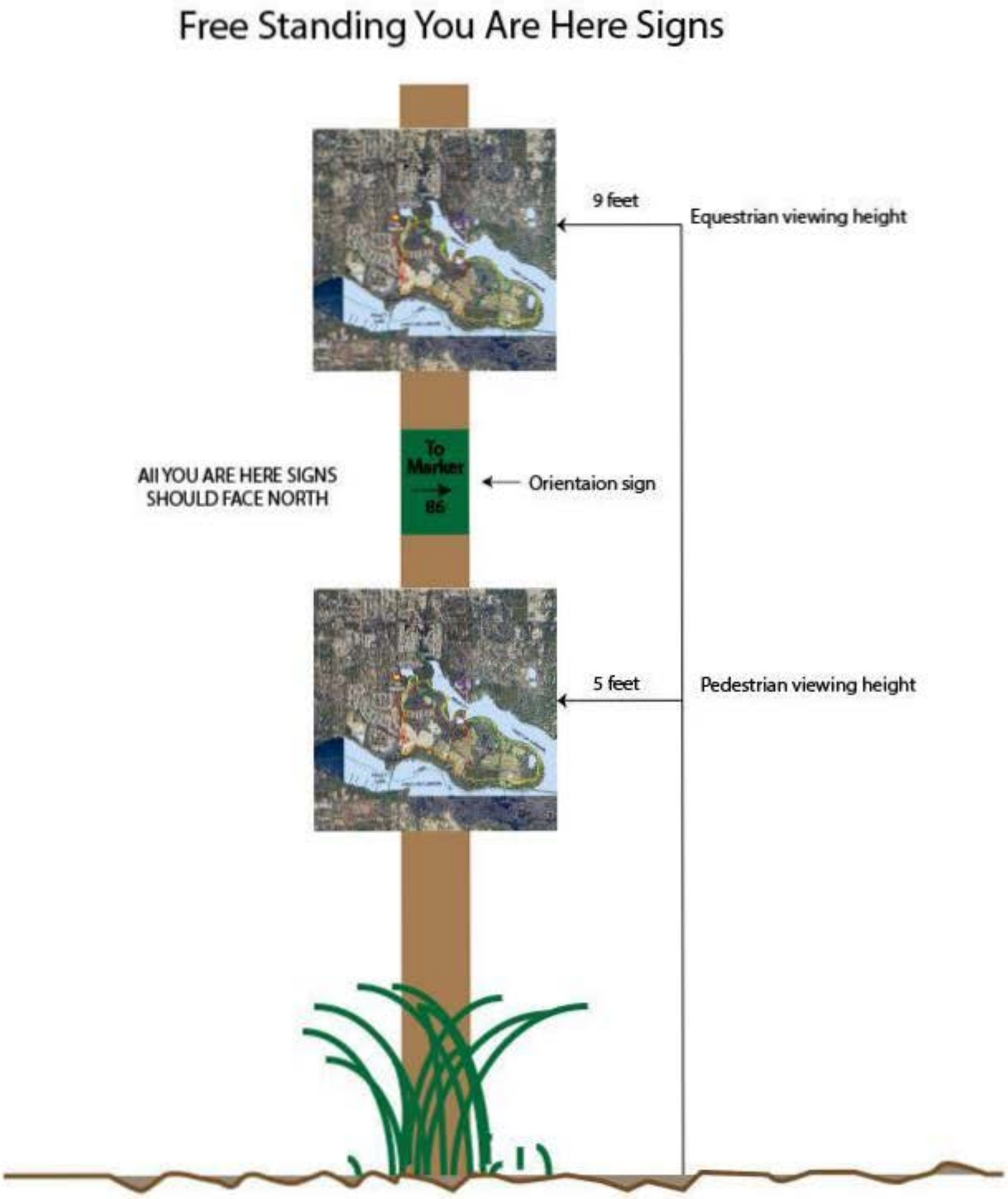


Illustration not to scale

All YOU ARE HERE signs will be installed facing north to help users orient themselves on the site. Orientation signs pointing to the direction of a nearby marker number will further help in orientation. Free standing signs are to be 18” x 18” in size and mounted on 4 x 4 rough cut 12 foot posts. Two signs are mounted on each post, one at 5 feet above grade for viewing by those on foot or on bikes, and one at 9 feet above grade for viewing by equestrians mounted on a horse.

Interpretive Kiosks with YOU ARE HERE Signs



Another option for displaying YOU ARE HERE signs is on a kiosk such as show on the previous page. This kiosk is identical to one placed at the St. Marks Headwaters. The kiosk is metal and well built and should last long with low maintenance. One side can be used for a YOU ARE HERE sign while the other can contain interpretive information on a variety of subjects. YOU ARE HERE signs can remain in the 18” x 18” format or be enlarged to fit the larger kiosk. A copy can be placed on the roof of the kiosk for viewing on horseback. The attached bench under cover of a roof will offer users shelter from rain, shade at some times of the day and a welcome place to rest while hiking or biking the 800+ acre greenway. It is recommended that kiosk of this type with benches be used or benches be added along with kiosks without attached benches.

A total of four interpretive kiosks are recommended and more can be added. Interpretive kiosks add interest and enjoyment. Each kiosk can include YOU ARE HERE signs along with interpretive material. One can interpret the Block Stern Site as illustrated, another the Chairs Massacre and other historical information such as the importance of the Marquis de Lafayette to the history of Leon county, yet another the importance of prescribed burning to “Keep the Greenway Green,” and one or more can be placed along the OLT trail where views of Alford Arm provide an opportunity to interpret the “Disappearing Lakes of Leon County” and the unique geology of the area. “The Greenway Then and Now” can use historical aerial photos to depict how the Greenway evolved from open agricultural land. The aerials show the current open field locations.

County staff has indicated that actual interpretive kiosk panels are to be developed and designed by the county. If requested, draft interpretive panels can be provided by TD.

Entrance Trailhead Kiosk

Map of Marker Locations on J. R. Alford Greenway



The map on the previous page will be provided to Leon County Staff to include in the redesigned kiosk map being developed. This map shows the marked and measured trails and over 100 GPS located markers that will be installed on existing sign posts throughout the Greenway. Examples of how markers will be installed on the posts has been described and illustrated previously herein. The map legend will explain the various symbols on the map. This will be the base map for all YOU ARE HERE signs.

Kiosk Type and Location.

The number and types of kiosks are to be determined. County staff can discuss desired kiosk construction, location and cost. At a minimum Kiosk maps should be ORIENTED TO FACE NORTH. The main purpose of a kiosk is to inform the user. Maps are difficult for many to understand. By orienting maps in the direction the user is actually facing makes understanding the map much easier.

Rustic wooden kiosks are very “park like” and are usually easy to construct and economical. Examples are shown. Alternatively, manufactured metal kiosk are also aesthetically pleasing and long lasting. The county may find metal kiosks more desirable and may wish to obtain price quotes from the vendor(s) already used for kiosks like the St. Marks Headwaters trailhead kiosk. However kiosks are constructed they should be covered and include an attached or un-attached bench.

It is suggested that two trailhead kiosks be installed at the greenway parking area. One should be inside the existing car / truck parking area. This kiosk can be oriented north and serve to anchor an additional row of parking places in the center of the parking area. Another should be located along the north fence line in the equestrian parking area.

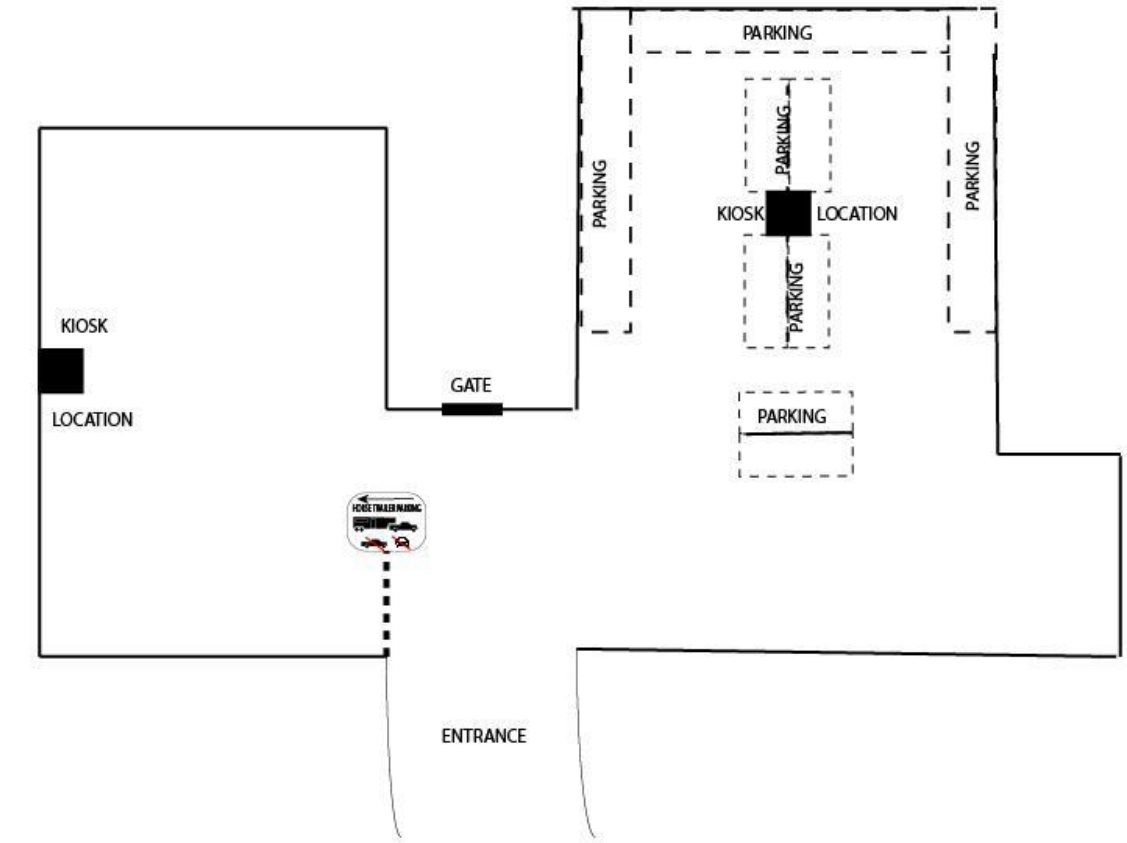


Illustration Not To Scale



Example of rustic full size kiosk with bench. There are many variations with larger roof overhang, concrete or non-concrete pad, attached or separate bench. Details can be provided once county staff determine their general preferences.

Large Kiosk Example with Covered Area For Table



Kiosk information and map.

Trail dynamics submitted a draft kiosk map design for staff review. As a result county staff developed an alternative kiosk design using the same informational elements but redesigned in a format more consistent with other county kiosks. The trail map was not included in that work and has been submitted with final trail marker locations, marked trail designations and other information useful to users. County staff should review this map for accuracy and approach. Any problems or concerns can be expressed directly to Trail Dynamics. We will work with county staff to improve, correct or make minor changes to the trail map. We have enjoyed working with public information specialist Justin Moro in the Leon county community relations department and we will be happy to work out specifics with him or other appropriate staff. A copy of the kiosk map included therein has also been sent to Justin.

Maps

Information on the kiosk directs users to obtain a map by taking a photo of the kiosk, download a printable map from the Leon county parks and recreation web site, or click on a QR code that should connect to the same map. The county interactive parks map might also be advertised on the kiosk. It is important to be sure any of these links are correct. QR codes on each trail marker will link directly to a location on a map maintained by Leon county MIS.

Another additional step is to mount a map box and provide printed maps. Users love printed maps but land managers less so. Map boxes require staff to remember to fill the boxes so users do not encounter empty boxes, staff time filling the box, possibly staff time creating a paper map and having it printed. Susan Tanski with the city of Tallahassee parks and recreation department mentioned that several map boxes located in 5 different locations at E. K-Phipps Park are filled frequently. Hundreds of maps are provided monthly. Full color maps are costly and black and white versions require amending the trail map to properly display trails.



KIOSK TRAIL MAP

Numbered locations. GIS information and EMS access.

Over 100 sign post locations were identified and given a GPS location. That location was entered into ArcGis as a feature class in a format identical to that used by Leon County GIS. Trail information gathered during numerous visits to the greenway was also recorded in a format that can be easily merged with existing information. Some trail additions and deletions were found. All of the aforementioned information was added to the local GIS system in a manner that will allow access and use by GIS staff. The result will be adding trail marker locations in the

J.R. Alford Greenway to existing GIS layers that can be accessed and used by Leon County EMS as locations for emergency response or as useful locations to describe management activities. GIS staff has agreed they will include the added information during the next scheduled response system updates.

Sign Post Marking and Trail Direction System

County staff should review the proposed marking system and request any non substantial changes or improvements. Installing JRA numbered markers should coincide with updates to the GIS and EMS CAD systems.

Materials and Methods.

Because Leon County Parks and Recreation uses controlled prescribed fire as a tool to manage the Greenway it was assumed that fire resistant materials would be necessary to use for signage. In a meeting with county staff, however, staff were quite certain that the measures they take to protect facilities from fire during controlled burns was quite successful and using materials like heat sensitive plastic for signs would be acceptable. This information helps to specify sign materials that are long lasting and economical.

Signage estimates

Signage costs differ depending on the method of production. Prices are estimates assuming direct purchase by Leon County.

All prices are estimates for high quality rugged plastic outdoor sign blanks to which vinyl graphics will be attached. Vinyl graphics are high quality, long lasting, UV resistant and coated with a clear damage resistant film. Prices for metal signs can be provided upon request and are commonly up to 5 times or more in cost.

Plastic colored trail markers with arrows.	$650
104 Green trail markers with numbers Note: this price may change should 911 text need to be on a separate blank because of GIS technical requirements that may delay including locaition information in the CAD system. In that case an additional cost of approximately $150 may be added to this estimate.	$280
50 “P” signs with arrow	$145
Stainless steel screws and bolts	$300

20 You Are Here 18” x 18” aluminum composite	$800
4’ x 8’ kiosk sign with map	$550
4’ x 4’ interpretive panel	$300

Construct large Kiosk wooden rustic kiosk. Depending on total size, construction details roof overhang, attached bench, roof Material, etc. Does not include concrete. Price may change If materials are purchased directly $5,000 to $8000

Further Action

Following Trail Dynamics submitting this report Trail Dynamics and Leon County Parks and Recreation staff will meet to discuss any omissions, clarifications, requests for more information, and generally review the report.

At that time county staff may also have a clear preference to how signs are to be created and installed. At that time a sign installation plan and estimate can be provided as amounts, types, materials, etc. are more specifically known.

J. R. Alford Greenway
Land Management Plan
Lease #4766
Management Plan Approval Date: December 18, 2013

EXCERPT

Public Access and Recreational Opportunities

Activity 2.4.1: Install interpretative signage for two historical/cultural sites. (page18)

Capital Facilities and Infrastructure

Activity 6.1.3: Conduct a trail assessment to determine best use and layout of existing and potential new trails. (page 20)

Activity 6.1.4: Develop design, access, construction, and maintenance criteria for existing and new maintained trails. (page 20)

Activity 6.2.2: Based on the results of the trail assessment required by Activity 6.1.3, additional trails may be considered for construction. (page 20)

Activity 6.3.2: Improve or repair the maintained multi-use trail system based on trail assessment. (page 20)

Activity 6.3.3: Install location, directional, and mileage markers and other identifying signage on all trails where not currently present. (page 20)

Trail Assessment of the J. R. Alford Greenway
Bid No. #BC-08-01-17-47
SPECIFICATIONS

The written assessment shall include, but not be limited to, the following elements:

1. Review all existing County-maintained and social trails to determine the current condition of these trails in terms of safety, functionality for users, a layout that maximizes efficiency for maintenance requirements, and environmental impact. Photo documentation along with narrative is expected.

2. Review and comment upon all existing environmental regulations that may affect locating and constructing future trails.

3. Review the greenway master plan to identify how the park and trails may help implement the plan located at: http://cms.leoncountyfl.gov/coadmin/agenda/attach/150707/A0901.pdf

4. Review the Land Management Plan to ensure any proposed recommendations do not conflict with core objectives located at: http://cms.leoncountyfl.gov/Portals/0/publicworks/parksandrecreation/docs/JR_Alford_Greenway.pdf .

5. Conduct user surveys to identify how and when trails are being used.

6. Conduct at least 2 user-group meetings – with user group contacts provided by the County. The first meeting, held after visiting the site and developing preliminary ideas, will be to inform users of the project goals and to invite user input. A second meeting may be a field visit with users to discuss specific plans and invite user input.

7. Suggest trail system improvements to better serve user groups, improve trail function and experience, and reduce environmental impact and maintenance. Suggestions may include relocations, reconstruction, new construction, closures and general signage needs and should include reasoning for each suggestion.

8. A complete signage plan for the property including recommendations for locations of signage and directional scheme.

9. Provide a list of recommended materials and construction methods for trail surfaces, structures, signage, etc. including relative cost estimates.

10. A map, or maps, illustrating current conditions and suggested improvements and GPS coordinates and/or data that can be transferred to the County's GIS system for accurate mapping. Detailed trail design is not included in this assessment but general locations for new trail alignments should be depicted in as much detail as necessary.

11. A phasing plan to implement improvements including suggested funding opportunities and options for implementing specific suggestions e.g. various trail surfacing options which may have different costs and installation requirements.

12. All data collected should be provided in GIS shape file or ESRI File Geodatabase format. Output of good quality cartographicly pleasing map product printed and in PDF format showing the date collected

13. A project time schedule.

IMBA RIDE CENTER APPLICATION GUIDE

What is an IMBA Ride Center?

The Ride Center™ designation represents IMBA's Model Trail recognition for large-scale mountain bike facilities that offer something for every rider. Bring your full arsenal of bikes to these destination-worthy areas. From backcountry adventures to shuttle-served gravity trails, and from expert-only to family-friendly, you'll encounter the best the sport has to offer. Ride Centers range from renowned Gold Level destinations like Park City and Oakridge to smaller towns that totally revolve around the ride like McCall or Marquette.

IMBA Ride Centers will be designed for every type of mountain biker, provide a positive mountain bike experience with progressive skill building, and include facilities that break down the barriers for entry with bike rentals, quality maps, clear signage, and available instruction or guiding. These model trail systems will broaden the demographic of the mountain bike community by providing a model beginner experience that is family friendly on the same site that will challenge an expert rider. A Ride Center will demonstrate the best practices in mountain bike trail design and construction for grassroots replication.

Ride Centers will also bring major economic benefits to their host communities. IMBA has compiled online resources that describe the ways that mountain biking supports tourism and enhances economic development in communities around the globe.

What are the core components of the Ride Center Designation?

This designation is designed to support local stakeholders and land managers in their effort to create the ultimate mountain biking destination. This designation is just as much about the process as the award itself. The application criteria serves as the blueprint for improving a trail system and is comprised of multiple factors with both trail experience and surrounding community amenities being measured.

The designation and rating (and potential delisting or demotion) of a Ride Center shall be based on clear criteria. These criteria do not need to be objective, and some will necessarily be subjective, but in all cases they will relate to providing great riding opportunities.

The Ride Center application process consists of:

- a self evaluation;
- in person professional assessment and review
- a report detailing the findings;
- and a thorough evaluation of the existing conditions, opportunities for growth, and recommendations on next steps to improving the trail system status.

Whether you are confident you will score well in the process or highly motivated to develop a road map, this process will provide great benefit to your mountain bike community and beyond.

The evaluation criteria is comprised of key aspects that make an amazing mountain bike destination and include, but not limited to;

1. Trail Experiences
2. Services
3. Community Involvement

4. Tourism, Promotion, and Marketing
5. Evaluation and Measurement

Geographic Area: A Ride Center's geographic area shall be all the facilities within a 30-minute drive time radius (as determined by Google Maps) from a determined center point. The legal trail and bicycling opportunities that start within this area are considered the trail system that is being evaluated in the application. *Regional Ride Centers* can be created by agglomerating several Ride Centers that exist within a two-hour drive time radius, but the individual Ride Centers cannot have overlapping territories and must stand alone on their own merits.

Self Evaluation: The first step in the process is for interested applicants to review all materials and perform a self evaluation following the scoring matrix and criteria. This process entails interested applicants self assessing their community's trails based off the Ride Center criteria to determine if they are a potential candidate and want to take the next step. Instructions on how to facilitate a self evaluation are in a later section.

Professional Review and Assessment: Each applicant who decides to engage in the professional review process will be investing in a thorough assessment of the strengths, opportunities, constraints, and quality evaluation of the trails in the proposed Ride Center. The report will detail an evaluation of existing assets to support a better understanding of what each community has to complement enhanced future marketing and differentiate one Ride Center from another. Throughout the process an exposure of the potential weaknesses or room for improvement will allow community to focus on areas and issues that prevent them from attracting larger visitation, broader demographics, and identify what might limit a potential designation or upgrade.

Who benefits from an IMBA Ride Center?

IMBA Ride Centers have the ability to benefit multiple community stakeholders:

- The global mountain bike community
- The trails community
- The individual host communities at each IMBA Ride Center
- Surrounding urban/suburban residential communities

The Global Mountain Bike Community

The mountain bike community needs an upsurge in riding – to build critical mass. In the last decade, the mountain bike community has grown in numbers, strengthened its national political voice, built its grassroots capacity, maintained and gained access to thousands of miles of trails, been recognized as trail experts, and increased its global economic impact. In the next decade, the mountain bike community needs to broaden its demographic, to engage the next generation, to increase its political effectiveness on the local and statewide level, and to put model mountain bike trails on the ground for mass replication.

The maturation of the mountain bike community is dependent upon the numbers. Currently, one in five Americans (40 million) rides a mountain bike every year, but less than 20% of those riders get out for more than two rides each month. Increasing the accessibility to trails is the best solution to getting those 30 million riders our riding more often, and further increasing this number of riders will provide:

- Politically, a larger voice that will result in more open space preservation, greater trail access, and increased validation of the mountain bike community as part of the public process.
- On the ground, IMBA's grassroots chapters, supporting organizations, and partners will increase their capacity for local and regional community development, stewardship, and fundraising.

The Trails Community

Over the last 25 years IMBA has taught the trails community the basics of sustainable trails, best practices in mountain bike management, and built demonstration trails around the world. IMBA has published three highly acclaimed books on trail design, construction and management: "IMBA Trail Solutions, Mountain Bike Management, and Bike Park Book."

The trails community needs comprehensive model trail systems that can be centers to teach sustainable trail building and management, to innovate and test new techniques, and to conduct needed trail research. IMBA Ride Centers will be model trails for all of the above, and the trails community will be actively engaged throughout the process.

Ride Center Host Communities
The world-class recreation trails and facilities offered at Ride Centers will stimulate local economies, heighten local quality of life, inspire natural resource conservation, and encourage active lifestyles. Ride Center host communities will become model trail communities – communities with a sustainable trails-based economy, healthy residents, and a high quality of living.

According to the USDA (2005 study), rural tourism and recreational development spikes employment growth rates, buoys earnings and income levels, lowers local poverty rates, and shepherds improvements in local educational attainment and health. The potential economic impact of IMBA Ride Centers is two-fold: tourism dollars and property values.

Mountain bikers will travel hundreds of miles for high quality trails. According to a 2003 study, 80% of mountain bikers surveyed reported taking at least one trip that year exclusively to mountain bike, and the average trip length as 4.6 days (Green, 2003). According to most recreation studies, recreation-based tourists typically spend at least $25 a day. Mountain bike tourism has the potential to redefine the economies of Ride Center communities:

- Following a the development of a Trails Plan for the area surrounding the small town of Oakridge, Oregon mountain bike tourism generated $98.6 million in goods and services a year for the town in 2016.
- For a community of only 108 people Copper Harbor, Michigan, at the farthest tip of the Keeweenaw Penninsula sees approximately 20,000 visitors a year to ride the trails in the area
- Bike trails in the Moab, Utah area, a long-time mountain bike destination, produce a consumer surplus value of between $197 and $205 per trip, and the annual value of the trails is between $8.4 and $8.7 million (Fix and Loomis, 1999).

The economic impact of trails reaches beyond bike shops, gear rentals, guided tours, coffee shops, local restaurants; trails are also the most desired amenity of prospective homeowners (National Association of Homebuilders). Property values were 6% higher for homes adjacent to greenways in Seattle, 25% higher for homes in Boulder that are within 4,000 feet of a greenway, and 61% of Minnesota residents noted a property value increase due to the presence of a nearby trail.

Additionally, there is a national movement that has tied childhood obesity, attention deficit disorder, impaired social skills and a culture of depression with less time outdoors, more time with electronic technology, and little free and unstructured time. The benefits of getting kids outside have been well documented – and "nature deficit disorder" can be directly tied to lack of access to safe and fun places to exercise and play outdoors (Children and Nature Network website).

Who should apply to become an IMBA Ride Center?
Interested applicants can be land managers, IMBA chapters or local mountain bike groups, tourism or

convention and visitor bureaus, and any stakeholder group in an area who desires to develop their community and trails system into a mountain bike destination. We highly recommend that applications are submitted by one organization or individual who is the lead on the project which is part of a larger community group or committee working collectively to elevate the areas status and work to engage all aspects of the surrounding region. It is also recommended that the land management agency is supportive of the community seeking the ride center designation.

Application Timeline

1. Application and updated process and criteria will be made available to interested applicants in the Spring of each year. An open house and Q&A will be held for interested applicants in the first week or two following the launch of the application for the current year.
2. IMBA will accept applications from June 1st to July 31st
3. Once applications are submitted each community will be assigned a project manager to review application and schedule on-site reviews which will happen between August and December
4. Following the professional review process a comprehensive report will be developed from January to March
5. After the completion of each review and report the Ride Center Review committee will assess all documents and reviews to make recommendation for the current year's Ride Center Class in March
6. Designation award Announcement will be made in April
7. Following year application process will open in March

Fees

Information on the program and the application criteria is available to anyone on imba.com. Should a community decide to participate in the program and work to receive a Ride Center designation there are fees associated with certain steps.

Application Fee: Following a self evaluation, if an applicant determines they are a candidate for a ride center designation or that they intend to utilize the process as a road map to help them further develop their trail network they can submit their application at https://www.imba.com/model-trails/ride-centers along with the application fee which will be $250 and covers the administrative cost of review and set up.

Professional Review **Fees**: Each applicant will be set up with a project manager who will work with them through the professional review process. The review process, as detailed above, will include a multi-day professional assessment of all the trails in the system, surrounding amenities and trail management, tourism, and marketing best practices. The report and recommendations created will be extremely valuable in not only the Ride Center scoring and designation process but to help stakeholders evaluate next steps and continued improvement. Each review will be custom designed to the needs of

the applicant and the range of fees associated with that contract will be clearly defined in a proposal before any costs are incurred. The following cost estimates are a range for new designations at each level

Bronze: 3-5 days at $800-1000 per day plus travel expenses and report generation
Silver: 5-7 days at $800-1000 per day plus travel expenses and report generation
Gold: 6-8 days at $800-1000 per day plus travel expenses and report generation

Renewals of current designations will be completed based off a submission of existing conditions remaining concurrent with trail options, quality, and best practices measured in previous application. A renewal at the same level, if the applicant still meets the qualifications, will be good for an additional 4 years. The renewal process and award fees are $1000 due during the application and review period of the current years Ride Center application class. If a current designation lapses more than 24 months from initial award expiration they will be required to perform a full new designation review process.

Upgrades will be facilitated similar to new designation process with the time and trails evaluated being focused on the additional trail types and best practices the applicant is submitting for upgrade. An upgrade will require an in person review and the fees associated with that process will be developed with the applicant prior to any expenses being incurred.

Existing Ride Centers awarded their designation in 2014 or later will recieve a 24 month extension to evaluate their current conditions based on the new criteria and develop steps necessary to achieve a designation under the new process and scoring.

Chapter Discount will be provided to ride center applicant communities that demonstrate strong engagement and connection with their local IMBA chapter.

Self Evaluation Instructions

Communities interested in becoming a designation IMBA Ride Center should first complete a self evaluation and assessment to determine their viability as a candidate. The following steps and instructions will help stakeholders better understand the process.

Step 1: Thoroughly review the entire Application Guide
Step 2: download either a printable pdf copy or the xls file of the evaluation criteria scoring matrix
Step 3: Thoroughly review all of the criteria and tabs in the scoring matrix
Step 3: Attend a Ride Center Open House to get a detailed review of the process and scoring from one of IMBA's professional consultants and Ride Center reviewers
Step 4: Assemble a small group of stakeholders who have intimate knowledge of trail system and trail design theory, construction, promotion, marketing, etc
Step 5: Gather all pertinent information and complete the self assessment
Step 6: If a formal review and designation is desired then applicant must submit self evaluation, application fee, and contact information https://www.imba.com/model-trails/ride-centers

Quality Trail Experience: Quality is difficult to define but easy to identify. For the purposes of the Ride Center Designation we will be basing the Quality Trail Experience measurement off of the Bureau of Land Management's Guidelines for a Quality Trail Experience. In the context of mountain bike trails, excellence is realized when a trail design merges the desired outcomes and difficulty that a rider seeks with the setting which the outcomes are realized. Quality implies a sincere commitment to attaining the highest practical standard. This process allows the reviewer to add some subjectivity into the process and measure more than just whether or not you have an XYZ trail type. This QTE score will be counted

toward toward the overall score and has the potential to help or hinder a community's scoring based on the quality of the riding experience.

The Quality Trail Experience evaluation will be performed **only** by the professional reviewer during onsite evaluation and not to be included in the applicant self evaluation.

Ride Center Open House: interested applicants can attend an open house where professional reviewers and project managers will be available to walk participants through the self evaluation process and be available to answer any questions regarding the program. If you are interested in attending one of these open house please contact

Contact Info: have more questions about the Ride Center program? Contact modeltrails@imba.com

Leon County
Board of County Commissioners

Notes for Agenda Item #22

Leon County Board of County Commissioners

Agenda Item #22

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Status Report on the FY 2017 Minority and Women-owned Business Enterprise Program Expenditures

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Benjamin H. Pingree, Director, Planning, Land Management & Community Enhancement Al Latimer, Director, Office of Economic Vitality
Lead Staff/ Project Team:	Darryl Jones, Deputy Director, Minority, Women and Small Business Enterprise Programs Shanea Wilks, Senior Coordinator

Statement of Issue:

This agenda item seeks the Board's acceptance of the status report on the FY 2017 Minority and Women-owned Business Enterprise (MWBE) Program expenditures in order to keep the Board apprised of the County's MWBE program.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the status report on the FY 2017 Minority and Women-Owned Business Enterprise Program expenditures.

Report and Discussion

Background:

In order to keep the Board apprised of the County's MWBE program, this item provides a report on the County's FY 2017 expenditures through the Tallahassee-Leon County Minority and Women-Owned Business Enterprise (MWBE) Program.

Leon County's MWSBE Program has operates under the Office of Economic Vitality (OEV), along with the City of Tallahassee's MWBE Program. The MWBE Program functions are colocated; however, the program will remain separate until the completion of the current ongoing disparity study being conducted by MGT of America (MGT). Staff anticipates, upon completion of the study, MGT will provide programmatic review of both programs; and, provide recommendations resulting in one set of policies and procedures to meet the needs of both jurisdictions.

Currently, the County's MWSBE Program is administered based upon the 2009 Disparity Study Update (Attachment #1). The 2009 Disparity Study Update, prepared by MGT of America (the "MGT Study"), was accepted by the Board during its October 27, 2009 meeting. Disparity studies are performed to serve as the evidentiary basis for continued race/gender based programs. The overall objective for the disparity study update in 2009 was to determine if data supported a "compelling interest" for the County to maintain a program to provide minority- and woman-owned business enterprises greater opportunities to participate in County procurement activities as goods and services providers. To meet the requirements of the U.S. Supreme Court's ruling in City of Richmond v. Croson Co., the standard calls for the remedial goals to be in-line with measured availability. The Supreme Court in Richmond v. Croson recognized statistical measures of disparity that compared the number of qualified and available MWBEs with the rate of municipal construction dollars actually awarded to MWBEs in order to demonstrate disparity. MWBE programs must be limited in the geographical scope and boundaries of the enacting government's market place.

Additionally, the MGT Disparity Study Update identified the number of available MWBEs within the market area, and categorized these firms by business category, race, and gender. Businesses classified as MWBEs were firms that were at least 51% owned and controlled by members of one of the following race/gender groups, whether or not they were county-certified MWBEs (African Americans, Hispanic Americans, Asian Americans, Native Americans, and Nonminority Women).

Based on statistical disparities between the percentage of funds expended with MWBEs in the market area and the number of available MWBEs in the same area, the MGT Study provided statistical evidence to support a narrowly tailored program to promote the County's utilization of MWBEs. The 2009 Disparity Study Update included proposed MWBE aspirational targets, which the Board incorporated in Policy No. 96-1, "Purchasing Policy," and are illustrated in the analysis section under Table #1.

Analysis:

In accordance with County Purchasing Policy No. 96-1 (Attachment #2), the Tallahassee-Leon County MWSBE Deputy Director evaluates relevant expenditures and contracting data to determine the performance and progress of the MWBE Program. This report conveys the expenditure evaluation performed by the Director, to determine the amount of minority, women and non-MWBE businesses participation that exists in the County's procurement processes when aspirational targets are present and when aspirational targets are absent. As prescribed in the recommendations by MGT of America, aspirational targets should vary by project and reflect realistic MWBE availability.

Targets are established by procurement category, rather than population, to remedy the areas of underutilization and substantial underutilization among MWBE businesses in order to reflect the market. When aspirational targets are present in solicitations, staff encourages prime contractors/consultants to utilize MWBE businesses in order for the County to become closer to parity levels as recommended by MGT of America. The use of aspirational targets promotes relationship development between larger (primes) and smaller (subcontractors) businesses in the local market area (Leon, Gadsden, Jefferson, and Wakulla Counties); therefore, providing mentoring opportunities for smaller companies to enhance their business practices. Table #1 illustrates the County's MWBE Aspirational Targets based on the 2009 Disparity Study Update:

Table #1: Leon County's MWBE Aspirational Targets

Procurement Category	Aspirational MBE Target	Aspirational WBE Target
Construction Prime Contractors	8%	5%
Construction Subcontractors	17%	9%
Architecture & Engineering	12%	14%
Professional Services	7%	15%
Other Services	10%	8%
Materials and Supplies	1%	6%

Aspirational targets are considered to be the minimum level of MWBE participation expected for a particular procurement/project with consideration given to subcontracting opportunities and the availability of MWBEs in the market area that are capable of performing the work. Aspirational targets for individual bids/request for proposals (RFPs) may be higher or lower than the participation level identified in Table #1 depending upon the scope of work, which allows staff to identify the associated procurement category and the number of certified firms within the market area available to perform the services identified. Non-certified firms (MWBE and non-MWBE) do not count towards participation.

If the recommended aspirational targets are lower than the applicable participation levels identified in Table #1, the County Administrator is notified of the recommended modified aspirational targets and reasoning for such recommendations. The County Administrator then advises the Board, via email, and Commissioners have five business days to request a delay for the issuance of the bid/RFP and an agenda item regarding the recommended aspirational

targets. This request for delay and further discussion can be effectuated by an individual Commissioner. If no Commissioner requests an agenda item within the five business days, staff is authorized to release the bid/RFP. During FY 2017, there were no projects reviewed by staff which necessitated requests be made to lower the recommended aspirational targets due to the specialized nature of the work and current vendor availability.

MWBE Expenditure Analysis

The expenditure evaluation process involves data being extracted from the County's financial system and processed in a manner consistent with the methodology utilized for the MGT Study. Records not relevant to the report were excluded. Examples of expenditure activity excluded from the analysis includes: expenditures outside of the market area (Leon, Gadsden, Jefferson and Wakulla Counties), expenditures with nonprofit agencies, associations or councils, governmental entities, including universities, utilities, telephones, gasoline, p-cards, real estate, office rent, postage, and hospitals; travel-related expenses, including hotels, car rental, and conference fees; and grants to various entities.

The following are brief summaries for each procurement category:

- **Architecture and Engineering (A&E) Prime Consultants**: The activities associated with this category are professional services provided for the proper planning of construction projects, and for ensuring adequate response to the various site, civil, structural, mechanical, plumbing, and electrical requirements for the current building codes. Projects under A&E are distributed on an equitable basis, due to the current Continuing Services Agreements, to provide all firms with a reasonable opportunity for work assignments based on their area of expertise identified by the awarded firm.
- **Construction Prime Contractors:** MWBE vendors must be the prime contractor submitting the actual bid to the County or be part of a joint venture, in order for the associated expenditures to apply to this category. Historically, staff has utilized Small Business Enterprise (SBE) vendors for small construction-related projects, which included housing rehabilitation, housing replacements, septic tank repair, and other small construction projects through the SBE Program. Staff is continually seeking to identify opportunities for MWBE vendors to participate as prime contractors.
- **Construction Subcontractors**: Construction subcontracting opportunities are achieved through solicitation when aspirational targets are present. Due to the presence of these aspirational targets and the implementation of the B2GNow Contract Compliance Monitoring System, staff continues to see strong MWBE subcontracting participation. Historically, the majority of MWBE participation has been realized through the Construction Subcontracting category. This category has provided project participation experience to certified MWBE vendors, which is essential to strengthening the Construction Prime Category and the bonding capacity of MWBE vendors.
- **Materials and Supplies**: The commodities purchased under this category (i.e. office supplies, equipment, miscellaneous building materials, and computers) are mainly based on the necessity of the departmental operating needs. Due to the types of services

provided under this category, opportunities can be limited for MWBE vendors, which has resulted in a very limited number of certified suppliers.

- **Other Services:** The services associated with expenditures in this category typically include janitorial and repair services, uniform guard services etc. As noted in the tables below, the County exceeded the aspirational targets in this category.
- **Professional Services Prime Consultants:** The services associated with expenditures in this category typically include auditing services, insurance services, legal services, advertising, and surveying. Based upon the nature of Professional Services contracts and the specificity of this category, staff continues to reach out to other local agencies to identify additional firms in order to increase MWBE participation.

FY 2017 Minority and Women-Owned Business Expenditures

The following narrative is the analysis of FY 2017 County expenditures with MWBEs. The reported expenditure activity is a combination of expenditures from the County's Annual Operating Budget and Capital Improvement Program. FY 2017 MWBE expenditures are associated with the following projects or services:

- Road Improvements including:
  - Miscellaneous Intersection and Safety Improvements
  - Resurfacing of Various Roads Countywide
  - Fred George Road Box Culvert
- Stormwater Improvements:
  - Killearn Lakes Greenways Maintenance and Restoration Phase 1A Unit 1
  - Stormwater Maintenance, Stormwater Pond Repairs, and Stormwater Vehicle Replacement
- Community Park Improvements:
  - Apalachee Parkway Regional Park Access Road Improvements
  - J. Lee Vause Grass Overflow Parking and Entrance Improvements
  - Woodville Community Park Concession Remodel
- Sidewalk Construction and Improvements, Continuing Services and Road Resurfacing, Continuing Services
- Miscellaneous projects including building repairs, renovations, and upgrades at various County facilities, and routine maintenance, janitorial, painting, printing, real estate and other miscellaneous services.

During FY 2017, the combined aggregate amount of MBE and WBE expenditures was $3,006,520 or an estimated 21% of total eligible expenditures which shows that MWBE expenditures exceeded overall aspirational targets in several categories. The following two tables provide an overview of FY 2017 MWBE expenditures within the County's Operating Budget and Capital Improvement Program (CIP).

Table #2 provides the MBE Expenditures for FY 2017 within the Board's Operating Budget and Capital Improvement Program (CIP).

Table #2: FY 2017 Minority Business Enterprise (MBE) Expenditures

Category	FY 2017 Total Expenditures by Category	Aspirational MBE Target %		ACTUAL FY 2017 MBE	
				% of Total	Expenditures by Category
Architecture & Engineering*	$824,448	12%	$98,934	23%	$189,114
Construction Prime Contractors	$5,375,217	8%	$430,017	4%	$232,649
Construction Subcontractors	$1,575,912	17%	$267,905	36%	$562,584
Materials and Supplies	$2,278,769	1%	$22,788	0%	$1,000
Other Services	$3,448,010	10%	$344,801	16%	$547,114
Professional Services	$625,918	7%	$43,814	2%	$13,378
Total	***$14,128,274***	***N/A***	$1,208,259	***11%***	***$1,545,839***

During FY 2017, three of the five MBE expenditure categories (Architecture and Engineering, Construction Subcontracting, and Other Services) exceeded the aspirational target for the category. The expenditures for Architecture and Engineering continue to be awarded through Continuing Services Agreements, as has been the case historically. As previously stated, projects are distributed on an equitable basis to provide all firms a reasonable opportunity for work assignments based on their area of expertise. Architecture and Engineering expenditures exceeded the aspirational target by $90,181 or 11% due to there being two certified MBE firms being awarded continuing services contracts in this category. Expenditures for construction subcontractors totaled $562,584 surpassing the aspirational target by $294,679 or a percentage increase of 19%. This is directly related to opportunities available for certified MBE firms to participate on construction related projects and the reported payments associated with their participation. In the category of Other Services, MBE expenditures totaled $547,114 surpassing the aspirational target by $202,313 or 6%.

Currently, projects awarded within the prime contractor category are procurement opportunities include bonding, insurance, licensure, and specific types of experience that are historically found among larger sized companies. In response, the Office of Economic Vitality has created a curriculum through our MWSBE Academy to help smaller firms build capacity by increasing bonding levels, identifying financial capital and expanding their workforce. In addition, the MWSBE Division will work cooperatively with Leon County Purchasing to increase MWBE responses to bid announcements. The Materials and Supplies category also provides limited opportunities to MBEs due to the commodities (office supplies, auto parts, uniforms, etc.) purchased under this category being associated with the County holding accounts with several national suppliers due to pricing. Currently, there are no certified MBE suppliers available to

provide these type commodities. MBE professional services opportunities are limited, even though staff has been able to identify firms in the areas of accounting and auditing, consulting, and legal services. Certified firms may bid for these opportunities; however, not be the final awardee based upon the associated RFP scoring.

Table #3 provides the WBE Expenditures for FY 2017 within the Board's Operating Budget and Capital Improvement Program (CIP).

Table #3: FY 2017 Women Business Enterprise (WBE) Expenditures

Category	FY 2017 Total Expenditures by Category	Aspirational WBE Target %		ACTUAL FY 2017 WBE	
				% of Total	Expenditures by Category
Architecture & Engineering*	$824,448	14%	$115,423	0.2%	$1,557
Construction Prime Contractors	$5,375,217	5%	$268,761	1%	$38,557
Construction Subcontractors	$1,575,912	9%	$141,832	30%	$478,964
Materials and Supplies	$2,278,769	6%	$136,726	11%	$261,386
Other Services	$3,448,010	8%	$275,841	19%	$671,440
Professional Services	$625,918	15%	$31,296	1%	$8,777
Total	***$14,128,274***	***N/A***	***$969,879***	***10%***	***$1,460,681***

*Currently, there is only one certified WBE awarded in the A&E Category within the County's A&E Continuing Services Agreements; which allows for the distribution of projects on an equitable basis to provide all firms a reasonable opportunity based upon their expertise.

During FY 2017, three of the five WBE expenditure categories (Construction Subcontracting, Materials and Supplies, and Other Services) exceeded the aspirational target for the category. Expenditures for Construction Subcontractors totaled $478,964 surpassing the aspirational target by $141,832 or 21%. In the category of Materials and Supplies, WBE expenditures totaled $261,386 surpassing the aspirational target by $124,660 or 5%. Additionally, expenditures for the Other Services category totaled $671,440 surpassing the aspirational target by $395,600 or 11%.

The historical trend of limited opportunities continues in Architecture and Engineering, Construction Prime Contractors, and Professional Services. In prior years, the SBE Program provided several opportunities to WBEs to bid as primes through the Housing Program and other County departments based upon SBE construction projects being less than $100,000. These opportunities were limited due to a reduction in funding allocations from outside sources; however, there should be some improvement for these type projects due to funding being awarded during this fiscal year and working cooperatively with Leon County Purchasing to increase MWBE responses to bid announcements as previously stated. In addition, opportunities

were occasionally provided through the SBE Program, based upon the needs for Architecture and Engineering Services by the Housing Replacement Program and Facilities Management for building renovations. Again, with an aggressive marketing campaign of bid opportunities to OEV certified MWSBEs, there is anticipated to be a will a marked improvement even in all categories.

Small Business Enterprise Program

During June 2006, the Board approved the establishment of the Small Business Enterprise (SBE) Program. The purpose of the SBE Program is to foster growth in Leon County's economy by affording small businesses an opportunity to gain experience, knowledge, and training to compete and secure contracts with Leon County. Unlike the MWBE Program, the SBE Program is race and gender neutral. The SBE program is structured to reserve procurement opportunities for exclusive competition among SBE's when at least three SBE's are certified in the relevant procurement category and are available to compete for the procurement opportunity. According to County policy, the projects that are released through the SBE program have an estimated contract cost of less than $100,000 (which varies across the business categories). Attachment #4 lists the criteria for procurement opportunities for SBE projects. A project cannot be recommended for the SBE Program, if these criteria are not met. These requirements allow local certified businesses an opportunity to compete with companies of similar size, capacity, and net worth.

The SBE Program opportunities decreased from prior years due to a reduction in funding allocations from outside sources, such as the State Housing Initiatives Partnership (SHIP); and reductions in the Capital Improvement Program (CIP) Budget. Housing replacements and rehabilitation funded through the SHIP Program afforded opportunities to MWBEs, which were also SBE certified, to bid as primes on projects less than $100,000. Staff anticipates increased expenditures in this category due to funding being approved for FY 2018 and projects being released through the County's procurement process.

Conclusion

The County continues to meet or exceed the aspirational targets in a number of categories; in particular, the aspirational target for the Construction Subcontracting category was significantly exceeded for FY 2017. Total MWBE Expenditures were $1,041,548 million or 66% of the total expenditures for the category. The 2009 Disparity Study Update states that a narrowly tailored goal-setting feature of an MWBE Program includes the reduction of the use of MWBE contract goals if the County determines that its goal is being exceeded. In addition, the 2009 Disparity Study Update identifies another narrowly tailored goal-setting feature of an MWBE Program as the reduction of contract goals for the next year, if the County exceeds MWBE goals with contract goals for two years.

A new disparity study is currently underway and is scheduled to be completed by October 2018. This disparity study is charged with fortifying the MWSBE program through consolidating the program's policies and providing recommendations that will mitigate economic segregation in Tallahassee and Leon County through the efforts of the MWSBE program. Over the next 90 days, MGT of America (MGT) will complete the process of conducting policy/stakeholder

interviews with City/County/BIA representatives as well as conducting the legal framework review and analysis. The consultants have also attended the MWSBE Advisory Committee meeting and provided comments about the disparity study. MGT held Community Meetings and Stakeholder Forums during the months of May and June 2018. The consultants and staff are continuing to ensure that the Disparity Study meets all of its anticipated goals including:

- Guides and directs the data and information collected and analyzed by MGT in the disparity study to answer to what extent, if any, there is discrimination and disparate treatment in the marketplace;
- Examines causal or underlying factors that impact the utilization and availability of small, minority-, and women-owned businesses in the marketplace; and,
- Strengthens small, minority- and women-owned businesses as shown in the efforts of OEV and its MWSBE program.

Additional tasks include the following: continuing the review of purchasing policies, practices, and procedures; continue to collect data from outside sources, such as local MWBE certification lists and construction-related data; begin design of a computerized database to record and analyze market area and utilization data; develop preliminary small business organization report on private sector disparities; and, continue the scheduling and planning for the community meetings. Also of note, MGT of America will host a website, linked to the Office of Economic Vitality's website, devoted to the Disparity study. This website will keep stakeholders and the public aware of Disparity Study activities and its progress.

Staff will continue to seek opportunities to strengthen and increase participation, particularly where MWBE participation has not met aspirational targets, within County projects for minority-owned and women-owned businesses. This will be accomplished by continuing to develop partnerships to help MWSBE's improve their business operations with the expectation of increased success when pursuing opportunities. This includes seeking partnerships with organizations that can aid in the provision of business development assistance and training through the Office of Economic Vitality's MWSBE Academies. In addition, staff will continue to provide networking opportunities for MWSBEs to develop new business relationships through cosponsorship of the annual local observations of Small Business Week and the local observation of Minority Enterprise Development (MED) Week events. Finally, staff will continue to notify certified MWBE firms of the County's procurement opportunities.

Options:

1. Accept the status report on the FY 2017 Minority and Women-Owned Business Enterprise Program expenditures.
2. Do not accept the status report on the FY 2017 Minority and Women-Owned Business Enterprise Program expenditures.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. 2009 Disparity Study Update
2. Purchasing Policy No. 96-1
3. FY 2017 Summary Report of Expenditures
4. Small Business Enterprise Program Overview

Final Report

Leon County Board of County Commissioners

Disparity Update Study



October 15, 2009

MGT OF AMERICA, INC.

Posted July 2, 2018

Leon County Board of County Commissioners

Disparity Update Study

FINAL REPORT

Submitted to:
Mr. Parwez Alam
County Administrator
County Administrator's Office
Leon County Courthouse
Tallahassee, Florida 32301

Submitted by:

2123 Centre Pointe Boulevard
Tallahassee, Florida 32308-4930
(850) 386-3191

October 15, 2009

TABLE OF CONTENTS

PAGE

1.0 INTRODUCTION 1-1

1.1 Objective 1-1
1.2 Technical Approach 1-2
1.2 Report Organization 1-2

2.0 LEGAL REVIEW 2-1

2.1 Introduction 2-1
2.2 Standards of Review for Race- and Gender-Specific Programs 2-2
2.3 To Withstand Strict Scrutiny, an MBE Program Must Be Based on Thorough Evidence Showing a Compelling Governmental Interest 2-5
2.4 Sufficiently Strong Evidence of Significant Statistical Disparities Between Qualified Minorities Available and Minorities Utilized Will Satisfy Strict Scrutiny and Justify a Narrowly Tailored M/WBE Program 2-8
2.5 The Governmental Entity or Agency Enacting an M/WBE Program Must Be Shown to Have Actively or Passively Perpetuated the Discrimination 2-14
2.6 To Withstand Strict Scrutiny, an M/WBE Program Must Be Narrowly Tailored to Remedy Identified Discrimination 2-17
2.7 Personal Liability for Implementing an M/WBE Program 2-21
2.8 DBE Programs: The “As-Applied” Challenge in Western States Paving 2-21
2.9 Small Business Procurement Preferences 2-23
2.10 Local Business Preferences 2-24
2.11 Conclusions 2-28

3.0 REVIEW OF POLICIES, PROCEDURES, AND PROGRAMS 3-1

3.1 Methodology 3-1
3.2 County Organizational Structure and Purchasing Function 3-3
3.3 Methods of Procurement 3-6
3.4 Remedial Programs 3-16
3.5 Conclusions 3-26

4.0 UTILIZATION AND AVAILABILITY ANALYSIS 4-1

4.1 Methodology 4-1
4.2 Construction 4-8
4.3 Architecture and Engineering 4-13
4.4 Professional Services 4-16
4.5 Other Services 4-19

TABLE OF CONTENTS (Continued)

PAGE

4.0 UTILIZATION AND AVAILABILITY ANALYSIS (Continued) 4-1

4.6 Materials and Supplies 4-22
4.7 Summary 4-25

5.0 DISPARITY ANALYSIS 5-1

5.1 Methodology 5-1
5.2 Disparity Indices Results 5-2

6.0 PRIVATE SECTOR UTILIZATION AND DISPARITY ANALYSES 6-1

6.1 Methodology – Private Sector Commercial Construction Analysis 6-1
6.2 Collection and Management of Data 6-2
6.3 Private Sector Utilization Analysis by Race/Gender/Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors 6-4
6.4 Private Sector Availability Analysis by Race/Gender/Ethnicity of Business Ownership for Construction Contractors 6-14
6.5 Analysis of Disparities in Private Sector Utilization by Race/Gender/Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors 6-15
6.6 Comparison of the County's Utilization of M/WBE Contractors with M/WBE Business Utilization in the Private Sector 6-24
6.7 Conclusions 6-25

7.0 SELECTED BEST PRACTICES 7-1

7.1 Small Business Enterprise Prime Contractor Program 7-1
7.2 HUBZones 7-3
7.3 Small Business Enterprise Program for Subcontractors 7-4
7.4 Disadvantaged Business Enterprise Program 7-5
7.5 Bidder Rotation 7-6
7.6 Outreach 7-7
7.7 Construction Management, Request for Proposals, and Design-Build 7-8
7.8 Outsourcing 7-8
7.9 Race-Neutral Joint Venture 7-9
7.10 Combined Race-Neutral and Race-Conscious Programs 7-9
7.11 Management and Technical Services 7-9
7.12 Certification 7-10
7.13 Economic Development Projects 7-11
7.14 Project Goal Setting 7-12

TABLE OF CONTENTS (Continued)

PAGE

8.0 FINDINGS AND RECOMMENDATIONS.....8-1

8.1 Findings for M/WBE Utilization and Availability.....8-1
8.2 Commendations and Recommendations.....8-5

APPENDICES

Appendix A: Utilization Details
Appendix B: Analysis of Race/Gender/Ethnicity Effects on Self-Employment Propensity and Earnings
Appendix C: PUMS Regression Analysis
Appendix D: Private Sector Discussion

1.0 INTRODUCTION

1.0 INTRODUCTION

In October 2008, the Board of Commissioners for Leon County, Florida (County) contracted MGT of America, Inc. (MGT), to conduct a minority- and woman-owned business enterprise (M/WBE) program study update. The study consisted of fact finding to determine whether the M/WBE program had eliminated active discrimination; to determine the effects of past discrimination in County procurement and contracting, and to what extent; and to evaluate various options for future program development if discrimination existed.

1.1 Objective

The purpose of the disparity study was to:

- Examine what, if any, barriers may have resulted in disparities in the utilization of available M/WBEs and non-M/W/Bes, and examine and summarize related findings from other similar studies that encompass the County's relevant marketplace.
- Identify from the most accurate sources the availability of M/WBEs that are ready, willing, and able to do business with the County in the relevant market area.
- Analyze the contracting and expenditure data of the County to determine its utilization of M/WBEs.
- Determine the extent to which any identified disparities in the utilization of available M/WBEs by the County might be impacted by discrimination.
- Recommend programs to remedy the effects of any discrimination identified, and to reduce or eliminate any other marketplace barriers that adversely affect the contract participation of such minority-, woman-, and small-business enterprises (M/W/SBEs) and non-M/W/SBEs.

Governmental entities like the County have authorized disparity studies in response to the *City of Richmond v. J. A. Croson Co.*[1] (*Croson*) decision to determine whether there is a compelling interest for remedial procurement programs. Recommendations resulting from such studies are used to narrowly tailor any resulting programs to specifically address findings of underutilization attributable to unfair business practices.

The results of the County's study are found in this report. Throughout the chapters that follow, MGT presents its findings, analyses, and recommendations. This chapter summarizes the objectives for the study, the technical approach used to accomplish the objectives, the major tasks undertaken, and an overview of the organization of the report.

[1] *City of Richmond v. J. A. Croson, Co.*, 488 U.S. 469 (1989).

1.2 Technical Approach

In conducting the study and preparing recommendations, MGT followed a carefully designed work plan that allowed MGT study team members to fully analyze availability, utilization, and disparity with regard to M/WBE participation. MGT's approach has been tested in over 129 jurisdictions and proven reliable to meet the study's objectives. The work plan consisted of, but was not limited to, the following major tasks:

- Conducting a legal review.
- Establishing data parameters and finalizing a work plan.
- Reviewing policies, procedures and programs.
- Conducting utilization analyses.
- Determining the availability of qualified firms.
- Analyzing the utilization and availability data for disparity analyses.
- Conducting disparity analyses of the relevant private market.
- Providing information on best practices in small and M/WBE business development.
- Identifying narrowly tailored race- and gender-based and race- and gender-neutral remedies.
- Preparing the final report for this study.

1.3 Report Organization

In addition to this introductory chapter, this report contains the following sections which provide MGT's findings as to the presence, or absence, of disparity in the County's procurement and contracting practices. The study reviewed County contract and procurement data from the period of October 1, 2003, through September 30, 2008. The overview of each chapter is as follows:

- **Chapter 2.0** presents an overview of controlling legal precedents that impact remedial procurement programs.
- **Chapter 3.0** presents a review of the County's procurement policies and procedures and an analysis of its M/WBE program and race- and gender-neutral efforts.
- **Chapter 4.0** presents the methodology used to determine the County's relevant market area and statistical analysis of vendor utilization by the County as well as the availability of firms for procurement activities.

- **Chapter 5.0** provides a discussion of the levels of disparity for prime contractors and subcontractors and a review of the multivariate analysis for the County.

- **Chapter 6.0** presents an analysis of the presence of disparity in the private sector and its effect on the ability of firms to win procurement contracts from the County.

- **Chapter 7.0** presents an overview of the program design and practices of M/W/SBE and DBE programs for federal, state, and local governments.

- **Chapter 8.0** provides a summary of the findings presented in this report with conclusions, commendations, and recommendations.[2]

MGT recommends reading the report in its entirety to understand the basis for the recommendations presented in **Chapter 8.0**.

[2] **Chapter 8.0** is designed to provide a summary of the overall report, conclusions drawn from the study and MGT's recommendations. **Chapter 8.0** serves as an Executive Summary for the Study.

2.0 LEGAL REVIEW

2.0 LEGAL REVIEW

2.1 Introduction

This chapter provides legal background for Leon County. The material that follows does not constitute legal advice to Leon County on minority- and woman-owned business (M/WBE) programs, affirmative action, or any other matter. Instead, it provides a context for the statistical and anecdotal analyses that appear in subsequent chapters of this report.

The Supreme Court decision in *City of Richmond v. J.A. Croson Company* (*Croson*)[1] and later cases have established and applied the constitutional standards for an affirmative action program. This chapter identifies and analyzes those decisions, summarizing how courts evaluate the constitutionality of race- and gender-specific programs. Decisions of the Eleventh Circuit, which includes Leon County, offer the most directly binding authority, but where those decisions leave issues unsettled, the review considers decisions from other circuits.

By way of a preliminary outline, the courts have determined that an affirmative action program involving governmental procurement of goods or services must meet the following standards:

- A remedial, race-conscious program is subject to strict judicial scrutiny under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
  - Strict scrutiny has two basic components: a compelling governmental interest in the program and narrow tailoring of the program.
  - To survive the strict scrutiny standard, a remedial, race-conscious program must be based on a compelling governmental interest.
    - "Compelling interest" means the government must prove past or present racial discrimination requiring remedial attention.
    - There must be a specific "strong basis in the evidence" for the compelling governmental interest.
    - Statistical evidence is preferred and possibly necessary as a practical matter; anecdotal evidence is permissible and can offer substantial support, but it more than likely cannot stand on its own.
  - A program designed to address the compelling governmental interest must be narrowly tailored to remedy the identified discrimination.
    - "Narrow tailoring" means the remedy must fit the findings.
    - The evidence showing compelling interest must guide the tailoring very closely.

[1] 488 U.S. 469 (1989).

- Race-neutral alternatives must be considered first.

- A lesser standard, intermediate judicial scrutiny, applies to programs that establish gender preferences.

  - To survive the intermediate scrutiny standard, a remedial, gender-conscious program must serve important governmental objectives and be substantially related to the achievement of those objectives.

  - The evidence does not need to be as strong and the tailoring does not need to be as specific under the lesser standard.

2.2 Standards of Review for Race- and Gender-Specific Programs

2.2.1 Race-Specific Programs: The Croson *Decision*

Croson established the framework for testing the validity of programs based on racial discrimination. In 1983, the Richmond City Council (the Council) adopted a Minority Business Utilization Plan (the Plan) following a public hearing in which citizens testified about historical societal discrimination. In adopting the Plan, the Council also relied on a study indicating that "while the general population of Richmond was 50 percent black, only 0.67 percent of the City's prime construction contracts had been awarded to minority businesses in the 5-year period from 1978 to 1983."[2]

The evidence before the Council also established that a variety of state and local contractor associations had little or no minority business membership. The Council relied on statements by a Council member whose opinion was that "the general conduct of the construction industry in this area and the State, and around the nation, is one in which race discrimination and exclusion on the basis of race is widespread."[3] There was, however, no direct evidence of race discrimination on the part of the City in its contracting activities, and no evidence that the City's prime contractors had discriminated against minority-owned subcontractors.[4]

The Plan required the City's prime contractors to subcontract at least 30 percent of the dollar amount of each contract to one or more minority-owned business enterprise (MBE). The Plan did not establish any geographic limits for eligibility. Therefore, an otherwise qualified MBE from anywhere in the United States could benefit from the 30 percent set-aside.

J.A. Croson Company, a non-MBE mechanical plumbing and heating contractor, filed a lawsuit against the city of Richmond alleging that the Plan was unconstitutional because it violated the Equal Protection Clause of the Fourteenth Amendment. After a considerable record of litigation and appeals, the Fourth Circuit struck down the Richmond Plan and the Supreme Court affirmed this decision.[5] The Supreme Court determined that strict scrutiny was the appropriate standard of judicial review for MBE programs, so that a race-conscious program must be based on a compelling governmental interest and be narrowly tailored to

[2] Id. at 479-80.
[3] Id. at 480.
[4] Id.
[5] Id. at 511.

achieve its objectives. This standard requires a firm evidentiary basis for concluding that the underutilization of minorities is a product of past discrimination.[6]

2.2.2 Gender-Specific Programs

The Supreme Court has not addressed the specific issue of a gender-based classification in the context of a woman-owned business enterprise (WBE) program. *Croson* was limited to the review of an MBE program. In evaluating gender-based classifications, the Court has used what some call "intermediate scrutiny," a less stringent standard of review than the "strict scrutiny" applied to race-based classifications. Intermediate scrutiny requires that classifying persons on the basis of sex "must carry the burden of showing an exceedingly persuasive justification for the classification."[7] The classification meets this burden "only by showing at least that the classification serves 'important governmental objectives and that the discriminatory means employed' are 'substantially related to the achievement of those objectives.'"[8]

Several federal courts have applied intermediate scrutiny to WBE programs and yet have found the programs to be unconstitutional.[9] Nevertheless, in *Coral Construction v. King County*, the Ninth Circuit upheld a WBE program under the intermediate scrutiny standard.[10] Even using intermediate scrutiny, the court in *Coral Construction* noted that some degree of discrimination must be demonstrated in a particular industry before a gender-specific remedy may be instituted in that industry. As the court stated, "the mere recitation of a benign, compensatory purpose will not automatically shield a gender-specific program from constitutional scrutiny."[11] Indeed, one court has questioned the concept that it might be easier to establish a WBE program than it is to establish an MBE program.[12]

More recently, the Tenth Circuit, on the second appeal in *Concrete Works of Colorado v. City of Denver* (*Concrete Works IV*),[13] approved the constitutionality of a WBE program based on evidence comparable to that supporting an MBE program that the court also upheld in the same decision. Unlike *Coral Construction*, however, *Concrete Works IV* offered no independent guidance on the level of evidence required to support a WBE program.

---

[6] Id. at 493.
[7] *Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 724 (1982) (quoting *Kirchberg* v. *Feenstra,* 450 U.S. 455, 461 (1981)); see also *United States* v. *Virginia,* 518 U. S. 515, 531 (1996), *Tuan Anh Nguyen v. INS*, 533 U.S. 53, 60 (2001).
[8] *Mississippi Univ. for Women, supra,* at 724 (quoting *Wengler v. Druggists Mut. Ins. Co.,* 446 U.S. 142, 150 (1980)); see also *Virginia, supra,* at 533, *Nguyen, supra,* at 60.
[9] See *Assoc. Util. Contrs. v. Baltimore*, 83 F. Supp. 2d 613 (D Md 2000); *Eng'g Contrs. Ass'n of S. Florida, Inc. v. Dade County*, 122 F.3d 895 (11th Cir. 1997); *Builders Ass'n of Greater Chicago v. County of Cook*, 256 F.3d 642 (7th Cir. 2001). The Eighth Circuit did not address the application of intermediate scrutiny to WBE participation in the federal DBE program in *MnDOT*, 345 F.3d 964 (8th Cir. 2003); cert. denied, 158 L.Ed. 2d 729 (2004) – 541 U.S. 1041 *Sherbrooke Turf, Inc. v*.
[10] *Coral Constr. Co. v. King County*, 941 F.2d 910 (9th Cir. 1991), cert. denied, 502 U.S. 1033 (1992).
[11] Id. at 932.
[12] *Builders Ass'n of Greater Chicago*, 256 F.3d at 644. See also *States Paving Co. v. Washington State DOT,* 407 F.3d 983, 991, n.6 (9th Cir. 2005) (rejecting need for separate analysis of WBE program under intermediate scrutiny).
[13] 321 F.3d 950 (10th Cir. 2003).

2.2.3 An Overview of the Applicable Case Law

Croson did not find a compelling justification for a complete MBE program. *Croson* found the city of Richmond's evidence to be inadequate as a matter of law. Nevertheless, more recent cases in other federal circuits have addressed applications of the law that were not considered in *Croson*. Thus, it becomes necessary to look to the decisions of other federal circuits to predict what level of evidence might be required to establish an affirmative action program.

The discussion in this review will also attend closely to the most relevant decisions in the area of government contracting. Justice O'Connor, distinguishing her majority opinion on affirmative action in law school admissions from her opinions in government contracting cases, wrote:

> *Context matters when reviewing race-based governmental action under the Equal Protection Clause. . . . Not every decision influenced by race is equally objectionable and strict scrutiny is designed to provide a framework for carefully examining the importance and the sincerity of the reasons advanced by the governmental decision maker for the use of race in that particular context.*[14]

Further, some caution must be exercised in relying upon opinions of the federal district courts, which make both findings of fact and holdings of law. As to holdings of law, the district courts are ultimately subject to rulings by their circuit courts. As to matters of fact, their decisions depend heavily on the precise record before them, in these cases frequently including matters such as evaluations of the credibility and expertise of witnesses. Such findings are not binding precedents outside of their districts, even if they indicate the kind of evidence and arguments that might succeed elsewhere.

Finally, the ways in which municipalities participate in national disadvantaged business enterprise (DBE) programs is a specialized issue distinct from that of supporting municipal programs, even if the same kinds of evidence and same levels of review apply. In *Adarand Constructors, Inc. v. Peña,*[15] the Supreme Court did decide that federal DBE programs should be examined by the same strict scrutiny standard that *Croson* mandated for state and local programs. Nevertheless, cases considering national DBE programs have many important distinctions from cases considering municipal programs, particularly when it comes to finding a compelling governmental interest.[16] The national DBE cases have somewhat more application in determining whether a local program is narrowly tailored (to be discussed in Section 2.6).[17]

---

[14] *Grutter v. Bollinger*, 539 U.S. 306, 327 (2003).
[15] *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200-227 (1995).
[16] See *Adarand Constructors, Inc. v. Slater*, 228 F.3d 1147-1165 (10th Cir. 2000), cert. granted in part sub nom., *Adarand Constructors, Inc. v. Mineta*, 532 U.S. 967 (2001); cert. dismissed as improvidently granted, 534 U.S. 103 (2001); *Sherbrooke Turf,* 345 F.3d at 970-1.
[17] Recently the Ninth Circuit ruled in *Western States Paving Co. v. Washington State DOT* that specific evidence of discrimination was necessary at a state level in order for the implementation of race-conscious goals to be narrowly tailored. *States Paving Co.,* 407 F.3d at 997-8. In *Northern Contracting v. Illinois DOT*, the district court, while not striking down the program, also required the Illinois DOT to develop local evidence of discrimination sufficient to justify the imposition of race-conscious goals. In this sense, for these cases narrow tailoring still requires factual predicate information to support race-conscious program elements in a DBE program. *N. Contr. v. Illinois*, No. 00 4515 (ND IL 2004), decided 3/3/04 (2004 U.S. Dist. LEXIS 3226) 139-160.

Thus, the majority of this review will be based on decisions of the federal circuit courts applying *Croson* to city or county programs designed to increase participation by M/WBEs in government contracting. This is not a large body of case law. While other cases are useful as to particular points, only a small number of circuit court cases have reviewed strictly local M/WBE programs and given clear, specific, and binding guidance about the adequacy of a complete factual record including thorough, local disparity studies with at least some statistical analysis. Further, in one of the three directly applicable circuit court cases, the Third Circuit evaded the issue of compelling justification after lengthy discussion, holding that the Philadelphia M/WBE program was unconstitutional because it was not narrowly tailored.[18]

Ultimately, only two circuit court decisions since *Croson* have passed definitively on thorough, strictly local disparity studies: *Engineering Contractors Association of South Florida, Inc*.,[19] and *Concrete Works IV*.[20] In *Engineering Contractors*, the Eleventh Circuit ultimately upheld the district court finding that Dade County's disparity studies were not adequate to support an M/WBE program, at least in the face of rebuttal evidence.[21] By contrast, in *Concrete Works IV*, the Tenth Circuit, after holding that the district court had used an improper standard for weighing the evidence, went on to evaluate the evidence and determine that it was adequate as a matter of law to establish a compelling justification for Denver's program. The Supreme Court refused to hear the appeal in *Concrete Works IV*,[22] although the refusal in itself has no precedential effect. The dissent to that denial, written by Justice Scalia with the Chief Justice joining, argues that these cases may mark a split in approach among the circuits that will need to be reconciled.

2.3 To Withstand Strict Scrutiny, an MBE Program Must Be Based on Thorough Evidence Showing a Compelling Governmental Interest

For government contracting programs, courts have yet to find a compelling governmental interest for affirmative action other than remedying discrimination in the relevant marketplace. In other arenas, diversity has served as a compelling governmental interest for affirmative action. For example, the Ninth Circuit upheld race-based admission standards at an experimental elementary school in order to provide a more real world education experience.[23] More recently, in *Petit v. City of Chicago*, the Seventh Circuit relied on *Grutter v. Bollinger* in stating that urban police departments had "an even more compelling need for diversity" than universities and upheld the Chicago program "under the *Grutter* standards."[24] The recent holding that other compelling interests may support affirmative action does not yet appear to have any application to public contracting.[25]

---

[18] *Contractors Ass'n of E. Penn. Inc. v. City of Philadelphia,* 91 F.3d 586, 605 (3rd Cir. 1996).
[19] 122 F.3d 895.
[20] 321 F.3d 950.
[21] Compare *Cone Corp. v. Hillsborough County*, 908 F.2d 908 (11th Cir. 1990), an earlier decision of the Eleventh Circuit reversing summary judgment against an MBE program where more limited statistical evidence was found adequate to require a trial on the merits in the face of a relatively weak challenge.
[22] *Concrete Works of Colo. v. City of Denver*, Scalia, J. dissenting, 540 U.S. 1027, 1027-35 (2003).
[23] *Hunter v. Regents of the Univ. of Cal., 190 F.3d 1061* (9th Cir. 1999).
[24] *Petit v. City of Chicago,* 352 F.3d 1111, 1114 (7th Cir. 2003).
[25] *Grutter v. Bollinger*, 539 U.S. 306 (2003). For an argument that other bases could serve as a compelling interest in public contracting, see Michael K. Fridkin, "The Permissibility of Non-Remedial Justifications for Racial Preferences in Public Contracting," 24 *N. Ill. U. L. Rev*. 509-510 (Summer 2004).

Croson identified two necessary factors for establishing racial discrimination sufficiently to demonstrate a compelling governmental interest in establishing an M/WBE program. First, there needs to be identified discrimination in the relevant market.[26] Second, "the governmental actor enacting the set-aside program must have somehow perpetuated the discrimination to be remedied by the program,"[27] either actively or at least passively with the "infusion of tax dollars into a discriminatory industry."[28]

Although the Supreme Court in *Croson* did not specifically define the methodology that should be used to establish the evidentiary basis required by strict scrutiny, the Court did outline governing principles. Lower courts have expanded the Supreme Court's *Croson* guidelines and have applied or distinguished these principles when asked to decide the constitutionality of state, county, and city programs that seek to enhance opportunities for minorities and women.

2.3.1 Post-Enactment Evidence

The Supreme Court in *Croson* found pre-enactment evidence of discrimination insufficient to justify the program. The defendant in *Croson* did not seek to defend its program based on post-enactment evidence. However, following *Croson,* a number of circuits did defend the use of post-enactment evidence to support the establishment of a local public affirmative action program.[29] Some cases required both pre-enactment and post-enactment evidence.[30]

The Supreme Court case in *Shaw v. Hunt*[31] raised anew the issue of post-enactment evidence in defending local public sector affirmative action programs. *Shaw* involved the use of racial factors in drawing voting districts in North Carolina. In *Shaw*, the Supreme Court rejected the use of reports providing evidence of discrimination in North Carolina because the reports were not developed before the voting districts were designed. Thus, the critical issue was whether the legislative body believed that discrimination had existed before the districts were drafted.[32] Following the *Shaw* decision, two districts courts rejected the use of post-enactment evidence in the evaluation of the constitutionality of local minority business programs.[33]

2.3.2 Agency Evidence

An agency contemplating an M/WBE program should have evidence expressly and specifically linked to the agency itself. The Fifth Circuit criticized the city of Jackson for commissioning a disparity study but not adopting the findings of the study.[34] A district court in New Jersey struck down a set-aside involving New Jersey casino licenses that was

[26] *Croson*, 488 U.S. at 492.
[27] *Coral Construction*, 941 F.2d at 916.
[28] Id.
[29] See *Eng'g Contrs. Ass'n of S. Florida, Inc. v. Dade County*, 122 F.3d 895, 911 (11th Cir. 1997); *Contrs. Ass'n of E. Philadelphia v. Philadelphia*, 6 F.3d 990, 1009 n.18 (2nd Cir. 1993); *Concrete Works of Colorado, Inc. v. City and County of Denver*, 36 F.3d 1513, 1521 (10th Cir. 1994).
[30] See *Coral Construction Co. v. King County*, 941 F.2d 910-920 (9th Cir. 1991).
[31] *Shaw v. Hunt*, 517 U.S. 899 (1996).
[32] Id. at 910.
[33] *AUC v. Baltimore,* 83 F. Supp. 2d 613, 620-22 (D. Md. 2000); *West Tenn. ABC v. Memphis City Schools*, 64 F. Supp. 2d 714, 718-21 (W.D. Tenn. 1999).
[34] *Scott v. City Of Jackson*, 199 F.3d 206, 218 (1999).

based on the factual predicate study for the state of New Jersey M/WBE program, which did not cover the casino industry.[35]

2.3.3 Outreach Programs

There is some debate about whether or not outreach programs are subject to strict scrutiny. In *Peightal v. Metropolitan Dade County*, the Eleventh Circuit treated recruiting and outreach efforts as "race-neutral" policies.[36] Other lower court cases have stated that expanding the pool disadvantages no one and thus a distinction should be made between inclusive and exclusive outreach.[37] Similarly, in *Allen v. Alabama State Bd. Of Education*, a case involving teacher certification examinations, the Eleventh Circuit stated that the,

> *Board must be conscious of race in developing the examination, choosing test items to minimize any racially disparate impact within the framework of designing a valid and comprehensive teaching examination. Nothing in Adarand requires the application of strict scrutiny to this sort of race-consciousness.*[38]

However, in *Virdi v. DeKalb County School District*, litigation involving a minority vendor program (MVP), the Eleventh Circuit stated that,

> *It is well settled that "all racial classifications imposed by government must be analyzed by a reviewing court under strict scrutiny". Grutter v. Bollinger, 539 U.S. 306, 326,123 S. Ct. 2325, 2337 (2003) (quoting Adarand Constructors, Inc. v. Pena, 515 U.S. 200, 227, 115 S.Ct. 2097, 2113 (1995)). To the extent that Defendants argue that the MVP did not contain racial classifications because it did not include set-asides or mandatory quotas, we note that strict scrutiny applies to all racial classifications, not just those creating binding racial preferences. The MVP includes racial classifications. It is therefore subject to strict scrutiny.*[39]

2.3.4 Disabled Business Enterprise

Disabled business enterprise programs are quite common in federal, state, and local government. Section 15(g) of the Small Business Act provides for a goal of not less than 3 percent utilization of service-disabled veteran businesses in federal contracting.[40] Section 36 of that Act grants the authority to set-aside for service-disabled veteran–owned businesses.[41] These policies were strengthened and reaffirmed in October 2004, in Executive Order 13360. The U.S. Army alone projects $1.8 billion in set-asides to service-disabled veteran–owned businesses in FY 2008.[42]

---

[35] *Ass'n. for Fairness in Business, Inc. v. New Jersey,* 82 F. Supp. 2d 353, 361 (D.N.J. 2000).
[36] 26 F.3d 154, 1557-58 (11th Cir. 1994).
[37] *Shuford v. Alabama State Bd. of Educ.,* 897 F. Supp. 1535, 1551-52 (M.D. Ala. 1995).
[38] . 164 F.3d 1347, 1352 (11th Cir.1999).
[39] 135 Fed. Appx. 262, 267, 2005 U.S. App. LEXIS 11203 (11th Cir. 2005).
[40] 15 U.S.C. 644(g).
[41] 15 U.S.C. 657f.
[42] U.S. Army Office of Small Business Programs, www.vetbiz.gov/library/Army.pdf

Disabled business enterprise programs are also common at the state and local government level and are often a component of an M/WBE program.[43] Some local government agencies, in particular California and Connecticut, also set aside government contracts for disabled business enterprises or disabled veteran's business enterprises. California follows the federal program with a 3 percent disabled goal.[44] The state of Connecticut set aside 25 percent of its project for SBEs and then 25 percent of the SBE program is for certified M/WBEs. Disabled firms are classified as minority firms for purposes of the rule.[45] There are also state laws granting preferences of some sort to the disabled, and particularly the service disabled veterans.[46]

While there has been an extensive body of case law involving the Americans for Disabilities Act, there have been no federal court cases challenging the constitutionality of disabled business enterprises under the Equal Protection clause. There are at least two reasons for this absence of a court record. First, at the state and local government level, these programs are typically very small, having only a handful of participants. Second, and more importantly, the U.S. Supreme Court has not ruled that the disabled are a suspect class and thus government programs addressing the disabled are not subject to strict scrutiny, or even intermediate scrutiny.[47] Instead programs both favoring and hampering the disabled are subject to the rational relationship test, the lowest level of judicial scrutiny. Nevertheless, this report will separately analyze data on disabled business enterprises.

2.4 Sufficiently Strong Evidence of Significant Statistical Disparities Between Qualified Minorities Available and Minorities Utilized Will Satisfy Strict Scrutiny and Justify a Narrowly Tailored M/WBE Program

The Supreme Court in *Croson* stated that "where gross statistical disparities can be shown, they alone in a proper case may constitute *prima facie* proof of a pattern or practice of discrimination."[48] But the statistics must go well beyond comparing the rate of minority presence in the general population to the rate of prime construction contracts awarded to MBEs. The Court in *Croson* objected to such a comparison, indicating that the proper statistical evaluation would compare the percentage of qualified MBEs in the relevant market with the percentage of total municipal construction dollars awarded to them.[49]

---

[43] See North Carolina, Executive Order #150 and General Statues 143-48 & 143-128.2(g)(1)(2)(3), Philadelphia, Executive Order 05 Relating To The Participation Of Minority, Women And Disabled Businesses In City Contracts, March 2005; Rhode Island GL 37-2.2-3, (procurement of
Goods and services are available from certified Rhode Island Disability Business Enterprises (dbes) whose workforce consists of more than 75% persons with disabilities or certified nonprofit rehabilitation facilities); The regional Texas certification agencies certify for disabled business enterprises.

[44] California Executive Order D-43-01, June 22, 2001. California Disabled Veteran Business Enterprise Set Aside Program **(**establishes a goal for state entities to award at least 3% of their contracts for materials, supplies, equipment, alterations, repairs, or improvements to disabled veteran business enterprises. A 2001 act (Assembly Bill 941) requires the departments subject to this goal to appoint disabled veteran business enterprise advocates).

[45] Executive Order D-37-1

[46] See Fl. Stat. _295.07(1) (1991) (exempting disabled veterans from specific hiring procedures and employment exams for state jobs); Fl. Stat. _196.031 (1991) (hiring preferences for disabled veterans).

[47] *City of Cleburne v. Cleburne Living Center,* 473 U.S. 432 (1985) (no rational basis for discriminatory application of special use permit for group home for mentally disabled).

[48] *Croson*, 488 U.S. at 501, quoting *Hazelwood School Division v. United States*, 433 U.S. 299, 307-308 (1977).

[49] Id. at 502.

To meet this more precise requirement, courts have accepted the use of a disparity index.[50] The Supreme Court in *Croson* recognized statistical measures of disparity that compared the number of qualified and available M/WBEs with the rate of municipal construction dollars actually awarded to M/WBEs in order to demonstrate discrimination in a local construction industry.[51] The Ninth Circuit has stated, "In our recent decision [*Coral Construction*] we emphasized that such statistical disparities are 'an invaluable tool' in demonstrating the discrimination necessary to establish a compelling interest."[52]

2.4.1 Determining Availability

To perform proper disparity analysis, the government must determine "availability"—the number of qualified minority contractors willing and able to perform a particular service for the municipality. In *Croson*, the Court stated:

> *Where there is a significant statistical disparity between the number of qualified minority contractors willing and able to perform a particular service and the number of such contractors actually engaged by the locality or the locality's prime contractors, an inference of discriminatory exclusion could arise.*[53]

An accurate determination of availability also permits the government to meet the requirement that it "determine the precise scope of the injury it seeks to remedy" by its program.[54] Following *Croson's* statements on availability, lower courts have considered how legislative bodies may determine the precise scope of the injury sought to be remedied by an MBE program. Nevertheless, the federal courts have not provided clear guidance on the best data sources or techniques for measuring M/WBE availability.

Different forms of data used to measure availability give rise to particular controversies. Census data have the benefit of being accessible, comprehensive, and objective in measuring availability. In *Contractors Ass'n of Eastern Pennsylvania, Inc.,* the Third Circuit, while noting some of the limitations of census data, acknowledged that such data could be of some value in disparity studies.[55] In that case, the city of Philadelphia's consultant calculated a disparity using data showing the total amount of contract dollars awarded by the City, the amount that went to MBEs, and the number of African American construction firms. The consultant combined these data with data from the Census Bureau on the number of construction firms in the Philadelphia Standard Metropolitan Statistical Area.[56] Despite the district court's reservations about mixing data sources, the Third Circuit appeared to have been prepared to accept such data had it ruled on the showing of a compelling interest.

---

[50] See *Engineering Contractors Ass'n of South Florida, Inc*., 122 F.3d at 914; *Concrete Works IV,* 321 F.3d at 964-69.
[51] *Croson*, 488 U.S. at 503-504.
[52] *Ass'd. General Contrs. of California, Inc. v. Coalition for Economic Equity*, 950 F.2d 1401, 1414 (9th Cir. 1991) (*AGCC II*) citing *Coral Construction*, 941 F.2d at 918; see also *Croson*, 488 U.S. at 509.
[53] *Croson*, 488 U.S. at 509 (emphasis added).
[54] Id. at 498.
[55] *Contractors Assn v. Philadelphia*, 91 F.3d 586, 604 (3rd Cir 1996).
[56] *Contractors Association of Eastern Pennsylvania, Inc.*, 91 F.3d at 604.

At least one commentator has suggested using bidder data to measure M/WBE availability,[57] but *Croson* does not require the use of bidder data to determine availability. In *Concrete Works,* in the context of the plaintiffs' complaint that the city of Denver had not used such information, the Tenth Circuit noted that bid information also has its limits. [58] Firms that bid may not be qualified or able, and firms that do not bid may be qualified and able, to undertake agency contracts.

2.4.2 Racial Classifications

In determining availability, choosing the appropriate racial groups to consider becomes an important threshold interest.[59] In *Croson*, the Supreme Court criticized the city of Richmond's inclusion of "Spanish speaking, Oriental, Indian, Eskimo, or Aleut persons" in its affirmative action program.[60] These groups had not previously participated in City contracting and "The random inclusion of racial groups that, as a practical matter, may never have suffered from discrimination in the construction industry in Richmond suggests that perhaps the City's purpose was not in fact to remedy past discrimination."[61] To evaluate availability properly, data must be gathered for each racial group in the marketplace. The Federal Circuit has also required that evidence as to the inclusion of particular groups be kept reasonably current.[62]

2.4.3 Relevant Market Area

Another issue in availability analysis is the definition of the relevant market area. Specifically, the question is whether the relevant market area should be defined as the area from which a specific percentage of purchases is made, the area in which a specific percentage of willing and able contractors may be located, or the area determined by a fixed geopolitical boundary.

The Supreme Court has not yet established how the relevant market area should be defined, but some circuit courts have done so, including the Tenth Circuit in *Concrete Works II*, the first appeal in the city of Denver litigation.[63] Concrete Works of Colorado, a non-M/WBE construction company, argued that *Croson* precluded consideration of discrimination evidence from the six-county Denver Metropolitan Statistical Area (MSA), so Denver should use data only from within the city and county of Denver. The Tenth Circuit, interpreting *Croson*, concluded, "The relevant area in which to measure discrimination . . . is the local construction market, but that is not necessarily confined by jurisdictional boundaries."[64] The court further stated, "It is important that the pertinent data closely relate to the jurisdictional area of the municipality whose program we scrutinize, but here Denver's contracting activity, insofar as construction work is concerned, is closely related to the Denver MSA."[65]

---

[57] LaNoue, George R., "Who Counts? Determining the Availability of Minority Businesses for Public Contracting After *Croson*," 21 *Harv. J. L. and Pub. Pol.* 793, 833-834 (1998).
[58] *Concrete Works IV*, 321 F.3d at 983-84.
[59] Racial groups, as the term is used herein, include both racial and ethnic categories.
[60] 488 U.S. at 506.
[61] Id.
[62] *Rothe Development Co. v. U.S. Dept. of Defense*, 262 F.3d 1306, 1323 (Fed. Cir. 2003).
[63] *Concrete Works II*, 36 F.3d at 1520.
[64] Id.
[65] Id.

The Tenth Circuit ruled that because more than 80 percent of Denver Department of Public Works construction and design contracts were awarded to firms located within the Denver MSA, the appropriate market area should be the Denver MSA, not the city and county of Denver alone.[66] Accordingly, data from the Denver MSA were "adequately particularized for strict scrutiny purposes."[67]

2.4.4 Firm Qualifications

Another availability consideration is whether M/WBE firms are qualified to perform the required services. In *Croson*, the Supreme Court noted that although gross statistical disparities may demonstrate *prima facie* proof of discrimination, "when special qualifications are required to fill particular jobs, comparisons to the general population (rather than to the smaller group of individuals who possess the necessary qualifications) may have little probative value."[68] The Court, however, did not define the test for determining whether a firm is qualified.

Considering firm qualifications is important not only to assess whether M/WBEs in the relevant market area can provide the goods and services required, but also to ensure proper comparison between the number of qualified M/WBEs and the total number of similarly qualified contractors in the marketplace.[69] In short, proper comparisons ensure the required integrity and specificity of the statistical analysis. For instance, courts have specifically ruled that the government must examine prime contractors and subcontractors separately when the M/WBE program is aimed primarily at one or the other.[70]

2.4.5 Willingness

Croson requires that an "available" firm must be not only qualified but also willing to provide the required services.[71] In this context, it can be difficult to determine whether a business is willing. Courts have approved including businesses in the availability pool that may not be on the government's certification list. In *Concrete Works II*, Denver's availability analysis indicated that while most MBEs and WBEs had never participated in City contracts, "almost all firms contacted indicated that they were interested in [municipal work]."[72] In *Contractors Association of Eastern Pennsylvania, Inc.*, the Third Circuit explained, "[i]n the absence of some reason to believe otherwise, one can normally assume that participants in a market with the ability to undertake gainful work will be 'willing' to undertake it."[73] The court went on to note:

> *[P]ast discrimination in a marketplace may provide reason to believe the minorities who would otherwise be willing are discouraged from trying to secure the work. . . . [I]f there has been discrimination in City contracting, it is to be expected that [African American] firms may be discouraged from applying, and the low numbers [of African American firms seeking to*

[66] Id.
[67] Id.
[68] *Croson*, 488 U.S. at 501 (quoting *Hazelwood School Dist*. *v. United States*, 433 U.S. 299, 308, n.13 (1977)).
[69] See *Hazelwood School Dist*., 433 U.S. at 308; Contractors Ass'n. 91 F.3D at 603.
[70] *W. H. Scott Constr. Co. v. City of Jackson*, 199 F.3d 206, 218 (5th Cir.1999).
[71] *Croson*, 488 U.S. at 509.
[72] *Concrete Works II*, 36 F.3d at 1529, quoting, *Appellant's Appendix*.
[73] *Contractors Association of Eastern Pennsylvania, Inc.*, 91 F.3d at 603 (in original quotation marks).

> *prequalify for City-funded contracts] may tend to corroborate the existence of discrimination rather than belie it.*[74]

Even so, the strongest possible disparity study would also present information about the willingness of M/WBEs to perform the required services.

2.4.6 Ability

Another availability consideration is whether the firms being considered are able to perform a particular service. Those who challenge affirmative action often question whether M/WBE firms have the "capacity" to perform particular services.

The Eleventh Circuit accepted a series of arguments that firm size has a strong impact on "ability" to enter contracts, that M/WBE firms tend to be smaller, and that this smaller size, not discrimination, explains the resulting disparity.[75] By contrast, the Tenth Circuit in *Concrete Works II* and *IV* recognized the shortcomings of this treatment of firm size.[76] *Concrete Works IV* noted that the small size of such firms can itself be a result of discrimination.[77] The Tenth Circuit acknowledged the city of Denver's argument that a small construction firm's precise capacity can be highly elastic.[78] Under this view, the relevance of firm size may be somewhat diminished. Further, the Eleventh Circuit was dealing with a statute which itself limited remedies to M/WBEs that were smaller firms by definition.[79]

2.4.7 Statistical Evidence of Discrimination in Disparity Studies

While courts have indicated that anecdotal evidence may suffice without statistical evidence, no case without statistical evidence has been given serious consideration by any circuit court. In practical effect, courts require statistical evidence. Further, the statistical evidence needs to be held to appropriate professional standards.[80]

The Eleventh Circuit has addressed the role of statistical significance in assessing levels of disparity in public contracting. Generally, disparity indices of 80 percent or higher—indicating close to full participation—are not considered significant.[81] The court referenced the Equal Employment Opportunity Commission's disparate impact guidelines, which establish the 80 percent test as the threshold for determining a *prima facie* case of discrimination.[82] According to the Eleventh Circuit, no circuit that has explicitly endorsed using disparity indices has held that an index of 80 percent or greater is probative of discrimination, but they have held that indices below 80 percent indicate "significant disparities."[83]

---

[74] Id. at 603-04.
[75] *Eng'g. Contr. of S. Florida, Inc.* 122 F.3d at 917-18, 924.
[76] *Concrete Works II*, 36 F.3d at 1528-29; *Concrete Works IV*, 321 F.3d at 980-92.
[77] *Concrete Works IV*, 321 F.3d at 982.
[78] Id. at 981
[79] *Eng'g Contrs. Ass'n of S. Florida, Inc*., 122 F.3d at 900.
[80] See *Contrs. Ass'n of E. Pennsylvania, Inc.*, 91 F.3d at 599-601.
[81] *Eng'g Contrs. Ass'n of S. Florida, Inc*., 122 F.3d at 914.
[82] Id. at 914, citing 29 C.F.R. § 1607.4D (concerning the disparate impact guidelines and threshold used in employment cases).
[83] *Eng'g Contrs. Ass'n of S. Florida, Inc*., 122 F.3d at 914, citing *Contrs. Ass'n of E. Pennsylvania, Inc.*, 6 F.3d at 1005 (crediting disparity index of 4 percent) and *Concrete Works II*, 36 F.3d at 1524 (crediting disparity indices ranging from 0 percent to 3.8 percent).

In support of the use of standard deviation analyses to test the statistical significance of disparity indices, the Eleventh Circuit observed that "[s]ocial scientists consider a finding of two standard deviations significant, meaning there is about one chance in 20 that the explanation for the deviation could be random and the deviation must be accounted for by some factor other than chance."[84] With standard deviation analyses, the reviewer can determine whether the disparities are substantial or statistically significant, lending further statistical support to a finding of discrimination. On the other hand, if such analyses can account for the apparent disparity, the study will have little if any weight as evidence of discrimination.

Further, the interpretations of the studies must not assume discrimination has caused the disparities, but must account for alternative explanations of the statistical patterns.[85] The Third and Fifth Circuits have also indicated that statistics about prime contracting disparity have little, if any, weight when the eventual M/WBE program offers its remedies solely to subcontractors.[86]

2.4.8 Anecdotal Evidence of Discrimination in Disparity Studies

Most disparity studies present anecdotal evidence along with statistical data. The Supreme Court in *Croson* discussed the relevance of anecdotal evidence and explained: "[E]vidence of a pattern of individual discriminatory acts can, if supported by appropriate statistical proof, lend support to a local government's determination that broader remedial relief is justified."[87] Although *Croson* did not expressly consider the form or level of specificity required for anecdotal evidence, the Ninth Circuit has addressed both issues.

In *Coral Construction*, the Ninth Circuit addressed the use of anecdotal evidence alone to prove discrimination. Although King County's anecdotal evidence was extensive, the court noted the absence in the record of any statistical data in support of the program. Additionally, the court stated, "While anecdotal evidence may suffice to prove individual claims of discrimination, rarely, if ever, can such evidence show a *systemic pattern of discrimination necessary for the adoption of an affirmative action plan*."[88] The court concluded, by contrast, that "the combination of convincing anecdotal and statistical evidence is potent."[89]

Regarding the appropriate form of anecdotal evidence, the Ninth Circuit in *Coral Construction* noted that the record provided by King County was "considerably more extensive than that compiled by the Richmond City Council in *Croson*."[90] The King County record contained "affidavits of at least 57 minority or [female] contractors, each of whom complain[ed] in varying degree[s] of specificity about discrimination within the local construction industry".[91] The *Coral Construction* court stated that the M/WBE affidavits "reflect[ed] a broad spectrum of the contracting community" and the affidavits "certainly

---

[84] *Eng'g Contrs. Ass'n of S. Florida, Inc*., 122 F.3d at 914 quoting *Peightal v. Metropolitan Dade County*, 26 F.3d 1545, 1556 n.16 (11th Cir. 1994) (quoting *Waisome v. Port Authority*, 948 F.2d 1370, 1376 (2nd Cir. 1991)).
[85] *Eng'g Contrs. Ass'n of S. Florida, Inc.,* 122 F 3d at 922.
[86] *Contrs. Ass'n of E. Pennsylvania, Inc.,* 91 F.3d at 599 (3rd Cir.); *W.H. Schott Constr. Co.,* 199 F. 3d at 218 (5th Cir.)
[87] *Croson*, 488 U.S. at 509.
[88] *Coral Construction*, 941 F.2d at 919 (emphasis added).
[89] Id. See also *AGCC II*, 950 F.2d at 1414-1415.
[90] *Coral Construction*, 941 F.2d at 917.
[91] Id. at 917-18.

suggest[ed] that ongoing discrimination may be occurring in much of the King County business community."[92]

In *Associated General Contractors of California v. Coalition for Economic Equity (AGCC II)*, the Ninth Circuit discussed the specificity of anecdotal evidence required by *Croson*.[93] Seeking a preliminary injunction, the contractors contended that the evidence presented by the city of San Francisco lacked the specificity required by both an earlier appeal in that case and by *Croson.*[94] The court held that the City's findings were based on substantially more evidence than the anecdotes in the two prior cases, and "were clearly based upon dozens of specific instances of discrimination that are laid out with particularity in the record, as well as significant statistical disparities in the award of contracts."[95]

The court also ruled that the City was under no burden to identify specific practices or policies that were discriminatory.[96] Reiterating the City's perspective, the court stated that the City "must simply demonstrate the existence of past discrimination with specificity; there is no requirement that the legislative findings specifically detail each and every instance that the legislative body ha[d] relied upon in support of its decision that affirmative action is necessary."[97]

Not only have courts found that a municipality does not have to specifically identify all the discriminatory practices impeding M/WBE utilization, but the Tenth Circuit in *Concrete Works IV* also held that anecdotal evidence collected by a municipality does not have to be verified. The court stated:

> *There is no merit to [the plaintiff's] argument that witnesses' accounts must be verified to provide support for Denver's burden. Anecdotal evidence is nothing more than a witness' narrative of an incident told from the witness' perspective and including the witness' perceptions…Denver was not required to present corroborating evidence and [the plaintiff] was free to present its own witnesses to either refute the incidents described by Denver's witnesses or to relate their own perceptions on discrimination in the Denver construction industry.*[98]

2.5 The Governmental Entity or Agency Enacting an M/WBE Program Must Be Shown to Have Actively or Passively Perpetuated the Discrimination

In *Croson*, the Supreme Court stated, "It is beyond dispute that any public entity, state or federal, has a compelling interest in assuring that *public* dollars, drawn from the tax contributions of all citizens, do not serve to finance the evil of *private* prejudice."[99] *Croson* provided that the government "can use its spending powers to remedy private discrimination, if it identifies that discrimination with the particularity required by the

[92] Id.
[93] *AGCC II*, 950 F.2d at 1414-1415.
[94] See *AGCC II*, 950 F.2d at 1403-1405.
[95] *AGCC II, 950 F.2d*. at 1416. This evidence came from 10 public hearings and "numerous written submissions from the public." Id. at 1414.
[96] Id. at 1416, n.11.
[97] Id. at 1416.
[98] *Concrete Works IV*, 321 F.3d at 989.
[99] *Croson*, 488 U.S. at 492 (emphasis added).

Fourteenth Amendment."[100] The government agency's active or passive participation in discriminatory practices in the marketplace may show the compelling interest. Defining passive participation, *Croson* stated:

> *Thus, if the city could show that it had essentially become a "passive participant" in a system of racial exclusion practiced by elements of the local construction industry, we think it clear that the city could take affirmative steps to dismantle such a system*.[101]

The Tenth Circuit decision in *Adarand* concluded that evidence of private sector discrimination provided a compelling interest for a DBE program.[102] Later cases have reaffirmed that the government has a compelling interest in avoiding the financing of private discrimination with public dollars.[103]

Relying on this language in *Croson,* a number of local agencies have increased their emphasis on evidence of discrimination in the private sector. This strategy has not always succeeded. In the purest case, Cook County did not produce a disparity study but instead presented anecdotal evidence that M/WBEs were not solicited for bids in the private sector.[104] Cook County lost the trial and the resulting appeal.[105] Similarly, evidence of private sector discrimination presented in litigation was found inadequate in the Philadelphia and Dade County cases.[106] The Third Circuit stated, in discussing low MBE participation in a local contractors association in the city of Philadelphia, that "racial discrimination can justify a race-based remedy only if the city has somehow participated in or supported that discrimination."[107] Nevertheless, recently in *Concrete Works IV,* the Tenth Circuit upheld the relevance of data from the private marketplace to establish a factual predicate for M/WBE programs.[108] That is, courts mainly seek to ensure that M/WBE programs are based on findings of active or passive discrimination in the government contracting marketplace, and not simply attempts to remedy general societal discrimination.

Courts also seek to find a causal connection between a statistical disparity and actual underlying discrimination. In *Engineering Contractors*, one component of the factual predicate was a study comparing entry rates into the construction business for M/WBEs and non-M/WBEs.[109] The analysis provided statistically significant evidence that minorities and women entered the construction business at rates lower than would be expected, given their numerical presence in the population and human and financial capital variables. The study argued that those disparities persisting after the application of appropriate statistical controls were most likely the result of current and past discrimination. Even so, the Eleventh Circuit criticized this study for reliance on general census data and for the lack of particularized

---

[100] *Croson,* 488 U.S. at 492. See generally Ayres, Ian and Frederick E. Vars, "When Does Private Discrimination Justify Public Affirmative Action?" 98 *Columbia Law Review* 1577 (1998).
[101] *Croson*, 488 U.S. at 492.
[102] *Adarand Contrs., Inc.,* 228 F.3d at 1155, 1164-65.
[103] *Associated Gen. Contrs. of Ohio, Inc. v. Drabik,* 214 F.3d 730, 734-35 (6th Cir. 2000). See also *Concrete Works II*, 36 F.3d at 1529; *Coral Constr. Co.*, 941 F.2d at 916.
[104] *Builders Ass'n of Greater Chicago v. County of Cook*, 123 F. Supp. 2d 1087, 1117 (N.D. I.L. 2000).
[105] *Builders Ass'n of Greater Chicago v. County of Cook*, 123 F. Supp. 2d 1087 (N.D. I.L. 2000); 256 F.3d 642, 648 (7th Cir. 2001).
[106] *Contrs. Ass'n of E. Pennsylvania, Inc.,* 91 F.3d at 599-602; *Engineering Contrs. Ass'n of S. Florida, Inc*., 122 F.3d at 920-926.
[107] *Contrs. Ass'n of E. Pennsylvania, Inc.*, 91 F.3d at 602; see also *Webster v. Fulton County*, 51 F. Supp. 2d 1354, 1363 (N.D. G.A. 1999).
[108] *Concrete Works IV,* 321 F.3d at 976.
[109] *Engineering Contractors Ass'n of South Florida, Inc*., 122 F.3d at 921-22.

evidence of active or passive discrimination by Dade County, holding that the district court was entitled to find that the evidence did not show compelling justification for an M/WBE program.[110]

The Seventh Circuit has perhaps set a higher bar for connecting private discrimination with government action. The trial court in the Cook County case extensively considered evidence that prime contractors simply did not solicit M/WBEs as subcontractors and considered carefully whether this evidence on solicitation served as sufficient evidence of discrimination, or whether instead it was necessary to provide further evidence that there was discrimination in hiring M/WBE subcontractors.[111] The Seventh Circuit held that this evidence was largely irrelevant.[112] Beyond being anecdotal and partial, evidence that contractors failed to solicit M/WBEs on Cook County contracts was not the same as evidence that M/WBEs were denied the opportunity to bid.[113] Furthermore, such activities on the part of contractors did not necessarily implicate the county as even a passive participant in such discrimination as might exist because there was no evidence that the county knew about it.[114]

Interestingly, some courts have been willing to see capital market discrimination as part of the required nexus between private and public contracting discrimination, even if capital market discrimination could arguably be seen as simply part of broader societal discrimination. In *Adarand v. Slater*, the Tenth Circuit favorably cited evidence of capital market discrimination as relevant in establishing the factual predicate for the federal DBE program.[115] The same court, in *Concrete Works IV,* found that barriers to business formation were relevant insofar as this evidence demonstrated that M/WBEs were "precluded from the outset from competing for public construction contracts."[116] Along related lines, the court also found a regression analysis of census data to be relevant evidence showing barriers to M/WBE formation.[117]

Courts have come to different conclusions about the effects of M/WBE programs on the private sector evidence itself. For instance, is M/WBE participation in public sector projects higher than on private sector projects simply because the M/WBE program increases M/WBE participation in the public sector, or is such a pattern evidence of private sector discrimination? The Seventh Circuit raised the former concern in the recent Cook County litigation.[118] *Concrete Works IV*, however, expressly cited as evidence of discrimination that M/WBE contractors used for business with the city of Denver were not used by the same prime contractors for private sector contracts.[119]

Finally, is evidence of a decline in M/WBE utilization following a change in or termination of an M/WBE program relevant and persuasive evidence of discrimination? The Eighth Circuit in *Sherbrooke Turf* and the Tenth Circuit in *Concrete Works IV* did find that such a decline in

---

[110] Id. at 922.
[111] *Builders Ass'n of Chicago*, 123 F.Supp. 2d at 1112-1116.
[112] *Builders Ass'n of Greater Chicago*, 256 F.3d at 645.
[113] Id.
[114] Id.
[115] *Adarand Contrs., Inc.*, 228 F.3d at 1169-70.
[116] *Concrete Works IV*, 321 F.2d at 977. The district court had rejected evidence of credit market discrimination as adequate to provide a factual predicate for an M/WBE program. *Concrete Works of Colorado, Inc. v. City of Denver*, 86 F.Supp. 2d 1042, 1072-73 (D Co. 2000) (*Concrete Works III*).
[117] Id. at 967.
[118] *Builders Ass'n of Greater Chicago*, 256 F.3d at 645.
[119] *Concrete Works IV*, 321 F.3d at 984-85.

M/WBE utilization was evidence that prime contractors were not willing to use M/WBEs in the absence of legal requirements.[120] Other lower courts have arrived at similar conclusions.[121]

2.6 To Withstand Strict Scrutiny, an M/WBE Program Must Be Narrowly Tailored to Remedy Identified Discrimination

The discussion of compelling interest in the court cases has been extensive, but narrow tailoring may be the more critical issue. Many courts have held that even if a compelling interest for the M/WBE program can be found, the program has not been narrowly tailored.[122] Moreover, *Concrete Works IV,*[123] a case that did find a compelling interest for a local M/WBE program, did not consider the issue of narrow tailoring. Instead, the Tenth Circuit held that the plaintiffs had waived any challenge to the original ruling of the district court[124] that the program was narrowly tailored.

Nevertheless, the federal courts have found that the DBE program established pursuant to federal regulations (49 CFR, Part 26) and issued under the Transportation Equity Act (TEA-21) (1998) has been narrowly tailored to serve a compelling interest.[125] The federal courts had previously ruled that there was a factual predicate for the federal Department of Transportation (DOT) DBE program, but that in its earlier versions the program was not narrowly tailored.[126] The more recent rulings provide some guidance as to what program configurations the courts will judge to be narrowly tailored. The Eleventh Circuit in particular has identified the following elements of narrow tailoring: (1) the necessity for the relief and the efficacy of alternative remedies; (2) the flexibility and duration of the relief, including the availability of waiver provisions; (3) the relationship of numerical goals to the relevant labor market; and (4) the impact of the relief on the rights of innocent third parties.[127]

2.6.1 Race-Neutral Alternatives

Concerning race-neutral alternatives, the Supreme Court in *Croson* concluded that a governmental entity must demonstrate that it has evaluated the use of race-neutral means to increase MBE participation in contracting or purchasing activities. In upholding the narrow tailoring of federal DBE regulations, the Eighth Circuit noted that those regulations "place strong emphasis on 'the use of race-neutral means to increase minority business participation in government contracting'."[128] The Tenth Circuit had noted that the DBE regulations provided that "if a recipient can meet its overall goal through race-neutral means, it must implement its program without the use of race-conscious contracting

---

[120] *Concrete Works IV*, 321 F.3d at 985; *Sherbrooke Turf, Inc.*, 345 F.3d at 973.
[121] See *Northern Contracting, Inc. v. Illinois*, No. 00 4515 (ND IL 2004) – 2004 U.S. Dist. LEXIS 3226 150-1.
[122] *Contrs. Ass'n of E. Pennsylvania, Inc.*, 91 F.3d at 606; *Eng'g Contrs. Ass'n of S. Florida, Inc*., 122 F.3d at 926-929; *Verdi v. DeKalb County Sch. Dist.*, 135 Fed. Appx. 262, 268, 2005 WL 38942 (11th Cir. 2005).
[123] *Concrete Works IV*, 321 F.3d at 992-93.
[124] *Concrete Works of Colo., Inc. v. City of Denver,* 823 F.Supp. 821, 844-845 (D.Co. 1993)(*Concrete Works I*).
[125] *Adarand Constrs., Inc.*, 228 F.3d at 1158, 1187; *Sherbrooke Turf Inc.*, 345 F.3d at 968-969, 974; *W. States Paving Co. v. Wash. State DOT*, 407 F.3d 983 (9th Cir. 2005).
[126] Inre Sherbrooke Sodding, 17 F. Supp. 2d 1026, 1034-35, 1037 (D.Minn. 1998) (*Sherbrooke I*) (finding the program was not narrowly tailored). In 1996, before the new DBE regulations, the district court in Colorado, upon remand from the 1995 U.S. Supreme Court, had made a similar ruling in *Adarand Constrs., Inc . v. Peña,* 965 F. Supp. 1556, 1581 (D.Co. 1997)
[127] *Engineering Contractors*, 122 F.3d at 973 (citing *Ensley Branch*, 31 F.3d at 1569).
[128] *Sherbrooke Turf, Inc.*, 345 F. 3d at 972, quoting *Adarand Constrs., Inc.*, 515 U.S. at 237-38.

measures, and enumerate a list of race-neutral measures."[129] Those measures included "helping overcome bonding and financing obstacles, providing technical assistance, [and] establishing programs to assist start-up firms."[130]

Strict scrutiny does not mandate that every race-neutral measure be considered and found wanting. The Eighth Circuit also affirmed that "Narrow tailoring does not require exhaustion of every conceivable race neutral alternative," but it does require "serious, good faith consideration of workable race-neutral alternatives."[131]

2.6.2 Flexibility and Duration of the Remedy

The Eighth Circuit also found that "the revised DBE program has substantial flexibility."[132]

> *A State may obtain waivers or exemptions from any requirement and is not penalized for a good faith failure to meet its overall goal. In addition, the program limits preferences to small businesses falling beneath an earnings threshold, and any individual whose net worth exceeds $ 750,000 cannot qualify as economically disadvantaged.*[133]

DBE and M/WBE programs achieve flexibility by using waivers and variable project goals to avoid merely setting a quota. *Croson* favorably mentioned the contract-by-contract waivers in the federal DOT DBE program.[134] Virtually all successful MBE programs have this waiver feature in their enabling legislation. As for project goals, the approved DBE provisions set aspirational, nonmandatory goals; expressly forbid quotas; and use overall goals as a framework for setting local contract goals, if any, based on local data. All of these factors have impressed the courts that have upheld the constitutionality of the revised DOT DBE program. [135]

With respect to program duration, in *Adarand Constructors, Inc. v. Peña*, the Supreme Court wrote that a program should be "appropriately limited such that it will not last longer than the discriminatory effects it is designed to eliminate."[136] The Eighth Circuit also noted the limits in the DBE program, stating that "the DBE program contains built-in durational limits," in that a "State may terminate its DBE program if it meets its annual overall goal through race-neutral means for two consecutive years."[137] The Eighth Circuit also found durational limits in the fact that "TEA-21 is subject to periodic congressional reauthorization. Periodic legislative debate assures all citizens that the deviation from the norm of equal treatment of all racial and ethnic groups is a temporary matter, a measure taken in the service of the goal of equality itself."[138]

---

[129] *Adarand Constrs., Inc.*, 228 F.3d. at 1179 (parentheses removed).
[130] Id.
[131] *Sherbrooke Turf, Inc.*, 345 F. 3d at 972, quoting *Grutter*, 123 S. Ct. at 2344-45. See also *Coral Constr. Co.*, 941 F.2d at 923; *AGCC II*, 950 F.2d at 1417.
[132] *Sherbrooke Turf, Inc.*, 345 F. 3d at 972.
[133] Id. at 972, citing, 49 C.F.R. § 26.67(b).
[134] *Croson*, 488 U.S. at 488-489. *Coral Constr. Co.*, 941 F.2d at 924-925.
[135] See *Coral Constr. Co.,* 941 F. 2d at 924-925.
[136] 515 U.S. at 238 (internal quotations and citations omitted).
[137] *Sherbrooke Turf, Inc.*, 345 F. 3d at 972, citing 49 C.F.R. § 26.51(f)(3).
[138] Id., quoting, *Grutter*, 123 S. Ct. at 2346.

Other appellate courts have noted several possible mechanisms for limiting program duration: such as required termination if goals have been met,[139] decertification of MBEs who achieve certain levels of success, or mandatory review of MBE certification at regular, relatively brief periods.[140] Governments thus have some duty to ensure that they update their evidence of discrimination regularly enough to review the need for their programs and to revise programs by narrowly tailoring them to fit the fresh evidence.[141] It is still an open question whether all of these provisions are necessary in every case.

2.6.3 Relationship of Goals to Availability

Narrow tailoring under the *Croson* standard requires that remedial goals be in line with measured availability. Merely setting percentages without a carefully selected basis in statistical studies, as the city of Richmond did in *Croson* itself, has played a strong part in decisions finding other programs unconstitutional.[142]

By contrast, the Eighth, Ninth, and Tenth Circuits have approved the goal-setting process for the DOT DBE program, as revised in 1999.[143] The approved DOT DBE regulations require that goals be based on one of several methods for measuring DBE availability.[144] The Eighth Circuit noted that the "DOT has tied the goals for DBE participation to the relevant labor markets," insofar as the "regulations require grantee States to set overall goals based upon the likely number of minority contractors that would have received federally assisted highway contracts but for the effects of past discrimination."[145] The Eighth Circuit acknowledged that goal setting was not exact, but nevertheless, the exercise…

> *requires the States to focus on establishing realistic goals for DBE participation in the relevant contracting markets. This stands in stark contrast to the program struck down in Croson, which rested upon the completely unrealistic assumption that minorities will choose a particular trade in lockstep proportion to their representation in the local population.*[146]

Moreover, the approved DBE regulations use built-in mechanisms to ensure that DBE goals are not set excessively high relative to DBE availability. For example, the approved DBE goals are to be set-aside if the overall goal has been met for two consecutive years by race-neutral means. The approved DBE contract goals also must be reduced if overall goals have been exceeded with race-conscious means for two consecutive years. The Eighth Circuit courts found these provisions to be narrowly tailored, particularly when implemented according to local disparity studies that carefully calculate the applicable goals.[147]

2.6.4 Burden on Third Parties

---

[139] *Sherbrooke Turf, Inc.*, 345 F.3d at 972.
[140] *Adarand Constrs. Inc.*, 228 F.3d at 1179-1180.
[141] *Rothe Dev. Co.,* 262 F.3d at 1323-1324 (commenting on the possible staleness of information after seven, 12, and 17 years).
[142] See *Builders Ass'n of Greater Chicago*, 256 F.3d at 647; *Kohlbeck,* 447 F.3d at 556-557.
[143] *Adarand Constrs. Inc.*, 228 F.3d at 1181-1182; *Sherbrooke Turf, Inc.*, 345 F.3d at 971-973. *W. States Paving Co.,* 407 F.3d at 994-995.
[144] 49 C.F.R., § 26.45 (2006).
[145] *Sherbrooke Turf, Inc.*, at 972, 345 F, 3d citing, 49 C.F.R. § 26.45(c)-(d) (Steps 1 and 2).
[146] Id. at 972, quoting, *Croson*, 488 U.S. at 507.
[147] Id. at 973-974.

Narrow tailoring also requires minimizing the burden of the program on third parties. The Eight Circuit stated the following with respect to the revised DBE program:

> *Congress and DOT have taken significant steps to minimize the race based nature of the DBE program. Its benefits are directed at all small businesses owned and controlled by the socially and economically disadvantaged. While TEA21 creates a rebuttable presumption that members of certain racial minorities fall within that class, the presumption is rebuttable, wealthy minority owners and wealthy minority-owned firms are excluded, and certification is available to persons who are not presumptively disadvantaged but can demonstrate actual social and economic disadvantage. Thus, race is made relevant in the program, but it is not a determinative factor.*[148]

Waivers and good faith compliance are also tools that serve this purpose of reducing the burden on third parties.[149] The DOT DBE regulations have also sought to reduce the program burden on non-DBEs by avoiding DBE concentration in certain specialty areas.[150] These features have gained the approval of the only circuit court to have discussed them at length as measures of lowering impact on third parties.[151]

2.6.5 Over-Inclusion

Narrow tailoring also involves limiting the number and type of beneficiaries of the program. As noted above, there must be evidence of discrimination to justify a group-based remedy, and over-inclusion of uninjured individuals or groups can endanger the entire program.[152] Federal DBE programs have succeeded in part because regulations covering DBE certification do not provide blanket protection to minorities.[153]

Critically, the MBE program must be limited in its geographical scope to the boundaries of the enacting government's marketplace. The Supreme Court indicated in *Croson* that a local agency has the power to address discrimination only within its own marketplace. One fault of the Richmond MBE programs was that minority firms were certified from around the United States.[154]

In *Coral Construction*, the Ninth Circuit concluded that the King County MBE program failed this part of the narrow tailoring test because the definition of MBEs eligible to benefit from the program was overbroad. The definition included MBEs that had had no prior contact with King County if the MBE could demonstrate that discrimination occurred "in the particular geographic areas in which it operates."[155] This MBE definition suggested that the program was designed to eradicate discrimination not only in King County but also in the particular area in which a non-local MBE conducted business. In essence, King County's program focused on the eradication of societywide discrimination, which is outside the

---

[148] *Sherbrooke Turf, Inc.* 345 F. 3d at 972-73, citing, *Grutter*, 123 S. Ct. at 2345-46; *Gratz v. Bollinger*, 123 S. Ct. 2411, 2429 (2003)
[149] See 49 CFR, § 26.53 (2006).
[150] See 49 CFR, § 26.33 (2006).
[151] *Adarand Constrs. Inc.*, 228 F.3d at 1183.
[152] See *Builders Ass'n of Greater Chicago*, 256 F.3d at 647-648.
[153] *Sherbrooke Turf, Inc.*, 345 F.3d 972-73.
[154] *Croson*, 488 U.S. at 508.
[155] *Coral Constr. Co.,* 941 F. 2d at 925 (internal modifications and citations omitted).

power of a state or local government. "Since the County's interest is limited to the eradication of discrimination within King County, the only question that the County may ask is whether a business has been discriminated against in King County."[156]

In clarifying an important aspect of the narrow tailoring requirement, the court defined the issue of eligibility for MBE programs as one of participation, not location. For an MBE to reap the benefits of an affirmative action program, the business must have been discriminated against in the jurisdiction that established the program.[157] As a threshold matter, before a business can claim to have suffered discrimination, it must have attempted to do business with the governmental entity.[158] It was found significant that "if the County successfully proves malignant discrimination within the King County business community, an MBE would be presumptively eligible for relief if it had previously sought to do business in the County."[159]

To summarize, according to the Ninth Circuit, the presumptive rule requires that the enacting governmental agency establish that systemic discrimination exists within its jurisdiction and that the MBE is, or has attempted to become, an active participant in the agency's marketplace.[160] Since King County's definition of an MBE permitted participation by those with no prior contact with King County, its program was overbroad. By useful contrast, *Concrete Works II* held that the more extensive but still local designation of the entire Denver MSA constituted the marketplace to which the programs could apply.[161]

2.7 Personal Liability For Implementing An M/WBE Program

One lower court decision in the Eleventh Circuit, *Herschell Gill Consulting v. Miami-Dade County*,[162] held that Dade County and its Commissioners were held jointly and severally liable for nominal damages and attorney's fees for implementing a M/WBE program in violation of constitutional rights under Section 1983.

In general government officials have absolute immunity for legislative acts, but not for administrative acts. Thus, government officials are immune from personal liability for adopting a M/WBE program but can be personally liable for applying specific policies to particular contracts. Government officials are entitled to "qualified immunity" if their actions did not violate "clearly established statutory or constitutional rights of which a reasonable person would have known."[163] In *Herschell Gill,* there was no recent disparity study, there was parity in contracting, the previous program had been struck down by the same federal court, there was no substantial consideration of race neutral alternatives and the County had not followed its own ordinance in adjusting goals.

2.8 DBE Programs: The "As Applied" Challenge in Western States Paving

[156] Id. (emphasis omitted).
[157] Id.
[158] Id.
[159] Id.
[160] Id.
[161] *Concrete Works II,* 36 F.3d at 1520.
[162] 2004 WL 1924812 (S.D.Fla. 2004).
[163] *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).

The Washington DOT DBE program was struck down not in *Western States Paving* because the federal DBE program had no factual predicate and not because the federal DBE program lacked narrow tailored program features. Instead, the Ninth Circuit ruled that the Washington DOT DBE program was not narrowly tailored "as applied."[164] While a state does not have to independently provide a factual predicate for its DBE program the Ninth Circuit found that, "it cannot be said that TEA-21 is a narrowly tailored remedial measure unless its application is limited to those States in which the effects of discrimination are actually present."[165] In effect, while Washington DOT was not required to produce a separate factual predicate for a DBE program, it was still required to produce a factual predicate (of sorts) to justify race-conscious elements in the local implementation of its DBE program.

While Washington DOT conceded that it had no studies of discrimination in highway contracting, it argued that there was evidence of discrimination in the fact that DBEs received 9 percent of subcontracting dollars on state-funded projects where there were no DBE goals and 18 percent of federal funded projects where there were DBE goals. But the Ninth Circuit stated that, "even in States in which there has never been discrimination, the proportion of work that DBEs receive on contracts that lack affirmative action requirements will be lower than the share that they obtain on contracts that include such measures because minority preferences afford DBEs a competitive advantage."[166]

In contrast, the Eighth Circuit in *Sherbrooke Turf* and the Tenth Circuit in *Adarand v. Slater* found that a decline in DBE utilization following a change in or termination of a DBE program was relevant evidence of discrimination in subcontracting.[167] The Tenth Circuit stated that while this evidence "standing alone is not dispositive, it strongly supports the government's claim that there are significant barriers to minority competition in the public subcontracting."[168]

The Ninth Circuit also dismissed the disparity between the proportion of DBE subcontractors and the proportion of DBE dollars on state-funded contracts, because "DBE firms may be smaller and less experienced than non-DBE firms (especially if they are new businesses started by recent immigrants) or they may be concentrated in certain geographic areas of the State, rendering them unavailable for a disproportionate amount of work."[169] The Ninth Circuit quoted the DC Circuit in *O'Donnell* to the effect that:

> *Minority firms may not have bid on . . . construction contracts because they were generally small companies incapable of taking on large projects; or they may have been fully occupied on other projects; or the District's contracts may not have been as lucrative as others available in the Washington metropolitan area; or they may not have had the expertise*

[164] The Ninth Circuit distinguished a previous case which did not involve an "as applied" challenge to the federal DBE program. *Milwaukee County Pavers Ass'n v. Fiedler*, 922 F.2d 419 (7th Cir. 1991). The Seventh Circuit disagreed with the Ninth Circuit's reading of *Milwaukee County Pavers*. See *Northern Contracting,* at fn 4.
[165] *Western States Paving*, 407 F. 3d at 998.
[166] Western *States Paving*, 407 F. 3d at 1000.
[167] *Sherbrooke Turf*, 345 F.3d at 973.
[168] *Adarand v. Slater,* 228 F.3d at 1174; see also *Concrete Works IV*, 321 F.3d at 985.
[169] *Western States Paving*, at 1001.

> *needed to perform the contracts; or they may have bid but were rejected because others came in with a lower price.*[170]

The Ninth Circuit noted further that "if this small disparity has any probative value, it is insufficient, standing alone, to establish the existence of discrimination against DBEs." The Ninth Circuit contrasted this minor disparity with the Ninth Circuit's decision in *Associated General Contractors of California, Inc. v. Coalition for Economic Equity (AGCCII)* where "discrimination was likely to exist where minority availability for prime contracts was 49.5 percent but minority dollar participation was only 11.1 percent."[171]

2.9 Small Business Procurement Preferences

Small business procurement preferences have existed since the 1940s. The first small business program had its origins in the Smaller War Plants Corporation (SWPC), established during World War II.[172] The SWPC was created to channel war contracts to small business. In 1947, Congress passed the Armed Forces Procurement Act, declaring that "[i]t is the policy of Congress that a fair proportion of the purchases and contracts under this chapter be placed with small business concerns."[173] Continuing this policy, the 1958 Small Business Act requires that government agencies award a "fair proportion" of procurement contracts to small business concerns.[174]

Section 8(b)(11) of the Small Business Act authorizes the Small Business Administration (SBA) to set-aside contracts for placement with small business concerns. The SBA has the power:

> *to make studies and recommendations to the appropriate Federal agencies to insure that a fair proportion of the total purchases and contracts for property and services for the Government be placed with small-business enterprises, to insure that a fair proportion of Government contracts for research and development be placed with small-business concerns, to insure that a fair proportion of the total sales of Government property be made to small-business concerns, and to insure a fair and equitable share materials, supplies, and equipment to small-business concerns.*[175]

Every acquisition of goods and services anticipated to be between $3,000 and $100,000 is set aside exclusively for small business unless the contracting officer has a reasonable expectation of fewer than two bids by small businesses.[176]

There has been only one constitutional challenge to the long-standing federal small business enterprise (SBE) programs. In *J.H. Rutter Rex Manufacturing Co. v. United*

---

[170] Id. (quoting *O'Donnell Constr. Co.*, 963 F.2d at 426).
[171] *Western States Paving*, at 1001. (Quoting *Associated Gen. Contractors of Cal., Inc. v. Coalition for Econ. Equity*, 950 F.2d 1401, 1414 (9th Cir. 1991).
[172] See, generally, Hasty III, Thomas J., "Minority Business Enterprise Development and the Small Business Administration's 8(a) Program: Past, Present, and (Is There a) Future?" 145 Mil. L. Rev. I.
[173] 10 U.S.C. § 2301 (1976) quoting, *J.H. Rutter Rex Mfg. Co. v. United States*, 706 F. 2d 702, 704 (5th Cir. 1983).
[174] 15 USC 631(a).
[175] 15 U.S.C. § 637(b)(11).
[176] 18 C.F.R. § 19.502-2 (2006).

States,[177] a federal vendor unsuccessfully challenged the Army's small business set-aside program as in violation of the due process clause of the Fifth Amendment to the U.S. Constitution, as well as the Administrative Procedures Act and the Armed Forces Procurement Act.[178] The court held that classifying businesses as small was not a "suspect classification" subject to strict scrutiny. Instead the court ruled:

> *Since no fundamental rights are implicated, we need only determine whether the contested socio-economic legislation rationally relates to a legitimate governmental purpose. Our previous discussion adequately demonstrates that the procurement statutes and the regulations promulgated thereunder are rationally related to the sound legislative purpose of promoting small businesses in order to contribute to the security and economic health of this Nation.*[179]

A large number of state and local governments have maintained small business preference programs for many years.[180] No district court cases were found overturning a state or local small business reference program. One reason for the low level of litigation in this area is that there is significant organizational opposition to SBE programs. There are no reported cases of Associated General Construction (AGC) litigation against local SBE programs. And the legal foundations that have typically sued M/WBE programs have actually promoted SBE procurement preference programs as a race-neutral substitute for M/WBE programs.

There has been one state court case in which an SBE program was struck down as unconstitutional. The Cincinnati SBE program called for maximum practical M/WBE participation and required bidders to use good faith effort requirements to contract with M/WBEs up to government-specified M/WBE availability. Failure to satisfy good faith effort requirements triggered an investigation of efforts to provide opportunities for M/WBE subcontractors. In *Cleveland Construction v. Cincinnati,*[181] the state court ruled that the Cincinnati SBE program had race and gender preferences and had deprived the plaintiff of constitutionally protected property interest without due process of law. The city acknowledged that it had not offered evidence to satisfy strict scrutiny because it felt that it had been operating a race-neutral program.

2.10 Local Business Preferences

The constitutional analysis of local business preferences is somewhat less clear that SBE programs. Again, local business preferences are widespread and some have been in place for almost two decades (for example, the City of Oakland Local Business Enterprise (LBE) program started in 1979).[182] More common is the preference for small local businesses,

---

[177] 706 F.2d 702 (5th Cir. 1983), cert. denied, 464 U.S. 1008 (1983).

[178] *J.H. Rutter Rex Mfg. Co. v. United States,* 534 F. Supp. 331, 332 (E.D. La. 1982), app'd 706 F. 2d 702 ("Administrative Procedures Act, 5 U.S.C. §§ 552(a)(1)(E) (1976) and the "fair proportion" language of the Armed Forces Procurement Act, 10 U.S.C. § 2301 et seq. (1976), and the Small Business Act, 15 U.S.C. § 631 et seq. (1976)").

[179] *J.H. Rutter Rex Mfg. Co.,* 706 F.2d at 713 (internal citations omitted and emphasis added). See also *Dandridge v. Williams*, 397 U.S. 471, 485-86 (1970).

[180] See Fla. Stat. § 287.001 et req. (starting small business program in 1985); Minn. Stat. § 137.31 (Univ. of Minn. Started in 1979); N.J. Stat. § 52:32-17 et req. (small business program started in 1983).

[181] See instead *Cleveland Constr. Inc. v. Cincinnati*, 2006 Ohio App. LEXIS 6410, *P1-*P19 (Ohio Ct. App. Dec. 8, 2006).

[182] *See, e.g.,* City of Detroit's Detroit-Based Business Program (Executive Order No. 2003-4), City of San

which is an even more widespread practice. While called small business programs, these programs often set-aside contracts for bidding by local SBEs.

There are no federal court cases expressly stating that local business preference programs are unconstitutional. However, local business preferences should be distinguished from preferences for hiring local residents, which have been struck down on constitutional grounds. But LBE programs could be subject to some doubt on constitutional grounds. The three bases for constitutional challenges are the Equal Protection Clause, Dormant Commerce Clause and the Privileges and Immunities Clause.

2.10.1 Equal Protection Clause

A challenge to an LBE program under the Equal Protection Clause is straightforward. The content of the Equal Protection Clause has been discussed above. All challenges to local purchasing preferences based on the Equal Protection Clause have failed. Federal courts have ruled that programs to favor local companies do not involve a suspect classification, and can be justified as having a rational basis under the Equal Protection Clause. For example, Pennsylvania enacted a statute requiring the purchase of Pennsylvania steel.[183] A challenge was made to the Pennsylvania Steel Products Procurement Act, as a "blatant attempt at economic protectionism," in violation of the Equal Protection Clause. But the federal court found that Pennsylvania's distinction between domestic and foreign steel products was "rationally related to a legitimate governmental purpose," that is, to support a struggling industry that contributed significant employment and tax revenue to the agency.

2.10.2 The Dormant Commerce Clause

The next objection to LBE programs comes from the Commerce Clause. Article One of the Constitution confers upon Congress the power to regulate interstate commerce.[184] The Supremacy Clause of the Constitution grants to the federal government the power to preempt state laws that conflict with federal laws. The Supreme Court has found implicit in the Constitution "a self-executing limitation on the power of the States to enact laws imposing substantial burdens on such commerce."[185] Consequently a state statute is unconstitutional under what has become known as the Dormant Commerce Clause if it poses undue burdens on interstate commerce.[186] It follows that under the Dormant Commerce Clause, "discrimination against interstate commerce in favor of local business or investment is *per se* invalid, save in a narrow class of cases in which the municipality can demonstrate, under rigorous scrutiny, that it has no other means to advance a legitimate local interest."[187]

The Dormant Commerce Clause has been justified on both economic and political grounds. On economic grounds the Dormant Commerce Clause "prohibits economic

---

Francisco Minority/Women Local Business Enterprise Program (San Francisco Ordinance, CHAPTER 12D), City of Oakland Local Business Enterprise Program (City Ordinance 9739), City of New York Local Business Enterprise Program (New York Administrative Code § 6-108.1program).

[183] *Trojan Technologies v. Pennsylvania*, 916 F.2d 903 (3d Cir 1990).

[184] U.S. Const., art. I., 8 (reading, "Congress shall have Power ... to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes ...").

[185] S.*-C. Timber Dev., Inc. v. Wunnicke*, 467 U.S. 82, 87 (1984); see also *New Energy Co. of Ind. v. Limbach*, 486 U.S. 269, 273 (1988).

[186] *See Big Country Foods, Inc. v. Bd. of Educ. Anchorage Sch. Dist.*, 952 F.2d 1173, 1177 (9th Cir. 1992).

[187] *C & A Carbone v. Town of Clarkstown*, 511 U.S. 383, 392 (1994).

protectionism."[188] From a political standpoint a state law that only harms interests from other states "is not likely to be subjected to those political restraints which are normally exerted on legislation where it affects adversely some interests within the state."[189]

Historically the Supreme Court employed a two-part test for the Dormant Commerce Clause: (1) does the state regulation discriminate against interstate commerce on its face; or, (2) are the burdens imposed on interstate commerce excessive relative to the alleged local benefits.[190] A statute that fails either part of this test (the "Pike test") is invalid under the Dormant Commerce Clause. LBE programs facially discriminate against interstate commerce and thus should fail the Pike test.

But there is an important exception to the Dormant Commerce Clause relevant to an LBE program. The "Market Participant" doctrine allows an agency to pass 'protectionist' legislation so long as an agency is participating in the market as a buyer or seller of goods and services, rather than regulating the market.[191] Thus the Commerce Clause was not intended to prohibit an agency from favoring its own citizens over others when acting as a market participant. The U.S. Supreme Court has ruled that governments enjoy unrestricted ability to select their trading partners.[192] Indeed, in light of "'the long recognized right of trader or manufacturer, engaged in an entirely private business, freely to exercise his own independent discretion as to parties with whom he will deal"…and that "when acting as proprietors, States should similarly share existing freedoms from federal constraints, including the inherent limits of the Commerce Clause."[193]

The U.S. Supreme Court has clarified, however, that the Market Participant doctrine does not allow an agency to impose conditions "that have a substantial regulatory effect outside of that particular market."[194] Note that the line between market participant and market regulator has not always been clear. Nevertheless, under the Market Participant Exception LBE programs should pass constitutional hurdles.

Finally under the Commerce Clause the U.S. Supreme Court has ruled that when local preferences are required under federal grants there is no Dormant Commerce Clause issue, ruling that "where state or local government action is specifically authorized by Congress, it is not subject to the Commerce Clause even if it interferes with interstate commerce."[195]

Given these results it is not surprising that no federal court case was found overturning, or even challenging, an LBE program under the Dormant Commerce Clause.

2.10.3 Privileges and Immunities Clause

The most serious risk to an LBE program comes from the Privileges and Immunities Clause. The U.S. Supreme Court has identified the original purpose of the Privileges and Immunities Clause as prohibiting discrimination on the basis of state citizenship. Historically the U.S

[188] *New Energy Co. of Ind. v. Limbach*, 486 U.S. 269, 274 (1988).
[189] *S.C. St. Hwy. Dept. v. Barnwell Bros*., Inc., 303 U.S. 177, 185, n. 2 (1938).
[190] *Pike v. Bruce Church, Inc*., 397 U.S. 137 (1970).
[191] *S.-C. Timber Dev., Inc*., 467 U.S. at 93 (holding that "if a state is acting as a market participant, rather than as a market regulator, the dormant Commerce Clause places no limitation on its activities").
[192] *Perkins v. Lukens Steel*, 310 U.S. 113, 127 (1940).
[193] Reeves, Inc. v. Stake, 447 U.S. 429, 439 (1980).
[194] *S.-C. Timber Dev., Inc. v. Wunnicke*, 467 U.S. 82, 97 (1984).
[195] *White v. Massachusetts Council of Construction Employers*, Inc. 460 U.S. 204, 213 (1983).

Supreme Court has applied a two-part test under the Privileges and Immunities Clause: (1) did the state or local government agency violate a fundamental right, and (2) did the state or local government agency have a substantial reason for doing so.[196]

While similar and interrelated with the Dormant Commerce Clause, the Immunities Clause and the Commerce Clause provide different constitutional protections. The Dormant Commerce Clause is a judicially-created doctrine designed to prevent economic protectionism while the Privileges and Immunities Clause is a Constitutional provision created to protect individual rights.

A clarification of the application of the Immunities Clause to a local preference came in *United Building & Constr. Trades v. Camden*.[197] In *Camden* a municipal ordinance required that at least 40 percent of the employees of contractors and subcontractors working on city construction projects be Camden residents. The Court devised a three-part test to evaluate the constitutionality of such an ordinance under the Privileges and Immunities Clause:

- The jurisdiction must document "substantial reason" for the preference;
- The jurisdiction must demonstrate that non-residents can be held partly responsible for the documented problem; and
- The proposed remedy must be narrowly tailored.

The U.S. Supreme Court held that the Camden ordinance might be unconstitutional and remanded the case for consideration under the specified legal standard. There were three significant element of the Court's holding. First, the *Camden* Court ruled that the Market Participant exception does not apply to Privileges and Immunities analysis. Second, the Court ruled that the Immunities Clause does apply to laws that discriminate on the basis of municipal residency, not simply state residency. Third, the Court ruled that only those rights fundamental to interstate harmony were protected by the Immunities clause. In *Camden* the Court found that employment was a fundamental right under the Immunities Clause, but direct public employment was not.[198] Hence employment by a city vendor was a fundamental right while employment by the city itself was not a fundamental right. All of these results would seem to operate against a constitutional finding sustaining a LBE program.

The application of *Camden* can be seen in *Hudson County Building and Construction v. Jersey City*,[199] which involved a program requiring city vendors to make good faith efforts to hire 51 percent city residents. The district court again noted that there is no fundamental right to direct government employment, but there is a fundamental right to private employment with government contractors. Consequently the program did unduly burden out-of-state residents. While Jersey City provided data on unemployment and poverty in Jersey City, the evidence did not show "that out-of-state workers [were] a cause of unemployment and poverty within its borders." Thus just reciting data on unemployment and poverty will not be enough to overcome an Immunities Clause challenge.

---

[196] *Toomer v. Witsell*, 334 U.S. 385, 395-96 (1948).
[197] *United Building & Constr. Trades v. Camden*, 465 U.S. 208 (1984).

[198] *McCarthy v. Philadelphia Civil Service Commission*, 424 U.S. 645 (1976) (upholding a municipal ordinance that required all Philadelphia city government employees to be residents of the city).
[199] 960 F.Supp. 823, 831 (Dist Ct D NJ 1996)

But note that *Camden* involved a preference for hiring city residents, not a local business enterprise program. Arguably there should be no distinction between public contracting and direct government hiring under the Privileges and Immunities Clause; that is, public contracts are like public jobs, public works and other government benefits that are owned by the residents. Public contracts are not a fundamental right for Immunities Clause analysis.

In addition, while local hiring programs may face challenge under the Immunities Clause, the Supreme Court has held that the Privileges and Immunities Clause does not protect corporations.[200] Consequently a Immunities challenge should only arise relative to an individual seeking to contract with a local government. But local contracting programs can and should have a clear statement of the economic basis of the program to protect it from challenge by an individual vendor on the basis of the Immunities Clause.

It is worth observing that no case was found overturning, or even challenging, an LBE program based upon the Immunities clause.[201] Only municipal resident hiring programs have been challenged on Immunities Clause grounds.

2.10.4 Implications for LBE Program

In conclusion, no constitutional challenges have been succeeded with regard to an LBE program. A LBE program should survive: (1) a challenge under the Equal Protection Clause because LBE programs generally have a rational basis for their existence, (2) a challenge under the Dormant Commerce Clause based upon the Market Participant exception, and (3) a challenge under the Immunities Clause, because the clause does not apply to corporations, public contracts are not a fundamental right and an agency should be able to provide economic justification for an LBE program.

2.11 Conclusions

As summarized earlier, when governments develop and implement a contracting program that is sensitive to race and gender, they must understand the case law that has developed in the federal courts. These cases establish specific requirements that must be addressed so that such programs can withstand judicial review for constitutionality and prove to be just and fair. Under the developing trends in the application of the law, local governments must engage in specific fact-finding processes to compile a thorough, accurate, and specific evidentiary foundation to determine whether there is, in fact, discrimination sufficient to justify an affirmative action plan. Further, local governments must continue to update this information and revise their programs accordingly.

While the Supreme Court has yet to return to this exact area of law to sort out some of the conflicts, the circuit courts have settled on the core standards. Though there are differences among the circuits in the level of deference granted to the finder of fact, these differences do not appear to be profound. The differences in the individual outcomes have been overwhelmingly different in the level of evidence, mostly concerning the rigor with which

[200] *Paul v. Virginia*, 75 U.S. (8 Wall.) 168, 177, 181 (1869). This result was reaffirmed by the Supreme Court in *Western & Southern Life Ins. Co. v. State Bd. of Equalization*, 451 U.S. 648 (1981).
[201] One state court case challenging an LBE program, argued that an Illinois School Board did not have the authority under state statutes to authorize an LBE program. *Best Bus Joint Venture v. The Board of Education of the City of Chicago*, First District Appellate Court No. 1-96-2927 (May 9, 1997).

disparity studies have been conducted and then used as the foundation for narrowly tailored remedies. Most significantly, nationally the DBE program has been consistently upheld as a narrowly tailored remedial program. Ultimately, MBE and WBE programs can withstand challenges if local governments comply with the requirements outlined by the courts.

3.0 REVIEW OF POLICIES, PROCEDURES, AND PROGRAMS

3.0 REVIEW OF POLICIES, PROCEDURES, AND PROGRAMS

This chapter focuses on the policies, procedures, and programs used by the Leon County Board of County Commissioners (County) to purchase goods and services and engage in construction projects. This chapter provides a brief description of the procurement and contracting environment in which minority-, woman-owned, and small business enterprises (M/W/SBE) operate. This chapter also provides background for the data analysis and foundation for the report recommendations. Finally, it discusses the remedial efforts undertaken by the County with regard to procurement in the categories of construction, architecture and engineering, professional services, other services, goods and equipment. The period of study for this review was October 1, 2004, through September 30, 2008. The research presented in this chapter also considered changes in policies and programs instituted through March 31, 2009.

This chapter includes the following sections:

3.1 Methodology
3.2 County Organizational Structure and Purchasing Function
3.3 Methods of Procurement
3.4 M/W/SBE Program
3.5 Conclusions

3.1 Methodology

This section discusses the steps taken to summarize the County's contracting and purchasing policies, procedures, and programs; race- and gender-based programs; and race- and gender-neutral programs. MGT's review focused on elements of the purchasing process, including remedial programs that might impact M/W/SBE utilization. The analysis included the following steps:

- Collection, review, and summarization of County contracting and purchasing policies currently in use. Discussions with staff and officials about the changes that contracting and purchasing policies underwent during the study period and their effects on the remedial programs.

- Development of questionnaire utilized to interview key County contracting and purchasing staff and officials to determine how existing contracting and purchasing policies have been implemented. Interviews were conducted with County management and staff regarding the application of policies, discretionary use of policies, exceptions to written policies and procedures, and impact of policies on key users.

- Review of applicable County ordinances, regulations, resolutions, and policies that guide the remedial programs. This included discussing with County personnel the operations, policies, and procedures of the remedial programs and any remedial policy changes over time.

Finally, MGT collected and reviewed copies of previous studies of minority business development conducted by the County and performed a cursory review of race- and gender-neutral programs.

In July 2004, MGT issued a disparity study update[1] which included an assessment of the County's purchasing policies, procedures, and practices since the previously presented report in December 2000.[2] MGT leveraged the data and findings from the 2004 report as a starting point for this analysis. Therefore, the inquiries for this current study centered on changes that occurred in the County's policies and procedures since the July 2004 study and the impact of those changes on firms interested in doing business with the County.

With the assistance of the County's contract manager for this project, MGT identified appropriate County personnel to interview concerning changes to procurement policies and procedures since MGT's last review. Overall, 11 interviews were conducted with current County staff and representatives and one interview with the Executive Director of the Florida Agriculture & Mechanical University Small Business Development Center (FAMU SBDC). These interviews occurred during the months of April and May 2009. Accordingly, MGT met with the following:

- Senior Assistant to the County Administrator;
- Purchasing Director;
- Purchasing Agent
- Minority/Women/Small Business Enterprise Director;
- Minority/Women/Small Business Enterprise Analyst;
- Director of Public Works;
- Director of Engineering Services;
- Director of Facilities Management;
- Director of Parks and Recreation;
- Senior Assistant County Attorney;
- Health & Human Services Division Director.

In addition, MGT reviewed the documents and sources shown in **Exhibit 3-1**.

[1] MGT of America, Inc., *Leon County Board of County Commissioners Disparity Study*, July 21, 2004.
[2] MGT of America, Inc., *Purchasing Policy and MBE Program Review for Leon County Board of County Commissioners*, December 12, 2000.

EXHIBIT 3-1
DOCUMENTS AND SOURCES REVIEWED DURING POLICY AND PROCEDURE REVIEW

Index	Description
1	Board of County Commissioners, Leon County Purchasing and Minority/Women Business Enterprise Policy, Revised June 14, 2006.
2	Board of County Commissioners, Leon County Purchasing and Minority/Women Business Enterprise Policy, Revised July 30, 2002.
3	Board of County Commissioners, Purchasing Card Policy, Revised June 14, 2006.
4	Board of County Commissioners, Policy for Purchases of Food, Beverages, and Supplies, October 27, 2004.
5	Board of County Commissioners, Procurement of Paper Products, Revised August 28, 1996
6	Board of County Commissioners, Leon County, Florida, Agenda Item Executive Summary, Thursday, February 26, 2009; Approval of Fast Tracking Program for Public Sector Projects
7	State of Florida, "Procurement of Personal Property and Services," Florida Statutes, Chapter 287.
8	MGT of America, Leon County Board of County Commissioners Disparity Study, Final Report, July 21, 2004.
9	Leon County Board of County of Commissioners, Diversity: "The Cornerstone of Creativity" 2006 Annual Report.
10	Board of County Commissioners Agenda Request 13, submitted June 7, 2006; Approval of a Performance Agreement between Leon County and Florida Agriculture & Mechanical University for Small Business Training through its Small Business Development Center.
11	Board of County Commissioners, Agenda Request 26, Acceptance of Status Report Regarding County Utilization of Minority and Women-Owned Businesses, Submitted December 5, 2007
12	Board of County Commissioners Agenda Request 31, submitted August 27, 2008; Acceptance of Report on Race/Gender Target in Policy No. 96-1, "Purchasing and Minority Women Small Business Enterprise Policy", Submitted August 27, 2008.
13	2008 Leon County Annual Report
14	Minority and Women Business Enterprise (MWBE) Participation Plan Requests For Proposals (RFP)
15	Board of County Commissioners, Leon County, Florida, Agenda Item Executive Summary, Thursday, February 26, 2009; Approval of Agreement to Award Bid to Panacea Coastal
16	www.leoncountyfl.gov
17	www.sbdcatfamu.org
18	www.fbbib.com
19	www.fshcc.com
20	www.accessfloridafinance.com

3.2 County Organizational Structure and Purchasing Function

The County is governed by a home rule charter in accordance with the provisions of Chapter 125 of the Florida Statutes. The Leon County Board of Commissioners consists of five elected members who serve specific commission districts and two elected members who serve at large. A County Administrator is appointed by the Board to

oversee all functions, directives and policies. Other elected County officials include the Judiciary, State Attorney, Public Defender, Clerk of the Court, Property Appraiser, Sheriff, Supervisor of Elections and Tax Collector.[3] The County's organizational structure is shown in **Exhibit 3-2**.

The County's procurement of goods and services is grouped into the following business categories:

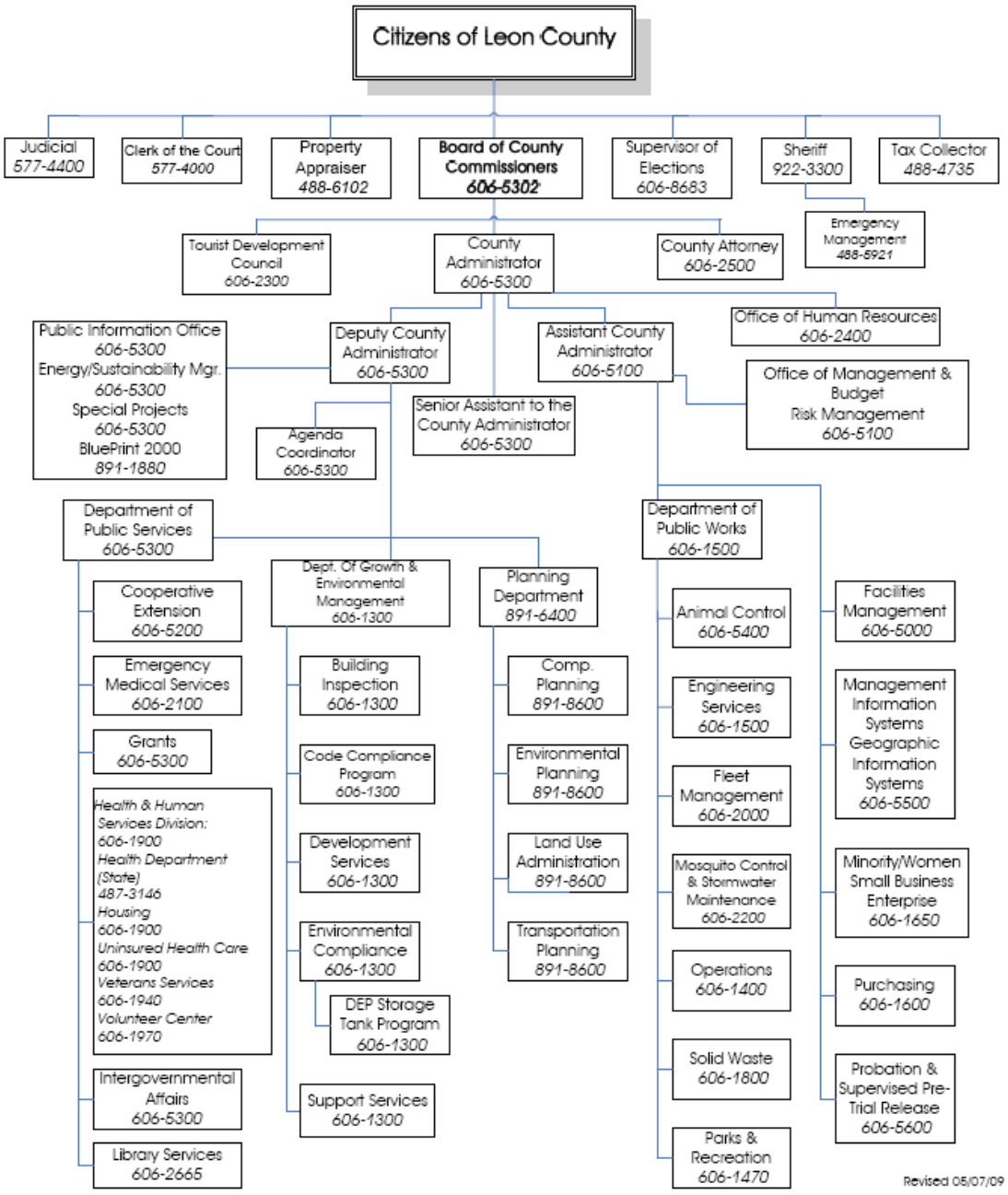
- Construction;
- Professional Services;
- Other Services;
- Materials and Supplies; and
- Purchases.

The procurement function in Leon County is governed by applicable federal and state regulations, such as Chapter 287, Florida Statutes as well as Federal Acquisition Regulation, Part 45 and others. In addition to federal and state guidelines, the Board of County Commissioners approved the revised "Purchasing and Minority/Women Business Enterprise Policy" on June 14, 2006 (hereinafter referred to as "policy") to provide specific directives about the County's procurement function.

The Purchasing Division is responsible for the procurement of supplies, equipment and services for all departments under the Leon County Board of Commissioners, and to a limited extent certain constitutional departments, such as the Sheriff's Department, the Court Administrator, and the Supervisor of Elections. As a part of the procurement function, the Purchasing Division operates a warehouse facility, office supply store, and a delivery system for the issuance of supplies and materials to user agencies at wholesale prices. The County has a combination of centralized and decentralized procurement processes. Centralization occurs when departments purchase goods and services for their entire organization. Decentralization is described as when various units within an organization have their own purchasing authority. Leon County has a degree of decentralized purchasing, especially as it relates to the purchasing cards authority that has a spending limit up to $1,000; and departments can purchase goods and supplies up to $1,000 as well as obtain bids and quotes for goods and services under $20,000. However, the Purchasing Department is still involved in ensuring the proper number of quotes, M/WBE solicitation, etc. The County has stringent control measures in place in most cases. The policies and procedures are written and widely available on the internet for purchasing personnel and other users. With the exception of field purchase orders and purchasing cards, which may be used to purchase incidental and/or emergency materials or services, only the Purchasing Division is authorized to act as an agent in awarding, executing, modifying, or canceling purchase orders or contracts. The County does not have a formal vendor registration or a formal prequalification process. However, the County may do prequalification on a project by project basis. Staff has access to the M/W/SBE databases through the internet.

[3] Leon County Internet Web site http://www.co.leon.fl.us/aboutus.asp.

EXHIBIT 3-2
LEON COUNTY ORGANIZATION CHART



Source: Leon County Internet Web Site, May 2009.

The procurement policy in effect during the study period is the "Purchasing and Minority Women Small Business Enterprise Policy" which was adopted by the Board of Commissioners on June 13, 2006. This policy superseded Policy No 96-1, which was adopted on December 13, 2005. The revision resulted "from the County's formation of a Small Business Enterprise (SBE) component to continue its focus of narrowly tailoring its effort to promote M/WBEs and to encourage the growth and development of local small

businesses"[4] and included revision of aspirational targets with separation of race conscious and race neutral targets. The framework for the SBE program was ratified by the Leon County Board of Commissioners on June 28, 2005; however, staff was instructed to further develop the SBE policies which were updated during the County's Local Economic Development workshop held on March 28, 2006.

The Purchasing Director is the central purchasing officer for Leon County. Per the policy, the Purchasing Director:

- Develops and administers operational procedures governing the internal functions of the Division of Purchasing.
- Purchases or supervises the purchase of supplies, services, materials, equipment, and construction services defined in the County's policy.
- Operates a central warehouse.
- Delegates his/her purchasing authority as allowed by law or rule.
- Assists the M/WBE Director in implementing, monitoring, and enforcing the County's M/WBE program policy.

The Purchasing Director has authority to approve procurements in amounts up to $20,000. Purchases greater than $20,001, but less than $50,000, require the additional approval of the County Administrator. Procurements in amounts greater than $20,000 must be approved by the Leon County Board of County Commissioners. The revised policy did not modify these approved levels of authority.

3.3 Methods of Procurement

The procurement processes for Leon County include the purchasing categories shown in **Exhibit 3-3**.

[4] Board of County Commissioners Agenda Request 12, submitted June 7, 2006.

EXHIBIT 3-3
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
PURCHASING CATEGORIES

Purchasing Categories	Dollar Limits
Petty Cash Reimbursements	Not to exceed $100
Field Purchase Orders	$1 to $500
Small Purchase Orders	$1 to $1,000
Warehouse Operations	$1 to $5,000
Blanket Purchase Orders:	
Non-contractual basis	$1,000 to $5,000
Contractual basis	not to exceed $100,000
Field Quotes	$1,000 to $5,000
Purchasing Quotes	$5,001 to $20,000
Informal Bid Process	$20,001 to $50,000
Competitive Sealed Bids	$20,001 and above
Competitive Sealed Proposals:	
Approved by County Administrator	$20,001 and $50,000
Approved by the Board of County Commissioners	$50,001 and above

Source: Board of County Commissioners, Leon County - Purchasing and Minority Women Small Business Enterprise Policy. Adopted June 13, 2006.

The revised policy increased the dollar limits for petty cash transactions from $50 to $100. The policy also increased the dollar limit for field purchase orders from $200 to $500. The increases were made for administrative convenience and have no material impact either positively or negatively on the inclusion of M/WBEs in the County's procurement process.

On February 26, 2009, Leon County staff submitted to the Leon County Board of Commissioners for approval a Fast Tracking Program for Public Sector Projects through development review, permitting, procurement and right-of-way (ROW) acquisition processes. According to staff interviews, the main objectives of the fast track program is the following: reduce the average purchasing and contract administrative timelines, thus reducing the timeline from solicitation to contract execution; change award and signature thresholds for competitive sealed bids and proposals, thus reducing the number of procurements requiring Board approval; and reduce the turnaround time for such items, authorize the Purchasing Director to release Request for Proposals (RFPs) expected to result in cost no greater than $100,000 and authorize the County Administrator or his designee to release all RFPs. "Staff may authorize the release of RFPs and when the procurement process results in costs within the Contract Award and Signature Authority Thresholds, staff may award the work and execute the agreement in a form approved by the County Attorney's Office."[5] This process would also release contractors to begin performance of a contract while the County is completing its internal contract execution process. The Board directed staff to consider changing preference points for Local Preference and M/WBE Participation. Staff recommended no changes be made to the

[5] Board of County Commissioners Leon County, Florida, Agenda Item Executive Summary, Thursday, February 26, 2009, page 7.

current percentage points of 5 percent for Local Preference and 10 percent of total available points for M/WBE participation.

EXHIBIT 3-4
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
FAST TRACK PROGRAM THRESHOLD AND SIGNATURE CHANGES

Table 1 - Purchasing Process Thresholds		
Procurement Method	**Current Threshold**	**Proposed Threshold**
Petty Cash/Reimbursement (Section 5.01 of the Purchasing and M/W/SBE Policy)	Not to exceed $100	*Not to exceed $100
Field Purchase Order (Section 5.02)	$1 to $500	*$1 to $500
Small Purchase Procedures (Section 5.03)	$1 to $1,000	*$1 to $1,000
Warehouse Operations (Section 5.031)	$1 to $5,000	*$1 to $5,000
Blanket Purchase Orders (Section 5.04)		
Non-contractual Basis	$1,000 to $5,000	*$1,000 to $5,000
Contractual Basis	Not to exceed $100,000	*Not to exceed $100,000
Field Quotes (Section 5.05)	$1,000 to $5,000	*$1,000 to $5,000
Purchasing Quotes	$5,001 to $20,000	*$5,001 to $20,000
Bid - Informal Bid Process (requires seeking 3+ written quotes; Section 5.06)	$20,001 to $50,000	$20,001 to $100,000
Bid - Competitive Sealed Bids (Section 5.08)	$50,001 and above	$100,001 and above
RFP - Competitive Sealed Proposals (Section 5.09)	Requires Board Approval to Release RFP; County Administrator authorized to award up to $50,000.	Purchasing Director –Authorized to Release RFPs Expected to Result in Costs No Greater than $100,000; County Administrator Authorized to all RFPs
*No change recommended		

Table 2 - Contract Award and Signature Authority Thresholds		
Entity	**Current**	**Recommend**
Purchasing Director	Purchase Orders and Agreements up to $20,000	*Procurement Agreements up to $100,000 (correlates with the recommended Informal Bid Process threshold)
County Administrator	Procurement Agreements $20,000 up to $50,000	* **Procurement Agreements greater than $100,000 and no greater than $250,000
Board Chairman	Procurement Agreements $50,001+	*Procurement Agreements greater than $250,000
*All contracts will be in a form approved by the County Attorney's Office prior to execution.		
**Correlates with the City of Tallahassee's Manager's Purchasing Authority		

Source: http://www.leoncountyfl.gov/admin/Agenda/view2.asp?id=9113.

3.3.1 Blanket Purchase Orders

Blanket purchase orders are used for repeated and/or multiple purchases of goods or services. Non-contractual blanket purchase orders may be issued in cases where the total value of the purchase order is $5,000 or less. Contractual blanket purchase orders accommodate repeated and/or multiple purchases up to $100,000.

MGT's research for the 2000 and 2004 review of the County's purchasing policy indicated that blanket purchase orders provide a convenient mechanism for repetitive purchases. It was noted during the 2004 study that there were concerns as to whether blanket purchase orders created the potential for exclusion, since this is selection-based procurements without competition. The interviews conducted for this current study did not find these same concerns; however, most interviewees recommended that MGT collect information regarding blanket purchase orders from the Purchasing Director.

M/WBEs were not categorically excluded in the earlier policy nor are they excluded in the revised version. User divisions and departments are advised of M/WBE availability to provide goods and services under blanket purchase orders, which is unchanged from the earlier purchasing procedure. Therefore, policy updates had no material impact on the utilization of M/WBEs by the County on blanket purchase orders.

3.3.2 Field Quotes and Purchasing Quotes

County procurements for amounts greater than $501 and less than $5,000 require competitive Field Quotes to support the purchase in the form of three written or verbal price quotations from potential vendors. County procurements in amounts greater than $5,001 and less than $20,000 must be supported by at least three written Purchasing Quotes from potential vendors. Vendor selection for field quotes and purchasing quotes is ultimately determined by the requesting department.

The policy encourages County decision makers to "seek out and utilize certified minority and women-owned business enterprises in these purchases." During MGT's policy review, MGT learned that the Purchasing Division requires that at least one of the three written quotes come from a certified M/WBE in order to comply with current policy requirements.

3.3.3 Informal Bid Process

According to the policy, procurements in amounts greater than $20,000, but less than $50,000, may be procured by the Informal Bid Process. In this process:

> *The Purchasing Director shall secure, whenever possible, a minimum of three written quotations which shall be the result of written specifications transmitted by mail, by electronic format, or by facsimile. When such quotations are received by facsimile the purchasing agent will immediately seal and label the quotations until the time set for opening bids. In those instances where the securing of three quotations is not*

practicable, the Purchasing Director shall provide written justification of such.[6]

The current policy further states that the County's Purchasing Division will seek out and encourage certified M/WBE participation in this process. The inclusion of this language in the current policy serves to emphasize the County's intent to consider M/WBEs in the procurement process. Inclusion of specific language in the policy documents eliminates ambiguity as to the need for user departments/divisions to solicit M/WBE involvement in the informal bid process, which is a revision of the earlier 2000 policy. This serves to diminish an earlier identified barrier regarding M/WBE participation.

Typically, the informal bid process does not include advertising of the procurement opportunity. Vendors wishing to be notified of informal bid opportunities have the option to subscribe to the *DemandStar.com* service (see Section 3.3.7 of this chapter), contact the Purchasing Division, or check the Purchasing Division's Internet Web Site to learn of these opportunities.

3.3.4 Competitive Sealed Bids

The County uses Competitive Sealed Bids for procurements of $50,000 or more. The steps in this process include:

- Determining the bid specifications and requirements of the requesting department or division.
- Forwarding bid specifications and other supporting documentation to the Purchasing Division for packaging.
- Advertising the Invitation to Bids (ITB).

Projects expected to cost more than $200,000 must be advertised publicly at least once in a newspaper of general circulation in the County. This advertisement must be posted for at least 21 days prior to the established bid opening date, and at least five days prior to any scheduled pre-bid conference. Projects expected to cost more than $500,000 must be advertised publicly at least once, at least 30 days prior to the bid opening and five days prior to the scheduled pre-bid conference. The M/W/SBE Director reviews intended solicitations before publication to maximize the potential for M/WBE response.

The revised policy includes language requiring the M/W/SBE Director, Purchasing representative and a user department representative to review proposed projects and bids in order to determine potential utilization of M/WBEs. If certified M/WBEs are available to perform as subcontractors on pending bids, the M/W/SBE Director will add an M/WBE participation aspirational target requirement to the bid specification. If certified M/WBEs cannot be identified, the M/W/SBE Director advises the procurement representative to include language in the bid specifications that encourages the prime contractor to include M/WBE subcontractors in the submitted bids. This process increases the level of awareness concerning the need to consider M/WBEs for competitive bids.

[6] Section 5.07, Board of County Commissioners - Leon County Purchasing and Minority/Women Business Enterprise Policy, Revised July 30, 2002.

On the predetermined date, bids are opened publicly and are unconditionally accepted. The opened bids are reviewed for compliance with the requirements listed in the request for bids. The Purchasing Division tabulates the bids and presents a Bid Report to the appropriate department or division. Based on the Bid Report, the requesting department or division head makes the determination as to the successful respondent. This recommendation will ultimately be submitted as a Board agenda item. However, prior to the submission of the recommendation to the County Administrator for inclusion on the Board agenda, the department or division head submits its recommendation to the Purchasing Director and M/WBE Director for review. Afterwards, the recommendation is forwarded to the County Administrator and then to the Board of Leon County Commissioners for approval.

Per the policy, "the contract shall be awarded with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation to bid." Section 16(F) further states that "for contracts of $100,000 or less, where there is a disparity of 1 percent or less between the total of the base bid and all recommended alternates of a 100 percent owned and operated MBE, WBE or SBE and the apparent low bid which is from a non-minority, woman, or small business enterprise, and all other purchasing requirements have been met, the contract may be awarded to the MBE, WBE or SBE to help achieve race/gender neutral targets or race/gender conscious target, where otherwise permissible." The County has maintained a similar bid price allowance since 1991.

Section 5.08(M) contains local preference provisions whereby the County may allow special consideration for local businesses in purchasing goods or services where pricing is the major consideration. This provision was included with other policy additions in the 2002 and 2005 revisions. The inclusion of the local preference provision is intended to create a slight advantage for local firms that compete for County contracts. The local preference allowance is 5 percent of the bid price for purchases under $250,000, and 2 percent of the bid price for purchases of $250,000 and above. The local preference allowance is capped at $20,000. No opinions were expressed during MGT's interviews if the local preference provisions have had a significant impact on the utilization of M/WBEs in County procurements.

3.3.5 Competitive Sealed Proposals

Competitive sealed proposals are used by the County when the Director of Purchasing "determines that the use of competitive sealed bidding is either not practical or not advantageous to the County." Generally, this procurement process is used for professional, architectural, engineering, landscape architectural, and land surveying services. The competitive sealed proposals process begins with the determination of the project requirements by the requesting department or division in the County. Next:

- The Purchasing Director, or designee, reviews the scope of the project requirements.

- The Purchasing Director, or designee, also reviews the scope of work for the project to determine if revisions to—or clarifications of—the scope of work are required prior to advertising the procurement opportunity. The M/WBE Director also reviews the project scope and the request for proposals to identify opportunities to facilitate M/WBE participation. If project scope

modifications are needed, the Purchasing Director interacts with the requesting department to make the changes to the scope of work.

- Projects are placed on the County's Web site and listed in the local newspaper.

- If the County receives indications of interest from less than three persons, the Purchasing Director may reissue the request for proposals.

Section 16(E) lists the requirements for fulfilling Race/Gender Neutral (R/N) Targets, Race/Gender Conscious (R/C) Target and Aspirational Targets for Specific Procurement Opportunities. R/C Targets shall be the upper limit for Aspirational Targets set by the M/W/SBE Division for MBE and/or WBE participation in a single procurement opportunity. The R/N Target shall be the upper limit for Aspirational Targets set by M/W/SBE Division for SBE participation in a single procurement, unless such procurement opportunity is specifically identified for competition only between SBEs. The M/W/SBE Director shall coordinate and promote the process of meeting R/N and R/C targets by taking active steps to encourage full participation by certified, capable, and competitive MBE, WBE and SBE businesses and by keeping staff informed of M/W/SBE availabilities.

The selection committee[7] usually comprised of staff evaluates and ranks submitted proposals with regard to the responsiveness of the proposal to the County's needs. The County Administrator, or designee, determines whether a three-member or five-member selection committee is best suited for the evaluative process based on the complexity and anticipated expense of the requested services.

Staff recommends the top ranked firms in order and requests permission to negotiate with the top ranked firm and, if negotiations fail, to negotiate with the next ranked firms in order. Contract negotiations shall be conducted by the Purchasing Director or his designee or by a negotiation committee. A contract negotiation committee shall consists of the Purchasing Director (shall serve as chair), the head of the primary using department or agency, and the County Attorney. Negotiation committee members may designate alternates to serve in their capacity on the committee.

Section 5.091(A) (7) of the policy allows "a local preference of not more than five percent (5%) of the total score" as part of the evaluation criteria for local businesses that submit proposals for competitive sealed bids. The current revised policy did not contain major changes to the County's competitive sealed proposals process from the 2005 process. As a selection based process, the county has few options to directly encourage M/W/SBE participation as prime contractor respondents. Those opportunities include the determination of the number of evaluation points ascribed to M/W/SBE project involvement and participation in the voting process as part of the selection of the successful respondent.

[7] The selection committee makeup for procurement is different than the selection committee process for employment, because of due process requirements the County elected that the M/W/SBE Director not be a member of the selection committee.

3.3.6 Protested Solicitations and Awards

The 2006 revised policy contains modified language specifying rights to protest decisions regarding the County's Invitations to Bid and Request for Proposals, as did the County's earlier policy. Appeals of the Purchasing Director's decisions are to be heard by a Procurement Appeals Board composed of a chairperson, and two other members. The Appeals Board members are appointed by the County Administrator. The revised policy changed the term of the members to three years for the chairperson and each member. Previously, the Chairperson served a term of three years. One member served for a two-year term and the remaining member served an initial term of one year. Thereafter, members were appointed for three year terms such that one member was appointed annually. Section 5.13(E) specifies the procurement appeals process.

3.3.7 DemandStar.com

In 1999, the County contracted DemandStar.com, Inc. to maintain information and vendor data about pending procurements. As a part of the County's procurement efforts this service was seen as an opportunity to reach more firms[8]. The Purchasing Division provides bid and RFP information to DemandStar.com for notification to their vendor subscriber list. This list categorizes each vendor by commodity codes for the specific goods or services offered by the vendor. Subscribers are notified by fax or e-mail whenever a formal sealed bid has been issued for the commodity or service offered by the vendor.

A second feature of the DemandStar.com system is the maintenance of vendor data. For an annual subscription fee, businesses may register the commodities and services they wish to sell, and receive emailed information about related County procurements that includes the following:

- Legal advertisements.
- Bid/RFP addenda.
- Bid tabulation sheets.
- Procurement listings.
- Requests for proposals.
- Current award recommendations and current Board agenda items.

3.3.8 Other Procurement Methods

The County's purchasing and M/W/SBE policy provide for the following procurement methods for non-routine purchases.

- Sole Source Purchases–for a supply, services, material equipment or construction item(s) where there is a determination that there is only one available source. (Section 5.10)

- Emergency Purchases–when a situation requires the immediate purchase of goods, equipment or services without competitive bidding. (Section 5.11)

[8] The County uses legal notices and the County Web site as its primary means for informing vendors on County opportunities.

- Cooperative Purchasing–from authorized vendors on state contracts, or Federal Supply Schedules or when the County joins with other units of government in cooperative purchasing ventures. (Section 5.12)

3.3.9 General Purchasing Provisions

Insurance Requirements

MGT's review of the County's policy and staff interviews showed no change in the County's policy on insurance since the 2004 study. Policy requires that County contractors purchase and maintain insurance to protect it from claims under Worker's Compensation laws, disability benefit laws and other similar damages and liabilities.[9] The required levels of coverage are determined by the provisions of the Risk Management Policy. Insurance requirements, like bonding requirements, are a necessary component of contractual relationships that serve both parties.

Bonding

The State of Florida requires payment and performance bonds by persons entering into a formal contract with the state or any county, city, or political subdivision "for the prosecution and completion of a public work, or for repairs upon a public building or public work."[10] The state provision allows an exemption from the bonding requirement for work done for any county, city, political subdivision or public authority in amounts less than $200,000.

MGT's review of the County's policy and staff interviews showed no change in the County's policy on bonding since the 2004 study. County bid documents identify procurements that require bonding on behalf of the successful offeror and County policy specifies the types of bonds that may be required as indicated below:

A. Combination Payment and Performance Bond - This type of bond is required for repairs, renovations, new construction, and other public works costing in excess of $50,000. For projects less than that amount, it may be required at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. When a payment and performance bond is required, the bond will be requested in the bid document. No work in connection with the fulfillment of a contract shall commence until the payment and performance bond is accepted by the County.

B. Performance Bond - For a project of an estimated value less than $50,000, requirement of a performance bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For projects estimated to be $50,000 or more, such bond will be required to insure that a contract is carried out in accordance with the applicable specifications and at the agreed contract price.

[9] Section 12, "Insurance Requirements", Board of County Commissioners – Leon County, *Purchasing and Minority/Women Business Enterprise Policy*, Revised June 13, 2006.
[10] State of Florida Statutes, Title XVIII, Chapter 255, Section 255.05.

C. Payment and Material Bond - For a project of an estimated value less than $50,000, requirement of a payment and material bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For projects estimated to be $50,000 or more, such bond will be required to protect the County from suits for non-payment of debts which might be incurred by a contractor's performance for the County.

D. Warranty Bonds - At the discretion of the Purchasing Director, after consultation with user departments, a Warranty Bond may be required from a successful bidder to insure warranty provisions are fulfilled.

E. Guaranty of Good Faith Deposit (Bid Deposit) - For projects estimated to be less than $40,000, requirement of a bid bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For purchases where it is determined by the Purchasing Director to be in the best interest of the County, and projects estimated to be $40,000 or more, bidders will be required to submit with their bid or proposal a guaranty of good faith deposit.

When in the best interest of the County, it is recommended by the Purchasing Director and approved by the County Administrator or his designee, these requirements may be waived.

A. Return of Bond. Such deposit may not be withdrawn until a specified time after the proposals are opened and awards made. The deposit of the bond shall be retained by the Finance Officer of the Board until the Purchasing Director is satisfied that the Contractor's obligations have been satisfactorily completed.

B. Substitutes. In lieu of a surety bid bond, contractor may submit a certified check, cashier's check or treasurer's check, on any national or state bank. Such deposits shall be in the same percentage amounts as the bond. Such deposits shall be retained by the Finance Officer of the Board until all provisions of the contract have been complied with.

C. Irrevocable Letter of Credit. Upon approval of the Purchasing Director, a contractor may present an Irrevocable Letter of Credit from a national or state chartered bank in lieu of any of the foregoing bonds for the same face value as required for the bond. The letter of credit shall be for a period of time not less than three months beyond the scheduled completion date of the purchase of the contracted services or materials.

D. Retention of Payments. The County may require the payment for a project, or a portion thereof, be withheld until the project has been completed as a method of protecting the County's interest. Retention may also be used in lieu of the above listed bonds. The solicitation documents shall specifically state if retention of any portion or all of the payment for the project is to be done.

County policy further defines the amount of the bond or deposit required.

1) Performance Bond: 100 percent of contract price.

2) Payment Bond: 100 percent of contract price.

3) Payment and Performance Bond: 100 percent of contract price.

4) Guaranty of Good Faith Deposit (Bid Deposit or Bond): The bid deposit will be 5 percent of the price bid by the vendor.

Any of the above listed bonds may be required at another amount recommended by the Purchasing Director and approved by the County Administrator or his designee when in the best interest of the County.

3.4 Remedial Program

3.4.1 Historical Background

The establishment of the County's M/WBE Program dates back to 1987. The purpose of the program was to "enhance the participation of qualified minority and women-owned businesses in providing goods and services and construction contracts required by the Board of County Commissioners." The County conducted disparity studies in 2000 and in 2005. The County was receptive to recommendations from the previous studies to enhance its purchasing and M/WBE programs. In 2005, the County accepted the disparity study update conducted by MGT. To strengthen its support of M/W/SBEs and its efforts to narrowly tailor its M/WBE program the County accepted recommendations included in the study to revise race-gender conscious and race-neutral targets and the formation of a small business enterprise (SBE) component. The purpose of the revised and newly created M/W/SBE Program is to "effectively communicate Leon County procurement and contracting opportunities, through enhanced business relationships, to end disparity and to increase participation opportunities for certified minority and women-owned business enterprises and small business enterprises in a competitive environment."[11]

To reflect the addition of the SBE component, the title of the Policy 96-1 was changed to Purchasing and Minority, Women, Small Business (MWSBE) Policy. Consistent with the previous policy section 16, a business will be certified as a MBE, WBE or SBE however an MBE and WBE can also be certified as a SBE.

The following definitions were included in Section 16 to reflect the addition of the SBE component and for clarification of previous terms:

- Affiliate or Affiliation – Shall mean when an eligible either directly or indirectly controls or has the power to control the other; a third party or parties controls or has the power to control both; or other relationships between or among parties exist such that affiliation may be found. A business enterprise is an affiliate of an eligible owner when the eligible owner has possession, direct or indirect of either: (i) the Ownership of or ability to direct the voting of as the case may be more than fifty percent (50%) of the equity interest, value or voting power of such business, or (ii) the power to direct or cause the direction

[11] Board of County Commissioners Leon County, Florida, Policy No. 96-1 Purchasing, Minority, Women, and Small Business Enterprise Policy, June 14, 2006.

of the management and policies of such business whether through the Ownership of voting securities by contract or otherwise. In determining whether a business is an Affiliate with another business or with an Owner, consideration shall be given to all appropriate factors including but not limited to common Ownership, common management, contractual relationship and shared facilities.,

- Commercial useful function - Shall mean a business that: (a) is responsible for the execution of a distinct element of work or services; (b) carries out its obligation by actually performing, managing, or supervising the work involved; (c) performs work that is normal for its business, services and function; and (d) is not further Subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices. A Contractor, Subcontractor, Vendor or Supplier shall not be considered to perform a Commercially Useful Function if the Contractor's, Subcontractor's, Vendor's or Supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of M/W/SBE participation.,

- Joint venture - Shall mean a legal organization that takes the form of a short term partnership in which the parties jointly undertake for a transaction, for which they combine their property, capital, efforts, skills, and knowledge. Generally, each party shall contribute assets and share risks. Joint Ventures can involve any type of business transaction and the parties involved can be individuals, groups of individuals, companies or corporations.

- Race/gender neutral - Shall mean that component of the M/W/SBE Program that seeks to increase participation of MBEs, WBEs, or SBEs in procurements and contracts through means other than setting MBE or WBE (Race/Gender Conscious) Aspirational Targets. Such Race- Neutral means include, but are not limited to, the SBE Program and the coordination and outreach with/to programs and/or agencies whose purpose is to serve and assist businesses regardless of their race or gender, such as the Florida Agricultural & Mechanical University Small Business Development Center, Florida State University Jim Moran Institute, the Small Business Administration, the State of Florida Commission on Minority Economics and Business Development/Minority Business Advocacy and Assistance Office, Tallahassee Chamber of Commerce Economic Development Council and the Capital City Chamber of Commerce .

- Small business enterprise - Shall mean a business whose SBE certification is recognized, effective and accepted by Leon County's M/W/SBE Program.

3.4.1 Staffing and Responsibilities

In further support of M/W/SBEs, the County renamed the M/WBE office to M/W/SBE Division. The M/W/SBE Director's responsibilities include:

- Establish written procedures to implement the M/W/SBE Program, including the certification of businesses as SBEs, MBEs and WBEs.

- Assess the certification of applications for the M/W/SBE program, and coordinate certifications with partner agencies.
- Establish realistic aspirational targets and identify procurement opportunities for competition among SBEs.
- Identify and work to eliminate barriers that inhibit M/W/SBE participation in Leon County's procurement process.
- Establish realistic targets to increase M/W/SBE utilization.
- Provide information and assistance to M/W/SBEs regarding procurement opportunities with Leon County.
- Maintain a database of certified M/W/SBEs- and provide information to County departments and divisions in identifying M/W/SBEs for anticipated procurements.
- Monitor the utilization of M/W/SBEs and the progress of the M/W/SBE Program to ensure M/W/SBEs have opportunities to participate in the County's procurement process.
- Implement mechanisms and procedures for monitoring M/W/SBE compliance by prime contractors and staff.
- Perform outreach by networking with state and local governments and others, participate in conventions and seminars sponsored and widely attended by M/W/SBEs.
- Implement mechanisms to evaluate the program's progress.

Staffing for the County's M/W/SBE program consists of two full time positions - the program director and an analyst. After the 2000 disparity study the M/WBE office was comprised of one person. The budget for the M/W/SBE Program for fiscal year 2008 is more than $300,000. This budget includes a one-time fee for an M/W/SBE tracking program, contracted from B_2G Now and staff salaries. The budget was also adjusted by deducting the contract dollars for the SBE training component with the SBDC at Florida Agricultural & Mechanical University.

Per Section 16 of the policy, staff responsibilities include recommending modifications to the County's M/W/SBE aspirational targets; coordinating steps to encourage full participation by M/WSBEs in the County's procurement processes and fostering more economic development in Leon County. In addition to establishing specific M/W/SBE aspirational targets for County procurements, the M/W/SBE program division provides technical assistance and other race-neutral program components, such as outreach activities and maintaining a directory of certified M/WBEs to promote the utilization of these firms.

3.4.2 M/W/SBE Classifications and Aspirational Targets

Minority-, woman-, and small-owned businesses that wish to be recognized as M/W/SBE vendors in the County's procurement process must apply for M/W/SBE certification through the program office. M/WBEs are businesses that are at least 51 percent owned and controlled by, and whose management functions are at least 51 percent performed by, persons who are:

- African Americans - All persons having origins in any of the Black African racial groups not of Hispanic origins and having community identification as such.
- Hispanic Americans - All persons (Mexican, Puerto Rican, Cuban, Central or South American, or Spanish Culture or origin, regardless of race) who were reared in a Hispanic environment, whose surname is Hispanic and who have community identification as such.
- Asian Americans - All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands and having community identification as such.
- American Indians, Alaskan Natives, and American Aleuts - All persons having origins in any of the original people of North America, maintaining identifiable tribal affiliations through membership and participation and having community identification as such.
- Women – All women who are non-Hispanic white females. Minority women were included in their respective minority category.
- Small – shall mean a business whose SBE certification is recognized, effective and accepted by Leon County's M/W/SBE Program.

M/WBEs that wish to be certified by the County as such must meet the criteria as shown in **Exhibit 3-5**.

EXHIBIT 3-5
LEON COUNTY, FLORIDA
M/W/SBE CERTIFICATION ELIGIBLITY CRITERIA

CERTIFICATION ELIGIBILITY CRITERIA	Type of Certification (must meet ALL marked criteria)		
	MBE	WBE	SBE
Majority Owner(s) must be a Minority or Minorities who manage and Control the business. In the case of a publicly owned business at least 51% of all classes of the stock which is owned shall be owned by one or more of such persons.	X		
Majority Owner(s) must be a Woman or Women who manage and Control the business. In the case of a publicly owned business, at least 51% of all classes of the stock which is owned shall be owned by one or more of such persons.		X	
Majority Ownership in the business shall not have been transferred to a woman or minority, except by descent or a bona fide sale within the previous two years.	X	X	
Majority owner(s) must reside in Leon, Gadsden, Jefferson or Wakulla County Florida.	X	X	X
Majority owner(s) must be a United States citizen or lawfully admitted permitted resident of the United States	X	X	X
Business must be legally structured either as a corporation, organized under the laws of Florida, or a partnership, sole proprietorship, limited liability, or any other business or professional entity as required by Florida law.	X	X	X
Business must be independent and not an affiliate, front, façade, broker, or pass through.	X	X	X
Business must be a for-profit business concern.	X	X	X
Business must be currently located within market area.	X	X	X

EXHIBIT 3-5
LEON COUNTY, FLORIDA
M/W/SBE CERTIFICATION ELIGIBILITY CRITERIA (CONTINUED)

CERTIFICATION ELIGIBILITY CRITERIA	Type of Certification (must meet ALL marked criteria)		
	MBE	WBE	SBE
Business must have all license required by local, state and federal law.	X	X	X
Business must currently be licensed and engaging in commercial transactions typical of the filed, with customers in the Local Market Area other than state or government agencies, for each specialty area in which certification is sought. Further, if a Supplier, business must be making sales regularly from goods maintained in stock.	X	X	X
Business must have expertise normally required by the industry for the field for which certification is sought.	X	X	X
Business must have a net worth of no more than $2 million.	X	X	X
Business must employ 50 or fewer full- or part-time employees, including leased employees.	X	X	X
Annual gross receipts on average, over the immediately preceding three (3) year period, shall not exceed: - For business performing construction - $2,000,000/year. - For businesses providing Other Services or Materials & Supplies - $2,000,000/year - For businesses providing Professional Services - $1,000,000/year	X	X	X

Source: http://www.leoncountyfl.gov/bcc/policy/pdf/12-02.pdf.

3.4.2.1 M/W/SBE Certification

The M/W/SBE certification process includes the following steps.

- Submission of a Certification Application Package
- Review and evaluation of the submitted application data and determination of disposition within 30 days of submission.
- Vendors deemed certifiable are notified in writing of the certification.
- If an applicant cannot be determined certifiable based on information provided, the County provides written notification stating the reasons for denial. If the M/W/SBE certification is denied the applicant may not reapply for certification for a period of six months after the notice of the date of denial.
- Certification denials may be appealed in writing to the M/W/SBE Director within 10 working days after receipt of the denial of certification letter. Failing a satisfactory determination, firms denied certification may appeal to the M/W/SBE Citizen Advisory Committee.
- Certification is valid for two years other provided otherwise.

The M/W/SBE Program may accept MBE and WBE certifications from parties to The M/WBE inter-local agreement (such parties currently include the City of Tallahassee, Leon County, and the Leon County School Board; however, such parties may change from time to time without notice or revision to this policy). Further, the M/W/SBE Division reserves the right to review the certification process and documentation utilized by an outside certifying agency; request clarification or additional information from the certified business; to delay acceptance of certification while it is being reviewed; and to deny certification any time during the Certification period.

The certification directory for Leon County and the City of Tallahassee are available on their respective Web sites. As of April 2009, the County directory included 73 M/W/SBE certified firms. The City of Tallahassee directory included more than 200 firms of which 13 were certified by Leon County.

3.4.2.2 Aspirational Targets

The County uses aspirational targets to establish levels of participation by M/WBEs in the County's procurement of goods and services. **Exhibit 3-6** shows the M/WBE aspirational targets:

EXHIBIT 3-6
LEON COUNTY BOARD OF COUNTY COMMISSIONERS

FISCAL YEAR RACE AND GENDER NEUTRAL TARGETS												
Targets	Construction		Construction Subcontracting		Professional Services Consultants		Professional Services Subconsultants		Other Services Vendors		Material and Supplies Vendors	
	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE
Race/Gender Neutral (SBE, etc.)	1%	1%	15%	3%	6%	5%	3%	5%	6%	6%	1%	5%
Race/Gender Neutral Total	2%		18%		11%		8%		12%		6%	
FISCAL YEAR RACE AND GENDER CONSCIOUS TARGETS												
Targets	Construction		Construction Subcontracting		Professional Services Consultants		Professional Services Subconsultants		Other Services Vendors		Material and Supplies Vendors	
	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE
Race/Gender Neutral (SBE, etc.)	5%	1%	3%	N/A	N/A	N/A	18%	9%	N/A	NA	1%	N/A
Race/Gender Neutral Total	6%		3%		N/A		27%		N/A		1%	

Source: Board of County Commissioners - Leon County, Purchasing and Minority/Women Business Enterprise Policy, Revised June 14, 2006.

3.4.2.3 M/W/SBE Incentives

As mentioned in Section 3.3 of this chapter, for contracts of $100,000 or less, where there is a disparity of 1 percent or less between the total of the base bid and all recommended alternates of a 100 percent owned and operated MBE, WBE or SBE and the apparent lowest bid which is from a business that is not a MBE, or SBE, and all other purchasing requirements have been met, the Contract may be awarded to the MBE, WBE or SBE to help achieve Race/Gender Neutral Targets, unless such procurement

opportunity is selected for completion only among SBEs.. On selection based procurements, The County's Purchasing Director or representative, M/W/SBE Director and representatives from user departments shall review each proposed project or bid to determine the potential for subcontracting and the utilization of M/W/SBEs considering the scope of work, available and capable M/W/SBEs to potentially perform the work, and opportunities for multiple bids. Based upon these factors the M/W/SBE Director or designee shall determine the Aspirational targets. Further the M/W/SBE Director shall determine the Race/Gender Conscious targets or Race/Gender Neutral targets, unless such procurement opportunity is selected for completion only among SBEs.

3.4.2.4 Participation Plans

Bidders are to submit a Participation Plan when the procurement opportunity contains Aspirational Targets. Participation Plans shall identify the M/WBEs and non M/WBEs to be utilized, their percentage of utilization, and the commercially useful function they will be providing, consistent with the commodities or services for which they are certified. The participation plan is to be analyzed by the M/W/SBE Director prior to submission to the Board for approval of award.

3.4.2.5 Good Faith Efforts and Substitutions

Prime contractors that are unable to meet the stated M/WBE aspirational targets may submit evidence to the County with bid documents demonstrating the level of effort to attract M/WBE participation. Evidence of good faith efforts include, but are not limited to:

- Submission of proof of M/WBE certification for the M/WBEs that are being used on the project.
- Proof of advertising for bids from M/W/SBEs in non-minority and minority publications in the Leon County, Florida, area.
- Proof that ample time was allowed for M/W/SBE subcontractors to respond to bid opportunities.
- Submission of a list of M/W/SBEs that were directly contacted by the prime contractor.
- Telephone logs demonstrating proof of follow-up calls to M/W/SBEs.
- Information regarding the availability of bid specifications and blueprints to M/W/SBEs.
- Documentation showing the sound basis for rejecting M/W/SBEs as unqualified or unacceptable.
- Documentation showing that the County's M/W/SBE Director was contacted regarding a problem meeting M/W/SBE aspirational targets.
- Any other documentation further proving good faith efforts.

When a proposal is submitted, the M/W/SBE Director reviews the M/WBE Participation Plan to determine if the M/WBE participation levels are met according to a point scale, which is presented in the RFP. If the M/W/SBE Director determines the Bidder with subcontracting and supplier opportunities have not made a Good Faith Effort to meet the aspirational target the M/W/SBE Director shall refer the matter to the Good Faith Effort Committee. The good faith documentation is reviewed by the County's "Good Faith Committee," which consists of the Management Services Director (currently vacant), Purchasing Director or designee, and chair of the M/W/SBE Citizens Advisory Committee and may include others appointed at the discretion of the County Administrator or the County Administrator's designee.

Policy permits substitution of M/W/SBEs after contract award with prior approval of the M/W/SBE Director with assistance from technical staff. Grounds for M/W/SBE substitution include poor work performance, lack of success in improving the work performance level of the M/W/SBE, and withdrawal request by the M/W/SBE.

3.4.3 M/WBE Reporting

The County is required to submit an update to the Board on its performance on meeting its Aspirational targets. According to the M/W/SBE status report of December 11, 2007 the expenditure data was pulled from the County's financial system. Expenses are manually adjusted to eliminate certain costs such as staff, land acquisitions, telephone, utilities, local travel reimbursements, office rent, expenditures with government agencies and expenses outside the market area. Verified subcontractor expenditures were deducted from the prime contractor's expenditures and reported as subcontractor expenditures. Contractors expenditures with subcontractors was only required to be reported on those contractors with M/WBE aspirational targets; therefore, subcontractor expenses with non-minority owned and other business may not have been identified for adjustment and remain in a higher level of classification based on contract type. [12]

Exhibit 3-7 summarizes expenditure data by race and gender for fiscal year 2004/2005 and 2005/2006. The "Total Expenditures" column reflects the actual estimated expenditures by the race and gender of the major business owner. The "Estimated Parity Minus Estimated Expenditures" column reflects the amount the expenditures with each race and gender group is above or below what would be expected if parity were achieved, based on that group's availability in the local market area.

[12] Board of County Commissioners Agenda Request 26, Acceptance of Status Report Regarding County Utilization of Minority and Women-Owned Businesses, December 11, 2007.

EXHIBIT 3-7
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
M/WBE REPORTING
FISCAL YEAR 2004/2005 TO FISCAL YEAR 2005/2006

Summary Across All Business Categories						
	Differences between Actual Estimated Expenditures and Estimated Parity					
	Total Expenditures			Est. Parity Minus Est. Expenditures		
Race/Gender	FY 04/05	FY 05/06	Both Years	FY 04/05	FY 05/06	Both Years
African Americans	$ 2,933,432.00	$ 3,625,204.00	$ 6,558,636.00	$ 876,022.00	$ (708,896.00)	$ 167,126.00
Hispanic Americans	$ 37,654.00	$ 35,894.00	$ 73,548.00	$ (179,317.00)	$ (542,971.00)	$ (722,288.00)
Asian Americans	$ 55,355.00	$ 63,609.00	$ 118,964.00	$ 2,512.00	$ (21,782.00)	$ (19,270.00)
Native Americans	$ 44,880.00	$ 68,354.00	$ 113,234.00	$ (19,405.00)	$ (114,604.00)	$ (134,009.00)
Non-minority Women	$ 2,128,631.00	$ 7,568,233.00	$ 9,696,864.00	$ 997,672.00	$ 5,466,523.00	$ 6,464,195.00
Non-minority	$ 16,337,284.00	$ 35,310,829.00	$ 51,648,113.00	$ (1,677,485.00)	$ (4,078,270.00)	$ (5,755,755.00)
[1] Total All Categories	$ 21,537,236.00	$ 46,672,123.00	$ 68,209,359.00	$ (1.00)	$ -	$ (1.00)
[1] Total difference from parity does not equal zero due to rounding.						

Source: M/WBE Reporting, Fiscal Year 2004/2005 to Fiscal Year 2005/2006.

The status report also included a plan for continued success and enhancement opportunities to be performed by the M/W/SBE Division:

- Improve its tracking system to monitor and provide feedback for M/WBE and nonminority procurement activities.
- Continue to inform MBEs about procurement opportunities with the County and encourage managers to utilize MBEs.
- Continue its on-going efforts to identify barriers that prevent procurement opportunities for M/WBEs and eliminate such to enhance the utilization of the available firms.
- Review the Tax Collectors' records to identify and encourage MBEs to become certified for procurement opportunities in areas where there is underutilization.
- Direct M/WBEs to use the services of the Small Business Development Center at Florida Agricultural & Mechanical University to improve the operation of their businesses, thereby enhancing their chances of winning procurement opportunities.

3.5 Conclusions

MGT's research, summarized in this chapter, showed that the County has made significant strides in its commitment to level the playing field for businesses desiring to provide goods and services to the County. The County has been receptive to earlier recommendations to enhance its purchasing and M/WBE programs. For instance, MGT were told of improved levels of cooperation between the Purchasing Division, M/W/SBE Division, and other County departments and divisions. MGT was also told that recently M/W/SBE and nonminority subcontracting participation is being tracked now. The County has also improved the accessibility of information through its Web site, consolidated its purchasing policy and M/W/SBE participation policy and collaborated with the local outreach efforts put forth through the Small Business Enterprise Week and MEDWeek activities with the City of Tallahassee and the Small Business Development Center at Florida Agricultural & Mechanical University.

The consolidation of the purchasing policy and the M/WBE participation policy provided a stronger basis for user departments to involve M/WBE firms in County procurements. Interviewees directed MGT to the Purchasing Department for responses to questions on policy changes and to the M/W/SBE Division to answer questions on M/W/SBE program requirements. The revised policy is clearer on the County's intent to provide competitive opportunities to all vendors and administrative steps (e.g., one of three quotes should be from an M/W/SBE) to facilitate competition. From an organizational perspective, the County elevated the M/W/SBE program to division level, which improves the internal and external perception of the County's commitment to the program's success. The County's suspension of the training criteria for SBE certification until the completion of the disparity study update is viewed as positive by staff.

4.0 UTILIZATION AND AVAILABILITY ANALYSIS

4.0 UTILIZATION AND AVAILABILITY ANALYSES

This study for the Board of County Commissioners of Leon County (County) documents and analyzes the participation of minority, women, and nonminority businesses in the County's procurements. This chapter describes the County's market area and analyzes the utilization and availability of minority, women, and nonminority firms. The results of the analyses ultimately determine whether minority, women, or nonminority businesses were underutilized or overutilized in these procurements.

This chapter consists of the following sections:

4.1 Methodology
4.2 Construction
4.3 Architecture and Engineering Services[1]
4.4 Professional Services
4.5 Other Services
4.6 Materials and Supplies
4.7 Summary

4.1 Methodology

This section presents the methodology for the collection of data and analysis of market areas, utilization, and availability of minority-owned, woman-owned, and nonminority-owned firms. The description of business categories and minority- and woman-owned business enterprise (M/WBE) classifications are also presented in this section, as well as the process used to determine the geographical market areas, utilization, and availability of firms.

4.1.1 Business Categories

The County's mark area, utilization and availability of M/WBE firms and non-M/WBE firms were analyzed for five business categories: construction, architecture and engineering, professional services, other services, and goods, equipment, and supplies.

These categories were consistent with the County's classification of contracts awarded and payments made by the County during the four-year study period. Each contract vendor payment or subcontractor award was grouped into one of the above categories by MGT with assistance from County staff knowledgeable about the contracts and payments. A description of each business category follows.

Architecture and Engineering

Architecture and engineering refers to any architecture or engineering services, including but not limited to:

[1] For the purpose of this study, architecture and engineering services were analyzed separately. In the 2004 Disparity Study, architecture and engineering services were included in the professional services business category.

- Architectural design.
- Professional engineering.
- Environmental consulting.
- Inspections.
- Soil testing.
- Surveying.

Construction

Construction refers to any building and highway construction-related services, including but not limited to:

- General building contractors engaged primarily in the construction of buildings.
- General contracting in the construction of roadways, bridges, sewers, and heavy construction.
- Construction-special trade services, such as electrical work; carpentry, air conditioning repair, maintenance, and installation; plumbing; and renovation.
- Other related services such as water-lining and maintenance, asbestos abatement, drainage, dredging, grading, hauling, landscaping (for large construction projects such as boulevards and highways), paving, and toxic waste clean up.

Professional Services

This category covers services provided by a person or firm that are of a professional nature and require special licensing, educational degrees, and/or highly specialized expertise, including:

- Consulting services.
- Legal services.
- Educational services.
- Computer services.
- Other professional services.

Other Services

This category includes any service that is labor intensive and neither professional nor construction related, including, but not limited to:

- Janitorial and repair services.
- Uniformed guard services.
- Certain job shop services.
- Graphics or photographic services.
- Other nontechnical professional services.

Materials and Supplies

This business category includes vendors that provide the following, but not limited to:

- Office goods
- Supplies
- Equipment
- Miscellaneous building materials
- Computers

Certain transactions were excluded from analysis in this study. Examples include:

- Administrative items such as utility payments, leases for real estate, and insurance or banking transactions.
- Salary and fringe benefits, payments for food or parking; or conference fees.
- Payments to government entities including nonprofit local organizations, state agencies, and federal agencies.

Firms were assigned to a particular business category based on the County's payment description obtained from the County's financial system. However, based on feedback from the County, certain payments were reclassified according to vendor name rather than the type of payment received and/or payment description.

4.1.2 M/WBE Classifications

In this study, businesses classified as M/WBEs are firms at least 51 percent owned and controlled by members of one of five groups: African Americans, Hispanic Americans, Asian Americans, Native Americans, and nonminority women. These groups were defined according to the United States Census Bureau as follows:

- **African Americans:** U.S. citizens or lawfully admitted permanent residents having an origin in any of the black racial groups of Africa.
- **Hispanic Americans:** U.S. citizens or lawfully admitted permanent residents of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese cultures or origins regardless of race.
- **Asian Americans:** U.S. citizens or lawfully admitted permanent residents who originate from the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.
- **Native Americans:** U.S. citizens or lawfully admitted permanent residents who originate from any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.
- **Nonminority Women:** U.S. citizens or lawfully admitted permanent residents who are non-Hispanic white females. Minority women were included in their respective minority category.

The M/WBE determinations reflected in this report were based on the source data discussed below in **Section 4.1.3**. If the business owner classification was unclear in the source data, MGT of America, Inc. (MGT), conducted additional research to determine the proper business owner classification. This included requesting assistance from cognizant County representatives to identify the proper business owner classification. Firms that were identified in the source data as non-M/WBEs were considered to be nonminority-owned firms in the analysis conducted for this study.

4.1.3 Collection and Management of Data

To determine the most appropriate data for our use in the analysis of the County's procurement activity and to identify data sources, MGT conducted interviews with key staff knowledgeable about the County's procurement processes. The decision was made by the County and MGT that procurement data for construction would be extracted from electronic expenditure data, as well as contract award data and contract files. Data for architecture and engineering, professional services, other services and materials supplies would be extracted from electronic expenditure, purchase order, and purchasing card (Pcard) data.

Contract and Subcontract Data Collection

Once the sources of data for the contract award data was defined and obtained, MGT designed a data collection plan to collect contract data from the hard copy files. Expenditure, purchase order, and Pcard transaction data would be provided in electronic format. The following data were provided:

- Financial Expenditure Data: a file extracted from the County's Banner financial system containing payments made to vendors during the study period.
- List of Agreements: a file containing awards granted to vendors during the study period.
- Vendor List Data: a file extracted from the County's Banner financial system containing vendors that were paid or have registered to do business with the County.
- Permit Data: a file containing commercial construction permits let to prime contractors and subcontractors during the study period. [2]
- Purchase Order Data: a file containing invoices made to vendors during the study period.
- Pcard Transactions Data: a file containing small dollar payments made to vendors during the study period.

Upon further review and discussions with the County, it was agreed that the list of awarded agreements would be used to develop the data collection plan for on-site data collection activities. These list of agreements were used as the primary source to ensure that the onsite data collection team reviewed contract files based on this list within the

[2] Please refer to **Chapter 6.0**, **Private Sector Analysis**, for a detailed discussion of this data set.

study period in order to obtain subcontractor and bidder data. The financial expenditure data would be used to analyze payments made to vendors, which would be the primary data source for the prime contractor/consultant utilization analyses. Each electronic list provided the following data that we used for analysis:

- Name of firm awarded and/or paid.
- Award and/or payment amount of the transaction.
- Contract and/or payment post date of the award and/or payment.
- A description of the contract and/or payment from which the business category of the procurement could be derived.

Once collected and entered or transferred into the MGT database, the data were processed as follows:

- Exclusion of records not relevant to the study. Examples of procurement activity excluded from analysis include duplicate procurement records; contracts out of the time frame of the study; contracts awarded or payments made to nonprofits and government entities; and utility payments such as water, gas, and electricity.
- Identification of the county in which the vendor operated. To accomplish this, the zip code of the vendor was matched against an MGT zip code database of all United States counties.
- Identification of the prime contractor's business category.

MGT designed a data collection plan (based on the list of awarded agreements provided by the County) to collect contract from hard copy contract files and the County's verification reports, which are sent to prime contractors requesting subcontracting activity. The hard copy data was collected by MGT employees and firm area firm, Oppenheim Research. The data collection team were trained on the disparity study data collection techniques and County hard copy files in order to ensure accuracy. Once collected and transferred into the MGT database, the data were processed as follows:

- Exclusion of records not relevant to the study. Examples of procurement activity excluded from analysis include duplicate procurement records; contracts out of the time frame of the study; contracts awarded to nonprofits and government entities; and utility payments such as water, gas, and electricity.
- Identification of the county in which the vendor operated. To accomplish this, the ZIP code of the vendor was matched against an MGT ZIP code database of all United States counties.
- Identification of the prime contractor's business category.

Availability (Vendor) Data Collection

Determining the availability of firms is a critical element in developing disparity analyses. Therefore, MGT analyzes the availability of firms at the prime and subcontractor level.

For the purposes of this study, MGT defines prime contractors as firms that (1) have performed prime contract work for the County; (2) have bid on awarded[3] prime contract work for the County in the past (within the study period); or (3) are construction, architecture and engineering, professional services, other services, or materials and supplies firms that were in the County's Banner system. These firms are considered to be available because they have either performed or indicated their willingness to perform prime contract work for the local Leon County market area. These firms are defined as available contractors because they have either performed work or have indicated their willingness to perform work for the County. MGT also used other availability measures, including U.S. Census data for comparison purposes, which will be referenced in **Appendix D**.

For the subcontractor availability, MGT defines subcontractor availability as firms that (1) are considered prime contractors and consultants; (2) firms that have been awarded a contract by prime contractor; and (3) firms that were proposed to be used by an unsuccessful prime contractor bidder on awarded prime contracts.

This process generated a listing of 13,886 entries; however, a number of the entries were names of nonprofit organizations, governmental agencies, and duplicate entries. As a result, our availability analyses were based on a pool of 8,452 firms. Approximately 6,652 entries (records) of the approximately 13,886 were excluded from the availability analyses. The most common reasons for exclusion were: duplicate records (i.e., unique vendors who appeared in multiple vendor databases provided by the County); no business category (i.e., vendors who were not utilized, a business type was not provided, or a business type could not be identified from their name); nonprofit agencies, associations, or councils; governmental agencies, including schools and universities; travel-related businesses, including hotels, car rental, and conference fees; real estate; and utilities, postage, and hospitals.

Data for Analysis

The total number of expenditure records analyzed for the study period is shown below in **Exhibit 4-1**. The number of records for construction, architecture and engineering, professional services, other services, and materials supplies represents expenditure data.

[3] In addition, based on subsequent discussions with cognizant County staff, the availability pool of firms for the business category of architecture and engineering includes the count of a firm that submitted a bid as a prime contractor and won the project. However, this contract ultimately was not awarded, thus not listed in the list of awarded agreements.

EXHIBIT 4-1
LEON COUNTY
NUMBER OF ANALYZED RECORDS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Business Category	# of Records
Construction	3,059
Architecture & Engineering	1,278
Professional Services	3,209
Other Services	11,213
Materials and Supplies	16,940

Source: Expenditure activity compiled from the County's Banner financial data system.

As far as hard copy files, the data collection plan presented a total of 358 contracts to be reviewed and entered while on-site. A total of 654[4] contracts were reviewed and/or entered while on-site.

4.1.4 Market Area Methodology

In order to establish the appropriate geographic boundaries for the statistical analysis, market areas were determined for each of the business categories included in the study. First, the overall market area was determined and then the relevant market area was established.

Overall Market Area

A United States county is the geographical unit of measure selected for determining market area. The use of counties as geographical units is based on the following considerations:

- The courts have accepted counties as a standard geographical unit of analysis in conducting equal employment opportunity and disparity analysis.
- County boundaries are externally determined and thus free from any researcher bias that might result from any arbitrary determinations of geographical units of analysis.
- Census and other federal and state data are routinely collected and reported by county.

The counties that constituted the County's overall market area were determined by evaluating the total dollars expended by the County in each business category. The results were then summarized by county according to the location of each firm that provided goods or services to the County.

[4] This increase in number includes the contracts for the housing and rehabilitation projects which were not listed as part of the list of agreements.

4.1.5 Utilization Methodology

The utilization analyses of construction, architecture and engineering, professional services, other services, and materials and supplies firms were based on information derived from County's financial system for activity occurring between October 1, 2004 and September 30, 2008.The analysis was based on firms located in the following: Leon County, Florida; Gadsden County, Florida; Wakulla County, Florida, and Jefferson County, Florida.

4.1.6 Availability Methodology

To evaluate disparate impact, if any, it is necessary to identify available M/WBEs in the local area for each business category. This determination, referred to as "availability," has been an issue in recent court cases. If the availability of minority- and woman-owned firms is overstated or understated, a distortion of the disparity determination will result. This distortion occurs because the quantitative measure of disparity is a direct ratio between utilization and availability.

Several methodologies may be used to determine availability, including analysis of vendor data and bidder data. The use of vendor data is preferable to bidder data because it considers firms that have expressed a readiness, willingness, and ability to provide goods and/or services to procuring entities, even when they have not been successful in doing so. Discriminatory barriers may, under certain circumstances, preclude such firms from submitting bids. For MGT's analysis, MGT used vendor data, as well as firms who bid on County projects in the past for the prime level availability analysis.

For the subcontractor availability, MGT defines subcontractor availability as firms that (1) are considered prime contractors and consultants; (2) firms that have been awarded a contractor by prime contractor; and (3) firms that were proposed to be used by an unsuccessful prime contractor bidder.

As indicated previously in this chapter, MGT utilized various sources to determine prime and subcontractor availability in order to develop the appropriate availability data within the market area.

4.2 Construction

This section presents MGT's analysis of the County's utilization in the construction business category, as well as the utilization and availability of firms.

4.2.1 Utilization Analysis

For firms located in the Leon County market area, the following analysis was conducted:

- Utilization analysis of all M/WBE and non-M/WBE prime contractors' expenditures by year for the study period.

- Utilization analysis of the number of individual prime contractors paid those dollars, according to race/ethnicity/gender classifications.

- Utilization analysis of all identified M/WBE and non-M/WBE subcontractors' awards for the study period.

The utilization analysis of prime construction contractors in the County's market area is shown in **Exhibit 4-2**. M/WBEs were paid more than 16 percent (16.3%) of the total prime construction dollars expended by the County during the study period. The County paid $73.86 million for construction services during the study period. Nonminority women-owned firms received $9.5 million, accounting for 12.9 percent of the 16.3 percent paid to M/WBEs. Among M/WBEs, African American-owned firms were paid $2.6 million, accounting for 3.5 percent of the 16.3 percent paid to M/WBEs. Firms owned by Hispanic Americans, Native Americans and Asian Americans were not utilized at the prime construction level, during the study period, thus not receiving any payments.

EXHIBIT 4-2
CONSTRUCTION
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars Paid
	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$
2005	$640,584.74	6.11%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$255,838.18	2.44%	$896,422.92	8.55%	$9,589,981.55	91.45%	$0.00	0.00%	$10,486,404.47
2006	$638,580.17	1.80%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$3,944,142.43	11.13%	$4,582,722.60	12.93%	$30,846,862.43	87.07%	$0.00	0.00%	$35,429,585.03
2007	$811,002.66	4.91%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$1,942,082.56	11.75%	$2,753,085.22	16.66%	$13,776,179.56	83.34%	$0.00	0.00%	$16,529,264.78
2008	$463,039.50	4.06%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$3,357,186.47	29.40%	$3,820,225.97	33.46%	$7,598,684.80	66.54%	$0.00	0.00%	$11,418,910.77
Total	**$2,553,207.07**	**3.46%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$9,499,249.64**	**12.86%**	**$12,052,456.71**	**16.32%**	**$61,811,708.34**	**83.68%**	**$0.00**	**0.00%**	**$73,864,165.05**

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Percentage of total dollars paid annually to prime contractors.

The utilization of firms in the prime construction business category has changed since the 2004 Disparity Study. In the previous study, which was based on contract awards, there was less than 2 percent ($479,980) of the $29.9 million awarded going to M/WBEs. The utilization of African American-owned firms has increased from 0.37 percent ($110,385) to 3.5 percent ($2.6 million). The utilization of nonminority women-owned firms has increased from 1.15 percent ($344,350) to 12.9 percent ($9.5 million).

Exhibit 4-3 shows the number of prime construction firms utilized over the entire the study period. In **Exhibit 4-3**, MGT shows that 15 M/WBE firms (18.9%) were paid for construction projects at the prime contractor level. In comparison, 64 non-M/WBEs were paid during the same period.

EXHIBIT 4-3
CONSTRUCTION
NUMBER OF INDIVIDUAL PRIME CONTRACTORS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms[1]
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#
2005	4	9.30%	0	0.00%	0	0.00%	0	0.00%	5	11.63%	9	20.93%	34	79.07%	0	0.00%	43
2006	4	9.76%	0	0.00%	0	0.00%	0	0.00%	4	9.76%	8	19.51%	33	80.49%	0	0.00%	41
2007	5	12.82%	0	0.00%	0	0.00%	0	0.00%	2	5.13%	7	17.95%	32	82.05%	0	0.00%	39
2008	4	10.26%	0	0.00%	0	0.00%	0	0.00%	3	7.69%	7	17.95%	32	82.05%	0	0.00%	39
Individual Firms over Four Years [2]	**7**	**8.86%**	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**8**	**10.13%**	**15**	**18.99%**	**64**	**81.01%**	**0**	**0.00%**	**79**

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Percentage of Total Firms.
[2] "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

Construction Subcontractor Analysis

As stated previously, MGT attempted to collect subcontractor data from hard copy files and County verification reports data maintained by the County. It should be noted that the analysis would have been heavily weighted towards M/WBEs because those were the data most readily available.

Because the data are so heavily weighted towards M/WBE firms, we provide in **Exhibit 4-4** an analysis of subcontracting utilization based on an estimated subcontracting level. We had the distribution of the number of M/WBE subcontracts by race and gender, but needed to know construction subcontracts awarded to non-M/WBEs in order to establish a reasonable basis to determine the relative proportion of construction subcontract dollars to overall construction contracts.

Our experience has shown that subcontracting generally represents 20 to 30 percent of the prime construction contract amounts. Census data support the applicability of this rule of thumb for this project. The "2002 Census of Construction – Geographic Area Summary Findings" shows that the cost of construction work subcontracted out in the state of Florida was 25.1 percent. Assuming that the County's construction spending pattern is similar to the overall patterns in the state of Florida, we would conclude that subcontractors received at least 20 percent of the dollars associated with construction prime contracts and as much as 25.1 percent of prime level dollars.

Using the corresponding prime dollars for the four years for which M/WBE subcontracting data were available, we calculate the overall construction subcontract dollars to have been $18.5 million (25 percent) in the market area (see **Exhibit 4-2**). Accordingly, **Exhibit 4-4** shows the estimated construction subcontracting utilization percentages under these assumptions.

Based on the analysis, non-M/WBE firms received 87 percent ($16.1 million of $18.5 million) of the construction subcontract dollars awarded during the study period. M/WBE firms received 12.9 percent, with African American-owned firms receiving 10.1 percent ($1.9 million of $18.5 million).

EXHIBIT 4-4
CONSTRUCTION
UTILIZATION ANALYSIS OF SUBCONTRACTORS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL ESTIMATED DOLLARS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Year	Total Construction $[1]	Subcontract Dollars [2]	African American		Hispanic American		Asian American		Native American		Nonminority Women		Total M/WBE		Total Non-M/WBEs [3]		Total M/WBE	
			%	$	%	$	%	$	%	$	%	$	%	$	%	$	%	$
2005	$10,486,404.47	$ 2,621,601.12	41.86%	$ 1,097,457.43	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	2.13%	$55,963.24	44.00%	$1,153,420.67	56.00%	$1,468,180.45	44.00%	$ 1,153,420.67
2006	$35,429,585.03	$ 8,857,396.26	3.39%	$ 299,890.00	2.44%	$216,200.00	0.00%	$0.00	0.00%	$250.00	0.42%	$36,998.00	6.25%	$553,338.00	93.75%	$8,304,058.26	6.25%	$ 553,338.00
2007	$16,529,264.78	$ 4,132,316.20	9.00%	$ 372,076.00	0.43%	$17,579.70	0.00%	$0.00	0.23%	$9,542.00	2.35%	$97,260.00	12.01%	$496,457.70	87.99%	$3,635,858.50	12.01%	$ 496,457.70
2008	$11,418,910.77	$ 2,854,727.69	3.48%	$ 99,416.65	2.41%	$68,800.00	0.00%	$0.00	0.00%	$0.00	0.82%	$23,540.00	6.72%	$191,756.65	93.28%	$2,662,971.04	6.72%	$ 191,756.65
Total	**$ 73,864,165.05**	**$ 18,466,041.26**	**10.12%**	**$ 1,868,840.08**	**1.64%**	**$302,579.70**	**0.00%**	**$0.00**	**0.05%**	**$9,792.00**	**1.16%**	**$213,761.24**	**12.97%**	**$2,394,973.02**	**87.03%**	**$16,071,068.24**	**12.97%**	**$ 2,394,973.02**

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Actual dollar amounts based on expenditure amounts to prime contractors.
[2] Percentage of the total estimated subcontractor dollars awarded.
[3] Calculated as estimated subcontract dollars less M/WBE subcontract dollars.

4.2.2 Availability

The availability of construction firms was derived from the list of overall firms included in MGT's database. However, the availability analysis is based only on firms located within the Leon County market area. As shown in **Exhibit 4-5**, M/WBEs accounted for more than 16 percent of prime construction contractors available to do business with the County at the prime construction level. Among M/WBEs, African American-owned firms were the largest group, accounting for 9.7 percent of the total construction contractors.

EXHIBIT 4-5
CONSTRUCTION
AVAILABILITY OF PRIME CONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS

	African Americans[1]		Hispanic Americans[1]		Asian Americans[1]		Native Americans[1]		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	18	9.73%	0	0.00%	1	0.54%	0	0.00%	12	6.49%	31	16.76%	154	83.24%	0	0.00%	185

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Minority male and female firms are included in their respective minority classifications.

Exhibit 4-6 displays availability percentages for subcontractors. M/WBEs accounted for 32.3 percent of construction subcontractors available to do business. Among M/WBEs, African American-owned firms were the largest group, accounting for 18.8 percent of the total M/WBE construction contractors. The data for subcontractors was based on readily available data collected from hard copy files, which included firms who were awarded work at a subcontractor level, as well as firms who were proposed to be utilized by a prime contractor. For M/WBE subcontractor availability, by individual race/ethnicity/gender classifications, African American firms represented 18.75 percent, Hispanic American firms 1.56 percent; Asian American firms 0.52 percent, Native American firms 0.69 percent, and nonminority women firms 10.76 percent.

EXHIBIT 4-6
CONSTRUCTION
AVAILABILITY OF SUBCONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

	African Americans[1]		Hispanic Americans[1]		Asian Americans[1]		Native Americans[1]		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	108	18.75%	9	1.56%	3	0.52%	4	0.69%	62	10.76%	186	32.29%	390	67.71%	576

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Minority male and female firms are included in their respective minority classifications.

4.3 Architecture and Engineering

This section presents MGT's analysis for the architecture and engineering business category. This analysis is based on County payments to firms providing architectural and engineering services. In this section, MGT shows the results of the utilization and availability analysis of M/WBEs and non-M/WBEs as architecture and engineering consultants, within the County market area.

4.3.1 Utilization Analysis

Exhibit 4-7 presents the utilization analysis of architecture and engineering prime consultants in the County's market area and shows that M/WBEs received over $1.1 million (14.6%) of the architecture and engineering payment dollars. Non-M/WBEs accounted for more than $6.1 million of the architecture and engineering dollars expended by the County over the study period, receiving 85.4 percent of the dollars.

EXHIBIT 4-7
ARCHITECTURE AND ENGINEERING
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars Paid
	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$
2005	$82,183.00	5.67%	$0.00	0.00%	$56,035.00	3.87%	$0.00	0.00%	$8,649.30	0.60%	$146,867.30	10.14%	$1,301,953.15	89.86%	$0.00	0.00%	$1,448,820.45
2006	$117,864.97	6.36%	$0.00	0.00%	$64,867.50	3.50%	$0.00	0.00%	$50,872.02	2.74%	$233,604.49	12.60%	$1,619,850.93	87.40%	$0.00	0.00%	$1,853,455.42
2007	$206,002.65	8.15%	$0.00	0.00%	$62,249.00	2.46%	$0.00	0.00%	$133,750.14	5.29%	$402,001.79	15.91%	$2,124,160.92	84.09%	$0.00	0.00%	$2,526,162.71
2008	$131,213.11	9.58%	$0.00	0.00%	$13,157.50	0.96%	$0.00	0.00%	$126,841.52	9.26%	$271,212.13	19.80%	$1,098,551.33	80.20%	$0.00	0.00%	$1,369,763.46
Total	**$537,263.73**	**7.46%**	**$0.00**	**0.00%**	**$196,309.00**	**2.73%**	**$0.00**	**0.00%**	**$320,112.98**	**4.45%**	**$1,053,685.71**	**14.64%**	**$6,144,516.33**	**85.36%**	**$0.00**	**0.00%**	**$7,198,202.04**

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Percentage of total dollars paid annually to prime consultants.

Exhibit 4-8 shows the number of prime architecture and engineering firms utilized over the entire the study period. In **Exhibit 4-8**, MGT shows that 12 M/WBE firms (38.7%) were paid for architecture and engineering services at the prime consultant level. In comparison, 19 non-M/WBEs were paid during the same period.

EXHIBIT 4-8
ARCHITECTURE AND ENGINEERING
NUMBER OF INDIVIDUAL PRIME CONSULTANTS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms[1]
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#
2005	2	9.52%	0	0.00%	2	9.52%	0	0.00%	3	14.29%	7	33.33%	14	66.67%	0	0.00%	21
2006	3	12.50%	0	0.00%	2	8.33%	0	0.00%	4	16.67%	9	37.50%	15	62.50%	0	0.00%	24
2007	4	15.38%	0	0.00%	2	7.69%	0	0.00%	4	15.38%	10	38.46%	16	61.54%	0	0.00%	26
2008	3	13.64%	0	0.00%	2	9.09%	0	0.00%	5	22.73%	10	45.45%	12	54.55%	0	0.00%	22
Individual Firms over Four Years[2]	**4**	**12.90%**	**0**	**0.00%**	**2**	**6.45%**	**0**	**0.00%**	**6**	**19.35%**	**12**	**38.71%**	**19**	**61.29%**	**0**	**0.00%**	**31**

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Percentage of Total Firms.
[2] "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

The comparison of utilization of firms in the prime architecture and engineering business category was not conducted since this service was previously categorized in professional services.

4.3.2 Availability

The availability of architecture and engineering firms was derived from the list of overall firms included in MGT's database. As shown in **Exhibit 4-9**, M/WBEs accounted for more than 30 percent of architecture and engineering firms available to do business with the County at the prime level. Among M/WBEs, nonminority women-owned firms were the largest group, accounting for 17.2 percent of the total M/WBE architecture and engineering firms.

EXHIBIT 4-9
ARCHITECTURE AND ENGINEERING
AVAILABILITY OF PRIME CONSULTANTS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS

	African Americans[1]		Hispanic Americans[1]		Asian Americans[1]		Native Americans[1]		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	4	8.51%	1	2.13%	2	4.26%	0	0.00%	8	17.02%	15	31.91%	32	68.09%	0	0.00%	47

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Minority male and female firms are included in their respective minority classifications.

4.4 Professional Services

This section presents MGT's analysis for the professional services business category. This analysis is based on County payments to firms providing professional services. In this section, MGT shows the results of the utilization and availability analysis of M/WBEs and non-M/WBEs as professional services prime consultants, within the County market area.

4.4.1 Utilization Analysis

Exhibit 4-10 presents the utilization analysis of professional services prime consultants in the County's market area and shows that M/WBEs received over $719,300 (16.1%) of the professional services payment dollars. Non-M/WBEs accounted for more than $3.7 million of the professional services dollars expended by the County over the study period, receiving 83.9 percent of the dollars.

EXHIBIT 4-10
PROFESSIONAL SERVICES
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars
	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$
2005	$44,172.11	3.06%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$220,646.61	15.30%	$264,818.72	18.36%	$1,177,461.95	81.64%	$0.00	0.00%	$1,442,280.67
2006	$55,888.25	4.91%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$203,911.61	17.92%	$259,799.86	22.83%	$878,396.89	77.17%	$0.00	0.00%	$1,138,196.75
2007	$52,857.25	5.09%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$109,314.42	10.53%	$162,171.67	15.62%	$875,764.85	84.38%	$0.00	0.00%	$1,037,936.52
2008	$28,512.00	3.30%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$4,075.00	0.47%	$32,587.00	3.77%	$831,526.33	96.23%	$0.00	0.00%	$864,113.33
Total	**$181,429.61**	**4.05%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$537,947.64**	**12.00%**	**$719,377.25**	**16.05%**	**$3,763,150.02**	**83.95%**	**$0.00**	**0.00%**	**$4,482,527.27**

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

[1] Percentage of total dollars paid annually to prime consultants.

Exhibit 4-11 shows the number of prime professional services firms utilized over the entire the study period. In **Exhibit 4-11**, MGT shows that 22 M/WBE firms (32.4%) were paid for professional services at the prime consultant level. In comparison, 46 non-M/WBEs were paid during the same period.

EXHIBIT 4-11
PROFESSIONAL SERVICES
NUMBER OF INDIVIDUAL PRIME CONSULTANTS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms[1]
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#
2005	4	9.30%	0	0.00%	0	0.00%	0	0.00%	10	23.26%	14	32.56%	29	67.44%	0	0.00%	43
2006	2	5.88%	0	0.00%	0	0.00%	0	0.00%	8	23.53%	10	29.41%	24	70.59%	0	0.00%	34
2007	2	6.25%	0	0.00%	0	0.00%	0	0.00%	7	21.88%	9	28.13%	23	71.88%	0	0.00%	32
2008	1	4.17%	0	0.00%	0	0.00%	0	0.00%	5	20.83%	6	25.00%	18	75.00%	0	0.00%	24
Individual Firms over Four Years[2]	**5**	**7.35%**	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**17**	**25.00%**	**22**	**32.35%**	**46**	**67.65%**	**0**	**0.00%**	**68**

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Percentage of Total Firms.
[2] "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

The comparison of utilization of firms in the prime professional services business category was not conducted since architecture and engineering services was previously categorized in professional services.

4.4.2 Availability

The availability of professional services firms was derived from the list of overall firms included in MGT's database. However, the availability analysis is based only on firms located within the Leon County market area. As shown in **Exhibit 4-12**, M/WBEs accounted for more than 27 percent of professional services firms available to do business with the County at the prime level. Among M/WBEs, nonminority women-owned firms were the largest group, accounting for 18.2 percent of the total M/WBEs.

EXHIBIT 4-12
PROFESSIONAL SERVICES
AVAILABILITY OF PRIME CONSULTANTS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS

	African Americans[1]		Hispanic Americans[1]		Asian Americans[1]		Native Americans[1]		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	8	8.08%	1	1.01%	0	0.00%	0	0.00%	18	18.18%	27	27.27%	72	72.73%	0	0.00%	99

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Minority male and female firms are included in their respective minority classifications.

4.5 Other Services

This section presents MGT's analysis for the other services business category. This analysis is based on County payments to firms providing other services. In this section, MGT shows the results of the utilization and availability analysis of M/WBEs and non-M/WBEs as other services firms, within the County market area.

4.5.1 Utilization Analysis

Exhibit 4-13 presents the utilization analysis of other services firms, in the County's market area and shows that M/WBEs received over $3.4 million (53.8%) of the other services payment dollars. Non-M/WBEs accounted for more than $2.9 million of the other services dollars expended by the County over the study period, receiving 46.4 percent of the dollars.

EXHIBIT 4-13
OTHER SERVICES
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars Paid
	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$
2005	$208,003.57	14.46%	$25,871.76	1.80%	$420.00	0.03%	$3,696.37	0.26%	$379,951.03	26.41%	$617,942.73	42.96%	$820,575.79	57.04%	$0.00	0.00%	$1,438,518.52
2006	$234,253.76	14.04%	$33,739.90	2.02%	$1,345.80	0.08%	$0.00	0.00%	$652,018.22	39.09%	$921,357.68	55.24%	$746,620.92	44.76%	$0.00	0.00%	$1,667,978.60
2007	$256,595.23	15.29%	$48,199.94	2.87%	$435.00	0.03%	$0.00	0.00%	$653,888.27	38.95%	$959,118.44	57.14%	$719,526.61	42.86%	$0.00	0.00%	$1,678,645.05
2008	$118,763.45	7.53%	$211,276.72	13.40%	$1,471.00	0.09%	$0.00	0.00%	$578,024.31	36.66%	$909,535.48	57.69%	$667,098.26	42.31%	$0.00	0.00%	$1,576,633.74
Total	**$817,616.01**	**12.85%**	**$319,088.32**	**5.02%**	**$3,671.80**	**0.06%**	**$3,696.37**	**0.06%**	**$2,263,881.83**	**35.59%**	**$3,407,954.33**	**53.57%**	**$2,953,821.58**	**46.43%**	**$0.00**	**0.00%**	**$6,361,775.91**

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

[1] Percentage of total dollars paid annually to prime consultants.

Exhibit 4-14 shows the number of other services firms utilized over the entire the study period. In **Exhibit 4-14**, MGT shows that 56 M/WBE firms (26.4%) were paid for other services by the County. In comparison, 156 non-M/WBEs were paid during the same period.

EXHIBIT 4-14
OTHER SERVICES
NUMBER OF INDIVIDUAL FIRMS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms[1]
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#
2005	16	14.68%	3	2.75%	1	0.92%	1	0.92%	12	11.01%	33	30.28%	76	69.72%	0	0.00%	109
2006	18	16.07%	2	1.79%	1	0.89%	0	0.00%	14	12.50%	35	31.25%	77	68.75%	0	0.00%	112
2007	15	14.42%	2	1.92%	1	0.96%	0	0.00%	16	15.38%	34	32.69%	70	67.31%	0	0.00%	104
2008	12	13.33%	2	2.22%	1	1.11%	0	0.00%	11	12.22%	26	28.89%	64	71.11%	0	0.00%	90
Individual Firms over Four Years [2]	**27**	**12.74%**	**3**	**1.42%**	**1**	**0.47%**	**1**	**0.47%**	**24**	**11.32%**	**56**	**26.42%**	**156**	**73.58%**	**0**	**0.00%**	**212**

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Percentage of Total Firms.
[2] "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

The utilization of firms in the other services business category has changed since the 2004 Disparity Study. In the previous study, which was based on purchase order awards, there was less than 30 percent ($3.3 million) of the $11.1 million awarded going to M/WBEs. As far as percentages, the utilization of M/WBE firms has increased from 30 percent to 53.6 percent. As far as percentages and dollars, the utilization of nonminority women-owned firms has increased from 11.8 percent ($1.3 million) to 35.6 percent ($2.3 million).

4.5.2 Availability

The availability of other services firms was derived from the list of overall firms included in MGT's database. However, the availability analysis is based only on firms located within the Leon County market area. As shown in **Exhibit 4-15**, M/WBEs accounted for more than 24 percent of other services firms available to do business with the County at the prime level. Among M/WBEs, African American-owned firms were the largest group, accounting for 11.6 percent of the total firms.

EXHIBIT 4-15
OTHER SERVICES
AVAILABILITY OF FIRMS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS

	African Americans[1]		Hispanic Americans[1]		Asian Americans[1]		Native Americans[1]		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	30	11.63%	3	1.16%	1	0.39%	1	0.39%	27	10.47%	62	24.03%	181	70.16%	15	5.81%	258

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Minority male and female firms are included in their respective minority classifications.

4.6 Materials and Supplies

This section presents MGT's analysis for the materials and supplies business category. This analysis is based on County payments to firms providing other services. In this section, MGT shows the results of the utilization and availability analysis of M/WBEs and non-M/WBEs as materials and supplies firms, within the County market area.

4.6.1 Utilization Analysis

Exhibit 4-16 presents the utilization analysis of materials and supplies firms, in the County's market area and shows that M/WBEs received over $1.6 million (13.8%) of the materials and supplies payment dollars. Non-M/WBEs accounted for more than $10 million of the materials and supplies dollars expended by the County over the study period, receiving 86.2 percent of the dollars.

EXHIBIT 4-16
MATERIALS AND SUPPLIES
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars Paid
	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$
2005	$73,865.75	3.42%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$410,216.65	18.98%	$484,082.40	22.40%	$1,676,722.18	77.60%	$0.00	0.00%	$2,160,804.58
2006	$17,710.00	0.49%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$435,346.85	11.94%	$453,056.85	12.42%	$3,194,080.90	87.58%	$0.00	0.00%	$3,647,137.75
2007	$4,100.00	0.16%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$339,654.85	13.66%	$343,754.85	13.83%	$2,142,570.53	86.17%	$0.00	0.00%	$2,486,325.38
2008	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$324,213.93	9.73%	$324,213.93	9.73%	$3,006,335.46	90.27%	$0.00	0.00%	$3,330,549.39
Total	**$95,675.75**	**0.82%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$1,509,432.28**	**12.98%**	**$1,605,108.03**	**13.81%**	**$10,019,709.07**	**86.19%**	**$0.00**	**0.00%**	**$11,624,817.10**

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Percentage of total dollars paid annually to prime consultants.

Exhibit 4-17 shows the number of materials and supplies firms utilized over the entire the study period. In **Exhibit 4-17**, MGT shows that 20 M/WBE firms (11.3%) were paid for materials and supplies by the County. In comparison, 157 non-M/WBEs were paid during the same period.

EXHIBIT 4-17
MATERIALS AND SUPPLIES
NUMBER OF INDIVIDUAL FIRMS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms[1]
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#
2005	3	2.54%	0	0.00%	0	0.00%	0	0.00%	13	11.02%	16	13.56%	102	86.44%	0	0.00%	118
2006	1	0.88%	0	0.00%	0	0.00%	0	0.00%	8	7.02%	9	7.89%	105	92.11%	0	0.00%	114
2007	2	1.89%	0	0.00%	0	0.00%	0	0.00%	8	7.55%	10	9.43%	96	90.57%	0	0.00%	106
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	8	8.42%	8	8.42%	87	91.58%	0	0.00%	95
Individual Firms over Four Years [2]	**5**	**2.82%**	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**15**	**8.47%**	**20**	**11.30%**	**157**	**88.70%**	**0**	**0.00%**	**177**

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Percentage of Total Firms.
[2] "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

The utilization of firms in the materials and supplies business category has changed since the 2004 Disparity Study. In the previous study, which was based on purchase order awards, there was slightly more than 16 percent ($2.7 million) of the $17.1 million awarded going to M/WBEs. As far as percentages, the utilization of M/WBE firms has decreased from 16 percent to 13.8 percent.

4.6.2 Availability

The availability of materials and supplies firms was derived from the list of overall firms included in MGT's database. However, the availability analysis is based only on firms located within the Leon County market area. As shown in **Exhibit 4-18**, M/WBEs accounted for slightly more than 10 percent of materials and supplies firms available to do business with the County at the prime level. Among M/WBEs, nonminority women-owned firms were the largest group, accounting for 8 percent of the total firms.

EXHIBIT 4-18
MATERIALS AND SUPPLIES
AVAILABILITY OF FIRMS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS

	African Americans[1]		Hispanic Americans[1]		Asian Americans[1]		Native Americans[1]		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	4	1.45%	1	0.36%	1	0.36%	0	0.00%	22	8.00%	28	10.18%	247	89.82%	0	0.00%	275

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.
[1] Minority male and female firms are included in their respective minority classifications.

4.7 Summary

Exhibit 4-19 summarizes the analysis results presented in this chapter. The utilization and availability data presented in these exhibits are further analyzed in **Chapter 5.0** of this report.

EXHIBIT 4-19
SUMMARY OF M/WBE UTILIZATION
BY BUSINESS CATEGORY

Business Category	African American	Hispanic American	Asian American	Native American	Nonminority Women	Total M/WBE
Construction Prime Contractors						
Utilization Dollars	$2,553,207	$0	$0	$0	$9,499,250	$12,052,457
Utilization Percent	3.46%	0.00%	0.00%	0.00%	12.86%	16.32%
Availability Percent	9.73%	0.00%	0.54%	0.00%	6.49%	16.76%
Construction Subcontractors (Overall Subcontractor Level)						
Utilization Dollars	$0	$0	$0	$0	$0	$0
Utilization Percent	66.64%	10.79%	0.00%	0.35%	7.62%	85.40%
Availability Percent	18.75%	1.56%	0.52%	0.69%	10.76%	32.29%
Architecture and Engineering Prime Consultants						
Utilization Dollars	$537,264	$0	$196,309	$0	$320,113	$1,053,686
Utilization Percent	7.46%	0.00%	2.73%	0.00%	4.45%	14.64%
Availability Percent	8.51%	2.13%	4.26%	0.00%	17.02%	31.91%
Professional Services Prime Consultants						
Utilization Dollars	$181,430	$0	$0	$0	$537,948	$719,377
Utilization Percent	4.05%	0.00%	0.00%	0.00%	12.00%	16.05%
Availability Percent	8.08%	1.01%	0.00%	0.00%	18.18%	27.27%
Other Services Firms						
Utilization Dollars	$817,616	$319,088	$3,672	$3,696	$2,263,882	$3,407,954
Utilization Percent	12.85%	5.02%	0.06%	0.06%	35.59%	53.57%
Availability Percent	11.63%	1.16%	0.39%	0.39%	10.47%	24.03%
Materials and Supplies Vendors						
Utilization Dollars	$95,676	$0	$0	$0	$1,509,432	$1,605,108
Utilization Percent	0.82%	0.00%	0.00%	0.00%	12.98%	13.81%
Availability Percent	1.45%	0.36%	0.36%	0.00%	8.00%	10.18%

Source: Results from Chapter 4.0 Analysis of Utilization and Availability Results

5.0 DISPARITY ANALYSIS

5.0 DISPARITY ANALYSIS

This chapter examines the issue of disparity within each business category of procurement. Disparity, in this context, is the analysis of the differences between the utilization of minority- and women-owned business enterprises (M/WBEs) and the availability of those firms. Accordingly, MGT of America, Inc. (MGT), used disparity indices to examine whether M/WBEs received a proportional share of dollars based on the availability of M/WBEs in the relevant market area.

This chapter consists of the following sections:

- **Section 5.1** describes the methodology used by MGT to test for the presence or absence of disparity in each of the business categories.
- **Section 5.2** applies the disparity indices to the business categories and determines the presence or absence of disparity in the County's procurement activity.
- **Section 5.3** summarizes the chapter and presents our conclusions

5.1 Methodology

MGT used the availability and utilization information presented in **Chapter 4.0** of this report as the basis to determine if M/WBEs received a proportional share of payments by the Board of County Commissioners of Leon County (County). This determination is made primarily through the disparity index calculation which compares the availability of firms with the utilization of those firms. The disparity index also provides a value that can be given a commonly accepted substantive interpretation.

The underlying assumption of this approach is that, absent discrimination, the proportion of dollars received by a particular M/WBE group should approximate that group's proportion of the relevant population of vendors. To determine if disparity exists M/WBEs and non-M/WBEs within a specific business category, MGT compared the utilization of each group to its respective availability within each of the relevant market areas.

5.1.1 Disparity Index

MGT pioneered the use of disparity indices as a means of quantifying the disparity in utilization relative to availability. The use of a disparity index for such calculations is supported by several post-*Croson* cases, most notably *Contractors Association of Eastern Pennsylvania v. City of Philadelphia*.[1] Although a variety of similar indices could be utilized, MGT's standard for choosing its particular index methodology is that it must yield a value that is easily calculable, understandable in its interpretation, and universally comparable such that a disparity in utilization within M/WBE categories can be assessed with reference to the utilization of non-M/WBEs.

[1] *Contractors Association of Eastern Pennsylvania, Inc. v. City of Philadelphia,* 91 F 3d at 603.

For this study, the ratio of the percentage of utilization[2] to the percentage of availability multiplied by 100 serves as the measure of choice, as shown in the formula:

$$\textbf{(1) Disparity Index} = \frac{\%Um_1p_1}{\%Am_1p_1} \textbf{ X 100}$$

Where: Um_1p_1 = utilization of M/S/WBE$_1$ for procurement$_1$
Am_1p_1 = availability of M/S/WBE$_1$ for procurement$_1$

Due to the mathematical properties involved in the calculations, a disparity index value of 0.00 for a given race, ethnicity or gender category of firm indicates absolutely no utilization and, therefore, absolute disparity. An index of 100 indicates that vendor utilization is perfectly proportionate to availability for a particular group in a given business category, indicating the absence of disparity—that is, the proportion of utilization relative to availability one would expect, all things being equal. In general, firms within a business category are considered underutilized if the disparity indices are less than 100, and overutilized if the indices are above 100.

Since there is no standardized measurement to evaluate the levels of underutilization or overutilization within a procurement context, MGT has appropriated the Equal Opportunity Commission's (EEOC) "80 percent rule" in *Uniform Guidelines on Employee Selection Procedures*. In context of employment discrimination, an employment disparity ratio below 80 indicates a "substantial disparity" in employment. The Supreme Court has accepted the use of the 80 percent rule in *Connecticut* v. *Teal* (*Teal*), 457 U.S. 440 (1982), and in *Teal* and other affirmative action cases, the terms "adverse impact," "disparate impact," and "discriminatory impact" are used interchangeably to characterize values of 80 and below.

5.2 Disparity Indices Results

Tables showing disparity indices for construction, architecture and engineering, professional services, other services, and goods and supplies are analyzed in this section. As mentioned before, the tables are based on the utilization and availability of M/WBEs and non-M/WBEs in the Leon County relevant market area[3] as shown in **Chapter 4.0**.

5.2.1 Construction

Disparity Analysis of Construction Firms

Exhibit 5-1 shows the disparity indices for prime construction payments based on the County's expenditure data. As can be seen, during the four-year study period for the County, non-M/WBEs firms were overutilized with a disparity index of 100.53. Based on all years, WBEs were overutilized with a disparity index of 198.26. African American- and Asian American-owned firms were substantially underutilized with a disparity index of 35.53 and 0.00, respectively. Firms owned by Hispanic Americans, Native Americans,

[2] Percentage of utilization is based on expenditure dollars and the percentage of availability is based on the number of firms.
[3] The Leon County relevant market area includes the following counties: Leon County, Florida; Gadsden County, Florida; Jefferson County, Florida, and Wakulla County, Florida.

and Asian Americans were not utilized on the prime contractor level during the four-year study period.

EXHIBIT 5-1
DISPARITY ANALYSIS OF CONSTRUCTION FIRMS
ON THE PRIME CONTRACTOR LEVEL
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Business Owner Classification	% of Dollars[1]	% of Available Firms[2]	Disparity Index[3]	Disparate Impact of Utilization
2005				
African Americans	6.11%	9.73%	62.78	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	2.44%	6.49%	37.61	* Underutilization
Non-M/WBE Firms	91.45%	83.24%	109.86	Overutilization
2006				
African Americans	1.80%	9.73%	18.52	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	11.13%	6.49%	171.62	Overutilization
Non-M/WBE Firms	87.07%	83.24%	104.59	Overutilization
2007				
African Americans	4.91%	9.73%	50.43	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	11.75%	6.49%	181.14	Overutilization
Non-M/WBE Firms	83.34%	83.24%	100.12	Overutilization
2008				
African Americans	4.06%	9.73%	41.68	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	29.40%	6.49%	453.25	Overutilization
Non-M/WBE Firms	66.54%	83.24%	79.94	* Underutilization
All Years				
African Americans	3.46%	9.73%	35.53	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	12.86%	6.49%	198.26	Overutilization
Non-M/WBE Firms	83.68%	83.24%	100.53	Overutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.
[1] The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.
[2] The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.
[3] The disparity index is the ratio of % utilization to % availability times 100.
* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

Exhibit 5-2 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In the previous study, of the M/WBEs utilized at the prime contractor construction level, all M/WBEs were substantially underutilized. The current study shows that firms owned by African Americans and Asian Americans are still being substantially underutilized. Firms owned by nonminority women have changed from substantial underutilization to overutilization with a disparity index from 38.20 to 198.26. According to both studies, firms owned by Asian Americans and Native Americans were not utilized at the prime contractor level for construction projects. Based on percentages, M/WBE utilization has increased among few groups. Utilization of African American-owned firms has increased from 0.37 percent to 3.46 percent and 1.15 percent to 12.86 percent for nonminority-women. The utilization of Hispanic Americans has decreased from 0.08 percent to no utilization.

EXHIBIT 5-2
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
PRIME CONSTRUCTION CONTRACTORS
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS

	Percent of Prime Dollars[1]		% of Available Firms[2]		Disparity Index[3]		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	0.37%	3.46%	6.03%	9.73%	6.12	35.53	* Underutilization	* Underutilization
Hispanic Americans	0.08%	0.00%	1.51%	0.00%	5.60	N/A	* Underutilization	N/A
Asian Americans	0.00%	0.00%	0.00%	0.54%	0.00	0.00	N/A	* Underutilization
Native Americans	0.00%	0.00%	0.50%	0.00%	0.00	N/A	* Underutilization	N/A
Nonminority Women	1.15%	12.86%	3.02%	6.49%	38.20	198.26	* Underutilization	Overutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, **Chapter 5.0**, and Leon County Board of Commissioners August 2009 Disparity Study, **Chapter 5.0**.
[1] The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.
[2] The percentage of available contractors is taken from the availability exhibit previously shown in **Chapter 4.0**.
[3] The disparity index is the ratio of % utilization to % availability times 100.
* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

The construction subcontractor disparity analysis was based on the percentages of estimated subcontractor dollars as well as the availability of firms based on vendor data as mentioned in **Chapter 4.0.**

Exhibit 5-3 shows the construction subcontractor disparity analysis for all years of the study period is shown. Among the various M/WBE groups, utilization fluctuated between overutilization to substantial underutilization. Firms owned by African Americans were overutilized in 2005 resulting with a disparity index of 223.26. However, in subsequent years the utilization of African American-owned firms awarded to provide subcontracting services decreased, thus resulting in overall substantial underutilization with a disparity index of 53.98. Firms owned by Hispanic Americans were overutilized in 2006 and 2008 resulting in overall overutilization with a disparity index of 104.87. Excluding Hispanic American-owned firms, M/WBEs were substantially underutilized overall as subcontractors. Firms owned by Asian Americans were not awarded subcontracts during the study period, thus resulting in no utilization.

EXHIBIT 5-3
DISPARITY ANALYSIS OF CONSTRUCTION SUBCONTRACTORS IN THE LEON COUNTY MARKET AREA BY BUSINESS OWNER CLASSIFICATIONS OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Business Owner Classification	% of Dollars[1]	% of Available Firms[2]	Disparity Index[3]	Disparate Impact of Utilization
2005				
African Americans	41.86%	18.75%	223.26	Overutilization
Hispanic Americans	0.00%	1.56%	0.00	* Underutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.00%	0.69%	0.00	* Underutilization
Nonminority Women	2.13%	10.76%	19.83	* Underutilization
Non-M/WBE Firms	56.00%	67.71%	82.71	Underutilization
2006				
African Americans	3.39%	18.75%	18.06	* Underutilization
Hispanic Americans	2.44%	1.56%	156.22	Overutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.00%	0.69%	0.41	* Underutilization
Nonminority Women	0.42%	10.76%	3.88	* Underutilization
Non-M/WBE Firms	93.75%	67.71%	138.47	Overutilization
2007				
African Americans	9.00%	18.75%	48.02	* Underutilization
Hispanic Americans	0.43%	1.56%	27.23	* Underutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.23%	0.69%	33.25	* Underutilization
Nonminority Women	2.35%	10.76%	21.87	* Underutilization
Non-M/WBE Firms	87.99%	67.71%	129.95	Overutilization
2008				
African Americans	3.48%	18.75%	18.57	* Underutilization
Hispanic Americans	2.41%	1.56%	154.24	Overutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.00%	0.69%	0.00	* Underutilization
Nonminority Women	0.82%	10.76%	7.66	* Underutilization
Non-M/WBE Firms	93.28%	67.71%	137.77	Overutilization
All Years				
African Americans	10.12%	18.75%	53.98	* Underutilization
Hispanic Americans	1.64%	1.56%	104.87	Overutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.05%	0.69%	7.64	* Underutilization
Nonminority Women	1.16%	10.76%	10.75	* Underutilization
Non-M/WBE Firms	87.03%	67.71%	128.54	Overutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

[1] The percentage of subcontract dollars is taken from the subcontract utilization exhibit previously shown in **Chapter 4.0**. Calculations are based on estimates of nonminority subcontractor utilization at 25.1% of the total project dollars, which is the average for the state of Florida construction projects.

[2] The percentage of available subcontractors is taken from the availability exhibit previously shown in **Chapter 4.0**. These percentages were calculated using vendor data.

[3] The disparity index is the ratio of % utilization to % availability times 100. An asterisk is used to indicate a substantial level of disparity (index below 80.00).

2004 Disparity Study Comparison

Exhibit 5-4 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In the previous study, of the MBEs utilized at the subcontractor level, all MBEs were either underutilized or substantially underutilized. In the previous study, nonminority women-owned firms were overutilized at the subcontractor level, but the current study shows substantial underutilization of these firms with a disparity index of 10.75. Hispanic American-owned firms were not utilized in the previous study, thus resulting in underutilization. Hispanic American-owned firms were utilized in the current study resulting in a disparity index of 104.87, which resulted in overutilization overall. The utilization of Native American-owned firms at the subcontractor level has decreased in the disparate impact from underutilization to substantial underutilization with a disparity index of 87.17 to 7.64, respectively.

EXHIBIT 5-4
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
SUBCONTRACTOR LEVEL
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS

	Percent of Dollars[1]		% of Available Firms[2]		Disparity Index[3]		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	14.37%	10.12%	22.09%	18.75%	65.09	53.98	* Underutilization	* Underutilization
Hispanic Americans	0.00%	1.64%	1.20%	1.56%	0.00	104.87	* Underutilization	Overutilization
Asian Americans	0.00%	0.00%	0.40%	0.52%	0.00	0.00	* Underutilization	* Underutilization
Native Americans	0.35%	0.05%	0.40%	0.69%	87.17	7.64	Underutilization	* Underutilization
Nonminority Women	3.60%	1.16%	3.21%	10.76%	112.18	10.75	Overutilization	* Underutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, **Chapter 5.0**, and Leon County Board of Commissioners August 2009 Disparity Study, **Chapter 5.0**.
[1] The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.
[2] The percentage of available contractors is taken from the availability exhibit previously shown in **Chapter 4.0**.
[3] The disparity index is the ratio of % utilization to % availability times 100.
* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

5.2.2 Architecture and Engineering

In this section, the results of the disparity analysis for the architecture and engineering business category for firms within the Leon County market area are presented.

Disparity Analysis of Architecture and Engineering Firms

Exhibit 5-5 shows the disparity indices for architecture and engineering firms at the prime level. Based on the overall study period, MBEs were overutilized. Firms owned by Asian Americans were utilized in each year of the study, resulting in underutilization with a disparity index of 62.73. Firms owned by African Americans were underutilized in each year of the study period, expect for 2008, which resulted in underutilization with a disparity index of 85.83. Firms owned by nonminority women were substantially underutilized in each year of the study, resulting in substantial underutilization with a disparity index of 25.57. Firms owned by Native Americans were not utilized during the study period. Firms owned by Hispanic Americans[4] were not utilized in each year of the study period, resulting in substantial underutilization with a disparity index of 0 .

[4] The availability pool of firms for this category among this MBE group was based on the count of firms that submitted a bid as a prime contractor and won the project. However, this contract ultimately was not awarded, thus not listed in the list of awarded agreements.

EXHIBIT 5-5
DISPARITY ANALYSIS OF ARCHITECTURE AND ENGINEERING FIRMS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Business Owner Classification	% of Dollars[1]	% of Available Firms[2]	Disparity Index[3]	Disparate Impact of Utilization
2005				
African Americans	5.67%	8.51%	66.65	* Underutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	3.87%	4.26%	90.89	Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.60%	17.02%	3.51	* Underutilization
Non-M/WBE Firms	89.86%	68.09%	131.99	Overutilization
2006				
African Americans	6.36%	8.51%	74.72	* Underutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	3.50%	4.26%	82.25	Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	2.74%	17.02%	16.13	* Underutilization
Non-M/WBE Firms	87.40%	68.09%	128.36	Overutilization
2007				
African Americans	8.15%	8.51%	95.82	Underutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	2.46%	4.26%	57.91	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	5.29%	17.02%	31.11	* Underutilization
Non-M/WBE Firms	84.09%	68.09%	123.50	Overutilization
2008				
African Americans	9.58%	8.51%	112.56	Overutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	0.96%	4.26%	22.57	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	9.26%	17.02%	54.40	* Underutilization
Non-M/WBE Firms	80.20%	68.09%	117.79	Overutilization
All Years				
African Americans	7.46%	8.51%	87.70	Underutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	2.73%	4.26%	64.09	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	4.45%	17.02%	26.13	* Underutilization
Non-M/WBE Firms	85.36%	68.09%	125.38	Overutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.
[1] The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.
[2] The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.
[3] The disparity index is the ratio of % utilization to % availability times 100.
* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

A summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies based on architectural and engineering services was not conducted. Architectural and engineering services were classified under professional

services in the previous study. Therefore, the comparison between both studies for professional services will be discussed in the next section.

5.2.3 Professional Services

In this section, the results of the disparity analysis for the professional services business category for firms are presented.

Disparity Analysis of Professional Services Firms

Exhibit 5-6 shows the disparity indices for professional services firms. Overall, of the firms utilized, M/WBE firms were substantially underutilized as professional services firms. African American- and nonminority women-owned firms were substantially underutilized with a disparity index of 50.09 and 66.01, respectively. Nonminority male-owned firms were overutilized with a disparity index of 115.43.

EXHIBIT 5-6
DISPARITY ANALYSIS OF PROFESSIONAL SERVICES FIRMS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Business Owner Classification	% of Dollars[1]	% of Available Firms[2]	Disparity Index[3]	Disparate Impact of Utilization
2005				
African Americans	3.06%	8.08%	37.90	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	15.30%	18.18%	84.14	Underutilization
Non-M/WBE Firms	81.64%	72.73%	112.25	Overutilization
2006				
African Americans	4.91%	8.08%	60.76	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	17.92%	18.18%	98.53	Underutilization
Non-M/WBE Firms	77.17%	72.73%	106.11	Overutilization
2007				
African Americans	5.09%	8.08%	63.02	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	10.53%	18.18%	57.93	* Underutilization
Non-M/WBE Firms	84.38%	72.73%	116.02	Overutilization
2008				
African Americans	3.30%	8.08%	40.83	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.47%	18.18%	2.59	* Underutilization
Non-M/WBE Firms	96.23%	72.73%	132.31	Overutilization
All Years				
African Americans	4.05%	8.08%	50.09	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	12.00%	18.18%	66.01	* Underutilization
Non-M/WBE Firms	83.95%	72.73%	115.43	Overutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.
[1] The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.
[2] The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.
[3] The disparity index is the ratio of % utilization to % availability times 100.
* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

Exhibit 5-7 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In the previous study, of the M/WBEs utilized at the prime consultant professional services level, African American-owned firms were

underutilized with a disparity index of 83.30. The current study shows substantial underutilization for African American-owned firms with a disparity index of 50.09. In both studies, firms owned by nonminority women were overutilized. .

EXHIBIT 5-7
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
PRIME CONSULTANT LEVEL PROFESSIONAL SERVICES
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS

	Percent of Prime Dollars[1]		% of Available Firms[2]		Disparity Index[3]		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	4.69%	4.05%	5.63%	8.08%	83.30	50.09	Underutilization	*Underutilization
Hispanic Americans	0.00%	0.00%	0.00%	1.01%	0.00	0.00	N/A	*Underutilization
Asian Americans	1.30%	0.00%	0.63%	0.00%	207.72	N/A	Overutilization	N/A
Native Americans	0.00%	0.00%	0.00%	0.00%	0.00	N/A	N/A	N/A
Nonminority Women	6.25%	12.00%	5.63%	18.18%	111.15	66.01	Overutilization	*Underutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, Chapter 5.0, and Leon County Board of Commissioners August 2009 Disparity Study, Chapter 5.0.
[1] The percentage of dollars is taken from the prime utilization exhibit previously shown in Chapter 4.0.
[2] The percentage of available contractors is taken from the availability exhibit previously shown in Chapter 4.0.
* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

5.2.4 Other Services

Disparity Analysis of Other Services Firms

In **Exhibit 5-8**, MGT's analysis shows that firms owned by African American, Hispanic American, and nonminority women were overutilized in each year of the study period, except 2008, resulting in overall overutilization with a disparity index of 110.53, 431.35, and 340.04, respectively. Overall, firms owned by Asian Americans and Native Americans were substantially underutilized with a disparity index of 14.89 and 14.99, respectively.

EXHIBIT 5-8
DISPARITY ANALYSIS OF OTHER SERVICES FIRMS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Business Owner Classification	% of Dollars[1]	% of Available Firms[2]	Disparity Index[3]	Disparate Impact of Utilization
2005				
African Americans	14.46%	11.63%	124.35	Overutilization
Hispanic Americans	1.80%	1.16%	154.67	Overutilization
Asian Americans	0.03%	0.39%	7.53	* Underutilization
Native Americans	0.26%	0.39%	66.29	* Underutilization
Nonminority Women	26.41%	10.47%	252.39	Overutilization
Non-M/WBE Firms	57.04%	70.16%	81.31	Underutilization
2006				
African Americans	14.04%	11.63%	120.78	Overutilization
Hispanic Americans	2.02%	1.16%	173.96	Overutilization
Asian Americans	0.08%	0.39%	20.82	* Underutilization
Native Americans	0.00%	0.39%	0.00	* Underutilization
Nonminority Women	39.09%	10.47%	373.53	Overutilization
Non-M/WBE Firms	44.76%	70.16%	63.80	* Underutilization
2007				
African Americans	15.29%	11.63%	131.46	Overutilization
Hispanic Americans	2.87%	1.16%	246.94	Overutilization
Asian Americans	0.03%	0.39%	6.69	* Underutilization
Native Americans	0.00%	0.39%	0.00	* Underutilization
Nonminority Women	38.95%	10.47%	372.22	Overutilization
Non-M/WBE Firms	42.86%	70.16%	61.10	* Underutilization
2008				
African Americans	7.53%	11.63%	64.78	* Underutilization
Hispanic Americans	13.40%	1.16%	1,152.44	Overutilization
Asian Americans	0.09%	0.39%	24.07	* Underutilization
Native Americans	0.00%	0.39%	0.00	* Underutilization
Nonminority Women	36.66%	10.47%	350.33	Overutilization
Non-M/WBE Firms	42.31%	70.16%	60.31	* Underutilization
All Years				
African Americans	12.85%	11.63%	110.53	Overutilization
Hispanic Americans	5.02%	1.16%	431.35	Overutilization
Asian Americans	0.06%	0.39%	14.89	* Underutilization
Native Americans	0.06%	0.39%	14.99	* Underutilization
Nonminority Women	35.59%	10.47%	340.04	Overutilization
Non-M/WBE Firms	46.43%	70.16%	66.18	* Underutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.
[1] The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.
[2] The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.
[3] The disparity index is the ratio of % utilization to % availability times 100.
* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

Exhibit 5-9 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In the previous study, of the M/WBEs utilized, all groups were overutilized. The current study shows substantial underutilization for

Asian American- and Native American-owned firms with a disparity index of 14.89 and 14.99, respectively.

EXHIBIT 5-9
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
OTHER SERVICES
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS

	Percent of Prime Dollars[1]		% of Available Firms[2]		Disparity Index[3]		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	13.29%	12.85%	6.93%	11.63%	191.7	110.53	Overutilization	Overutilization
Hispanic Americans	4.00%	5.02%	0.27%	1.16%	1,498.20	431.35	Overutilization	Overutilization
Asian Americans	0.65%	0.06%	0.27%	0.39%	241.90	14.89	Overutilization	*Underutilization
Native Americans	0.00%	0.06%	0.00%	0.39%	0.00	14.99	N/A	*Underutilization
Nonminority Women	11.77%	35.59%	6.93%	10.47%	169.82	340.04	Overutilization	Overutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, Chapter 5.0, and Leon County Board of Commissioners August 2009 Disparity Study, Chapter 5.0.
[1] The percentage of dollars is taken from the prime utilization exhibit previously shown in Chapter 4.0.
[2] The percentage of available contractors is taken from the availability exhibit previously shown in Chapter 4.0.
* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

5.2.5 Materials and Supplies

Disparity Analysis of Materials and Supplies Firms

Exhibit 5-10 presents the disparity findings for goods and supplies firms. Firms owned by African Americans were substantially underutilized with a disparity index of 56.58.Firms owned by Hispanic Americans, Asian Americans, and Native Americans were not utilized during the study period. Firms owned by nonminority women were overutilized with a disparity index of 162.31.

EXHIBIT 5-10
DISPARITY ANALYSIS OF MATERIALS AND SUPPLIES FIRMS IN THE LEON COUNTY MARKET AREA BY BUSINESS OWNER CLASSIFICATIONS OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Business Owner Classification	% of Dollars[1]	% of Available Firms[2]	Disparity Index[3]	Disparate Impact of Utilization
2005				
African Americans	3.42%	1.45%	235.02	Overutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	18.98%	8.00%	237.31	Overutilization
Non-M/WBE Firms	77.60%	89.82%	86.39	Underutilization
2006				
African Americans	0.49%	1.45%	33.38	* Underutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	11.94%	8.00%	149.21	Overutilization
Non-M/WBE Firms	87.58%	89.82%	97.51	Underutilization
2007				
African Americans	0.16%	1.45%	11.34	* Underutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	13.66%	8.00%	170.76	Overutilization
Non-M/WBE Firms	86.17%	89.82%	95.94	Underutilization
2008				
African Americans	0.00%	1.45%	0.00	* Underutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	9.73%	8.00%	121.68	Overutilization
Non-M/WBE Firms	90.27%	89.82%	100.50	Overutilization
All Years				
African Americans	0.82%	1.45%	56.58	* Underutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	12.98%	8.00%	162.31	Overutilization
Non-M/WBE Firms	86.19%	89.82%	95.96	Underutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.
[1] The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.
[2] The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.
[3] The disparity index is the ratio of % utilization to % availability times 100.
* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

Exhibit 5-11 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In both studies, of the MBEs utilized, all groups were substantially underutilized and nonminority women-owned firms were overutilized.

EXHIBIT 5-11
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
MATERIALS AND SUPPLIES
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS

	Percent of Prime Dollars[1]		% of Available Firms[2]		Disparity Index[3]		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	0.68%	0.82%	2.86%	1.45%	23.63	56.58	*Underutilization	*Underutilization
Hispanic Americans	0.07%	0.00%	0.26%	0.36%	27.90	0.00	*Underutilization	*Underutilization
Asian Americans	0.00%	0.00%	0.26%	0.36%	0.00	0.00	*Underutilization	*Underutilization
Native Americans	0.00%	0.00%	0.00%	0.00%	0.00	N/A	N/A	N/A
Nonminority Women	15.44%	12.98%	5.99%	8.00%	257.73	162.31	Overutilization	Overutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, Chapter 5.0, and Leon County Board of Commissioners August 2009 Disparity Study, Chapter 5.0.
[1] The percentage of dollars is taken from the prime utilization exhibit previously shown in Chapter 4.0.
[2] The percentage of available contractors is taken from the availability exhibit previously shown in Chapter 4.0.
* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

5.2.6 Conclusions Based on Disparity Indices

This chapter used disparity indices to compare the availability and utilization findings from **Chapter 4.0**. The disparity indices for each of the business categories indicate whether disparity exists for each ethnic or gender group.

Exhibit 5-12 summarizes the findings of M/WBE underutilization.

EXHIBIT 5-12
SUMMARY OF M/WBE UNDERUTILIZATION
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008

Business Category	African American	Hispanic American	Asian American	Native American	Nonminority Women
Construction Prime Contractors	Underutilization *	N/A	Underutilization *	N/A	Overutilization
Construction Subcontractors (Overall Subcontractor Level)	Underutilization *	Overutilization	Underutilization *	Underutilization *	Underutilization *
Architecture and Engineering Prime Consultants	Underutilization	Underutilization *	Underutilization *	N/A	Underutilization *
Professional Services Prime Consultants	Underutilization *	Underutilization *	N/A	N/A	Underutilization *
Other Services Firms	Overutilization	Overutilization	Underutilization *	Underutilization *	Overutilization
Materials and Supplies Vendors	Underutilization *	Underutilization *	Underutilization *	N/A	Overutilization

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

6.0 PRIVATE SECTOR UTILIZATION AND DISPARITY ANALYSES

6.0 PRIVATE SECTOR UTILIZATION AND DISPARITY ANALYSES

This chapter reports two sets of analyses pertaining to minority- and woman-owned business enterprise (M/WBE) utilization and availability in Leon County's (County) private sector marketplace. The first analysis examines M/WBE utilization and availability in the local market area's private commercial construction industry to determine disparities in M/WBE utilization at both the prime contractor and subcontractor level. Once the record of private sector utilization has been established, MGT will also be able to compare rates of M/WBE and non-M/WBE utilization in the private sector to their utilization by the County for public sector construction procurement.

This chapter is organized into the following sections:

6.1 Methodology – Private Sector Commercial Construction Analysis

6.2 Collection and Management of Data

6.3 Private Sector Utilization Analysis by Race/Gender/Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors

6.4 Private Sector Availability Analysis by Race/Gender/ Ethnicity of Business Ownership for Construction Contractors

6.5 Analysis of Disparities in Private Sector Utilization by Race/ Gender/ Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors

6.6 Assessment of Disparities in Private Sector Utilization by Race/Gender/ Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors

6.7 Comparison of the County Utilization of M/WBE Contractors with M/WBE Utilization in the Private Sector

6.8 Conclusions

6.1 Methodology – Private Sector Commercial Construction Analysis

This section describes MGT's methodology for collecting data and calculating the County's relevant market area as the basis for MGT's analysis of private sector utilization of minority-, woman-, and nonminority-owned firms and their availability.

6.1.1 Private Sector Analysis – Rationale

In *Croson*, the Court established that a "municipality has a compelling government interest in redressing not only discrimination committed by the municipality itself, but also discrimination committed by private parties within the municipality's legislative jurisdiction, so long as the municipality in some way participated in the discrimination to be remedied by the program."[1] This argument was reinforced by the Court of Appeals decision in *Adarand*, concluding that there was a compelling interest for a government

[1] *Croson*, 488 U.S. 46, 109 S.Ct. at 720-21, 744-45.

DBE program, based primarily on evidence of private sector discrimination.[2] According to this argument, discriminatory practices found in the private sector marketplace may be indicative of government's passive or, in some cases, active participation in local discrimination. To remedy such discrimination, *Croson* provided that government "can use its spending powers to remedy private discrimination, if it identifies that discrimination with the particularity required by the Fourteenth Amendment."[3]

The purpose of this private sector analysis is to evaluate the presence or absence of discrimination in the private sector marketplace regarding difficulties M/WBEs have in securing work on private sector projects. Passive discrimination was examined in a disparity analysis of the utilization of M/WBE construction subcontractors by majority prime contractors on non-County funded projects in the County construction market. A comparison of public sector M/WBE utilization with private sector utilization allows for an assessment of the extent to which majority prime contractors have tended to hire M/WBE subcontractors only to satisfy public sector requirements. Thus, the following questions are addressed:

- Are there disparities in the utilization of M/WBEs as prime contractors for commercial, private sector construction projects relative to their availability in the relevant market area?
- Are there disparities in the utilization of M/WBEs as subcontractors for commercial, private sector construction projects relative to their availability in the relevant market area?
- To what extent are M/WBE subcontractors utilized for the County projects also utilized in private sector construction projects?

6.2 Collection and Management of Data

MGT selected two sources of data for its private sector analysis: (1) permit data (such as building, electrical, plumbing)[4] provided by the County for commercial construction projects permitted during the period of the study and (2) permit data (such as building, electrical, plumbing) provided by the City of Tallahassee for commercial construction projects permitted during the period of the study. The value in examining permits is that they offer the most complete and up-to-date record of actual construction activity undertaken in the relevant market area.

The permit data was extracted from County's and City's Permits and Enforcement Tracking System (PETS) and transmitted electronically to MGT in Microsoft Access databases. In order to isolate commercial construction projects, public sector and residential building permit records were identified and excluded from the analysis. Permit data provided to MGT included, but was not limited to:

- Project_No
- Permit Type Code
- Permit Type Text

[2] *Adarand v. Slater*, 228 F.3d 1147 (10th Cir. 2000).
[3] See *Richmond v. Croson*, 488 U.S. 492 (1989).
[4] A construction permit or building permit is a permit required in most jurisdictions for new construction or adding onto pre-existing structures, and in some cases for major renovations.

- Permit Class Code
- Permit Class Text
- Permit #
- Comp_Type
- Project Description
- Scope of Work Performed
- Title
- Issued Date
- Construction Value Project
- Dollar Value of Permit
- Public Project
- Job Location
- Owner of Project
- Owner Address
- Residential Project
- Commercial Project
- Activity Number
- Primary Contractor
- Subcontractor
- Contractor
- Relationship

6.2.1 Determining Race, Ethnicity, and Gender of Business Ownership for Vendors Issued Building Permits by the County

Since permit data does not contain contractor racial, ethnic, and gender information, MGT obtained this information from its Master Vendor Database[5] to update the vendors in the permit database for where racial, ethnic, and gender information were needed.

6.2.2 Market Area Methodology

The private sector analysis of permits data is based on the determined relevant geographic relevant market area for public construction which was the following counties within the state of Florida: Leon County, Gadsden County, Jefferson County, and Wakulla, County.

6.2.3 Availability (Vendor) Data Collection

Once counties for the County's relevant market area had been identified, MGT ascertained M/WBE availability by determining the availability of M/WBEs within these counties as reported by the U.S. Census Bureau Survey of Business Owners (SBO)[6].

[5] MGT used data gathered from several sources to develop a master list of firms. M/WBE lists within the relevant market area were also used to further identify the business category and ethnicity of firms.

[6] The SBO is a consolidation of two prior surveys, the Surveys of Minority- and Women-Owned Business Enterprises (SMOBE/SWOBE), and includes questions from a survey discontinued in 1992 on Characteristics of Business Owners (CBO).The SBO is part of the Economic Census, which is conducted every five years. SBO findings are based on the characteristics of U.S. businesses by ownership category, by geographic area; by 2-digit industry sector based on the 2002 North American Industry Classification System (NAICS); and by size of firm (employment and receipts).

6.2.4 M/WBE Classifications and Business Categories

In Chapter 4.0, the five M/WBE classifications described—African American, Hispanic American, Asian American, Native American, and nonminority women—were used as the basis of MGT's private sector analysis of utilization and disparity. However, for the business category analysis, findings reported in this chapter deal only with private sector construction for two reasons: (1) permit data, by nature, pertain only to construction activity, which is also the category for which data tend to be most extensive and reliable, and (2) in the courts, historically, construction activity in a given jurisdiction has been scrutinized more than any other business category because in both the public and the private sector it tends to have the strongest impact on a local economy, and because the courts have asserted that jurisdictions have a "compelling interest" to advance M/WBE business interests in their local markets. Accordingly, for the analysis, the data were classified according to two categories of construction contractor—prime contractor and subcontractor—based on the permit type.

6.3 Private Sector Utilization Analysis by Race/Gender/Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors

This section reports findings from the analysis of the utilization of M/WBE and non-M/WBE firms in the County's private sector commercial construction market.

6.3.1 Permits – Prime Contracts

Permits – Leon County

Exhibit 6-1 reports permits received for prime commercial construction during the four-year study period based on Leon County permit data. The exhibit reports that for total construction dollars on prime commercial construction during the study period totaling $23.9 million, of which non-M/WBE firms received $23.1 million (96.66%). Permits issued to M/WBEs were valued at slightly less than $800,000, representing more than 3 percent (3.34%) of construction values. Nonminority women-owned firms were awarded the highest share at 2.48 percent ($592,480), followed by African American-owned firms at .86 percent ($205,000).

EXHIBIT 6-1
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS IN THE COUNTY'S RELEVANT MARKET AREA BASED ON LEON COUNTY COMMERCIAL PERMIT DATA BY RACE/ETHNICITY/GENDER CLASSIFICATION OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Construction Values
	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$
2005	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$1,908,510.00	100.00%	$1,908,510.00
2006	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$9,066,408.00	100.00%	$9,066,408.00
2007	$205,000.00	4.22%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$205,000.00	4.22%	$4,653,924.00	95.78%	$4,858,924.00
2008	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$592,480.00	0.00%	$592,480.00	7.39%	$7,426,195.75	92.61%	$8,018,675.75
Total	**$205,000.00**	**0.86%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$592,480.00**	**2.48%**	**$797,480.00**	**3.34%**	**$23,055,037.75**	**96.66%**	**$23,852,517.75**

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).
[1] Percentage of total construction valuation dollars awarded annually to prime contractors.

Exhibit 6-2 reports private commercial M/WBE prime contractor utilization by number of permits let by the County and number of individual contractors receiving permits. Of M/WBEs, one African American-owned firm (1.47% of contractors) was issued permits for four projects, which represents 3.42 percent of all permits analyzed. Of the permits analyzed, six permits were issued to M/WBE firms.

EXHIBIT 6-2
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS IN THE COUNTY'S RELEVANT MARKET AREA BASED ON LEON COUNTY COMMERCIAL PERMIT DATA OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

NUMBER OF COMMERCIAL PERMITS ISSUED BY RACE/ETHNICITY/GENDER CLASSIFICATION

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Permits
	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	9	100.00%	9
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	35	100.00%	35
2007	4	13.33%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	13.33%	26	86.67%	30
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	4.65%	2	4.65%	41	95.35%	43
Total	**4**	**3.42%**	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**2**	**1.71%**	**6**	**5.13%**	**111**	**94.87%**	**117**

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).
[1] Percentage of total analyzed permits awarded annually to prime contractors.

As the following exhibit shows, three individual M/WBE firms, 4.41 percent of all individual firms were issued private commercial construction permits as prime contractors. Two nonminority women- owned firms accounted for 2.94 percent of the total firms and one individual African American-owned firm were utilized during the course of the study period at the prime contractor level, accounting for 1.47 percent

NUMBER OF CONTRACTORS AND TOTAL OF INDIVIDUAL CONTRACTORS BY RACE/ETHNICITY/GENDER CLASSIFICATION

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Contractors
	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	9	100.00%	9
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	23	100.00%	23
2007	1	4.35%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	4.35%	22	95.65%	23
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	6.67%	2	6.67%	28	93.33%	30
Total Unique Contractors[3]	**1**	**1.47%**	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**2**	**2.94%**	**3**	**4.41%**	**65**	**95.59%**	**68**

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).
[2]Percentage of total Contractors.
[3] "Total Individual Contractors" counts a firm only once for each year it receives work, since a firm could be used in multiple years, the "total individual vendors" for the entire study period may not equal the sum of all years.

Permits – City of Tallahassee

Exhibit 6-3 reports permits received for prime commercial construction during the four-year study period based on City of Tallahassee commercial permit data. The exhibit reports that for total construction dollars on prime commercial construction during the study period totaling $173.1 million, of which non-M/WBE firms received $171.2 million (98.95%). Permits issued to M/WBEs were valued at $1.82 million, representing slightly more than 1 percent (1.05%) of construction values. Nonminority women-owned firms were awarded the highest share at 1.02 percent ($1.77 million), followed by African American-owned firms at .03 percent ($55,000).

EXHIBIT 6-3
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CITY OF TALLAHASSEE COMMERCIAL PERMIT DATA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Construction Values
	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$
2005	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$18,115.00	0.26%	$18,115.00	0.26%	$7,009,067.00	99.74%	$7,027,182.00
2006	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$1,673,584.00	3.54%	$1,673,584.00	3.54%	$45,645,681.46	96.46%	$47,319,265.46
2007	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$33,075.00	0.05%	$33,075.00	0.05%	$69,144,066.66	99.95%	$69,177,141.66
2008	$55,000.00	0.11%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$42,956.00	0.09%	$97,956.00	0.20%	$49,436,643.56	99.80%	$49,534,599.56
Total	**$55,000.00**	**0.03%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$1,767,730.00**	**1.02%**	**$1,822,730.00**	**1.05%**	**$171,235,458.68**	**98.95%**	**$173,058,188.68**

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).
[1] Percentage of total construction valuation dollars awarded annually to prime contractors.

Exhibit 6-4 reports private commercial M/WBE prime contractor utilization by number of permits let by the City and number of individual contractors receiving commercial permits. Of M/WBEs, one African American-owned firm (0.63% of contractors) was issued permits for one project, which represents 0.19 percent of all permits analyzed. Of the permits analyzed, ten permits were issued to M/WBE firms.

EXHIBIT 6-4
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS IN THE COUNTY'S RELEVANT MARKET AREA BASED ON CITY OF TALLAHASSEE COMMERCIAL PERMIT DATA OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

NUMBER OF COMMERCIAL PERMITS ISSUED BY RACE/ETHNICITY/GENDER CLASSIFICATION

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Permits
	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	2.56%	1	2.56%	38	97.44%	39
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	2.42%	4	2.42%	161	97.58%	165
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	1.05%	2	1.05%	188	98.95%	190
2008	1	0.78%	0	0.00%	0	0.00%	0	0.00%	2	1.55%	3	2.33%	126	97.67%	129
Total	**1**	**0.19%**	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**9**	**1.72%**	**10**	**1.91%**	**513**	**98.09%**	**523**

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).
[1] Percentage of total analyzed permits awarded annually to prime contractors.

As the following exhibit shows, six individual M/WBE firms, 3.8 percent of all individual firms were issued private commercial construction permits as prime contractors. Five nonminority women-owned firms accounted for 3.16 percent of the total firms and one individual African American-owned firm were utilized during the course of the study period at the prime contractor level, accounting for 0.63 percent

EXHIBIT 6-4 (Continued)
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CITY OF TALLAHASSEE COMMERCIAL PERMIT DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

NUMBER OF CONTRACTORS AND TOTAL OF INDIVIDUAL CONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATION

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Contractors
	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	3.70%	1	3.70%	26	96.30%	27
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	4.65%	4	4.65%	82	95.35%	86
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	2.50%	2	2.50%	78	97.50%	80
2008	1	1.54%	0	0.00%	0	0.00%	0	0.00%	2	3.08%	3	4.62%	62	95.38%	65
Total Individual Contractors[3]	**1**	**0.63%**	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**5**	**3.16%**	**6**	**3.80%**	**152**	**96.20%**	**158**

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).
[2]Percentage of Total Contractors.
[3] "Total Individual Contractors" counts a firm only once for each year it receives work, since a firm could be used in multiple years, the "total individual vendors" for the entire study period may not equal the sum of all years.

6.3.2 Permits-Subcontracts

Permits-Leon County

Exhibit 6-5 indicates permit values totaling $61.1 million in commercial construction subcontracting projects analyzed for the four-year study period based on County permit data. Among M/WBE firms, WBEs were issued permits for projects totaling $2.32 million (3.80% of all subcontracting projects), which was the total share to M/WBE firms.

EXHIBIT 6-5
PERMITS UTILIZATION ANALYSIS OF SUBCONTRACTORS IN THE COUNTY'S RELEVANT MARKET AREA BASED ON LEON COUNTY COMMERCIAL PERMIT DATA BY RACE/ETHNICITY/GENDER CLASSIFICATION OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Construction Values
	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$
2005	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$850,000.00	100.00%	$850,000.00
2006	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$12,992,369.00	100.00%	$12,992,369.00
2007	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$13,965,765.00	100.00%	$13,965,765.00
2008	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$2,321,000.00	0.00%	$2,321,000.00	6.97%	$30,965,621.00	93.03%	$33,286,621.00
Total	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$2,321,000.00**	**3.80%**	**$2,321,000.00**	**3.80%**	**$58,773,755.00**	**96.20%**	**$61,094,755.00**

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).
[1] Percentage of total construction valuation dollars awarded annually to contractors based on subcontractor level work.

Exhibit 6-6 reports private commercial subcontractor utilization by number of permits let by the County and number of individual contractors receiving commercial permits. The following exhibit shows that three individual (different) nonminority women-owned firms were issued permits. Of permitted subcontractor level of work, M/WBE firms accounted for more than 2 percent (2.65%) of the permits issued Among M/WBE firms, WBEs received all of the commercial permits on the subcontractor level for the four-year study period based on the data analyzed.

EXHIBIT 6-6
PERMITS UTILIZATION ANALYSIS OF SUBCONTRACTORS IN THE COUNTY'S MARKET AREA OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

NUMBER OF COMMERCIAL PERMITS ISSUED BY RACE/ETHNICITY/GENDER CLASSIFICATION

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Permits
	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	100.00%	4
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	21	100.00%	21
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	43	100.00%	43
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	6.67%	3	6.67%	42	93.33%	45
Total	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**3**	**2.65%**	**3**	**2.65%**	**110**	**97.35%**	**113**

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).
[1] Percentage of total permits.

The following exhibit shows that 63 individual non-M/WBE firms accounted for 95.5 percent of firms issued permits to perform subcontractor level of work.

NUMBER OF CONTRACTORS AND TOTAL OF INDIVIDUAL CONTRACTORS BY RACE/ETHNICITY/GENDER CLASSIFICATION

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Contractors
	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	14.29%	1	14.29%	6	85.71%	7
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	15	100.00%	15
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	34	100.00%	34
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	9.68%	3	9.68%	28	90.32%	31
Total Individual Contractors[3]	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**3**	**4.55%**	**3**	**4.55%**	**63**	**95.45%**	**66**

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).
[2]Percentage of Total Contractors.
[3] "Total Individual Contractors" counts a firm only once for each year it receives work, since a firm could be used in multiple years, the "total individual vendors" for the entire study period may not equal the sum of all years.

Permits-City of Tallahassee

Exhibit 6-7 indicates permit values totaling $20.7 million in commercial construction subcontracting projects analyzed for the four-year study period based on city of Tallahassee commercial permits data. Among M/WBE firms, WBEs were issued permits for projects totaling $3.77 million (18.2% of all subcontracting projects) and firms owned by African Americans were issued less than 1 percent (0.04%).

EXHIBIT 6-7
PERMITS UTILIZATION ANALYSIS OF SUBCONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CITY OF TALLAHASSEE COMMERCIAL PERMIT DATA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Construction Values
	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$	%[1]	$
2005	$3,500.00	0.20%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$97,800.00	5.67%	$101,300.00	5.87%	$1,624,689.00	94.13%	$1,725,989.00
2006	$5,500.00	0.08%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$3,485,500.00	49.34%	$3,491,000.00	49.41%	$3,573,924.50	50.59%	$7,064,924.50
2007	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$15,100.00	0.26%	$15,100.00	0.26%	$5,868,218.00	99.74%	$5,883,318.00
2008	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	0.00%	$168,140.00	2.77%	$168,140.00	2.77%	$5,894,793.00	97.23%	$6,062,933.00
Total	**$9,000.00**	**0.04%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$0.00**	**0.00%**	**$3,766,540.00**	**18.16%**	**$3,775,540.00**	**18.21%**	**$16,961,624.50**	**81.79%**	**$20,737,164.50**

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).
[1] Percentage of total construction valuation dollars awarded annually to contractors based on subcontractor level work.

Exhibit 6-8 reports private commercial subcontractor utilization by number of permits let by the city of Tallahassee and number of individual contractors receiving permits. The following exhibit shows that 6 individual (different) M/WBE firms were issued permits. Of permitted subcontractor level of work, M/WBE firms accounted for more than 6 percent (6.46%) of the permits issued.

EXHIBIT 6-8
PERMITS UTILIZATION ANALYSIS OF SUBCONTRACTORS IN THE COUNTY'S MARKET AREA OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

NUMBER OF PERMITS ISSUED BY RACE/ETHNICITY/GENDER CLASSIFICATION

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Permits
	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#	%[1]	#
2005	2	3.33%	0	0.00%	0	0.00%	0	0.00%	8	13.33%	10	16.67%	50	83.33%	60
2006	2	0.94%	0	0.00%	0	0.00%	0	0.00%	16	7.51%	18	8.45%	195	91.55%	213
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	1.48%	3	1.48%	200	98.52%	203
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	12	6.32%	12	6.32%	178	93.68%	190
Total	**4**	**0.60%**	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**39**	**5.86%**	**43**	**6.46%**	**623**	**93.54%**	**666**

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).
[1] Percentage of total permits.

The following exhibit shows that 155 individual non-M/WBE firms accounted for 96.3 percent of firms issued permits to perform subcontractor level of work based on city of Tallahassee commercial permit data.

NUMBER OF CONTRACTORS AND TOTAL OF INDIVIDUAL CONTRACTORS BY RACE/ETHNICITY/GENDER CLASSIFICATION

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Contractors
	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#	%[2]	#
2005	2	5.71%	0	0.00%	0	0.00%	0	0.00%	2	5.71%	4	11.43%	31	88.57%	35
2006	2	2.22%	0	0.00%	0	0.00%	0	0.00%	2	2.22%	4	4.44%	86	95.56%	90
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	1.16%	1	1.16%	85	98.84%	86
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	3.30%	3	3.30%	88	96.70%	91
Total Individual Contractors[3]	**3**	**1.86%**	**0**	**0.00%**	**0**	**0.00%**	**0**	**0.00%**	**3**	**1.86%**	**6**	**3.73%**	**155**	**96.27%**	**161**

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).
[2]Percentage of Total Contractors.
[3] "Total Individual Contractors" counts a firm only once for each year it receives work, since a firm could be used in multiple years, the "total individual vendors" for the entire study period may not equal the sum of all years.

6.4 Private Sector Availability Analysis by Race/Gender/Ethnicity of Business Ownership for Construction Contractors

Exhibits 6-9 and **6-10** report findings based on U.S. Census Survey of Business Owners (SBO) data for the population of available contractors in the County's market area by racial/ethnic/gender category. The availability for construction was derived from those firms that have construction or construction-related services based on the NAICS Code 23.

6.4.1 Construction Availability

The availability of M/WBE and non-M/WBE prime contractors in the County's market area is displayed in **Exhibit 6-7**. M/WBEs comprised 25.68 percent of all contractors, breaking down by individual M/WBE category as follows:

- African American: 3.60 percent
- Hispanic American: 2.26 percent
- Asian American: 1.78 percent
- Native American: 0 percent
- Nonminority women: 18.05 percent

EXHIBIT 6-9
AVAILABILITY OF CONTRACTORS
IN THE COUNTY'S MARKET PLACE
BY RACE/ETHNICITY/GENDER CLASSIFICATION
BASED ON CENSUS DATA USING NAICS 23
BASED ON PAID EMPLOYEES ONLY

	African Americans[1]		Hispanic Americans[1]		Asian Americans[1]		Native Americans[1]		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms[2]		Total Firms[3]
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	26	3.60%	16	2.26%	13	1.78%	0	0.00%	132	18.05%	187	25.68%	543	74.32%	730

Source of Data: U.S. Census Bureau 2002, Survey of Business Owners, based on firms with paid employees only.
[1] Minority men and women firms are included in their respective minority classifications.
[2] Number of non-M/WBE firms derived by subtracting all M/WBE firms from total firms.
[3] Total firms derived from the U.S. Census Bureau and Survey of Business Owners (SBO).

The availability analysis was also based on firms with paid and non-paid employees, which is displayed in **Exhibit 6-8**. M/WBEs comprised 44.29 percent of all contractors, differentiated by individual M/WBE category as follows:

- African American: 9.59 percent
- Hispanic American: 3.02 percent
- Asian American: 2.59 percent
- Native American: 1.25 percent
- Nonminority women: 27.84 percent

EXHIBIT 6-10
AVAILABILITY OF SUBCONTRACTORS
IN THE COUNTY'S MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
BASED ON CENSUS DATA USING NAICS 23
BASED PAID AND NON-PAID EMPLOYEES

	African Americans[1]		Hispanic Americans[1]		Asian Americans[1]		Native Americans[1]		Nonminority Women		#REF! Subtotal		Non-M/WBE Firms[2]		Total Firms[3]
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	278	9.59%	88	3.02%	75	2.59%	36	1.25%	808	27.84%	1,285	44.29%	1,616	55.71%	2,901

Source of Data: U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid and non-paid employees.
[1] Minority men and women firms are included in their respective minority classifications.
[2] Number of non-M/WBE firms derived by subtracting all M/WBE firms from total firms.
[3] Total firms derived from the U.S. Census Bureau and Survey of Business Owners (SBO).

6.5 Analysis of Disparities in Private Sector Utilization by Race/Gender/ Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors

MGT pioneered disparity indices as a means of quantifying the disparity in utilization relative to availability. The use of a disparity index for such a calculation is supported by several post-*Croson* cases, most notably *Contractors Association of Eastern Pennsylvania v. City of Philadelphia.*[7] Although a variety of similar indices could be utilized, MGT's standard for choosing its particular index methodology is that it must yield a value that is easily calculable, understandable in its interpretation, and universally comparable such that a disparity in utilization within M/WBE categories can be assessed with reference to the utilization of non-M/WBEs.

For this study, to assess disparity MGT calculated the ratio of the percentage of utilization to the percentage of availability multiplied by 100, as in the formula below:

$$\textbf{(1) Disparity Index} = \frac{\%Um_1p_1}{\%Am_1p_1} \times 100$$

Where: Um_1p_1 = utilization of M/WBE_1 for $procurement_1$
Am_1p_1 = availability of M/WBE_1 for $procurement_1$

The interpretation of this calculation is straightforward. In the extreme, a disparity index value of 0.00 for a given racial, ethnic or gender category of firm indicates absolutely no utilization and, therefore, absolute disparity. An index of 100 indicates that vendor utilization is perfectly proportionate to availability for a particular group in a given business category, indicating the absence of disparity—that is, a proportion of utilization relative to availability one would expect, all things being equal. In general, firms within a business category are considered underutilized if the disparity indices are less than 100, and overutilized if the indices are above 100.

[7] *Contractors Association of Eastern Pennsylvania, Inc. v. City of Philadelphia*, 91 F 3d at 603.

Since there is no standardized measure to evaluate levels of underutilization or overutilization within a procurement context, MGT has appropriated the Equal Employment Opportunity Commission's (EEOC) "80 percent rule" in the *Uniform Guidelines on Employee Selection Procedures*. In the context of employment discrimination, an employment disparity ratio below 80 indicates a "substantial disparity" in employment. The Supreme Court has accepted the use of the 80 percent rule in *Connecticut v. Teal (Teal)*, 457 U.S. 440 (1982), and in *Teal* and other affirmative action cases, the terms "adverse impact," "disparate impact," and "discriminatory impact" are used interchangeably to characterize values of 80 and below.

Once the record of vendor utilization was calculated from building permit data for each racial, ethnic, and gender category, it could be compared to vendor availability in these categories to derive an index of disparity in private sector utilization for a given M/WBE prime contractor and subcontractor category. Findings are reported in **Sections 6.6.1** through **6.6.3**.

6.5.1 Permits-Prime Contracts

Permits – Leon County

This section reports disparity indices for County commercial permits based on U.S. Census availability of firms within the racial, ethnic, and gender categories for firms with paid employees only.

Exhibit 6-11 presents these findings based on availability of firms with paid employees only specializing in construction and construction-related services categorized as NAICS 23. African American-, Hispanic American-, Asian American- and nonminority women-owned firms were substantially underutilized as prime contractors in private commercial construction sector based on County commercial permits data. From **Exhibit 6-11** MGT also find that:

- Hispanic American-, Asian American-, and Native American-owned firms were not utilized.
- African American-owned firms were substantially underutilized as prime contractors, with a disparity index of 23.87.
- Nonminority women firms were substantially underutilized in each year, resulting in an overall disparity index of 13.76.
- Nonminority male firms were overutilized, having a 130.05 disparity index.

Based on County commercial permits data and U.S. Census availability of firms with paid employees only, it can be concluded that of those M/WBEs being analyzed, all M/WBEs were either not utilized or substantially underutilized on commercial construction projects at the prime contractor level and that, conversely, nonminority male-owned firms were overutilized.

EXHIBIT 6-11
DISPARITY ANALYSIS OF PRIVATE SECTOR PRIME CONTRACTORS IN THE COUNTY'S RELEVANT MARKET AREA BASED ON CENSUS DATA NAICS CODES 23 PAID EMPLOYEES ONLY AND LEON COUNTY COMMERCIAL PERMITS DATA OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

Business Owner Classification	% of Construction Value Dollars[1]	% of Available Firms[2]	Disparity Index[3]	Disparate Impact of Utilization
2005				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.00%	18.05%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	74.32%	134.55	Overutilization
2006				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.00%	18.05%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	74.32%	134.55	Overutilization
2007				
African Americans	4.22%	3.60%	117.19	Overutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.00%	18.05%	0.00	* Underutilization
Non-M/WBE Firms	95.78%	74.32%	128.88	Overutilization
2008				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.00%	18.05%	0.00	* Underutilization
Non-M/WBE Firms	92.61%	74.32%	124.61	Overutilization
All Years				
African Americans	0.86%	3.60%	23.87	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	2.48%	18.05%	13.76	* Underutilization
Non-M/WBE Firms	96.66%	74.32%	130.05	Overutilization

Source of Data: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS) and U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid employees.

[1] The percentage of construction valuation dollars is taken from the prime utilization exhibit shown in Section 6.3.1.

[2] The percentage of available contractors is taken from the availability exhibit shown in Section 6.5.1.

[3] The disparity index is the ratio of percent utilization to percent availability times 100.

* An asterisk is used to indicate a substantial level of disparity (index below 80.00).

Permits – City of Tallahassee

This section reports disparity indices for city of Tallahassee commercial permits based on U.S. Census availability of firms within the racial, ethnic, and gender categories for firms with paid employees only.

Exhibit 6-12 presents these findings based on availability of firms with paid employees only specializing in construction and construction-related services categorized as NAICS 23. African American-, Hispanic American-, Asian American- and nonminority women-owned firms were substantially underutilized as prime contractors in private commercial construction sector based on city of Tallahassee commercial permits data. From **Exhibit 6-12** MGT also finds that:

- Hispanic American-, Asian American-, and Native American-owned firms were not utilized.
- African American-owned firms were substantially underutilized as prime contractors, with a disparity index of 0.88.
- Nonminority women firms were substantially underutilized in each year, resulting in an overall disparity index of 5.66.
- Nonminority male firms were overutilized, having a 133.14 disparity index.

Based on County commercial permits data and U.S. Census availability of firms with paid employees only, it can be concluded that of those M/WBEs being analyzed, all M/WBEs were either not utilized or substantially underutilized on commercial construction projects at the prime contractor level and that, conversely, nonminority male-owned firms were overutilized.

EXHIBIT 6-12
DISPARITY ANALYSIS OF PRIVATE SECTOR PRIME CONTRACTORS IN THE COUNTY'S RELEVANT MARKET AREA BASED ON CENSUS DATA NAICS CODES 23 PAID EMPLOYEES ONLY AND CITY OF TALLAHASSEE COMMERCIAL PERMITS DATA OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

Business Owner Classification	% of Construction Value Dollars[1]	% of Available Firms[2]	Disparity Index[3]	Disparate Impact of Utilization
2005				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.26%	18.05%	1.43	* Underutilization
Non-M/WBE Firms	99.74%	74.32%	134.21	Overutilization
2006				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	3.54%	18.05%	19.60	* Underutilization
Non-M/WBE Firms	96.46%	74.32%	129.79	Overutilization
2007				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.05%	18.05%	0.26	* Underutilization
Non-M/WBE Firms	99.95%	74.32%	134.49	Overutilization
2008				
African Americans	0.11%	3.60%	3.08	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.09%	18.05%	0.48	* Underutilization
Non-M/WBE Firms	99.80%	74.32%	134.29	Overutilization
All Years				
African Americans	0.03%	3.60%	0.88	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	1.02%	18.05%	5.66	* Underutilization
Non-M/WBE Firms	98.95%	74.32%	133.14	Overutilization

Source of Data: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS) and U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid employees.

[1] The percentage of construction valuation dollars is taken from the prime utilization exhibit shown in Section 6.3.1.

[2] The percentage of available contractors is taken from the availability exhibit shown in Section 6.5.1.

[3] The disparity index is the ratio of percent utilization to percent availability times 100.

* An asterisk is used to indicate a substantial level of disparity (index below 80.00).

6.5.2 Permits – Subcontracts

Permits – Leon County

This section reports disparity indices for County commercial permits data based on U.S. Census availability of firms (paid and non-paid employees) within the racial, ethnic, and gender categories. As **Exhibit 6-14** indicates, all M/WBE groups were substantially underutilized as subcontractors in private commercial construction. From **Exhibit 6-14** MGT also finds that:

- Hispanic American-, Asian American-, and Native American-owned firms were not utilized, thus resulting in substantial underutilization as subcontractors, with a disparity index of 0.
- African American-owned firms were substantially underutilized in each year, resulting in a disparity index of 0.45.
- Nonminority women-owned firms were substantially underutilized resulting in a disparity index of 3.67.
- Nonminority male-owned firms were overutilized resulting in a 146.83 disparity index.

EXHIBIT 6-13
DISPARITY ANALYSIS OF PRIVATE SECTOR SUBCONTRACTORS IN THE COUNTY'S MARKET AREA BASED ON CENSUS DATA NAICS CODE 23 AND COUNTY COMMERCIAL PERMITS DATA OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008 BASED ON PAID AND NON-PAID EMPLOYEES

Business Owner Classification	% of Construction Value Dollars[1]	% of Available Firms[2]	Disparity Index[3]	Disparate Impact of Utilization
2005				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.00%	27.84%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	55.71%	179.51	Overutilization
2006				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.00%	27.84%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	55.71%	179.51	Overutilization
2007				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.00%	27.84%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	55.71%	179.51	Overutilization
2008				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.00%	27.84%	0.00	* Underutilization
Non-M/WBE Firms	93.03%	55.71%	167.00	Overutilization
All Years				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	2.48%	27.84%	8.92	* Underutilization
Non-M/WBE Firms	96.20%	55.71%	172.69	Overutilization

Source of Data: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS) and U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid and non-paid employees.

[1] The percentage of construction valuation dollars is taken from the subcontractor utilization exhibit shown in Section 6.3.1.

[2] The percentage of available contractors is taken from the availability exhibit shown in Section 6.5.1.

[3] The disparity index is the ratio of percent utilization to percent availability times 100.

* An asterisk is used to indicate a substantial level of disparity (index below 80.00).

Permits – City of Tallahassee

This section reports disparity indices for city of Tallahassee commercial permits data based on U.S. Census availability of firms (paid and non-paid employees) within the racial, ethnic, and gender categories. As **Exhibit 6-14** indicates, all M/WBE groups were substantially underutilized as subcontractors in private commercial construction. From **Exhibit 6-14** MGT also finds that:

- Hispanic American-, Asian American-, and Native American-owned firms were not utilized, thus resulting in substantial underutilization as subcontractors, with a disparity index of 0.
- African American-owned firms were substantially underutilized in each year, resulting in a disparity index of 0.45.
- Nonminority women-owned firms were substantially underutilized in each year, resulting in a disparity index of 3.67.
- Nonminority male-owned firms were overutilized, having a 146.83 disparity index.

EXHIBIT 6-14
DISPARITY ANALYSIS OF PRIVATE SECTOR SUBCONTRACTORS IN THE COUNTY'S MARKET AREA BASED ON CENSUS DATA NAICS CODE 23 AND CITY OF TALLAHASSEE COMMERCIAL PERMITS DATA OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008 BASED ON PAID AND NON-PAID EMPLOYEES

Business Owner Classification	% of Construction Value Dollars[1]	% of Available Firms[2]	Disparity Index[3]	Disparate Impact of Utilization
2005				
African Americans	0.20%	9.59%	2.11	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	5.67%	27.84%	20.36	* Underutilization
Non-M/WBE Firms	94.13%	55.71%	168.98	Overutilization
2006				
African Americans	0.08%	9.59%	0.81	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	49.34%	27.84%	177.23	Overutilization
Non-M/WBE Firms	50.59%	55.71%	90.81	Underutilization
2007				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.26%	27.84%	0.92	* Underutilization
Non-M/WBE Firms	99.74%	55.71%	179.05	Overutilization
2008				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	2.77%	27.84%	9.96	* Underutilization
Non-M/WBE Firms	97.23%	55.71%	174.54	Overutilization
All Years				
African Americans	0.04%	9.59%	0.45	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	1.02%	27.84%	3.67	* Underutilization
Non-M/WBE Firms	81.79%	55.71%	146.83	Overutilization

Source of Data: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS) and U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid and non-paid employees.

[1] The percentage of construction valuation dollars is taken from the subcontractor utilization exhibit shown in Section 6.3.1.

[2] The percentage of available contractors is taken from the availability exhibit shown in Section 6.5.1.

[3] The disparity index is the ratio of percent utilization to percent availability times 100.

* An asterisk is used to indicate a substantial level of disparity (index below 80.00).

6.6 Comparison of the County's Utilization of M/WBE Contractors with M/WBE Businesses Utilization in the Private Sector

Exhibit 6-15 reports M/WBE and nonminority male-owned firm utilization of prime contractors and subcontractors for public sector construction projects awarded by the County from October 1, 2004 through September 30, 2008 and compares this with private commercial construction utilization calculated from County- and city of Tallahassee-construction permit information for the County's local market area. **Exhibit 6-15** summarizes findings from all three data sets for firm utilization at the prime contractor level based on the County's expenditure data (Banner financial system), and, at the subcontractor level, compares public sector utilization with private sector utilization based on the County's and city of Tallahassee's permit data.

EXHIBIT 6-15
COMPARISON OF M/WBE UTILIZATION PERCENTAGE OF DOLLARS
PRIVATE COMMERCIAL CONSTRUCTION
WITH THE COUNTY PUBLIC SECTOR CONSTRUCTION
(EXPENDITURE AND CONTRACT AWARD DATA)
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

Business Category/Data Source	African American	Hispanic American	Asian American	Native American	Nonminority Women	M/WBE Firms	Non-M/WBE Firms
Prime Contractors							
Leon County Construction Prime Contractors (Based on Expenditure Data Only)	3.46%	0.00%	0.00%	0.00%	12.86%	16.32%	83.68%
Private Construction Prime Contractors (Leon County, Florida Building Permits)	0.86%	0.00%	0.00%	0.00%	2.48%	3.34%	96.66%
Private Construction Prime Contractors (City of Tallahassee, Florida Building Permits)	0.03%	0.00%	0.00%	0.00%	1.02%	1.05%	98.95%
Subcontractors	**African American**	**Hispanic American**	**Asian American**	**Native American**	**Nonminority Women**	**M/WBE Firms**	**Non-M/WBE Firms**
Leon County Construction Subcontractors (Overall Subconractor Level)[1]	10.12%	1.64%	0.00%	0.05%	1.16%	12.97%	87.03%
Private Construction Subcontractors (Leon County, Florida Building Permits)	0.00%	0.00%	0.00%	0.05%	3.80%	3.80%	96.20%
Private Construction Subcontractors (City of Tallahassee, Florida Building Permits)	0.04%	0.00%	0.00%	0.00%	18.16%	18.21%	81.79%

Source: The Leon County public sector data (expenditure and contract award), Leon County permit data, and City of Tallahassee permit data.

From **Exhibit 6-15**, at the construction prime contractor level, MGT finds M/WBEs received more than 16 percent (16.32%) of the dollars, based on expenditure data. At the construction prime contractor level, M/WBE utilization was much greater in the public sector (Leon County expenditure data) than in the private sector. Based on the permit data analyzed, M/WBE utilization was more than 3 percent (3.34%) and slightly more than 1 percent (1.05%) based on County-provided commercial permits . Moreover, at the prime level for both permit data sets, based on matches with M/WBE vendor lists, of the

M/WBE prime contractor activity, nonminority women-owned firms had the highest share of utilization.

As for construction subcontractors, MGT finds that M/WBEs received .3.8 percent and 18 percent (18.21%) of the County- and city of Tallahassee-provided permits related to subcontractor-level activity. Based on the County's data, M/WBE utilization was substantially higher at 20 percent (12.97%) than in the private sector based on Leon County permit data.

6.7 Conclusions

Exhibits 6-15 presented a summary of prime and subcontractor vendor utilization by racial/ethnic/gender category, comparing M/WBE utilization for the County construction projects with private sector commercial construction projects from October 1, 2004 through September 30, 2008. Based on identified M/WBEs for both public sector and private sector construction projects, substantial M/WBE underutilization was evident in both sectors. On the other hand, according to findings from permit data, M/WBE prime contractors fared better in the public sector, which includes the County, but were substantially underutilized in some race/ethnicity/gender classifications nonetheless. Furthermore, M/WBE subcontractors fared better in the public sector as opposed to the private sector, based on permit data[8].

Due to exclusionary laws and years of discrimination, M/WBEs have entered the marketplace only recently, from a historical perspective, when compared with nonminority male-owned firms. They thus tend to be smaller than more established and older nonminority male-owned firms. These factors, in turn, limits their capacity not only to undertake large-scale construction projects but also to access capital and other advantages in bonding and insurance available to larger, more established firms. This conclusion is underscored by findings from the analysis of race/ethnicity/gender effects on the propensity for self-employment and self-employment earnings that suggest that M/WBEs are treated differently than their majority counterparts in the marketplace and that this difference in treatment affects rates of M/WBE business formation and earning capacity.

However, capacity alone is not a sufficient explanation for these differences, especially at the subcontractor level in the construction industry, where capacity is a lesser consideration and availability far exceeds the record of utilization, particularly in the private sector. When private sector M/WBE utilization at the subcontractor level for commercial building projects is only a fraction of public sector M/WBE utilization, there is a strong argument that nonminority firms utilized for public sector construction projects employ M/WBE subcontractors only because the municipality encourages them to do so as a condition of winning a given public contract. If M/WBE subcontractor utilization is all but absent in the private sector and the County does not require contractors who apply for public sector construction projects to demonstrate a "good faith" record of their efforts to utilize M/WBE subcontractors in the private sector as well, credence may be given to the proposition established in *Croson* that government, however effective its own M/WBE policies, may be a passive participant in private sector discrimination.

[8] Excluding the permit data analyses, based on the city of Tallahassee commercial permit data at the subcontractor level.

7.0 SELECTED BEST PRACTICES

7.0 SELECTED BEST PRACTICES

7.1 Small Business Enterprise Prime Contractor Programs

7.1.1 Small Business Enterprise Set-Asides

The federal government aims to set aside every acquisition of goods and services anticipated to be between $2,500 and $100,000 for small business enterprises (SBEs). In response to litigation and state constitutional amendments limiting affirmative action, such as Proposition 209, many agencies have adopted SBE programs. A number of agencies (Phoenix, Arizona; Broward County, Florida; Miami-Dade County, Florida; Tampa, Florida; North Carolina Department of Transportation; Port Authority of New York and New Jersey) set aside contracts for SBEs.

North Carolina Department of Transportation (NCDOT). In the NCDOT program, small contractors are defined as firms with less than $1.5 million in revenue. There is a small contractor goal of $2 million for each of the 14 NCDOT divisions. The current cap on project size for small contractors is $500,000. For contracts less than $500,000, NCDOT can solicit three informal bids from SBEs.[1] North Carolina law permits the waiving of bonds and licensing requirements for these small contracts let to SBEs.[2] In 2002, M/WBEs won over 35 percent of SBE contract awards.[3]

City of Phoenix, Arizona. The city of Phoenix, which uses the United States Small Business Administration (SBA) small business size standards, has a modest SBE set-aside program. The SBE program only accounted for 0.5 percent of total M/WBE utilization in construction subcontracting, and 0.2 percent of total M/WBE utilization in goods and supplies. However, there was strong M/WBE utilization in the city SBE program. In the SBE program, over 92.9 percent and 89.1 percent of the dollars went to M/WBEs in construction subcontracting and goods and supplies, respectively. Firms that were certified as both M/WBEs and SBEs were awarded $98.1 million in contract dollars.

Other SBE set-asides include:

- The city of Tampa, Florida, has an SBE set-aside program for firms with less than 25 employees and less than $2 million in revenue.[4]
- The city of San Diego, California, set aside all construction contracts up to $250,000.
- Sacramento Municipal Utility District (SMUD) set aside contracts up to $50,000.
- Hillsborough County, Florida, set aside construction contracts up to $200,000.

[1] NCGS § 136-28.10(a).
[2] NCGS § 136-28.10(b.
[3] NCDOT, Small Business Enterprise Program (April 1, 2002).
[4] Small Business Enterprise (SBE) Program Executive Order No. 2002-48 (December 18, 2002).

- Orlando Orange County Expressway Authority's (OOCEA) Micro Contracts Program set aside construction, maintenance, professional services, or other services that are expected to cost less than $200,000or electrical services expected to cost less than $50,000. OOCEA adopted a joint-check policy to assist small firms with trade credit in the program.

7.1.2 Small Business Enterprise Bid Preferences

A number of agencies have bid preferences for SBEs (Miamia-Dade County, Florida; Port Authority of New York and New Jersey; SMUD; city of Sacramento, California; city of Oakland, California; East Bay Municipal Utility District; San Francisco, California). SBE bid preferences operate along similar lines as M/WBE bid preferences. A typical example is a bid preference of 5 percent on contracts under $100,000 (Sacramento, California; SMUD; Los Angeles County, California).

Port of Portland Bid Preferences for Small Business. The Port of Portland (Port) found that a bid preference of 5 percent had no impact on contract outcomes, but a bid preference of 10 percent did impact contract outcomes.

7.1.3 Other SBE Prime Contractor Assistance

City of Charlotte, North Carolina. The city of Charlotte has a comprehensive SBE program including SBE set-asides and business assistance. In addition, the city of Charlotte sets department goals for SBE utilization, sets SBE goals on formal and informal contracts, and makes SBE utilization part of department performance review utilization numbers.

North Carolina Department of Transportation Fully Operated Rental Agreements. Under these arrangements a firm may bid an hourly rate for using certain equipment and the necessary staff. In these field-let contracts, engineers select the firm with the appropriate equipment and the lowest bid rate. If that firm is not available, the engineers select the next lowest hourly rate. This rental agreement technique is used primarily to supplement equipment in the event of NCDOT equipment failure or peak demand for NCDOT services. The rental agreement technique is attractive to small contractors because the typical small firm has much better knowledge of its own hourly costs than it does of the costs to complete an entire project.

Florida Department of Transportation (Florida DOT) Business Development Initiative. The Florida DOT has just undertaken a stepped-up small business initiative with the following principle components:

- Reserving certain construction, maintenance, and professional services contracts for small businesses.

- Providing bid preference points to small businesses, and to firms offering subcontracts to small businesses on professional services contracts.

- Waiving performance and bid bond requirements for contracts under $250,000.

- Using a modified pre-qualification process for certain construction and maintenance projects.

Port Authority of New York and New Jersey (Port Authority) Financial Advisors Program. The Port Authority has encouraged the use of M/WBEs in finance through its financial advisory call-in program, which targets small firms to serve as a pool of advisors for the Port Authority Chief Financial Officer. The financial advisors address debt issuance, financial advisory services, real estate transactions, and green initiatives. There are three to four firms in each of these categories in the financial advisory call-in program.

7.2 HUBZones

Another variant of an SBE program provides incentives for SBEs located in distressed areas. For example, under the *Small Business Reauthorization Act of 1997*, the federal government started the federal HUBZone program. A HUBZone firm is a small business that is: (1) owned and controlled by U.S. citizens; (2) has at least 35 percent of its employees who reside in a HUBZone; and (3) has its principal place of business located in a HUBZone.[5] HUBZone programs can serve as a vehicle for encouraging M/WBE contract utilization. Nationally, there are 5,357 women and minority HUBZone firms, representing 56.2 percent of total HUBZone firms.[6]

City of New York, New York. The city of New York has a HUBZone type program providing subcontracting preferences to small construction firms (with less than $2 million in average revenue) that either perform 25 percent of their work in economically distressed areas or for which 25 percent of their employees are economically disadvantaged individuals.[7]

State of California. The state of California provides a 5 percent preference for a business work site located in state enterprise zones and an additional 1 to 4 percent preference (not to exceed $50,000 on goods and services contracts in excess of $100,000) for hiring from within the enterprise zone.[8]

Miami-Dade County, Florida. Miami-Dade County has a Community Workforce Program that requires all Capital Construction Projects contractors to hire 10 percent of their workforce from Designated Target Areas (which include Empowerment Zones, Community Development Block Grant Eligible Block Groups, Enterprise Zones, and Target Urban Areas) in which the Capital Project is located.[9]

It is worth noting that some agencies have implemented HUBZone type programs and then terminated them, including New Jersey in the 1980s and Seattle, Washington's, BOOST program in 2001.

[5] 13 C.F.R. 126.200 (1999).
[6] Based on the SBA pro-net database located at http://pro-net.sba.gov/pro-net/search.html.
[7] New York Administrative Code § 6-108.1. For a description of the New York local business enterprise program see http://www.nyc.gov/html/sbs/html/lbe.html.
[8] Cal Code Sec 4530 *et seq*.
[9] Miami Ordinance 03-237.

7.3 Small Business Enterprise Program for Subcontracts

7.3.1 Small Business Enterprise Project Goals

City of Charlotte, North Carolina. The city of Charlotte sets SBE projects goals for contracts.[10] The city has waiver provisions for bidders, but has rejected bids for bidder noncompliance with the SBE program. Other SBE subcontractor goal programs include:

- Oakland, California – 50 percent local SBE.
- New Jersey – 25 percent (up from 15 percent).
- Connecticut – 25 percent SBE.
- Sacramento County, California – 25 percent SBE.
- San Antonio, Texas – 50 percent SBE.

7.3.2 Mandatory Subcontracting

As part of their SBE subcontracting program, some agencies impose mandatory subcontracting clauses which would promote SBE utilization and be consistent with industry practice.

City of Columbia, South Carolina. The city of Columbia Subcontractor Outreach Program established in 2003 applies to city contracts of $200,000 or more. A prime must subcontract a minimum percentage of its bid. The minimums are set out in **Exhibit 7-1**.

EXHIBIT 7-1
MINIMUM SUBCONTRACTING REQUIREMENTS FOR
COLUMBIA SUBCONTRACTOR OUTREACH PROGRAM

Projects	Minimum Subcontracting
Parks	20%
Pipelines (water and sewer)	20%
Pump Stations	20%
Street Improvements	20%
Traffic Signals/Street Lighting	20%
Buildings Project by Project	Not to exceed 49%
Miscellaneous Projects	20%

Source: City of Columbia, Subcontracting Outreach Program (March 2003).

Bidders must make affirmative efforts in outreach to DBEs, Disabled Veteran Business Enterprises (DVBEs), and Other Business Enterprises (OBEs) (defined as a business that does not qualify as either a DBE or a DVBE). A bidder will be deemed non-responsive for failure to meet the subcontractor goal, failure to document their outreach efforts, or failure to meet 80 out of 100 points for good faith efforts. Points are granted on a pass/fail basis, awarding either zero or full points.

[10] A description of the Charlotte SBE program can be found at www.charmeck.org/Departments/Economic+Development/Small+Business/Home.htm.

City of San Diego, California. As part of its Subcontractor Outreach Program, San Diego requires mandatory outreach, mandatory use of subcontractors, and mandatory submission of an outreach document. Whether a contract has mandatory subcontracting is determined by the engineer on the project.

Contra Costa County, California. The Contra Costa County Outreach Program sets mandatory subcontracting minimums on a contract-by-contract basis.[11] The Contra Costa County Outreach Program requires that M/WBEs be considered by contractors as possible sources of supply and subcontracting opportunities.

7.3.3 Listing of Subcontractors

The listing of subcontractors reduces the possibility of bid shopping. This also assists the city during the submission review process, goal-setting process, and goal attainment review, and assists with avoiding administrative issues of handling noncompliance after contract award.

7.3.4 Subcontractor Disclosure and Substitution

State of Oregon. Under Oregon law, bidders are required to disclose first-tier subcontractors that will be furnishing labor for the project and have a contract value greater than or equal to 5 percent of the bid or $15,000 (whichever is greater), or $350,000 regardless of the percentage of the total project.[12] First-tier subcontractor disclosure does not apply to contracts below $100,000, or contracts exempt from competitive bidding requirements.[13] Bidders are not required to disclose the race or gender of the first-tier subcontractors.

Bidders are allowed to substitute subcontractors.[14] The subcontractor substitution statute provides standards sufficient for cause regarding subcontractor substitution, including subcontractor bankruptcy, poor performance, inability to meet bonding requirement, licensing deficiencies, ineligibility to work based upon applicable statutes, and for "good cause" as defined by the Construction Contractors Board.[15] The statute provides a process by which subcontractors can issue complaints about substitutions. Violation of subcontractor substitution rules may result in civil penalties.[16]

7.4 Disadvantaged Business Enterprise Programs

Following the federal model, some agencies have added DBE programs.[17] SBE programs focus on the disadvantage of the business, HUBZone programs focus on the disadvantage of the business location, and DBE programs focus on the disadvantage of the individual operating the business.

[11] Contra Costa County, Outreach Program, Ordinance Section 3-2 et seq.
[12] ORS § 279C.370(1)(a)(A),(B).
[13] ORS § 279C.370(1)(c),(d).
[14] ORS § 279C.370(5), ORS § 279C.585.
[15] ORS § 279C.585.
[16] ORS § 279C.590.
[17] DBE programs and Airport Concession Disadvantaged Enterprise (ACDBE) programs are required to be developed and implemented as a part of the federal funding process.

State of North Carolina. The state of North Carolina changed the definition of minority used in the state minority construction program to include socially and economically disadvantaged individuals, as defined in the federal rules.[18] Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.[19] Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area that are not socially disadvantaged.[20] This rule permits firms certified under the federal 8(a), DBE, and small disadvantaged business enterprise (S/DBE) programs to be certified as a minority firm in North Carolina. This rule also implies that firms owned by majority males are eligible for the program as there are firms owned by majority males that qualify for the 8(a), DBE, and S/DBE programs by making an individual showing of their social and economic disadvantage.

Milwaukee Emerging Business Enterprise Program. The city of Milwaukee, Wisconsin, defines disadvantage along six dimensions:

- Disadvantage with respect to education.
- Disadvantage with respect to location.
- Disadvantage with respect to employment.
- Social disadvantage (lack of traditional family structure, impoverished background, and related issues).
- Lack of business training.
- Economic disadvantage (credit issues, inability to win contracts, and related issues).

The city of Milwaukee defines an emerging business as a business owned by an individual satisfying the sixth dimension of disadvantage and three out of the five other dimensions of disadvantage.[21] The city of Milwaukee has set a goal of 18 percent spending with emerging businesses, including both prime contracting and subcontracting.

7.5 Bidder Rotation

Some political jurisdictions use bidder rotation schemes to limit habit purchases from majority firms and to ensure that M/WBEs have an opportunity to bid along with majority firms. A number of agencies, including the city of Indianapolis, Indiana; Fairfax County, Virginia; the Port Authority of New York and New Jersey; and Miami-Dade County,

[18] NC GS § 143-128.2(g).
[19] 15 USC 637(a)(5).
[20] 15 USC 637(a)(6)(A).
[21] Milwaukee Ordinance, Emerging Business Enterprise Program, 360-01 (12).

Florida, use bid rotation to encourage M/WBE utilization, particularly in architecture and engineering (A&E). Some examples of bidder rotation from other agencies include:

Miami-Dade County, Florida. Miami-Dade County uses small purchase orders for the Community Business Enterprise program and rotates on that basis. In addition, Miami-Dade County utilizes an Equitable Distribution Program, whereby a pool of qualified A&E professionals are rotated awards of county miscellaneous A&E services as prime contractors and subcontractors.

DeKalb County, Georgia. DeKalb County has used a form of bidder rotation called a bidder box system to promote M/WBE utilization. This system selects a group of bidders from the list of county registered vendors to participate in open market procurements. Under the bidder rotation system, the buyer identifies the commodity or service by entering an item box number. Using this item box, the computer selects five to six firms. The lowest responsible bidder is awarded the contract. M/WBEs were afforded an increased number of bid opportunities than would ordinarily be the case with a sequential selection process.

Port Authority of New York and New Jersey. The Port Authority has a Quick Bid rotation system for small contracts less than $500,000. In this program, the agency solicits bids via telephone and fax from a minimum of six contractors on a rotating basis. The period between bid, award, and contract start is generally not more than six weeks. Bidders are provided free construction documents with which to prepare their bids.[22]

7.6 Outreach

Bexar County, Texas, Small, Minority, and Women Business Owners Conference. Bexar County, in conjunction with the city of San Antonio, has sponsored annual Small, Minority, and Women Business Owners conferences since 2001. The conferences have been co-sponsored by the Central and South Texas Minority Business Council in conjunction with a number of major corporations, including Dell, Toyota, and AT&T. Typically, conference workshops have addressed the following:

- Doing business with federal, state, and local agencies, and the private sector.
- Access to capital.
- Human resources.
- Franchising.
- Management.
- Veterans.
- Responding to bids and RFPs.

Registered attendees grew from 1,200 in 2001 to 2,400 in 2006; estimated total attendance grew from 1,800 in 2001 to 5,000 in 2006. The number of exhibitors grew from 75 in 2001 to 180 in 2006.[23] Virtually all the major local agencies, loan providers, business development providers, and chambers of commerce participate in the

[22] Port Authority of NY & NJ, Engineering Department, *2002 Construction Program*, at 8.
[23] Small, Minority, and Women Business Owners (S/M/WBO) Conference, Frequently Asked Questions, at 6.

conference along with a number of major corporations. The conference budget for 2007 was $250,000.

7.7 Construction Management, Request for Proposals, and Design-Build

One method of debundling in construction is through the use of multiprime construction contracts in which a construction project is divided into several prime contracts that are then managed by a construction manager-at-risk. For example, this approach has been used on projects where each prime contractor is responsible for installation and repair in particular areas. The construction manager is responsible for obtaining materials at volume discounts based upon total agency purchases. If one contractor defaults, a change order is issued to another prime contractor working in an adjacent area. The construction manager-at-risk is responsible for cost overruns that result from prime contractor default.

Construction management also facilitates the rotation of contracts within an area of work. For example, if several subcontractors have the capacity of bidding on an extended work activity such as concrete flat work, traffic control, or hauling, the construction manager can rotate contracting opportunities over the duration of the activity.

Using a request for proposal (RFP) process can provide the flexibility for including M/WBE participation in prime contractor requirements and selection. One of the nonfinancial criteria can be the proposer's approach and past history with M/WBE subcontractor utilization as well as women and minority workforce participation. A number of agencies (Fulton County, Georgia, New Jersey Transit, Washington Metropolitan Transit, and many major airports) have a mandate for construction managers to include a team member to perform the function of the M/WBE office staff.

A number of universities around the country, the Charlotte-Mecklenburg School System, North Carolina; the Tri-County Metropolitan Transportation District of Oregon; the city of Phoenix; Arizona, and the city of Columbia, South Carolina, have had some success with this approach.[24]

7.8 Outsourcing

City of Indianapolis, Indiana. The city of Indianapolis increased M/WBE utilization through privatization. The city prioritized outsourcing in procurement areas where minority businesses had particular expertise and experience. The city claims to have been particularly successful in contracting out street repair.

[24] Federal Transit Administration, *Lessons Learned #45* (May 2002). www.fta.dot.gov/library/program/ll/man/ll45.html

7.9 Race-Neutral Joint Ventures

City of Atlanta, Georgia. The city of Atlanta requires establishment of joint ventures on large projects of over $10 million.[25] Primes are required to create a joint venture with a firm from a different ethnic/gender group in order to ensure prime contracting opportunities for all businesses. This rule applies to women and minority firms as well as nonminority firms. This rule has resulted in tens of millions of dollars in contract awards to women- and minority-owned firms.

Washington Suburban Sanitation Commission (WSSC). The WSSC Competitive Business Demonstration Project requires joint ventures between a local SBE and an established firm in procurement areas that do not generate enough bids.

7.10 Combined Race-Neutral and Race-Conscious Programs

A number of agencies (Tampa, Florida; Phoenix, Arizona; Charlotte, North Carolina; Hillsborough County, Florida; Jacksonville, Florida; Port Authority of New York and New Jersey; and Connecticut) combine race-neutral and race-conscious program features.

City of Saint Paul, Minnesota. The city of Saint Paul Vendor Outreach Program requires that contractors document their solicitation of bids, in addition to listing subcontracting opportunities, from SBEs, MBEs, and WBEs attending pre-bid conferences and seeking assistance from M/WBE organizations.[26] Saint Paul achieved 10.4 percent SBE spending (out of $113.2 million in total spending). In the SBE program, 62.5 percent of SBE spending went to WBEs, 21.2 percent to nonminority males, and 16.3 percent to MBEs.[27]

City of Jacksonville, Florida. The city of Jacksonville implemented a hybrid program by establishing a declining schedule of race-conscious targets.[28] In the first program year, Jacksonville proposes to meet 70 percent of its M/WBE goal with race-conscious means, the second year, 50 percent, and the third year, 25 percent. At the end of the three-year period the program is to be evaluated.

State of Connecticut. The state of Connecticut reserves 25 percent of its SBE contracts for M/WBEs.

7.11 Management and Technical Services

A number of agencies hire an outside management and technical assistance provider to provide needed technical services related to business development and performance. Such a contract can be structured to include providing incentives to produce results, such as the number of M/WBEs being registered as qualified vendors with agencies, the number of M/WBEs graduating from subcontract work to prime contracting, and rewarding firms that utilize M/WBEs in their private sector business activities.

[25] City of Atlanta Ordinance Sec. 2-1450 and Sec. 2-1451.
[26] City of St. Paul, Vendor Outreach Program, Ordinance 84.08, .09
[27] City of St. Paul, *Vendor Outreach Program Detailed Report*, FY 2004, at 6.
[28] City of Jacksonville, Executive Order No. 04-02.

Port Authority of New York and New Jersey. The Port Authority has a three-year fee-for-service contract with the Regional Alliance for Small Contractors capped at $275,000.[29] Previously, the contract was a flat grant, but it was changed to a fee-for-service arrangement to reward creative uses of financial resources.

7.12 Certification

7.12.1 Size Standards for Certification

State of Oregon. The state of Oregon has a two-tier system for small business certification. A tier one firm employs fewer than 20 full-time equivalent employees and has average annual gross receipts for the last three years that do not exceed $1.5 million for construction, or $600,000 for non-construction. A tier two firm employs fewer than 30 full-time equivalent employees and has average annual gross receipts for the last three years that do not exceed $3 million for construction, or $1 million for non-construction. [30] An emerging small business cannot be a subsidiary or a franchise. In 2006, small business program participation was extended from seven to 12 years.[31]

State of New Jersey. For the state of New Jersey, there are separate size standards for small businesses and emerging small businesses. For large projects, the state of New Jersey carves out portions of the contract for both tiers of small business. Thus, a single solicitation requires that the prime spend a certain percentage of the contract with small firms and another percentage with emerging small firms. Along related lines, the federal government sets aside contracts for bidding only amongst small firms, and other contracts may be set aside for bidding only by emerging small firms.

Federal Government. The federal government has the additional categories:

- Emerging Small Business, defined as being 50 percent of the SBA size standards.
- Very Small Business, defined as fewer than 15 employees and less than $1 million in revenue.

7.12.2 Personal Net Worth Limits

The United States Department of Transportation DBE personal net worth limit of $750,000 is a standard net worth requirement employed by many local agencies. The USDOT net worth limit excludes the owner's home and business equity in determining net worth.

[29] The Regional Alliance was started in 1989. For general background on the Regional Alliance see Timothy Bates, "Case Studies of City Minority Business Assistance Programs," report for the U.S. MBDA, September 1993.
[30] OAR 445-050-0115.
[31] OAR 445-050-0135.

7.13 Economic Development Projects

A number of cities (including Atlanta, Georgia; Jersey City, New Jersey; and Saint Paul, Minnesota) have encouraged private sector M/WBE utilization by one of two methods: (1) asking prospective bidders to report their private sector M/WBE utilization, and (2) setting aspirational goals for private sector projects with significant city tax incentives, such as tax allocation districts and community improvement districts. The city of Oakland, California, Local Small Business Enterprise Program also provides bid preferences to SBEs on tax-assisted projects. Saint Paul and Jersey City have separate offices negotiating, tracking, and managing M/WBE participation on development projects.

Bexar County Tax Phase-In Agreements. M/W/SBE participation was added to the county tax incentive policy in 2004. The county currently considers tax abatements of up to 40 percent on qualified real property improvements and new personal property investment.[32] Property taxes are 80 percent of county revenue. The county considers an increased property tax abatement of up to 80 percent based on other project criteria. This criteria includes hiring 25 percent of positions created with county residents, hiring 25 percent economically disadvantaged or dislocated individuals, practicing sound environmental practices, and dividing work to the extent practical to assist M/W/SBEs in obtaining contracts. Applicants are encouraged to award 20 percent of projects to M/WBEs and 30 percent to certified small businesses.[33] Currently, there are no similar M/W/SBE policies for tax increment financing (TIF) subsidy.[34]

In a Tax Phase-In Agreement for Lowe's Home Centers, Lowe's agreed to:

- Use good faith efforts to include certified M/WBEs.
- Work in good faith to set construction and operational services goals for M/WBEs based on M/WBE availability.
- Establish a mutually agreed upon M/WBE reporting format.

The agreement acknowledged that although Lowe's still has national contracts it must comply with, and retained the right to choose any vendor, they have agreed to explore subcontracting opportunities.[35]

In a HEB Grocery Tax Phase-In Agreement, HEB Grocery committed to 20 percent M/WBE participation and 10 percent SBE participation.[36] This was in addition to agreeing to hire 25 percent from Bexar County and 25 percent from economically disadvantaged or dislocated workers.

[32] The County Tax Phase-In Policy is currently being revised.
[33] Bexar County Economic Development & Special Programs Office, Tax Phase-In Guidelines for Bexar County and the city of San Antonio, effective June 15, 2006 through June 14, 2008, adopted February 28, 2006. Not all agreements include M/W/SBE objectives. For examples, the Kautex Tax Phase In Agreement did not address M/W/SBE policy. See Bexar County, Tax Phase-In Agreement (Kautex), December 20, 2005.
[34] Bexar County, Texas, Tax Increment Financing and Reinvestment Zone (TIF/TIRZ), Guidelines and Criteria, Commissioner's Court Amended and Approved: August 23, 2005.
[35] Bexar County, Tax Phase-In Agreement (Lowe's), June 27, 2006, Exhibit E.
[36] Bexar County, Tax Phase-In Agreement (HEB Grocery), March 11, 2003, Section 5.01(c).

Bexar County Public Improvement Districts. County policies allow for the county to enter into an economic development agreement for Public Improvement Districts (PIDs).[37] PIDs are projected to be used in conjunction with TIFs for housing and infrastructure development.[38] As a condition of the economic development agreement, the firm seeking such an agreement has to meet, at a minimum, certain criteria involving employment, health care benefits, environmental practices, and M/W/SBE policy. M/W/SBE policy was added to PIDs in 2006.

In an agreement with Marriott, which has been labeled a "super PID," the agreement provided that Marriot would "use reasonable efforts to comply with the M/W/SBE policies and procedures attached."[39] The Marriott agreement noted that the project owner had established 20 percent M/W/SBE goals in construction. Marriott retained the right to accept the lowest qualified bid. The agreement also provided for the hotel to develop M/WBE goals in operational services, to work with the M/W/SBE office in implementing the Marriott supplier diversity program, to use certified firms, and semi-annual M/W/SBE reporting. "The sole remedy for noncompliance with this provision shall be the obligation of Marriott to prepare and implement a plan that provide for reasonable efforts to achieve the goals set forth."

7.14 Project Goal Setting

North Carolina Department of Transportation. The NCDOT regulations emphasize that goals should be set on projects "determined appropriate by the Department [of Transportation]."[40] Individual goals are set based on a project's geographic location, characteristics of the project, the percentage of that type of work that is typically performed by M/WBEs, the areas in which M/WBEs are known to provide services, and the goals set by the North Carolina General Assembly.[41] The NCDOT M/WBE regulations specify (although they do not limit to) particular areas for M/WBE goals: clearing and grubbing, hauling and trucking, storm drainage, concrete and masonry construction, guardrail, landscaping, erosion control, reinforcing steel, utility construction, and pavement marking.

The NCDOT goal setting process begins with an engineering estimate of the project to determine what items might reasonably be subcontracted out. Next, estimates of the percentage of work that could be potentially performed by DBEs and M/WBEs are developed.[42] These estimates are confidential and made available only to the Estimator (and staff), the provisions engineer in the proposals and contracts section (and staff), and members of the DBE/M/WBE committee at the DBE/M/WBE committee meetings.
Next, NCDOT looks at whether there are M/WBEs available based on the NCDOT DBE/M/WBE directory and the location of the project. The NCDOT directory is a searchable database that classifies firms by location, prime contractor/subcontractor

[37] Such an agreement is allowed for under Chapter 372 of the Texas Local Government Code.
[38] Bexar County, Texas, 2005 – 2009 Consolidated Plan, Executive Summary, at 61.
[39] Senior Priority Economic Development Agreement By and Between Cibolo Canyons Special Improvement District, Marriott International, Inc and Bexar County, Texas, January 12, 2006, Exhibit B.
[40] 19A NCAC 02D.1108(a).
[41] 19A NCAC 02D.1108(a).
[42] NCDOT, Division of Highways, Roadway Design and Design Services Unit, *Policy and Procedure Manual*, Chapter 10, at 4.

status, and six-digit work type.[43] The Goal Setting Committee is assisted in this process by EEO Contract Compliance staff in the Office of Civil Rights.

Prime contractors then submit documentation of good faith efforts to achieve the individual project goal. A statement of how they will make efforts to achieve the goal satisfies the good faith effort requirements.

The NCDOT Goal Setting Committee (in collaboration with the EEO Contract Compliance staff) seeks to set goals relative to where there is interest, availability and capacity, beyond mere looking at the certification lists. NCDOT relies on the EEO Contract Compliance staff to provide input on whether existing businesses are fully occupied. However, if EEO Contract Compliance says M/WBEs are not fully occupied, but prime contractors submit evidence that M/WBEs are fully occupied (for example, with invoices), then NCDOT accepts those explanations.

As part of goal setting, NCDOT regulations provide that:

- A documented excessive subcontractor bid constitutes a basis for not subcontracting with an M/WBE.

- A documented record of poor experience constitutes a basis for not subcontracting with an M/WBE.[44]

In addition, a review of NCDOT DBE and M/WBE goals has been a regular topic at the Associated General Contractors (AGC)-DOT Joint Cooperative Committee meetings.[45]

City of Phoenix, Arizona. The city of Phoenix Goal Setting Committee is responsible for setting project goals on public works contracts bid by the city. The assigned project manager provides goal-setting information for the specific project to the Bid Specifications section of the Engineering & Architectural Services Department (EASD) at least 21 days before the project is to be advertised. The required information includes design plans, a detailed cost estimate, a project description, and the client department's construction budget.

The Goal Setting Committee identifies trade areas needed for each eligible project. The EASD staff identifies available MBE and WBE subcontractors that could perform in each trade area identified in the project description and provides the information to the Goal Setting Committee for use in establishing M/WBE project goals. The Goal Setting Committee develops appropriate goals for each trade area based on estimated dollar amounts and M/WBE availability. EASD publishes these goals in the bid specifications. The equal opportunity department monitors projects for which MBE and WBE goals have been set. The Goal Setting Committee meets to establish goals on projects estimated to cost more than $50,000.00.

Goals may be adjusted if the Goal Setting Committee finds, after consideration of historical bidding and utilization data, that such an adjustment is necessary to ensure a narrowly tailored goal. The Goal Setting Committee then forwards the goal to EASD for

[43] http://apps.dot.state.nc.us/constructionunit/directory/.
[44] The last two elements are adopted by the North Carolina DOT. 19A NCAC 02D.1110(7).
[45] AGC-DOT Joint Cooperative Committee Meeting Minutes, February 2001 through August 2003.

review. If EASD determines that delays or changes in the project will require modification of the goals, the recommendation is returned to the Goal Setting Committee for revision.

7.14.1 Waivers of Goals

City of Phoenix, Arizona. The city of Phoenix established a Waiver Review Committee (Committee) that is responsible for deciding whether to recommend waiver requests to the city engineer. The Committee has established a Subcontracting Goals Waiver Review Form. The form lists the criteria used by the Committee to determine whether to grant a waiver request. The Committee reviews each category on the form and evaluates the contractor's good faith efforts in attempting to meet project goals. Bidders requesting waivers must submit a letter explaining their reason(s) for the waiver along with supporting documentation demonstrating efforts made to solicit MBEs and WBEs as subcontractors on a project. The Committee then decides whether to grant the waiver based on the total number of categories in which the contractor has sufficiently complied with the requirements. Based on interviews with city officials, the criteria listed for granting or denying a waiver are not ranked in order of importance, the criteria are not weighted, and city officials have not established a definite number of categories that need to be satisfied to obtain a waiver.

Over a five-year period, the city awarded 504 projects with M/WBE goals, 25 waivers were requested by the low bidder and ten were rejected.

8.0 FINDINGS AND RECOMMENDATIONS

8.0 FINDINGS AND RECOMMENDATIONS

In October 2008, MGT of America, Inc. (MGT), was retained to conduct a minority and women business enterprise disparity study for Leon County Florida, (County), to determine whether there was a compelling interest to establish a narrowly-tailored minority- and women-owned business enterprise (M/WBE) program for the County. The study consisted of fact-finding to examine the extent to which race- and gender-conscious and race- and gender-neutral remedial efforts by the County had effectively eliminated ongoing effects of any past discrimination affecting the County's relevant marketplace; to analyze the County procurement trends and practices for the study period from October 1, 2004, through September 30, 2008; and to evaluate various options for future program development.

The results of this study and conclusions drawn are presented in detail in **Chapters 2.0** through **7.0** of this report. The following sections summarize each of the study's findings, which are followed by related major recommendations. Commendations are also noted in those instances in which the County already has procedures, programs, and policies in place that respond to findings. Selected best practices are described in **Chapter 7.0** to this report. These best practices expand on the findings and recommendations that are marked with an asterisk (*).

8.1 Findings for M/WBE Utilization and Availability

FINDING 8-1: Historical M/WBE Utilization

The dollar value of M/WBE utilization by the County in 2004 Leon County Disparity Study was as follows:

- M/WBEs won construction prime contracts for $479,980 (1.61 percent of the total).
- M/WBEs won construction subcontracts for $5.47 million (18.32 percent of total contract value).
- M/WBEs won professional services prime contracts for $914,754 (12.24 percent of the total).
- M/WBEs won professional services subcontracts for $422,975 (5.66 percent of the total).
- M/WBEs won other services contracts for $3.28 million (29.71 percent of the total).
- M/WBEs won materials and supplies contracts for $2.76 million (16.19 percent of the total).

FINDING 8-2: M/WBE Prime Utilization, Availability and Disparity

The dollar value of M/WBE prime utilization by the County over the study period of October 1, 2004 through September 30, 2008, is shown in **Exhibit 8-1**:

- M/WBEs were paid $12.05 million (16.32 percent of the total) for prime construction services. There was substantial disparity for firms owned by African Americans and Asian Americans.

- M/WBEs were paid $1.05 million (14.64 percent of the total) for architecture and engineering (A&E) services. There was substantial disparity for Hispanic American[1]-, Asian American-, and nonminority women-owned firms.

- M/WBEs were paid $719,377 (16.05 percent of the total) for professional services. There was substantial disparity for firms owned by African Americans, Hispanic Americans, and nonminority women.

- M/WBEs were paid $3.40 million (53.57 percent of the total) for other services. There was substantial disparity for firms owned by Asian Americans, and Native Americans.

- M/WBEs were paid $1.60 million (13.81 percent of the total) for materials and supplies. There was substantial disparity for firms owned by African Americans, Hispanic Americans, and Asian Americans.

[1] The availability pool of firms for this category among this MBE group was based on the count of firms that submitted a bid as a prime contractor and won the project. However, this contract ultimately was not awarded, thus not listed in the list of awarded agreements.

EXHIBIT 8-1
M/WBE PRIME UTILIZATION, AVAILABILITY, AND DISPARITY
LEON COUNTY
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

Business Category	African American	Hispanic American	Asian American	Native American	Nonminority Women	Total M/WBE
Construction Prime Contractors						
Utilization Dollars	$2,553,207	$0	$0	$0	$9,499,250	$12,052,457
Utilization Percent	3.46%	0.00%	0.00%	0.00%	12.86%	16.32%
Availability Percent	9.73%	0.00%	0.54%	0.00%	6.49%	16.76%
Disparity	**Underutilization ***	**N/A**	**Underutilization ***	**N/A**	**Overutilization**	
Architecture and Engineering Prime Consultants						
Utilization Dollars	$537,264	$0	$196,309	$0	$320,113	$1,053,686
Utilization Percent	7.46%	0.00%	2.73%	0.00%	4.45%	14.64%
Availability Percent	8.51%	2.13%	4.26%	0.00%	17.02%	31.91%
Disparity	**Underutilization**	**Underutilization ***	**Underutilization ***	**N/A**	**Underutilization ***	
Professional Services Prime Consultants						
Utilization Dollars	$181,430	$0	$0	$0	$537,948	$719,377
Utilization Percent	4.05%	0.00%	0.00%	0.00%	12.00%	16.05%
Availability Percent	8.08%	1.01%	0.00%	0.00%	18.18%	27.27%
Disparity	**Underutilization ***	**Underutilization ***	**N/A**	**N/A**	**Underutilization ***	
Other Services Firms						
Utilization Dollars	$817,616	$319,088	$3,672	$3,696	$2,263,882	$3,407,954
Utilization Percent	12.85%	5.02%	0.06%	0.06%	35.59%	53.57%
Availability Percent	11.63%	1.16%	0.39%	0.39%	10.47%	24.03%
Disparity	**Overutilization**	**Overutilization**	**Underutilization ***	**Underutilization ***	**Overutilization**	
Materials and Supplies Vendors						
Utilization Dollars	$95,676	$0	$0	$0	$1,509,432	$1,605,108
Utilization Percent	0.82%	0.00%	0.00%	0.00%	12.98%	13.81%
Availability Percent	1.45%	0.36%	0.36%	0.00%	8.00%	10.18%
Disparity	**Underutilization ***	**Underutilization ***	**Underutilization ***	**N/A**	**Overutilization**	

Source: Utilization findings are taken from the exhibit previously shown in **Chapter 3.0** and **Chapter 4.0**. Availability is based on bidders/vendors.
N/A-not applicable.
*Substantial disparity.

FINDING 8-3: M/WBE Subcontractor Utilization, Availability, and Disparity

The dollar value of M/WBE construction subcontractors over the study period is shown in **Exhibit 8-2** below:

- M/WBEs won construction subcontracts for $2.39 million (12.97 percent of the total). There was substantial disparity in the utilization of available African American, Asian American, Native American, and nonminority women construction subcontractors.

EXHIBIT 8-2
M/WBE SUBCONTRACTOR UTILIZATION, AVAILABILITY, AND DISPARITY
LEON COUNTY
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

Business Category	African American	Hispanic American	Asian American	Native American	Nonminority Women	Total M/WBE
Construction Subcontractors						
Utilization Dollars (Overall Subcontractor Level)	$1,868,840	$302,580	$0	$9,792	$213,761	$2,394,973
Utilization Percent (Overall Subcontractor Level)	10.12%	1.64%	0.00%	0.05%	1.16%	12.97%
Availability Percent	18.75%	1.56%	0.52%	0.69%	10.76%	32.29%
Disparity (Overall Subcontractor Level)	**Underutilization ***	**Overutilization**	**Underutilization ***	**Underutilization ***	**Underutilization ***	

Source: Subcontractor bidders; Utilization and disparity findings are taken from the exhibit previously shown in **Chapters 3.0** and **4.0**.
N/A-not applicable.
*Substantial disparity.

FINDING 8-4: M/WBE Utilization in Private Sector Commercial Construction

MBE prime and subcontractor utilization in private sector commercial construction in the County was generally quite low, as measured by data from building permits. MBE subcontractor utilization in particular was low in absolute terms (less than 4 percent) (**Exhibit 8-3**), in comparison to MBE subcontractor utilization on County projects (more than 12 percent), and in comparison to MBE availability (about 21 percent).

EXHIBIT 8-3
COMPARISON OF M/WBE UTILIZATION PERCENTAGE OF DOLLARS
PRIVATE COMMERCIAL CONSTRUCTION
LEON COUNTY
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008

Business Category/Data Source	African American	Hispanic American	Asian American	Native American	Nonminority Women	M/WBE Firms	Non-M/WBE Firms
Prime Contractors							
Leon County Construction Prime Contractors (Based on Expenditure Data Only)	3.46%	0.00%	0.00%	0.00%	12.86%	16.32%	83.68%
Private Construction Prime Contractors (Leon County, Florida Building Permits)	0.86%	0.00%	0.00%	0.00%	2.48%	3.34%	96.66%
Private Construction Prime Contractors (City of Tallahassee, Florida Building Permits)	0.03%	0.00%	0.00%	0.00%	1.02%	1.05%	98.95%
Subcontractors	**African American**	**Hispanic American**	**Asian American**	**Native American**	**Nonminority Women**	**M/WBE Firms**	**Non-M/WBE Firms**
Leon County Construction Subcontractors (Overall Subconractor Level)[1]	10.12%	1.64%	0.00%	0.05%	1.16%	12.97%	87.03%
Private Construction Subcontractors (Leon County, Florida Building Permits)	0.00%	0.00%	0.00%	0.05%	3.80%	3.80%	96.20%
Private Construction Subcontractors (City of Tallahassee, Florida Building Permits)	0.04%	0.00%	0.00%	0.00%	18.16%	18.21%	81.79%

Source: Utilization findings are taken from the exhibit previously shown in **Chapters 3.0** and **6.0**.

FINDING 8-5: Disparities in the Census Data

There was evidence of disparities based on the 2002 Survey of Business Owners from the U.S. Census Bureau (for groups for which data was available):

- *Construction Firms.* Women-owned firms were 6.8 percent of firms, 6.2 percent of sales, with $84,224 in average revenue per firm, 90.9 percent of the market place average.

- *Professional Services Firms.* African American-owned firms were 5.6 percent of firms, 0.9 percent of sales, with $15,000 in average revenue per firm, 16.9 percent of the market place average. Women-owned firms were 24.4 percent of firms, 12.7 percent of sales, with $202,148 in average revenue per firm, 52.1 percent of the market place average.

8.2 Commendations and Recommendations

8.2.1 Commendations and Recommendations for Race-Neutral Alternatives

COMMENDATION and RECOMMENDATION 8-1: Outreach*

The County should be commended for its outreach efforts, including sponsoring workshops; participating in the Small Business Enterprise Week and MEDWeek, activities with the city of Tallahassee; partnerships with business development organizations such as the Small Business Development Center at Florida Agricultural and Mechanical (Florida A&M) University; and posting opportunities on the Web. Additional outreach can be conducted though special vendor fairs, networking sessions, and "brown bag" sessions targeting vendors for major projects such as federal funded stimulus projects and the joint public safety building. Division directors should be included in outreach sessions. In addition, the consolidation of the County and city of Tallahassee certified firms' directory would assist primes and staff with identifying available firms for M/W/SBE opportunities.

COMMENDATION and RECOMMENDATION 8-2: Vendor Rotation*

The County should consider the wider use of vendor rotation to expand utilization of under-utilized M/WBE groups. Some political jurisdictions use vendor rotation arrangements to limit habitual repetitive purchases from incumbent majority firms and to ensure that M/W/SBEs have an opportunity to bid along with majority firms. Generally, a diverse team of firms are prequalified for work and then teams alternate undertaking projects. A number of agencies, including the city of Indianapolis, Indiana; Fairfax County, Virginia; the Port Authority of New York and New Jersey; and Miami-Dade County, Florida; use vendor rotation to encourage utilization of underutilized M/WBE groups, particularly in professional services.

COMMENDATION and RECOMMENDATION 8-3: SBE Program for Prime Contracts*

The County should be commended for starting an SBE program. A strong SBE program is central to maintaining a narrowly tailored program to promote M/WBE utilization. In particular, the County should focus on increasing M/WBE utilization through the SBE program. The County does not face constitutional restrictions on its SBE program, only those procurement restrictions imposed by state law. Specific suggestions for the County's SBE program can be found in features of other SBE programs around the United States, including:

- Setting aside small financial consulting projects (Port Authority of New York and New Jersey SBE Program).
- Providing bid preferences to SBEs in bidding on contracts (Miami-Dade County, Florida, Community SBE Program; Port Authority of New York and New Jersey SBE Program; Port of Portland, East Bay Municipal Utility District Contract Equity Program).[2]
- Setting SBE goals on formal and informal contracts (city of Charlotte, North Carolina, SBE Program).
- Setting department goals for SBE utilization (city of Charlotte, North Carolina, SBE Program).
- Access to low cost insurance on small projects (city of San Diego, California, Minor Construction Program).
- Providing bid preferences to SBEs on tax-assisted projects (city of Oakland, California, Local Small Business Enterprise Program, and Port of Portland Emerging Small Business Program).
- Making SBE utilization part of department performance reviews (city of Charlotte, North Carolina, SBE Program).
- Mentor-protégé programs for small businesses (Port of Portland Emerging Small Business Program).

The County SBE training requirement has limited the effectiveness of the existing SBE program. The County should exempt firms from the training requirement if: (1) they have a record of satisfactory performance on similar projects with the County (or other major public/private organization), or (2) have satisfied similar training sessions with other organizations.

[2] The Port of Portland found that 10 percent bid preferences were more effective than 5 percent bid preferences.

RECOMMENDATION 8-4: Mandatory Subcontracting*

The County should consider imposing mandatory subcontracting clauses where such clauses would promote M/W/SBE utilization, and be consistent with industry practice.[3]

RECOMMENDATION 8-5: Business Development Assistance*

The County did attempt some business development initiatives for SBEs and M/WBEs. However, there have been problems with the existing delivery of training services. The County should focus on partnerships with organizations with a proven track record of business development assistance, such as the Florida Department of Transportation's Supportive Services program.

The County should evaluate the impact of these business development initiatives on M/W/SBE utilization. The County should follow the example of the Port Authority of New York and New Jersey, for which management and technical assistance contracts have been structured to include incentives for producing results, such as increasing the number of M/WBEs being registered as qualified vendors with the Port, and increasing the number of M/WBEs graduating from subcontract work to prime contracting.

8.2.2 M/WBE Policy Commendations and Recommendations

RECOMMENDATION 8-6: Narrowly Tailored M/W/SBE Program

This study provides evidence to support a narrowly tailored program to promote M/WBE utilization. This conclusion is based primarily on statistical disparities in current M/WBE utilization, particularly in subcontracting, substantial disparities in the private marketplace, evidence of discrimination in business formation and revenue earned from self-employment, and some evidence of passive participation in private sector disparities. The County should tailor its women and minority participation policy to remedy each of these specific disparities.

The case law involving federal disadvantaged business enterprise (DBE) programs provide important insight into the design of local M/WBE programs. In January 1999, the United States Department of Transportation (USDOT) published its final DBE rule in Title 49, Code of Federal Regulations, Part 26 (49 CFR 26). The federal courts have consistently found the DBE regulations to be narrowly tailored.[4] The federal DBE program has the features listed in **Exhibit 8-4** that contribute to this characterization as a narrowly tailored remedial procurement preference program. The County should adopt these features in any new narrowly tailored M/WBE program.

[3] San Diego, as part of its Subcontractor Outreach Program (SCOPe), has mandatory outreach, mandatory use of subcontractors, and mandatory submission of an outreach document. Whether a contract has subcontracting is determined by the engineer on the project.

[4] *Adarand v. Slater*, 228 F.3d 1147 (10th Cir. 2000), *Gross Seed. v. State of Nebraska*, 345 F.3d 968 (8th Cir. 2003); cert denied, 158 L.Ed. 2d 729 (2004), *Northern Contracting v. Illinois DOT,* 2005 U.S. Dist. LEXIS 19868 (ND IL 2005).

EXHIBIT 8-4
NARROWLY TAILORED M/WBE PROGRAM FEATURES

Narrowly Tailored Goal-Setting Features	DBE Regulations
The County should not use quotas.	49 CFR 26(43)(a)
The County should use race- or gender-conscious set-asides only in cases where other methods are inadequate to address the disparity.	49 CFR 26(43)(b)
The County should meet the maximum amount of its M/WBE goals through race-neutral means.	49 CFR 26(51)(a)
The County should use M/WBE contract goals only where race-neutral means are not sufficient.	49 CFR 26(51)(d)
The County should use M/WBE goals only where there are subcontracting possibilities.	49 CFR 26(51)(e)(1)
If the County estimates that it can meet the entire M/WBE goal with race-neutral means, then the County should not use contract goals.	49 CFR 26(51)(f)(1)
If it is determined that the County is exceeding its goal, then the County should reduce the use of M/WBE contract goals.	49 CFR 26(51)(f)(2)
If the County exceeds goals with race-neutral means for two years, then the County should not set contract goals the next year.	49 CFR 26(51)(f)(3)
If the County exceeds M/WBE goals with contract goals for two years, then the County should reduce use of contract goals the next year.	49 CFR 26(51)(f)(4)
If the County uses M/WBE goals, then the County should award only to firms that made good faith efforts.	49 CFR 26(53)(a)
The County should give bidders an opportunity to cure defects in good faith efforts.	49 CFR 26(53)(d)

COMMENDATION and RECOMMENDATION 8-7: Aspirational M/WBE TARGETS

The County should periodically adjust aspirational goals by business category, and not establish rigid project goals. Adjustments should be based on the degree of success of the program in previous years. To establish a benchmark for goal setting, aspirational goals should be based on relative M/WBE availability. The primary means for achieving these aspirational goals should be the SBE program, race-neutral joint ventures, outreach, and adjustments in the County procurement policy. As in the DOT, DBE program goals on particular projects should, in general, vary from overall aspirational goals. Possible revised aspirational goals based on M/WBE availability are proposed in **Exhibit 8-5**. These aspirational goals can be further decomposed by procurement category, ethnicity, and gender.

EXHIBIT 8-5
PROPOSED M/WBE ASPIRATIONAL TARGETS
LEON COUNTY
BY PROCUREMENT CATEGORY

Procurement Category	Aspirational MBE Target	Aspirational WBE Target
Construction Prime Contractors	8%	5%
Construction Subcontractors*	17%	9%
Architecture & Engineering	12%	14%
Professional Services	7%	15%
Other Services	10%	8%
Materials and Supplies	1%	6%

Source: Availability estimates are based on vendor data.
*Of total subcontract dollar value.

RECOMMENDATION 8-8: Joint Ventures

The County should consider adopting a joint venture policy similar to the one implemented by the city of Atlanta, Georgia. The city of Atlanta requires establishment of joint ventures on large projects of over $10 million.[5] Primes are required to joint venture with a firm from a different ethnic/gender group in order to ensure prime contracting opportunities for all businesses. This rule applies to women and minority firms as well as nonminority firms. This rule has resulted in tens of millions of dollars in contract awards to women and minority firms.

COMMENDATION and RECOMMENDATION 8-9: M/WBE Subcontractor Plans*

The County should consider reestablishing the good faith effort goal requirements in its contracts. The basis for retaining good faith efforts requirements is significant disparities in construction subcontracting, the very low utilization in private sector commercial construction and other evidence of private sector disparities, even after controlling for capacity and other race-neutral variables. The core theme should be that prime contractors should document their outreach efforts and the reasons why they may have rejected qualified M/WBEs that were the low-bidding subcontractors. Accordingly, the following narrow tailoring elements should be considered:

1. Good faith effort requirements should apply to both M/WBE and nonminority prime contractors.

2. Projects goals should vary by project and reflect realistic M/WBE availability for particular projects.

3. A documented excessive subcontractor bid can be a basis for not subcontracting with an M/WBE.

4. A documented record of poor performance can be a basis for not subcontracting with an M/WBE.[6]

[5] City of Atlanta Ordinance Sec. 2-1450 and Sec. 2-1451.
[6] The last two elements were adopted by the North Carolina Department of Transportation (NCDOT). 19A NCAC 02D.1110(7).

COMMENDATION 8-10: RFP Language*

The County is commended for putting in its request for proposals (RFPs) language asking proposers about their strategies for M/WBE inclusion on projects. A number of agencies, including the Port Authority of New York and New Jersey, have had success in soliciting creative responses to these requests, even in areas such as large-scale insurance contracts.

RECOMMENDATION 8-11: Economic Development*

The County should consider extending the M/W/SBE program to economic development projects. Jersey City, New Jersey, and the city of Saint Paul, Minnesota, have established offices that focus on employment and M/W/SBE utilization on economic development projects. San Antonio and Bexar County, Texas, also have very active M/W/SBE initiatives for development projects that receive tax subsidies.

RECOMMENDATION 8-12: Certification*

Two-Tier Size Standards. The federal case law points to the use of size standards and net worth requirements as one factor in the narrow tailoring of remedial procurement programs. At present, the County uses its own size standard.

Size standards for remedial procurement programs face a dilemma. If the size standard is placed too high, large firms crowd out new firms. If the size standard is placed too low, too many experienced firms lose the advantages of the remedial program. The second problem is an issue with the current County SBE certification. One solution to this dilemma is to adopt a two-tier standard for M/WBE and SBE certification. The federal government and the states of Oregon and New Jersey use a two-tier size standard. Thus, for example, contracts could be set aside for small and very small firms and goals that included very large M/W/SBEs could be established on large projects. A standard approach is to use the Small Business Administration (SBA) size standard for small firms and a percentage of the SBA size standard (for example, 25 or 50 percent) for very small firms.

Automatic SBE Certification. Firms that already satisfy the size and location requirements for the SBE program should be automatically certified as SBEs, unless they elect to remove themselves from the SBE directory. Several jurisdictions have used this approach to expand the pool of SBEs.

Socially and Economically Disadvantaged Firms. The County should consider adding socially and economically disadvantaged firms to its definition of targeted groups. The North Carolina M/WBE program has this feature.

Program Participation Limits. Another graduation provision is to restrict the overall amount of dollars a program participant can receive. For example, the city of New York graduates firms that have received more than $15 million in prime contracts within the past three years.[7]

[7] Local Laws of New York, Section 7-1292 (c) (17).

COMMENDATION and RECOMMENDATION 8-13: M/WBE Program Data Management

It is important for the County to closely monitor the utilization of all businesses by race, ethnicity, and gender, and by prime and subcontractor utilization, over time to determine whether the County's M/W/SBE policy has the potential to eliminate race and gender disparities without applying specific race and gender goals. The County should be commended for its improved tracking of subcontractor utilization and for the implementation of the B2G system for tracking M/W/SBE contract compliance.

COMMENDATION and RECOMMENDATION 8-14: Purchasing and M/W/SBE Policy

The County should be commended for the consolidation of the purchasing policy and the M/WBE participation policy and elevating the M/W/SBE program to division level, which improved the internal and external perception of the County's commitment to the program's success. The County should ensure that vendors submit the required contract compliance documents pertaining to the M/W/SBE program as part of their request for payment.

COMMENDATION and RECOMMENDATION 8-15: M/W/SBE Program Staff

The County should be commended for the efforts of the County's M/W/SBE staff. The County could increase staff, training and resources to ensure the necessary resources to operate the MWBE program. The reason for an increase of staff would be: setting M/WBE project goals (targets), updating an M/WBE policy manual, re-establishing an SBE program, reporting M/WBE utilization to the highest levels of County management, overseeing business assistance, improving outreach, reserving contracts under an SBE program, and monitoring M/W/SBE targets and contract compliance.

RECOMMENDATION 8-16: Performance Measures*

The County should add performance measures other than M/W/SBE percentage utilization. Some suggested measures come from the Florida Department of Transportation's Small Business Initiative (discussed in the best practices section of this report). The County should develop additional measures to gauge the effectiveness of its efforts. Possible measures include:

- Growth in the number of M/W/SBEs winning their first award from the County.
- Growth in percentage of M/W/SBE utilization by the County.
- Growth in M/W/SBE prime contracting.
- Growth in M/W/SBE subcontractors to prime contractors.
- Number of M/W/SBEs that receive bonding.
- Number of M/W/SBEs that successfully graduate from the program.
- Number of graduated firms that successfully win County projects.

- Percentage of M/W/SBE utilization for contracts not subject to competitive bidding requirements.
- Growth in the number of M/W/SBEs utilized by the County.
- Number of joint ventures involving M/W/SBEs.
- Largest contract won by an M/W/SBE.
- Comparability in annual growth rates and median sales for M/W/SBEs and non-M/W/SBEs in the County contracts.

APPENDICES

APPENDIX A: UTILIZATION DETAILS

APPENDIX A
UTILIZATION DETAILS

Utilization Details - Construction

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
1001 USES UTILITY BLDG	NONMINORITY MALE	LEON, FL	$4,298.00
ABSOLUTE DEMO, INC	NONMINORITY MALE	LEON, FL	$6,000.00
ALBRITTON ELECTRICAL SERVICE INC	NONMINORITY MALE	LEON, FL	$475,790.14
ALL FLORIDA ELECTRIC OF TALLAHASSEE INC	NONMINORITY MALE	LEON, FL	$500.00
ALLEN'S EXCAVATING, INC.	NONMINORITY MALE	LEON, FL	$11,096,038.40
ALLWEATHER INSULATION INC	NONMINORITY MALE	LEON, FL	$1,902.00
ANYTIME CONCRETE, INC	NONMINORITY MALE	LEON, FL	$352.00
APACHEE ROOFING	NONMINORITY MALE	LEON, FL	$10,250.00
APALACHEE BACKHOE & SEPTIC TANK LLC	NONMINORITY MALE	LEON, FL	$204,268.35
B & S UTILITIES	NONMINORITY MALE	LEON, FL	$48,456.68
BASS CONSTRUCTION CO INC	NONMINORITY MALE	LEON, FL	$267,160.68
BAYCREST CORPORATION	NONMINORITY MALE	LEON, FL	$773,711.46
BLANKENSHIP CONTRACTNG INC	NONMINORITY MALE	LEON, FL	$4,569,664.70
BLUE CHIP CONSTRUCTION	AFRICAN AMERICAN	LEON, FL	$2,049,796.46
BOB MCKEITHEN & SONS	NONMINORITY MALE	LEON, FL	$3,885.00
BRYAN SCRUGGS CONSTRUCTION, INC	NONMINORITY MALE	GADSDEN, FL	$419,150.58
C & C ASPHALT, LLC	NONMINORITY MALE	LEON, FL	$14,870.00
C & R CONSTRUCTION SVS, INC	AFRICAN AMERICAN	LEON, FL	$33,259.00
CAMP DRESSER & MCKEE INC	NONMINORITY MALE	LEON, FL	$599,873.08
CAPITAL QUALITY BUILDINGS, INC	NONMINORITY MALE	LEON, FL	$5,325.00
COUNCIL CONTRACTING, INC	NONMINORITY FEMALE	LEON, FL	$834,907.23
CPS RESIDENTIAL & COMMERCIAL CONSTRUCTION SERVICES	NONMINORITY MALE	LEON, FL	$76,797.74
CUMBIE CONCRETE CONSTRUCTION CO.	NONMINORITY MALE	LEON, FL	$389.85
DAVIS CONSTRUCTION	NONMINORITY MALE	LEON, FL	$600.00
DIXIE PAVING & GRADING, INC	NONMINORITY MALE	LEON, FL	$487,949.65
DOVE ROOFING CO INC	NONMINORITY MALE	LEON, FL	$48,231.10
FLORIDA DESIGN AND CONSTRUCTION	AFRICAN AMERICAN	LEON, FL	$1,975.00
FLORIDA DEVELOPERS INC	AFRICAN AMERICAN	LEON, FL	$42,823.00
GAINES	NONMINORITY MALE	LEON, FL	$300.00
GAINES & SONS STRIPING,INC	AFRICAN AMERICAN	LEON, FL	$332,679.87
GARRISON DESIGN & CONTRUCTION INC	NONMINORITY MALE	LEON, FL	$628,376.74
GEMINI ELECTRIC	NONMINORITY MALE	LEON, FL	$8,200.00
GREAT SOUTHERN DEMOLITION INC	NONMINORITY MALE	LEON, FL	$15,826.00
HARRELL ROOFING INC	NONMINORITY MALE	LEON, FL	$86,387.00
HODGES ELECTRIC, INC.	NONMINORITY MALE	LEON, FL	$1,303.30
JACKSON COOK INC	NONMINORITY FEMALE	LEON, FL	$10,359.45
JIMMIE CROWDER EXCAVATING & LAND CLEARING, INC	NONMINORITY MALE	LEON, FL	$3,238,291.93
JP POWELL SERVICES	NONMINORITY FEMALE	LEON, FL	$47,917.49
KCW ELECTRIC CO	NONMINORITY MALE	LEON, FL	$29,405.55
KEITH LAWSON COMPANY	NONMINORITY MALE	LEON, FL	$877.00
KINSEY CONTRACTORS INC	NONMINORITY MALE	LEON, FL	$443,816.17
KRATOFIL'S HEATING & AIR CONDITIONING INC	NONMINORITY MALE	LEON, FL	$5,880.00
LANCE MAXWELL PLUMBING	NONMINORITY MALE	LEON, FL	$2,260.00
LARRY HAGAMAN PLUMBING CONTRACTOR	NONMINORITY MALE	LEON, FL	$1,235.00
M OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	$102,400.00
M&L PLUMBING	NONMINORITY MALE	LEON, FL	$3,775.00
MEYER CONSTRUCTION COMPANY, LLC	NONMINORITY MALE	LEON, FL	$59,204.00

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
MIKE SCOTT CONSTRUCTION	NONMINORITY MALE	LEON, FL	$266,329.68
MORGAN ELECTRIC CO.	NONMINORITY MALE	LEON, FL	$111,777.57
MOSLEY ENTERPRISES	NONMINORITY MALE	GADSDEN, FL	$36,620.00
MSTCONSTRUCTION	NONMINORITY MALE	GADSDEN, FL	$1,449.46
MUD WORKS	AFRICAN AMERICAN	LEON, FL	$16,907.00
NORTH FLORIDA ASPHALT INC	NONMINORITY MALE	LEON, FL	$1,714,065.65
PAGEL CONSTRUCTION, INC	NONMINORITY MALE	LEON, FL	$348,281.50
PANHANDLE CONTRACTING	NONMINORITY MALE	LEON, FL	$6,500.00
PEARSON CONSTRUCTION COMPANY LLC	NONMINORITY MALE	LEON, FL	$1,157,452.96
PEAVY & SON CONSTRUCTION CO INC	NONMINORITY MALE	GADSDEN, FL	$7,185,506.99
PETER R BROWN CONSTRUCTION	NONMINORITY FEMALE	LEON, FL	$8,510,946.67
PHOENIX CONSTRUCTION & FENCING	AFRICAN AMERICAN	LEON, FL	$75,766.74
PRO STEEL BLDG INC	NONMINORITY MALE	LEON, FL	$631,779.15
REYNOLDS HOME BUILDERS, INC	NONMINORITY FEMALE	LEON, FL	$67,773.80
RIPPEE CONSTRUCTION INC	NONMINORITY FEMALE	LEON, FL	$21,820.00
ROTO ROOTER PLUMBERS	NONMINORITY MALE	LEON, FL	$39,826.13
SANDCO INC	NONMINORITY MALE	LEON, FL	$26,326,144.83
SCOTT-BURNETT INC	NONMINORITY MALE	LEON, FL	$2,435.48
SOUTHEAST CONCRETE CUTTING AND DEMOLITION INC	NONMINORITY MALE	LEON, FL	$450.00
SOUTHERN GENERAL CONTRACTORS, LLC	NONMINORITY MALE	LEON, FL	$28,430.00
SPECIALTY CONTRACTORSOF TALLAHASSEE INC	NONMINORITY MALE	LEON, FL	$8,597.36
STREAMLINE ROOFING	NONMINORITY MALE	LEON, FL	$556.94
STRICKLAND ELECTRIC COMPANY OF TALLAHASSEE INC	NONMINORITY FEMALE	LEON, FL	$5,525.00
T S BUILDERS, INC	NONMINORITY MALE	LEON, FL	$155,978.07
TOM SHAW CONSTRUCTION COMPANY	NONMINORITY MALE	LEON, FL	$37,450.39
VAUSE MECHANICAL CONTRACTING, INC.	NONMINORITY MALE	LEON, FL	$2,724.00
WHITE'S PLUMBING INC	NONMINORITY MALE	LEON, FL	$6,350.08

Utilization Details - Architecture & Engineering

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
ACOUSTI ENGINEERING CO OF FLORIDA	NONMINORITY FEMALE	LEON, FL	$2,304.92
ADVANCED GEOSPATIAL, INC	NONMINORITY MALE	LEON, FL	$80,425.00
AKIN & ASSOCIATES ARCHITECTS	AFRICAN AMERICAN	LEON, FL	$146,460.64
ALLEN NOBLES AND ASSOCIATES INC	NONMINORITY MALE	LEON, FL	$157,454.71
BARNETT FRONCZAK ARCHITECTS	NONMINORITY MALE	LEON, FL	$522,894.85
BENEDICT ENGINEERING COMPANY INC	NONMINORITY MALE	LEON, FL	$9,080.50
CAPITAL ENGINEERING & SURVEYING,INC	NONMINORITY MALE	LEON, FL	$5,662.00
COLONEY BELL ENGINEERING	NONMINORITY MALE	LEON, FL	$1,852.50
CS & K ASSOCIATES, INC	NONMINORITY FEMALE	LEON, FL	$2,660.00
DIVERSIFIED DESIGN % DRAFTING SERVICES, INC	NONMINORITY FEMALE	LEON, FL	$1,760.00
EMO ARCHITECTS, INC	NONMINORITY MALE	LEON, FL	$458,382.35
ENVIRONMENTAL & GEOTECHNICAL SPECIALISTS INC (EGS)	NONMINORITY MALE	LEON, FL	$67,388.69
ENVIRONMENTAL CONSULTING & TECHNOLOGY INC	NONMINORITY FEMALE	LEON, FL	$292,967.33
GENESIS GROUP INC	NONMINORITY MALE	LEON, FL	$1,490,568.99
GPI SOUTHEAST INC	NONMINORITY MALE	LEON, FL	$29,607.32
HAMMOND DESIGN GROUP	NONMINORITY MALE	LEON, FL	$251,525.58
JOHNSON PETERSON ARCHITECTS INC	NONMINORITY MALE	LEON, FL	$516,512.57
JRA ARCHITECTS INC	NONMINORITY MALE	LEON, FL	$2,845.00
McGINNISS & FLEMING ENGINEERING INC	NONMINORITY MALE	LEON, FL	$131,844.38
MIHIR ENVIRONICS INC	ASIAN AMERICAN	LEON, FL	$22,465.00
MOORE BASS CONSULTING INC	NONMINORITY FEMALE	LEON, FL	$16,108.73
POOLE ENGINEERING	NONMINORITY FEMALE	LEON, FL	$4,312.00
POST BUCKLEY SCHUH & JERNIGAN, INC	NONMINORITY MALE	LEON, FL	$2,359,696.37
REGISTE,SLIGER ENGINEERING,INC	AFRICAN AMERICAN	LEON, FL	$153,869.20
ROSENBAUM ENGINEERING	NONMINORITY MALE	LEON, FL	$38,084.02
SOUTHERN EARTH SCIENCES INC	NONMINORITY MALE	LEON, FL	$9,319.00
SPECTRA ENGINEERING & RESEARCH, INC	AFRICAN AMERICAN	LEON, FL	$210,018.89
STRUCTURAL DIAGNOSTICS	AFRICAN AMERICAN	LEON, FL	$26,915.00
TRAK ENGINEERING INC	NONMINORITY MALE	LEON, FL	$11,072.50
WELCH & WARD ARCHITECTS INC	ASIAN AMERICAN	LEON, FL	$173,844.00
WILLIAMSON & ASSOCIATES, INC.	NONMINORITY MALE	LEON, FL	$300.00

Utilization Details - Professional Services

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
ACCURATE STENOTYPE REPORTERS	NONMINORITY FEMALE	LEON, FL	$1,838.40
ALL PRO DRUG TESTING INC	NONMINORITY FEMALE	LEON, FL	$40.00
ALLIED VET EMERGENCY SERVICES INC	NONMINORITY MALE	LEON, FL	$200.00
APPRAISAL GROUP OF TALLAHASSEE,INC	NONMINORITY FEMALE	LEON, FL	$10,000.00
BANKS & MORRIS, P.A.	NONMINORITY MALE	LEON, FL	$36,968.13
BECK & BARRIOS, PA	NONMINORITY MALE	LEON, FL	$2,500.00
BIBLER DESIGN DEVELOPMENT	NONMINORITY MALE	LEON, FL	$3,800.00
BOUTIN BROWN REALTY ADVISORS INC	NONMINORITY MALE	LEON, FL	$107,707.50
BRADLEY	NONMINORITY MALE	LEON, FL	$560.00
BROWN AND BROWN PA	AFRICAN AMERICAN	LEON, FL	$9,089.81
BRYANT MILLER & OLIVE PA	NONMINORITY MALE	LEON, FL	$171,961.83
CARR ALLISON	NONMINORITY MALE	LEON, FL	$241,767.93
CHARLES E HOBBS II, ESQ	AFRICAN AMERICAN	LEON, FL	$420.00
CLINICAL PHYCHOLOGICAL SERVICES, INC	NONMINORITY MALE	LEON, FL	$205.00
COMPUTER TUTORS USA INC	NONMINORITY FEMALE	LEON, FL	$20,095.00
COOPER BYRNE BLUE & SCHWARTZ, LLC	NONMINORITY MALE	LEON, FL	$90,364.11
CURETON-JOHNSON & ASSOCIATES	NONMINORITY MALE	LEON, FL	$8,750.00
DAVID C HAWKINS,PLLC	NONMINORITY MALE	LEON, FL	$16,686.25
DEBEAUBIEN KNIGHT SIMMONS MANTZARIS & NEAL, LLP	NONMINORITY MALE	LEON, FL	$4,700.80
DIANE WILKENS PRODUCTIONS	NONMINORITY FEMALE	LEON, FL	$750.00
DISASTERS, STRATEGIES AND IDEAS GROUP, LLC	NONMINORITY MALE	LEON, FL	$49,757.64
DISKIN PROPERTY RESEARCH	NONMINORITY MALE	LEON, FL	$64,368.86
EMPLOYEE MANAGEMENT SYSTEMS	NONMINORITY MALE	LEON, FL	$7,280.00
FIXEL & MAGUIRE	NONMINORITY MALE	LEON, FL	$9,567.00
FLORIDA PROPERTY CONSULTANTS GROUP	NONMINORITY MALE	LEON, FL	$6,000.00
FOR THE RECORD REPORTING	NONMINORITY FEMALE	LEON, FL	$112.50
FRANK E SHEFFIELD PA	NONMINORITY MALE	LEON, FL	$29,635.50
GARDNER, BIST, WIENER, WADSWORTH & BOWDEN, P.A.	NONMINORITY MALE	LEON, FL	$48,825.00
GENTRY & WAY PA	NONMINORITY FEMALE	LEON, FL	$6,406.08
GREGORY J CUMMINGS	NONMINORITY MALE	LEON, FL	$1,445.94
HENNINGSEN INVESTMENT INC	NONMINORITY MALE	LEON, FL	$2,542.43
HERRLE COMMUNICATIONS GROUP	NONMINORITY FEMALE	LEON, FL	$1,665.50
I S CONSULTING	NONMINORITY FEMALE	LEON, FL	$30,160.00
INFINITY SOFTWARE DEVELOPMENT	NONMINORITY MALE	LEON, FL	$9,338.75
INOVIA CONSULTING GROUP	NONMINORITY MALE	LEON, FL	$22,686.40
INTEGRITY PUBLIC FINANCE CONSULTING	NONMINORITY MALE	LEON, FL	$22,300.00
JORDAN RESEARCH & CONSULTING	NONMINORITY MALE	LEON, FL	$456.25
KETCHAM APPRAISAL GRP PA	NONMINORITY MALE	LEON, FL	$114,348.45
KETCHAM REALTY GROUP, INC	NONMINORITY MALE	LEON, FL	$75.00
KNOWLES & RANDOLPH PA	AFRICAN AMERICAN	LEON, FL	$138,225.00
LAW OFFICES OF GARY ANTON, PA	NONMINORITY MALE	LEON, FL	$1,911.40
LEWIS LONGMAN & WALKER P.A.	NONMINORITY MALE	LEON, FL	$178,693.10
MCGLYNN LABORATORIES	NONMINORITY FEMALE	LEON, FL	$430,440.13
MERIT REPORTING	NONMINORITY FEMALE	LEON, FL	$145.00
MESSER CAPARELLO & SELF	NONMINORITY MALE	LEON, FL	$2,287.04
MGT OF AMERICA INC	NONMINORITY MALE	LEON, FL	$60,310.70

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
MOORE CONSULTING GROUP	NONMINORITY FEMALE	LEON, FL	$3,000.00
NABORS GIBLIN & NICKERSON PA	NONMINORITY MALE	LEON, FL	$63,178.12
PARTNERS IN COMMUNICATION	NONMINORITY FEMALE	LEON, FL	$4,162.50
PAUL CONSULTING INC	NONMINORITY MALE	LEON, FL	$1,413,875.00
PROFESSIONAL PRACTICE SOLUTIONS, LLC	NONMINORITY FEMALE	LEON, FL	$10,885.00
REMILLARD LAW FIRM, P.A.	NONMINORITY MALE	LEON, FL	$1,168.75
RICHARD A GREENBERG ATTY	NONMINORITY MALE	LEON, FL	$1,002.31
ROGERS, ATKINS, GUNTERE & ASSOCIATES	NONMINORITY MALE	LEON, FL	$3,850.00
ROSE, SUNDSTROM & BENTLEY, LLP	NONMINORITY MALE	LEON, FL	$23,788.66
ROTHENBERG, LOUIS PAUL	NONMINORITY MALE	LEON, FL	$331.50
ROUMELIS PLANNING & DEVELOP SERVICES INC	NONMINORITY FEMALE	LEON, FL	$10,780.91
SAVLOV & ANDERSON	NONMINORITY MALE	LEON, FL	$9,716.00
SHUTTS & BOWEN LLP	NONMINORITY MALE	LEON, FL	$159,000.00
SMITH THOMPSON SHAW P A	NONMINORITY FEMALE	LEON, FL	$6,496.50
TALLAHASSEE LAND CO INC	NONMINORITY MALE	LEON, FL	$962.50
THE DYE LAW FIRM P.A.	NONMINORITY MALE	LEON, FL	$4,905.00
THOMAS HOWELL FERGUSON PA	NONMINORITY MALE	LEON, FL	$759,552.29
TRACY P. MOYE, P.A.	NONMINORITY FEMALE	LEON, FL	$970.12
TROY FAIN INSURANCE INC	NONMINORITY MALE	LEON, FL	$185.88
UZZELL ADVERTISING	AFRICAN AMERICAN	LEON, FL	$30,000.00
VAUSE'S PROCESS SERVICE	NONMINORITY MALE	LEON, FL	$3,633.00
WILLIAMS, WILSON, & SEXTON PA	AFRICAN AMERICAN	LEON, FL	$3,694.80

Utilization Details - Other Services

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
A AND A CLEANING	NONMINORITY MALE	LEON, FL	$12,415.00
A BLIND DECOR	NONMINORITY MALE	LEON, FL	$2,939.80
A MAN WITH A VAN INC	NONMINORITY MALE	LEON, FL	$189.00
AAA TO ZEE	NONMINORITY MALE	LEON, FL	$4,266.30
AAA TREE SERVICE INC	NONMINORITY MALE	LEON, FL	$39,445.00
ABRAHAM GEORGE PATIO	NONMINORITY MALE	LEON, FL	$5,939.00
ACCENT OFFICE PLANNERS INC	NONMINORITY FEMALE	LEON, FL	$21,625.10
ACTION LEGAL COPY SERVICE INC	NONMINORITY MALE	LEON, FL	$10.00
ADAM'S TREES	NONMINORITY MALE	LEON, FL	$300.00
ADVANCED GRAPHICS TECHNOLOGIES INC	NONMINORITY MALE	LEON, FL	$555.00
AEGIS COMPUTER SERVICES, INC.	NONMINORITY FEMALE	LEON, FL	$6,450.00
AFFINITY DESIGN GROUP	NONMINORITY FEMALE	LEON, FL	$157.60
AIR TECH	NONMINORITY MALE	LEON, FL	$450.00
ALL PRO LANDSCAPING	NONMINORITY MALE	LEON, FL	$33,034.15
ALL-AMERICAN CARPET & UPHOLSTERY CLEANING INC	NONMINORITY MALE	LEON, FL	$260.00
ALPHA BUSINESS FORMS	NONMINORITY MALE	LEON, FL	$16,795.44
ALPHA TRAVEL & TOURS INC	AFRICAN AMERICAN	LEON, FL	$2,156.90
AMERICAN CLUTCH REBUILDERS	NONMINORITY MALE	LEON, FL	$1,526.45
AMERICAN EXTERIOR CLEANING COMPANY	NONMINORITY MALE	LEON, FL	$1,970.00
AMERICAN FENCE CO	NONMINORITY MALE	GADSDEN, FL	$31,478.60
AMERICAN PHOTOGRAPHY SERVICES	AFRICAN AMERICAN	LEON, FL	$165.00
ANDREWS	NONMINORITY MALE	LEON, FL	$708.50
ASTRO TRAVEL AND TOURS	NONMINORITY MALE	LEON, FL	$1,262.50
B&T FENCING INC	NONMINORITY MALE	LEON, FL	$1,100.00
BAKER LANDSCAPE & IRRIGATION INC.	NONMINORITY FEMALE	LEON, FL	$2,749.00
BARRY GROSS PHOTOGRAPHY	NONMINORITY MALE	LEON, FL	$3,437.00
BEGGS FUNERAL HOME INC	NONMINORITY MALE	LEON, FL	$250.00
BIG BEND GARAGE DOOR SERVICE	NONMINORITY MALE	LEON, FL	$19,750.00
BIG BEND TRANSIT INC	NONMINORITY MALE	LEON, FL	$590.15
BILL'S CARPET CARE	NONMINORITY MALE	LEON, FL	$25,253.95
BONE DRY RESTORATION AND CLEANING	NONMINORITY MALE	LEON, FL	$8,782.86
BRIAN S HURLEY & ASSOCIATES INC	NONMINORITY MALE	LEON, FL	$967.22
BRIAN'S SEPTIC SERVICE	NONMINORITY MALE	LEON, FL	$2,260.00
BRIDGES TREE SERVICE INC	NONMINORITY MALE	LEON, FL	$3,300.00
BROWNS PAINT & BODY SHOP	AFRICAN AMERICAN	LEON, FL	$8,975.46
BROWN'S REFRIGERATION & EQUIPMENT CO, INC	NONMINORITY MALE	LEON, FL	$4,760.68
BRUCE'S KEY & LOCK INC	NATIVE AMERICAN	LEON, FL	$3,696.37
B'S ICE CREAM	NONMINORITY MALE	LEON, FL	$1,363.73
BUDDY'S SEPTIC TANK SERV	NONMINORITY MALE	LEON, FL	$200.00
BUDGET PRINTING CENTERS	NONMINORITY MALE	LEON, FL	$56,220.56
BUSINESS COMMUNICATIONS	NONMINORITY MALE	LEON, FL	$5,764.50
C & L ASSOCIATES	NONMINORITY FEMALE	LEON, FL	$2,109,824.45
C & L WELL AND PUMP SERVICE	NONMINORITY MALE	LEON, FL	$1,920.00
C & M IRRIGATION & LAWN SERVICE	NONMINORITY MALE	LEON, FL	$50.00
C & M LANDSCAPE & IRRIGATION	NONMINORITY MALE	LEON, FL	$9,325.00
CAPITAL BUSINESS INTERIORS	NONMINORITY FEMALE	LEON, FL	$7,560.69

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
CAPITAL CITY BLACK PAGES	AFRICAN AMERICAN	LEON, FL	$3,000.00
CAPITAL CITY RADIATOR SHP	NONMINORITY MALE	LEON, FL	$536.50
CAPITAL CITY STAMPS	NONMINORITY FEMALE	LEON, FL	$656.50
CAPITAL GLASS TINTING,INC	NONMINORITY MALE	LEON, FL	$684.29
CAPITAL HYDRAULICS	NONMINORITY MALE	LEON, FL	$26,565.35
CAPITAL OUTLOOK NEWSPAPER	AFRICAN AMERICAN	LEON, FL	$19,888.00
CAPITAL TREE SERVICE	NONMINORITY MALE	LEON, FL	$5,650.00
CAPITAL TRUCK INC	NONMINORITY MALE	LEON, FL	$3,632.11
CAPITOL GLASS AND TINTING, INC.	AFRICAN AMERICAN	LEON, FL	$4,290.75
CAPITOL WINDOW CENTER	NONMINORITY MALE	LEON, FL	$490.83
CARLSON WAGONLIT TRAVEL	NONMINORITY FEMALE	LEON, FL	$437.79
CITY BLUE COPY & MAIL CENTER	NONMINORITY MALE	LEON, FL	$13,000.18
COMMERCIAL CLEANING ASSOCIATES	NONMINORITY MALE	LEON, FL	$400.00
COMMERCIAL PRINT & COPY	NONMINORITY MALE	LEON, FL	$368.00
CONFIDENTIAL SHREDDING & RECYCLING, INC.	NONMINORITY FEMALE	LEON, FL	$18,265.00
CORRY CABINET COMPANY	NONMINORITY MALE	GADSDEN, FL	$17,763.00
COVER TIME UPHOLSTERY, INC	NONMINORITY MALE	LEON, FL	$1,565.00
CREATE IT ENTERPRISES	NONMINORITY MALE	LEON, FL	$5,000.00
CRICKETS TREE SREVICE	NONMINORITY MALE	LEON, FL	$6,150.00
CULLEY'S MEADOWWOOD FUNERAL HOME	NONMINORITY MALE	LEON, FL	$250.00
CUSHING SPECIALTY CO. INC.	NONMINORITY MALE	LEON, FL	$1,068.00
DAVIS SAFE & LOCK INC	NONMINORITY MALE	LEON, FL	$14,644.60
DICKIES TREE SERVICE	NONMINORITY MALE	LEON, FL	$2,820.00
DJKT ENTERPRISES INC	NONMINORITY MALE	LEON, FL	$83.00
DON HENSLEY'S LANDSCAPE AND LAWN SERVICE	NONMINORITY MALE	LEON, FL	$86,027.82
DON SIRMONS ALIGNMENT & BRAKE INC	NONMINORITY MALE	LEON, FL	$63.50
DOUG'S WINDOW CLEANING	NONMINORITY MALE	LEON, FL	$2,850.00
DUCT MASTER	NONMINORITY MALE	LEON, FL	$550.00
EDDIE NATHAN PAINTING	AFRICAN AMERICAN	LEON, FL	$3,425.00
ELLIS TREE SERVICE	NONMINORITY MALE	LEON, FL	$485.00
ELSASSERS'S LOCK & KEY	NONMINORITY MALE	LEON, FL	$1,404.00
ELUSTER RICHARDSON INC	AFRICAN AMERICAN	LEON, FL	$300.00
EMMETT BELL'S TREE SERVICE	NONMINORITY MALE	LEON, FL	$3,600.00
ENGLAND FLORIST & GIFTS	NONMINORITY FEMALE	LEON, FL	$3,453.50
ESTES SEAL COATING	NONMINORITY MALE	LEON, FL	$16,115.00
EVANS SURECUT LANDSCAPING	AFRICAN AMERICAN	GADSDEN, FL	$47,795.97
EXPRESS COPY & PRINTING	ASIAN AMERICAN	LEON, FL	$3,671.80
EXPRESSIT INC	NONMINORITY FEMALE	LEON, FL	$1,382.45
FAMILY FUN RENTALS	NONMINORITY MALE	LEON, FL	$90.00
FISH WINDOW CLEANING	NONMINORITY MALE	LEON, FL	$378.00
FLORIDA FENCE AND DECK	NONMINORITY MALE	LEON, FL	$132,684.47
FLORIDA PEST CONTROL &	NONMINORITY MALE	LEON, FL	$175.00
FLORIDA ROOFING & SHEET METAL WORKS, INC	NONMINORITY MALE	LEON, FL	$6,637.81
FULL MOON SIGNS & GRAPHIC	NONMINORITY MALE	LEON, FL	$20,590.75
GANDY PRINTERS	NONMINORITY MALE	LEON, FL	$21,645.64
GANT ASSOCIATES INC	AFRICAN AMERICAN	LEON, FL	$36,200.00
GASKIN IRRIGATION AND LANDSCAPE	NONMINORITY MALE	LEON, FL	$42,496.61
GIBSON SAW REPAIR	NONMINORITY MALE	LEON, FL	$232.50
GLASS PRO SHOP INC	NONMINORITY MALE	LEON, FL	$12,869.93

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
GRAMLING'S INC.	NONMINORITY MALE	LEON, FL	$8,530.96
GRAPHATERIA	NONMINORITY FEMALE	LEON, FL	$4,302.06
GREEENWAY LAWN CARE	NONMINORITY MALE	LEON, FL	$950.00
GULF COAST PAINTING	AFRICAN AMERICAN	LEON, FL	$27,830.00
H&S SERVICES OF N FLORIDA	AFRICAN AMERICAN	LEON, FL	$10,822.50
HARMON AUTOGLASS	NONMINORITY MALE	LEON, FL	$571.27
HARTSFIELD ELECTRIC CO.	NONMINORITY MALE	LEON, FL	$3,108.00
HARVEST PRINTING & COPY	HISPANIC AMERICAN	LEON, FL	$9,795.08
HEAVENLY CATERING	AFRICAN AMERICAN	LEON, FL	$4,781.61
HELGA'S TAILORING	NONMINORITY FEMALE	LEON, FL	$5,454.00
HIRE QUEST, LLC DBA TROJAN LABOR	NONMINORITY MALE	LEON, FL	$469,152.70
HOUSE OF BROWN'S FUNERAL SERVICES INC	AFRICAN AMERICAN	LEON, FL	$1,250.00
HUNTERS TREE SERVICE	NONMINORITY MALE	LEON, FL	$2,000.00
ILG RESTAURANT LLC	NONMINORITY MALE	LEON, FL	$352.00
INLINE LANDSCAPE INC	NONMINORITY MALE	LEON, FL	$49,225.00
INSTY PRINTS	NONMINORITY FEMALE	LEON, FL	$1,657.00
J & R PRINTERS	AFRICAN AMERICAN	LEON, FL	$34,807.45
JEFF KYNOCH PAINTING	NONMINORITY MALE	LEON, FL	$22,210.00
JERRYS AUTO & INDUSTRIAL ELECTRIC INC	NONMINORITY MALE	LEON, FL	$8,133.43
JIMMIE WILSON PAINTING	AFRICAN AMERICAN	LEON, FL	$1,162.00
JONES AUTO ELECTRIC, INC	NONMINORITY MALE	LEON, FL	$1,121.85
JOYNER ELECTRIC INC	NONMINORITY MALE	LEON, FL	$2,274.21
KIM'S FURNITURE REPAIR	NONMINORITY FEMALE	LEON, FL	$1,322.00
KINKO'S THE COPY CENTER	NONMINORITY MALE	LEON, FL	$564.43
LAB WORKS,LLC	NONMINORITY MALE	LEON, FL	$4,190.41
LARRY'S PUMP SERVICE	NONMINORITY MALE	LEON, FL	$168.60
LAWN KEEPERS	AFRICAN AMERICAN	LEON, FL	$121,415.03
LEGAL EASE TEMP SERVICES INC	NONMINORITY MALE	LEON, FL	$13,270.50
LEON SCREENING & REPAIR INC	NONMINORITY MALE	LEON, FL	$34.00
LEVINGS & ASSOCIATES, INC.	HISPANIC AMERICAN	LEON, FL	$1,071.00
LISA'S PAINT & BODY SHOP	NONMINORITY FEMALE	LEON, FL	$5,552.79
M & L BRAKE & ALIGNMENT	NONMINORITY MALE	LEON, FL	$11,087.54
MACK CROUNSE GROUP	NONMINORITY MALE	LEON, FL	$54,223.00
MACK'S LAWN SERVICE	AFRICAN AMERICAN	LEON, FL	$178,895.48
MADISON LAWN SERVICE	AFRICAN AMERICAN	LEON, FL	$1,000.00
MAINTENANCE & MORE	NONMINORITY MALE	LEON, FL	$924.50
MARIE LIVINGSTON'S STEAKHOUSE	NONMINORITY FEMALE	LEON, FL	$735.00
MARK'S LAWN MAINTENANCE INC	NONMINORITY MALE	LEON, FL	$1,150.00
MCNEILL SEPTIC TANK COMPANY INC	NONMINORITY MALE	LEON, FL	$3,575.00
METRO DELI/ELITE DELI & CATERING	NONMINORITY MALE	LEON, FL	$456.80
MIKE VASILINDA PRODUCTIONS INC	NONMINORITY MALE	LEON, FL	$9,346.25
MIKE'S MOVING	NONMINORITY MALE	LEON, FL	$2,219.01
MILLS WELL DRILLING & PUMP SERVICES, INC.	NONMINORITY MALE	LEON, FL	$9,375.00
MODERN MAILERS INC	NONMINORITY MALE	LEON, FL	$3,845.90
MOWER MENDERS, INC	NONMINORITY MALE	LEON, FL	$1,199.17
NATIONWIDE TRANSMISSION	NONMINORITY MALE	LEON, FL	$27,385.55
NATURES FINEST	HISPANIC AMERICAN	LEON, FL	$308,222.24
NATURE'S NEEDS	NONMINORITY MALE	LEON, FL	$11,800.00
NE-RO TIRE AND BRAKE SERVICE, INC.	NONMINORITY MALE	LEON, FL	$205.96

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
NEWMAN'S AUTO AIR	NONMINORITY MALE	LEON, FL	$1,570.00
NORTHSIDE MOWER	NONMINORITY MALE	LEON, FL	$229.50
PARKER SERVICE	NONMINORITY MALE	LEON, FL	$5,055.00
PARKWAY WRECKER SERVICE	NONMINORITY MALE	LEON, FL	$44,155.90
PERSICA LANDSCAPING CO INC	NONMINORITY MALE	LEON, FL	$40,276.00
PO` BOYS CREOLE CAFE	NONMINORITY MALE	LEON, FL	$1,739.34
PRECISION MOBILE SHARPENING SRVC	NONMINORITY MALE	LEON, FL	$265.98
PROTECTION SERVICES, INC	NONMINORITY MALE	LEON, FL	$240.00
PROTOCALL COMMUNICATIONS INC	NONMINORITY MALE	WAKULLA, FL	$3,450.00
PYRAMID EXCAVATION, INC. (ADA) TIM'S HAULING AND TRACTOR SER	NONMINORITY MALE	GADSDEN, FL	$141,963.60
RAY'S GLASS SERVICE	NONMINORITY MALE	LEON, FL	$919.42
REX THOMAS PEST CONTROL	NONMINORITY MALE	LEON, FL	$5,945.00
RIGGINS FENCE CO	NONMINORITY MALE	LEON, FL	$5,471.00
ROBERT THOMAS FURNITURE REFINISHING	NONMINORITY MALE	LEON, FL	$8,360.00
ROBERT WILSON/WILSONS BBQ & CATERING	AFRICAN AMERICAN	LEON, FL	$14,502.25
ROSSELOT'S REMODELING	NONMINORITY MALE	LEON, FL	$73.09
ROWE DRILLING CO INC	NONMINORITY MALE	LEON, FL	$204.00
RUSSELL DANIEL IRRIGATION	NONMINORITY MALE	GADSDEN, FL	$65,926.90
S&T PAINTING	AFRICAN AMERICAN	LEON, FL	$113,300.00
SAULS SIGNS	NONMINORITY MALE	LEON, FL	$55.00
SERVICE PLUS INC	NONMINORITY MALE	LEON, FL	$363,451.21
SESSALY ROSE TRANSIT	AFRICAN AMERICAN	LEON, FL	$875.00
SHEFFIELD AUTO & TRUCK BODY SHOP, INC.	NONMINORITY MALE	LEON, FL	$10,838.57
SHEFFIELD'S BODY SHOP	AFRICAN AMERICAN	LEON, FL	$2,288.35
SIEMENS	NONMINORITY MALE	LEON, FL	$73.00
SILVER PRODUCTIONS	NONMINORITY MALE	LEON, FL	$2,300.00
SIMMONS MOVING & STORAGE INC	NONMINORITY MALE	LEON, FL	$1,550.00
SIR SPEEDY PRINTING	NONMINORITY MALE	LEON, FL	$42.48
SKELDING & COX	NONMINORITY MALE	LEON, FL	$40,000.00
SOFT TOUCH CAR WASH OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	$2,430.22
SOFTWARE SOLUTIONS NOW	NONMINORITY FEMALE	LEON, FL	$250.00
SOLOMAN'S PAINTING AND PRESSURE WASHING SERVICES	AFRICAN AMERICAN	LEON, FL	$800.00
SONITROL OF TALLAHASSEE INC	NONMINORITY MALE	LEON, FL	$509,088.82
SOUTHERN TRADITION LANDSCAPING	NONMINORITY MALE	LEON, FL	$11,476.00
SOUTHSIDE MOWER & MAGNETO INC	NONMINORITY MALE	LEON, FL	$58,691.81
STEAM MASTER	NONMINORITY MALE	LEON, FL	$30.00
STEREO SALES	NONMINORITY MALE	LEON, FL	$703.29
STRIPES UNLIMITED	NONMINORITY MALE	LEON, FL	$854.00
STRONG AND JONES FUNERAL HOME INC	AFRICAN AMERICAN	LEON, FL	$7,750.00
SUN COAST ELECTRIC NETWORKING	NONMINORITY MALE	LEON, FL	$1,528.50
SUPERGLASS WINSHIELD REPAIR	NONMINORITY MALE	LEON, FL	$520.00
SUPER-SUDS	NONMINORITY MALE	LEON, FL	$34.85
SUZANNE DIAMBRA LANDSCAPING INC.	NONMINORITY FEMALE	LEON, FL	$5,497.50
SWEETPEAS CAFE' & CATERING	NONMINORITY MALE	LEON, FL	$1,450.00
TALAHASSEE FINEST WINDOW CLEANING CO.	NONMINORITY MALE	LEON, FL	$29,409.00
TALLAHASSEE DEMOCRAT	NONMINORITY MALE	LEON, FL	$4,782.79
TALLAHASSEE HYDRAULIC INC	NONMINORITY MALE	LEON, FL	$728.80
TALLAHASSEE PAINT AND BODY SHOP	NONMINORITY MALE	LEON, FL	$81,440.70
TALLAHASSEE WELDING & MACHINE SHOP INC	NONMINORITY FEMALE	LEON, FL	$44,895.22

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
TARGET COPY	NONMINORITY FEMALE	LEON, FL	$13,253.71
TASTE BUDS	NONMINORITY FEMALE	LEON, FL	$3,880.85
TAYLOR JANITORIAL SERVICES	AFRICAN AMERICAN	LEON, FL	$147,513.26
TERMINAL SERVICE COMPANY	NONMINORITY MALE	LEON, FL	$1,025.65
THE BLUEPRINT SHOP	NONMINORITY MALE	LEON, FL	$5.00
THE COPY SHOP	NONMINORITY FEMALE	LEON, FL	$3,174.62
THE FINISHING TOUCH	AFRICAN AMERICAN	LEON, FL	$22,426.00
THE HONEY BAKED HAM COMPANY AND CAFE	NONMINORITY MALE	LEON, FL	$974.70
THE PRINTERY	NONMINORITY FEMALE	LEON, FL	$1,345.00
THE SEINEYARD SEAFOOD RESTAURANT	NONMINORITY MALE	LEON, FL	$553.15
THINK CREATIVE	NONMINORITY MALE	LEON, FL	$20,300.00
TIRES ON THE MOVE	NONMINORITY MALE	LEON, FL	$128.00
TJG DISTRIBUTERS INC, DBA 1800 RADIATOR OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	$568.28
UPTOWN CAFE	NONMINORITY MALE	LEON, FL	$98.25
VIDEO TECH	NONMINORITY MALE	LEON, FL	$75.00
VISUAL SOLUTIONS	NONMINORITY MALE	LEON, FL	$1,828.00
W BUCKLEY REESE LANDSCAPING	NONMINORITY MALE	LEON, FL	$7,553.96
WALKER BODY SHOP INC	NONMINORITY MALE	LEON, FL	$279.50
WRIGHT WELDING	NONMINORITY MALE	LEON, FL	$2,050.00

Utilization Details - Materials and Supplies

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
ACCENT BLINDS	NONMINORITY MALE	LEON, FL	$395.00
ACCURATE AUTO & FLEET, INC	NONMINORITY FEMALE	LEON, FL	$1,918.44
AD-ART SIGNS	NONMINORITY MALE	LEON, FL	$1,235.00
ADVANCED BUSINESS SYSTEMS	NONMINORITY MALE	LEON, FL	$113,509.81
ADVANCED DATA SYSTEMS	NONMINORITY MALE	LEON, FL	$103,601.00
AEGIS COMPUTER SERVICES, INC.	NONMINORITY FEMALE	LEON, FL	$6,450.00
ALEXANDER TRAILERS, LLC	NONMINORITY MALE	LEON, FL	$4,200.00
ALL ABOUT GUTTERS	NONMINORITY MALE	GADSDEN, FL	$200.00
ALL PRO EQUIPMENT	NONMINORITY MALE	LEON, FL	$6,640.36
ALSCO INC	NONMINORITY MALE	LEON, FL	$12,826.14
AMERICAN AUDIO VISUAL, INC	NONMINORITY MALE	LEON, FL	$26,922.25
AMERICAN PUMP & SUPPLY	NONMINORITY MALE	LEON, FL	$14,462.70
ARCHITECTURAL HARDWARE PRODUCTS INC	NONMINORITY MALE	LEON, FL	$430.00
ARTISTIC FLOWERS	NONMINORITY MALE	LEON, FL	$109.50
ASHLEY FEED STORE	NONMINORITY MALE	LEON, FL	$259.00
ASSOCIATED SERVICES AND SUPPLIES, INC.	NONMINORITY FEMALE	LEON, FL	$320,220.78
AWARDS 4 U	NONMINORITY MALE	LEON, FL	$10,098.23
B & B SPORTING GOODS INC	NONMINORITY FEMALE	LEON, FL	$949.75
B & T SMALL ENGINES	NONMINORITY MALE	LEON, FL	$4,221.00
BENTON PRODUCTS	NONMINORITY MALE	LEON, FL	$589.75
BILL'S SIGNS	NONMINORITY MALE	LEON, FL	$401.81
BLOSSOM'S FLOWERS	NONMINORITY MALE	LEON, FL	$535.61
BOATWRIGHT TIMBER SERVICE	NONMINORITY MALE	LEON, FL	$75.00
BRADLEY	NONMINORITY MALE	LEON, FL	$560.00
BRADLEY POND LLC	NONMINORITY MALE	LEON, FL	$1,000.00
BRIAN BARNARD'S FLOORING AMERICA INC	NONMINORITY MALE	LEON, FL	$6,722.42
BURKES TRACTOR WORKS, LLC	NONMINORITY MALE	GADSDEN, FL	$117,216.96
CABINETS FROM PARKER	NONMINORITY MALE	LEON, FL	$12,741.60
CAPITAL CITY LUMBER COMPANY INC	NONMINORITY MALE	LEON, FL	$45.00
CAPITAL HITCH SERVICE	NONMINORITY MALE	LEON, FL	$4,673.16
CAPITAL RUBBER & INDUSTRIAL SUPPLY CO INC	NONMINORITY MALE	LEON, FL	$19,621.43
CARPET STUDIO INC	NONMINORITY MALE	LEON, FL	$33,400.86
CARQUEST AUTO PARTS	NONMINORITY MALE	LEON, FL	$80,484.27
CARROLLS BOOT COUNTRY	NONMINORITY MALE	LEON, FL	$1,437.05
CELLULAR SALES	NONMINORITY MALE	LEON, FL	$53.97
COASTAL WATER SYSTEMS	NONMINORITY MALE	LEON, FL	$2,431.00
COLLIER INTERIORS	NONMINORITY MALE	LEON, FL	$1,925.71
COMPUSA INC	NONMINORITY MALE	LEON, FL	$14,428.93
CONNIE LILES AUTO PARTS	NONMINORITY FEMALE	LEON, FL	$93.13
CONTRACT HARDWARE OF FLORIDA	NONMINORITY MALE	LEON, FL	$114,498.21
COPYFAX 2000, INC	NONMINORITY MALE	LEON, FL	$590.00
CORNERSTONE TOOL & FASTENER INC	NONMINORITY FEMALE	LEON, FL	$48,226.19
CROSS CREEK CENTER	NONMINORITY MALE	LEON, FL	$121,976.04
CUSHING SPECIALTY CO. INC.	NONMINORITY MALE	LEON, FL	$1,068.00
CUSTOM GUTTER CORPORATION	NONMINORITY MALE	LEON, FL	$739.00
CYPRESS PUBLICATIONS	NONMINORITY MALE	LEON, FL	$10.36

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
DACAR FIRE PROTECTION SYSTEMS, INC	NONMINORITY MALE	LEON, FL	$1,428.00
DELTA TECHNOLOGIES INC	NONMINORITY MALE	LEON, FL	$981,783.10
DIAL COMMUNICATIONS	NONMINORITY MALE	LEON, FL	$1,194.50
DOCS (DEANNE'S OFFICE SUPPLY)	NONMINORITY FEMALE	LEON, FL	$292,086.37
DOOR PRODUCTS	NONMINORITY MALE	LEON, FL	$78,081.20
ELI ROBERTS & SONS INC	NONMINORITY MALE	LEON, FL	$6,132,079.02
ELINOR DOYLE FLORIST	NONMINORITY MALE	LEON, FL	$63.96
EMERALD COAST RV CENTER	NONMINORITY MALE	GADSDEN, FL	$4.56
ENGINEERING & EQUIPMENT CO	NONMINORITY MALE	LEON, FL	$23,384.38
ESPOSITO GARDEN SERVICE	NONMINORITY MALE	LEON, FL	$69,963.26
EXECUTIVE OFFICE FURNITURE INC	NONMINORITY FEMALE	LEON, FL	$145,818.42
FAST SIGNS	NONMINORITY MALE	LEON, FL	$2,968.75
FLEET SUPPLY INC	NONMINORITY MALE	LEON, FL	$11,483.01
FLORIDA FARM & FEED INC	NONMINORITY MALE	LEON, FL	$3,662.30
FOURAKER ELECTRONICS INC	NONMINORITY MALE	LEON, FL	$587.83
FULL PRESS APPAREL,INC	NONMINORITY MALE	LEON, FL	$2,475.00
G & M ENTERPRISES	AFRICAN AMERICAN	LEON, FL	$308.35
G WILLIE'S UNIFORM	NONMINORITY FEMALE	LEON, FL	$31,938.18
GARDEN PRODUCTS	AFRICAN AMERICAN	LEON, FL	$21,760.00
GEORGIA-FLORIDA BURGLAR ALARM COMPANY	NONMINORITY MALE	LEON, FL	$50,564.59
GLASS SERVICE CENTER	NONMINORITY MALE	LEON, FL	$4,125.24
GRAPHICS BUSINESS SYSTEMS	NONMINORITY FEMALE	LEON, FL	$1,950.00
GRIMES CRANE SERVICE	NONMINORITY MALE	LEON, FL	$45,345.00
GULF ATLANTIC CULVERT CO	NONMINORITY MALE	LEON, FL	$7,983.60
GULF COAST LUMBER & SUPPLY INC	NONMINORITY MALE	LEON, FL	$10,410.49
HAVANA SOD & PALLET, INC	NONMINORITY MALE	LEON, FL	$750.00
HAYES COMPUTER SYSTEMS	NONMINORITY FEMALE	LEON, FL	$649,667.86
HD SUPPLY WATERWORKS,LTD	NONMINORITY MALE	LEON, FL	$3,093.37
HEINZ BROTHERS NURSERY	NONMINORITY MALE	LEON, FL	$813.00
HOLLEY INC	NONMINORITY MALE	LEON, FL	$16,813.97
HOWDY'S RENT A TOILET	NONMINORITY MALE	LEON, FL	$2,542.50
HUGHES SUPPLY	NONMINORITY MALE	LEON, FL	$1,801.11
INSIGHT DIRECT	NONMINORITY MALE	LEON, FL	$20,991.30
INTERSTATE BATTERY SYSTEM	NONMINORITY MALE	LEON, FL	$3,377.54
INTERSTATE FIRE SYSTEMS INC	NONMINORITY MALE	LEON, FL	$5,633.39
JH DOWLING INC	NONMINORITY MALE	LEON, FL	$39,670.46
JOHNSON'S LUMBER & SUPPLY, INC.	NONMINORITY MALE	LEON, FL	$1,267.67
JOHNSTONE SUPPLY	NONMINORITY MALE	LEON, FL	$24,166.51
JUST RIGHT SUPPLY INC	NONMINORITY MALE	LEON, FL	$8,437.68
KEENS PORTABLE BUILDING	NONMINORITY MALE	LEON, FL	$1,150.00
KELLY BROS SHEET METAL	NONMINORITY MALE	LEON, FL	$339.00
LANDMARK SYSTEMS	NONMINORITY MALE	LEON, FL	$8,335.00
LEE TRAILER SALES	NONMINORITY MALE	LEON, FL	$46,802.64
LESCO-PROX	NONMINORITY MALE	LEON, FL	$41,142.41
LPS RENTALS INC	NONMINORITY MALE	LEON, FL	$84,000.00
MACK BROTHERS LANDSCAPE NURSERY	AFRICAN AMERICAN	LEON, FL	$17,747.65
MANNING & SMITH TILE CO. INC.	NONMINORITY MALE	LEON, FL	$17,995.25
MARPAN SUPPLY CO	NONMINORITY MALE	LEON, FL	$308,363.65
MAYS MUNROE INC	NONMINORITY MALE	LEON, FL	$5,222.00

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
MCGEE TIRE STORES	NONMINORITY MALE	LEON, FL	$2,081.64
MCNAMARA TRAILERS	NONMINORITY MALE	LEON, FL	$2,175.00
METAL FABRICATION & SALES OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	$5,321.99
MILLER GLASS	NONMINORITY MALE	LEON, FL	$52,495.00
MILLER SEPTIC TANKS	NONMINORITY MALE	LEON, FL	$2,350.00
MILLER SHEET METAL	NONMINORITY MALE	LEON, FL	$15,834.03
MITCHELL BROTHERS	NONMINORITY MALE	LEON, FL	$455.82
MODERN CABINETS & FIXTURES INC	NONMINORITY MALE	LEON, FL	$3,300.00
MULVANEYS	NONMINORITY MALE	LEON, FL	$5,066.57
MUSICMASTERS	NONMINORITY MALE	LEON, FL	$10,611.29
NATIVE NURSERIES	NONMINORITY MALE	LEON, FL	$32,064.30
NEECE TRUCK TIRE CENTER INC	NONMINORITY MALE	LEON, FL	$88,073.32
NORTHLAND MFG INC	NONMINORITY MALE	LEON, FL	$4,020.63
OFFICE BUSINESS SYSTEMS INC	NONMINORITY MALE	LEON, FL	$15,839.83
OFFICE EQUIPMENT SOLUTIONS	NONMINORITY MALE	LEON, FL	$4,275.00
OFFICE SYSTEMS CONSULTANTS INC.	NONMINORITY FEMALE	LEON, FL	$9,668.96
ONE HOUR SIGNS & DESIGNS	NONMINORITY MALE	LEON, FL	$4,642.84
OSCEOLA SUPPLY, INC.	NONMINORITY FEMALE	LEON, FL	$273.20
PANTHER CREEK SOD FARMS	NONMINORITY MALE	LEON, FL	$705.00
PARAMEDICAL SERVICES INC	NONMINORITY MALE	LEON, FL	$43,362.75
PAUL PRODUCTS COMPANY (PPC)	NONMINORITY MALE	LEON, FL	$1,232.75
PEDDIE CHEMICAL COMPANY	NONMINORITY MALE	LEON, FL	$30,531.09
PIT STOP PORTABLE TOILETS OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	$33,565.63
PLANTS & DESIGN	NONMINORITY MALE	LEON, FL	$1,273.92
POINT GLASS & METAL	NONMINORITY MALE	LEON, FL	$2,012.00
POLY ASPHALT INC	NONMINORITY MALE	WAKULLA, FL	$86,330.36
PROCTOR & PROCTOR INC	NONMINORITY MALE	LEON, FL	$89,598.89
PROFESSIONAL SAFETY EDUCATORS,INC	NONMINORITY MALE	LEON, FL	$49,288.90
QUALITY WATER SUPPLY	NONMINORITY MALE	LEON, FL	$9,063.12
R&R CORPORATE SYSTEMS,INC	AFRICAN AMERICAN	LEON, FL	$55,809.75
RAY LYNN DISTRIBUTORS	NONMINORITY MALE	LEON, FL	$50.00
RED ENTERPRISES	NONMINORITY MALE	LEON, FL	$2,595.41
REVELL	NONMINORITY MALE	LEON, FL	$180.00
REXEL SOUTHERN	NONMINORITY MALE	LEON, FL	$82,681.37
RING RENT	NONMINORITY MALE	LEON, FL	$1,606.25
RIVERS BAIT & TACKLE	NONMINORITY MALE	LEON, FL	$210.00
ROMAC LUMBER	NONMINORITY MALE	LEON, FL	$24,725.29
ROSEMOUNT % EXECUTIVE OFFICE FURNITURE	NONMINORITY MALE	LEON, FL	$8,641.10
ROWLAND PUBLISHING INC	NONMINORITY MALE	LEON, FL	$1,408.50
ROYSTER'S STORAGE VAN RENTALS, INC.	NONMINORITY MALE	LEON, FL	$3,385.00
RUPPSHIRTS, INC	NONMINORITY MALE	LEON, FL	$7,347.00
SCAN HAUS	NONMINORITY MALE	LEON, FL	$1,982.00
SEACOAST SUPPLY	NONMINORITY MALE	LEON, FL	$109,337.29
SGT RENTALS AND SALES	NONMINORITY MALE	LEON, FL	$9,400.00
SHERWIN WILLIAMS	NONMINORITY MALE	LEON, FL	$2,330.39
SIGNPRINTERS	NONMINORITY MALE	LEON, FL	$2,085.05
SIGNS NOW	NONMINORITY MALE	LEON, FL	$8,349.37
SIGNS UNLIMITED	NONMINORITY FEMALE	LEON, FL	$11.00
SIMPLER SOLAR SYSTEMS INC	NONMINORITY MALE	LEON, FL	$3,810.00

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
SOUTH GEORGIA BRICK	NONMINORITY MALE	LEON, FL	$189.00
SOUTHEAST DIGITAL NETWORKS	NONMINORITY MALE	LEON, FL	$1,124.26
SOUTHEAST PROPANE	NONMINORITY MALE	LEON, FL	$1,823.79
STEVE ROSS SHEETMETAL	NONMINORITY MALE	LEON, FL	$930.00
SUNFLOWER SMALL ENGINES	NONMINORITY MALE	LEON, FL	$7,339.10
SUPER SIGNS	NONMINORITY MALE	LEON, FL	$185.00
TALLAHASSEE CAMERA & IMAGE CENTER	NONMINORITY MALE	LEON, FL	$2,215.00
TALLAHASSEE ENGRAVING & AWARDS INC	NONMINORITY MALE	LEON, FL	$1,451.50
TALLAHASSEE FORD LINCOLN MERCURY	NONMINORITY MALE	LEON, FL	$50,347.52
TALLAHASSEE NURSERIES	NONMINORITY MALE	LEON, FL	$1,801.63
TALLAHASSEE STAMP COMPANY	NONMINORITY MALE	LEON, FL	$212.90
TALLAHASSEE TURF	NONMINORITY MALE	WAKULLA, FL	$17,070.00
TALLAHASSEE WINAIR COMPANY	NONMINORITY MALE	LEON, FL	$3,727.70
TERRY'S AWNING & CANVAS INC	NONMINORITY MALE	GADSDEN, FL	$3,630.00
THE SWEET SHOP	NONMINORITY MALE	LEON, FL	$245.00
THE CLOTHESLINE	NONMINORITY MALE	LEON, FL	$8,064.44
THE PAINT CENTER	NONMINORITY MALE	LEON, FL	$39,198.54
THE SAW-SAW PATCH COUNTRY WOODCRAFTS	NONMINORITY MALE	LEON, FL	$640.00
THE SHOE BOX	NONMINORITY MALE	LEON, FL	$50,312.17
THE STORAGE CENTER	NONMINORITY MALE	LEON, FL	$5,636.00
TODDS GARAGE DOORS	NONMINORITY MALE	LEON, FL	$1,300.00
TROPHY KING	NONMINORITY MALE	LEON, FL	$15.90
TRUCK N' CAR CONCEPTS	NONMINORITY MALE	LEON, FL	$17,289.50
TURNER SUPPLY COMPANY	NONMINORITY MALE	LEON, FL	$2,172.17
ULTIMATE SOUND & LIGHT	NONMINORITY MALE	LEON, FL	$2,589.72
WESLEY THIGPEN GENERAL SHEET METAL	NONMINORITY MALE	LEON, FL	$210.00
WESTON TRAWICK, INC.	NONMINORITY MALE	LEON, FL	$252.00
WHIDDON GLASS CO INC	NONMINORITY MALE	LEON, FL	$11,852.38
WILEY AUTO PARTS	NONMINORITY MALE	LEON, FL	$19.06
WILLIAMS COMMUNICATIONS	NONMINORITY FEMALE	LEON, FL	$160.00
WILLIAMS COMMUNICATIONS	NONMINORITY MALE	LEON, FL	$15,360.55
WILLIAMS PANHANDLE PROPANE	NONMINORITY MALE	LEON, FL	$176.18
YOUR LOGO HERE	AFRICAN AMERICAN	LEON, FL	$50.00

APPENDIX B: ANALYSIS OF RACE/GENDER/ ETHNICITY EFFECTS ON SELF-EMPLOYMENT PROPENSITY AND EARNINGS

APPENDIX B
ANALYSIS OF RACE/GENDER/ETHNICITY EFFECTS ON SELF-EMPLOYMENT PROPENSITY AND EARNINGS

Executive Summary

The purpose of this analysis is to examine the effects of race and gender, along with other individual economic and demographic characteristics, on individuals' participation in the private sector as self-employed business operators, and on their earnings as a result of their participation in five categories of private sector business activity in the Tallahassee, FL, Consolidated Metropolitan Statistical Area (CMSA)[1]. Findings for minority business enterprises are compared to the self-employment participation and earnings record of nonminority male business owners to determine if a disparity in self-employment rates and earnings exists, and if it is attributable to differences in race, gender, or ethnicity. Adopting the methodology and variables employed by a City of Denver disparity study (see *Concrete Works v. City and County of Denver* [2]), we use Public Use Microdata Samples (PUMS) data derived from the 2000 Census of Population and Housing, to which we apply appropriate regression statistics to draw conclusions.

To guide this investigation, three general research questions were posed. Questions and variables used to respond to each, followed by a report of findings, are reported below:

1. Are racial, ethnic and gender minority groups less likely than nonminority males to be self-employed?

   This analysis examined the statistical effects of the following variables on the likelihood of being self-employed in the study market area: Race, ethnicity, and gender of business owner (African American, Asian American, Hispanic American, Native American, nonminority women, nonminority men), marital status, age, self-reported health-related disabilities, availability of capital (household property value, monthly total mortgage payments, unearned income) and other characteristics (number of individuals over the age of 65 living in household, number of children under the age of 18 living in household) and level of education.

2. Does racial/gender/ethnic status have an impact on individual's self-employment earnings?

   This analysis examined the statistical effects of the following variables on income from self-employment for business owners in the market area: Race, ethnicity, and gender of business owner (African American, Asian American, Hispanic American, Native American, nonminority women, nonminority men), marital status, age, self-reported health-related disabilities, and availability of capital (household property value, monthly total mortgage payments, unearned income) and level of education.

[1] The Tallahassee CMSA includes the following counties: Leon County, Florida; Gadsden County, Florida; Wakulla County, Florida; and Jefferson County, Florida.
[2] *Concrete Works v. City and County of Denver*, 321 F.3 950 (10th Cir. 2003).

3. If Minority and Women's Business Enterprises (M/WBEs) and nonminority males shared similar traits and marketplace "conditions" (that is, similar "rewards" in terms of capital and asset accrual), what would be the effect on rates of self-employment by race, ethnicity and gender?

   Derived from a similar model employed by a City of Denver disparity study, MGT created a model that leveraged statistical findings in response to the first two questions. The objectives were to determine if race, gender, and ethnic effects derived from those findings would persist if nonminority male demographic and economic characteristics were combined with M/WBE self-employment data. More precisely, in contrast to Question 1, which permitted a comparison of self-employment rates based on demographic and economic characteristics reported by the 2000 census for individual M/WBE categories and nonminority males, respectively, this analysis posed the question, "How would M/WBE rates change, if M/WBE's operated in a nonminority male business world and how much of this change is attributable to race, gender or ethnicity?"

Findings:

1. Are racial, ethnic and gender minority groups less likely than nonminority males to be self-employed?

   - In all industries in the Tallahassee CMSA, nonminority males were over two and a half times as likely to be self-employed as African Americans, Hispanic Americans, and nonminority women.[3]

   - In the Tallahassee CMSA, nonminority males were over three and a half times as likely as nonminority women to be self-employed in the construction industry.

   - In the Tallahassee CMSA, nonminority males were nearly four times as likely as African Americans to be self-employed in professional services.

   - African Americans were less likely to be self-employed than were nonminority males in all industries.

2. Does race/gender/ethnic status have an impact on an individual's self-employment earnings?

   - In the Tallahassee CMSA, African Americans, Hispanic Americans, and nonminority women reported significantly lower earnings in all business type categories.

   - In the other services industry, African Americans, Hispanic American, and nonminority women reported significantly lower earnings than nonminority males in the Tallahassee CMSA: 19.2 percent, 96.3 percent, and 38.2 percent, respectively.

[3] These 'likelihood" characteristics were derived from Exhibit 1 by calculating the inverse of the reported odds ratios.

- The most egregious effect on earnings elasticities was found in other services for Hispanic Americans. In other services, Hispanic Americans earned 96.3 percent less than nonminority males.

3. If M/WBEs and nonminority males shared similar traits and marketplace "conditions" (that is, similar "rewards" in terms of capital and asset accrual), what would be the effect on rates of self-employment by race, ethnicity, and gender?

    - Overall, comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA, over 70 percent of the disparity in self-employment rates was attributable to race differences.

    - Comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA construction industry, over 67 percent of the disparity in self-employment rates was attributable to race differences.

    - Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA professional services, over 70 percent of the disparity in self-employment rates was attributable to race differences.

    - Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA other services, over 80 percent of the disparity in self-employment rates was attributable to gender differences.

B.1.0 Introduction

This report analyzes the availability of minority, nonminority women, and nonminority male firms in five categories of private sector business activity in the City of Tallahassee. The goal of this investigation is to examine the effects of race and gender, along with other individual economic and demographic characteristics, on individuals' participation in the private sector as self-employed business operators, and on their earnings as a result of their participation. Ultimately, we will compare these findings to the self-employment participation and earnings record of nonminority male business owners to determine if a disparity in self-employment rates and earnings exists, and if it is attributable to racial or gender discrimination in the marketplace. Data for this investigation are provided by the Public Use Microdata Samples (PUMS) data derived from the 2000 Census of Population and Housing, to which we apply appropriate regression statistics to draw conclusions. **Exhibit B-1** presents a general picture of self-employment rates by race, median earnings, and sample sizes (n's) in the City of Tallahassee CMSA, calculated from the five percent PUMS census sample.

The next section will discuss the research basis for this examination to lay the groundwork for a description of the models and methodologies to be employed. This will be followed by a presentation of findings regarding minority status effects on self-employment rates, self-employment earnings, and attributions of these differences to discrimination, per se.

EXHIBIT B-1
PERCENTAGE SELF-EMPLOYED/1999 EARNINGS BY
RACE/GENDER/ETHNIC CATEGORY
CITY OF TALLAHASSEE CMSA

Race/Ethnic/Gender Category	Percent of the Population Self-Employed	1999 Sample Census n	1999 Median Earnings
Nonminority Males	22.93%	1,025	$39,500.00
African American	6.83%	542	$22,500.00
Hispanic American	8.70%	69	$16,900.00
Asian American	21.74%	46	$20,000.00
Native American	22.22%	18	$112,500.00
Nonminority Women	10.40%	683	$30,000.00
TOTAL	15.23%	2,383	$35,000.00

Source: PUMS data from 2000 Census of Population and Housing.

B.2.0 Self-Employment Rates and Earnings as an Analog of Business Formation and Maintenance

Research in economics consistently supports the finding of group differences by race and gender in rates of business formation (see *Journal of Econometrics*, Vol. 61, Issue 1, devoted entirely to the econometrics of labor market discrimination and segregation). For a disparity study, however, the fundamental question is "How much of this difference is due to factors that would appear, at least superficially, to be related to group differences other than race, ethnicity, or gender, and how much can be attributed to discrimination effects related to one's race/ethnic/gender affiliation?" We know, for instance, that most minority groups have a lower median age than do non-Hispanic whites (PUMS, 2000). We also know, in general, that the likelihood of being self-employed increases with age (PUMS, 2000). When social scientists speak of nonracial group differences, they are referring to such things as general differences in religious beliefs as these might influence group attitudes toward contraception, and, in turn, both birthrates and median age. A disparity study, therefore, seeks to examine these other important demographic and economic variables in conjunction with race and ethnicity, as they influence group rates of business formation, to determine if we can assert that discrimination against minorities is sufficiently present to warrant consideration of public sector legal remedies such as affirmative action and minority set-aside contracting.

Questions about marketplace dynamics affecting self-employment—or, more specifically, the odds of being able to form one's own business and then to excel (that is, generate earnings growth)—are at the heart of disparity analysis research. Whereas early disparity studies tended to focus on gross racial disparities, merely documenting these is insufficient for inferring discrimination effects per se without "partialling out" effects due to nondiscriminatory factors. Moreover, to the extent that discrimination exists, it is likely to inhibit both the formation of minority business enterprises and their profits and growth. Consequently, earlier disparity study methodology and analysis have failed to account for the effects of discrimination on minority self-employment in at least two ways: (1) a failure to account adequately for the effects of discriminatory barriers

minorities face "up front" in attempting to form businesses; and (2) a failure to isolate and methodologically explain discrimination effects once minority businesses are formed.

The next section addresses these shortcomings, utilizing PUMS data derived from the 2000 U.S. Census to answer research questions about the effects of discrimination on self-employment and self-employment earnings using multiple regression statistics.

B.3.0 Research Questions, Statistical Models, and Methods

Two general research questions were posed in the initial analysis:

- Are racial, ethnic, and gender minority groups less likely than nonminority males to be self-employed?
- Does race/gender/ethnic status have an impact on individuals' earnings?

A third question, to be addressed later—How much does race/ethnic/gender discrimination influence the probability of being self-employed?—draws conclusions based on findings from questions one and two.

To answer the first two questions, we employed two multivariate regression techniques, respectively: logistic regression and linear regression. To understand the appropriate application of these regression techniques, it is helpful to explore in greater detail the questions we are trying to answer. The dependent variables in questions I and II—that is, the phenomena to be explained by influences such as age, race, gender, and disability status, for example (the independent or "explanatory" variables)—are, respectively: the probability of self-employment status (a binary, categorical variable based on two possible values: 0 = not self-employed/1 = self-employed) and 1999 earnings from self-employment (a continuous variable). In our analysis, the choice of regression approach was based on the scale of the dependent variable (in question I, a categorical scale with only two possible values, and in question II, a continuous scale with many possible values). Because binary logistic regression is capable of performing an analysis in which the dependent variable is categorical, it was employed for the analysis of question I.[4] To analyze question II in which the dependent variable is continuous, we used simple linear regression.

B.3.1 Deriving the Logistic Regression Model from the Simple Linear Model

The logistic regression model can be derived with reference to the simple linear regression model expressed mathematically as:

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \beta_5 X_5 + \ldots + \varepsilon$$

[4] Logistical regression, or logit, models generate predicted probabilities that are almost identical to those calculated by a probit procedure, used in *Concrete Works v. City and County of Denver* case. Logit, however, has the added advantage of dealing more effectively with observations at the extremes of a distribution. For a complete explanation, see *Interpreting Probability Models* (T.F. Liao, Text 101 in the Sage University series).

Where:

Y = a continuous variable (e.g., 1999 earnings from self-employment)
β_0 = the constant, representing the value of Y when $X_I = 0$
β_I = coefficient representing the magnitude of X_I's effect on Y
X_I = the independent variables, such as age, human capital (e.g., level of education), availability of capital, race/ethnicity/gender, etc.
ε = the error term, representing the variance in Y unexplained by X_I

This equation may be summarized as:

$$E(Y) = \mu = \sum_{k=1}^{K} \beta_k \ x_k$$

in which Y is the dependent variable and μ represents the expected values of Y as a result of the effects of *β*, the explanatory variables. When we study a random distribution of Y using the linear model, we specify its expected values as a linear combination of K unknown parameters and the covariates or explanatory variables. When this model is applied to data in the analysis, we are able to find the statistical link between the dependent variable and the explanatory or independent variables.

Suppose we introduce a new term, η, into the linear model such that:

$$\eta = \mu = \sum_{k=1}^{K} \beta_k \ x_k$$

When the data are randomly distributed, the link between η and μ is linear, and a simple linear regression can be used. However, to answer the first question, the categorical dependent variable was binomially distributed. Therefore, the link between η and μ became $\eta = \log[\mu/(1-\mu)]$ and logistic regression was utilized to determine the relationship between the dependent variable and the explanatory variables, calculated as a probability value (e.g., the probability of being self-employed when one is African American). The logistic regression model is expressed mathematically as:

$$\log[\mu/1(1-\mu)] = \alpha + \beta_i X_n + \varepsilon$$

Where:

(μ/1-μ) = the probability of being self-employed
α = a constant value
β_i = coefficient corresponding to independent variables
X_n = selected individual characteristic variables, such as age, marital status, education, race, and gender
ε = error term, representing the variance in Y unexplained by X_I

This model can now be used to determine the relationship between a single categorical variable (0 = not self-employed/1 = self-employed) and a set of characteristics hypothesized

to influence the probability of finding a 0 or 1 value for the categorical variable. The result of this analysis illustrates not only the extent to which a characteristic can increase or decrease the likelihood that the categorical variable will be a 0 or a 1, but also whether the effect of the influencing characteristics is positive or negative in relation to being self-employed.

B.4.0 Results of the Self-Employment Analysis

B.4.1 Question I: Are Racial, Ethnic, and Gender Minority Groups Less Likely than Nonminority Males to Be Self-Employed?

To derive a set of variables known to predict employment status (self-employed/not self-employed), we used the 5 percent PUMS data from Census 2000. Binary logistic regression was used to calculate the probability of being self-employed, the dependent variable, with respect to socioeconomic and demographic characteristics selected for their potential to influence the likelihood of self-employment. The sample for the analysis was limited to labor force participants who met to the following criteria:

- Resident of the Tallahassee CMSA
- Self-employed in construction, professional services, other services, architecture and engineering,[5] or goods and supplies
- Employed full-time (more than 35 hours a week)
- 18 years of age or older
- Employed in the private sector

Next, we derived the following variables hypothesized as predictors of employment status:

- ***Race and Sex:*** African American, Asian American, Hispanic American, Native American, nonminority woman, nonminority male
- ***Availability of Capital:*** Homeownership, home value, mortgage rate, unearned income, residual income
- ***Marital Status***
- ***Ability to Speak English Well***
- ***Disability Status:*** From individuals' reports of health-related disabilities
- ***Age and Age Squared:*** Squaring the age variable acknowledges the positive, curvilinear relationship between each year of age and earnings.

[5] Due to inadequate sample numbers for all races in the Architecture and Engineering PUMS 2000 data, A & E was merged with the Professional Services category.

- ***Owner's Level of Education***
- ***Number of Individuals Over the Age of 65 Living in Household***
- ***Number of Children Under the Age of 18 Living in Household***

B.4.1.1 Findings

Binary logistic regression analysis provided estimates of the relationship between the independent variables described above and the probability of being self-employed in the four types of business industries. In **Exhibit B-2**, odds ratios are presented by minority group, reporting the effect of race/ethnicity/gender on the odds of being self-employed in 1999, holding all other variables constant. Full regression results for all the variables are presented in **Appendix C**.

EXHIBIT B-2
SELF-EMPLOYMENT "ODDS RATIOS" OF MINORITY GROUPS RELATIVE TO NONMINORITY MALES AFTER CONTROLLING FOR SELECTED DEMOGRAPHIC AND ECONOMIC CHARACTERISTICS
CITY OF TALLAHASSEE CMSA

Race/Ethnic Group	All Industries	Construction	Professional Services	Other Services	Goods & Supplies
African American	**0.326**	0.573	**0.257**	**0.477**	0.069
Hispanic American	**0.395**	*	1.591	0.300	1.114
Asian American	1.007	*	1.860	0.984	2.038
Native American	1.231	3.711	*	1.654	*
Nonminority Women	**0.392**	**0.282**	**0.357**	1.042	0.732

Source: PUMS data from 2000 Census of Population and Housing and MGT of America, Inc., calculations using SPSS.
Note: **Bold** indicates that the estimated "odds ratio" for the group was statistically significant. The architecture and engineering business industry was excluded from this analysis because of the insufficient data.
* There were insufficient census numbers available for analysis.

The results reveal the following:

- In all industries in the Tallahassee CMSA, nonminority males were over two and a half times as likely to be self-employed as African Americans, Hispanic Americans, and nonminority women.[6]
- In the Tallahassee CMSA, nonminority males were over three and a half times as likely as nonminority women to be self-employed in the construction industry.
- In the Tallahassee CMSA, nonminority males were nearly four times as likely as African Americans to be self-employed in professional services.

[6] These 'likelihood" characteristics were derived from Exhibit 1 by calculating the inverse of the reported odds ratios.

- African Americans were less likely to be self-employed than were nonminority males in all industries.

B.4.2 Question II: Does Race/Gender/Ethnic Status Have an Impact on Individuals' Earnings?

To answer this question, we compared self-employed, minority, and women entrepreneurs' earnings to those of nonminority males in the Tallahassee CMSA, when the effect of other demographic and economic characteristics was controlled or "neutralized." That is, we were able to examine the earnings of self-employed individuals of similar education levels, ages, etc., to permit earnings comparisons by race/gender/ethnicity.

To derive a set of variables known to predict earnings, the dependent variable, we used 1999 wages from employment for self-employed individuals, as reported in the 5 percent PUMS data. These included:

- ***Race and Sex:*** African American, Asian American, Hispanic American, Native American, nonminority woman, nonminority males
- ***Availability of Capital:*** Homeownership, home value, mortgage rate, unearned income, residual income
- ***Marital Status***
- ***Ability to Speak English Well***
- ***Disability Status:*** From individuals' reports of health-related disabilities
- ***Age and Age Squared:*** Squaring the age variable acknowledges the positive, curvilinear relationship between each year of age and earnings.
- ***Owner's Level of Education***

B.4.2.1 Findings

Exhibit B-3 presents the results of the linear regression model estimating the effects of selected demographic and economic variables on self-employment earnings. Each number (coefficient) in the exhibit represents a percent change in earnings. For example, the corresponding number for an African American in all industries is -.404, meaning that an African American will earn 40.4 percent less than a nonminority male when the statistical effects of the other variables in the equation are "controlled for." Full regression results for all the variables are presented in **Appendix C**.

EXHIBIT B-3
EARNINGS ELASTICITIES OF MINORITY GROUPS RELATIVE TO NONMINORITY MALES AFTER CONTROLLING FOR SELECTED DEMOGRAPHIC AND ECONOMIC CHARACTERISTICS
CITY OF TALLAHASSEE CMSA

Race/Ethnic Group	All Industries	Construction	Professional Services	Other Services	Goods & Supplies
African American	-0.139	-0.278	-0.457	-0.192	-0.784
Hispanic American	-0.374	*	0.469	-0.963	-0.757
Asian American	0.046	*	0.172	0.041	0.569
Native American	**0.852**	-0.101	*	0.943	*
Nonminority Women	-0.129	0.294	-0.176	**-0.382**	0.056

Source: PUMS data from 2000 Census of Population and Housing and MGT of America, Inc., calculations using SPSS.
Note: **Bold** indicates that the estimated "elasticities" for the group were statistically significant. The architecture and engineering business industry was excluded from this analysis because of insufficient data.
* There were insufficient census numbers available for analysis.

The results reveal the following:

- In the Tallahassee CMSA, African Americans, Hispanic Americans, and nonminority women reported significantly lower earnings in all business type categories.

- In the other services industry, African Americans, Hispanic American, and nonminority women reported significantly lower earnings than nonminority males in the Tallahassee CMSA: 19.2 percent, 96.3 percent, and 38.2 percent, respectively.

- The most egregious effect on earnings elasticities was found in other services for Hispanic Americans. In other services, Hispanic Americans earned 96.3 percent less than nonminority males.

B.4.3 Disparities in Rates of Self-Employment: How Much Can Be Attributed to Discrimination?

Results of the analyses of self-employment rates and 1999 self-employment earnings revealed general disparities between minority and nonminority self-employed individuals whose businesses were located in the Tallahassee CMSA.

Exhibit B-4 presents the results of these analyses. Column A reports observed employment rates for each race/gender group, calculated directly from the PUMS 2000 data. To obtain values in columns B and C, we calculated two predicted self-employment rates using the following equation:

$$\Pr ob(y=1) = \sum_{k=1}^{K} (e^{\beta_k x_k} / 1 + e^{\beta_k x_k})$$

Where:

$\Pr ob(y = 1)$ = represents the probability of being self-employed

β_k = coefficient corresponding to the independent variables used in the logistic regression analysis of self-employment probabilities

x_k = the mean values of these same variables

The first of these predicted self-employment rate calculations (in column B) presents nonminority male self-employment rates as they would be if their characteristics (that is, x_k, or mean values for the independent variables) were applied to minority market structures (represented for each race by their β_k or odds coefficient values). The second self-employment rate calculation (in column C) presents minority self-employment rates as they would be if minorities were rewarded in a similar manner as nonminority males in the nonminority male market structure: that is, by multiplying the minority means (i.e., characteristics) by the estimated nonminority coefficients for both race and the other independent variables.

EXHIBIT B-4
OBSERVED AND PREDICTED SELF-EMPLOYMENT RATES

CITY OF TALLAHASSEE CMSA

Business/Race Group	Observed Self-Employment Rates	White Characteristics and Own Market Structure	Own Characteristics and White Market Structure	Disparity Ratio (column A divided by column C)	Portion of Difference Due to Discrimination
	(A)	(B)	(C)	(D)	(E)
Overall					
Nonminority Males	0.2293	0.2293	0.2293	1.000	
African American	0.0683	0.1030	0.1813	0.3764	70.23%
Hispanic American	0.0870	0.1221	0.3051	0.2850	n/d
Asian American	0.2174	0.2616	0.1977	1.0993	n/d
Native American	0.2222	0.3022	0.2462	0.9025	n/d
Nonminority Women	0.1040	0.1211	0.2679	0.3880	n/d
Construction					
Nonminority Males	0.3496	0.3496	0.3496	1.000	
African American	0.2037	0.2912	0.3015	0.6755	67.07%
Hispanic American	0.0000	0.0000	0.0572	0.0000	16.35%
Asian American	0.0000	0.0000	0.0572	0.0000	16.35%
Natvie American	0.6667	0.7269	0.4835	1.3789	57.78%
Nonminority Women	0.1404	0.1681	0.3992	0.3516	n/d
Professional Services					
Nonminority Males	0.2477	0.2477	0.2477	1.000	
African American	0.0211	0.1246	0.1897	0.1114	74.38%
Hispanic American	0.1333	0.4683	0.4385	0.3041	n/d
Asian American	0.2727	0.5073	0.2113	1.2909	n/d
Natvie American	0.0000	0.0000	0.0000	0.0000	n/d
Nonminority Women	0.0557	0.1652	0.2920	0.1908	n/d
Other Services					
Nonminority Males	0.2434	0.2434	0.2434	1.0000	
African American	0.1078	0.1563	0.2196	0.4910	82.45%
Hispanic American	0.0952	0.1043	0.4209	0.2263	n/d
Asian American	0.2400	0.2765	0.1924	1.2475	n/d
Natvie American	0.2857	0.3911	0.2328	1.2272	n/d
Nonminority Women	0.2444	0.2881	0.2754	0.8875	n/d
Goods & Supplies					
Nonminority Males	0.1000	0.1000	0.1000	1.000	
African American	0.0070	0.0102	0.3175	0.0222	n/d
Hispanic American	0.1053	0.1415	0.1123	0.9375	n/d
Asian American	0.1667	0.2318	0.0644	2.5862	n/d
Natvie American	0.0000	0.0000	0.0001	0.0000	0.07%
Nonminority Women	0.0758	0.0978	0.1092	0.6940	n/d

Source: PUMS data from 2000 Census of Population and Housing and MGT of America, Inc., calculations using SPSS and Microsoft Excel.
n/d: No discrimination was found.

Using these calculations, we were able to determine a percentage of the disparities in self-employment between minorities and nonminority males attributable to discrimination by dividing the observed self-employment rate for a particular minority group (column A) by the predicted self-employment rate as it would be if minority groups faced the same market structure as nonminority males (column C). Next, we calculated the difference between the predicted self-employment rate as it would be if minority groups faced the same market structure as nonminority males and the observed self-employment rate for that minority group, and divided this value by the difference between the observed self-

employment rate for nonminority males and the self-employment rate for a particular minority group. In the absence of discrimination, this number is zero, which means disparities in self-employment rates between minority groups and nonminority males can be attributed to differences in group characteristics not associated with discrimination. Conversely, as this value approaches 1.0, we are able to attribute disparities increasingly to discrimination in the marketplace.

B.4.4 Findings

Examining the results reported in **Exhibit B-4**, we found the following:

- Overall, comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA, over 70 percent of the disparity in self-employment rates was attributable to race differences.

- Comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA construction industry, over 67 percent of the disparity in self-employment rates was attributable to race differences.

- Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA professional services, over 70 percent of the disparity in self-employment rates was attributable to race differences.

- Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA other services, over 80 percent of the disparity in self-employment rates was attributable to gender differences.

B.5.0 Summary of Self-Employment Analysis Findings

In general, findings from the PUMS 2000 data indicate that minorities were significantly less likely than nonminority males to be self-employed and, if they were self-employed, they earned significantly less in 1999 than did self-employed nonminority males. When self-employment rates were stratified by race and by business type, trends varied within individual race-by-type cells, but disparities persisted, in general, for African Americans, Hispanic Americans, and nonminority women. When group self-employment rates were submitted to MGT's disparity-due-to-minority-status analysis, findings supported the conclusion that disparities for these three groups (of adequate sample size to permit interpretation) were likely the result of differences in the marketplace due to race, gender, and ethnicity.[7]

[7] **Appendix C** reports self-employment rates and earnings in greater detail by race/gender/ethnicity and business type.

APPENDIX C: PUMS REGRESSION ANALYSIS

APPENDIX C
LEON COUNTY, FLORIDA BASED ON CITY TALLAHASSEE CMSA PUMS REGRESSION ANALYSIS

EXHIBIT C-a
RESULTS OF LOGISTIC REGRESSION
EXPLANATION OF RESULTS AND VARIABLES

Logistic Regression Output

Below, variable names and operational definitions are provided. When interpreting **Exhibits C-1** to **C-5**, the third column—Exp (B)—is the most informative index with regard to the influence of the independent variables on the likelihood of being self-employed. From the inverse of this value, we can interpret a likelihood value of its effect on self-employment. For example the Exp (B) for an African American is .326, from **Exhibit C-1**; the inverse of this is 3.07. This means that a nonminority male is 3.07 times more likely to be self-employed than an African American. Columns A and B are reported as a matter of convention to give the reader another indicator of both the magnitude of the variable's effect and the direction of the effect ("-" suggests the greater the negative B value the more it depresses the likelihood of being self-employed, and vice versa for a positive B value). It is noteworthy that theoretically "race-neutral" variables (e.g., marital status) tend to impact the likelihood of self-employment positively and that the race/ethnicity/gender variables, in general, tend to have a negative effect on self-employment.

Variables

Race, ethnicity, and gender indicator variables:

African American
Asian American
Hispanic American
Native American
Sex: Nonminority woman or not

Other indicator variables:

Marital Status: Married or not.
Age
Age^2: age squared. Used to acknowledge the positive, curvilinear relationship between each year of age and self-employment.
Disability: Individuals self-reported health-related disabilities.
Tenure: Owns their own home.
Value: Household property value.
Mortgage: Monthly total mortgage payments.
Unearn: Unearned income, such as interests and dividends.
Resdinc: Household income less individuals personal income.
P65: Number of individuals over the age of 65 living in the household.
P18: Number of children under the age of 18 living in the household.
Some College: Some college education.
College Graduate: College degree.
More than College: Professional or graduate degree.

EXHIBIT C-1
RESULTS OF LOGISTIC REGRESSION
OVERALL

City of Tallahassee CMSA			
	B	**Sig.**	**Exp (B)**
African American	**-1.119**	0.000	0.326
Hispanic American	**-0.928**	0.037	0.395
Asian American	0.007	0.986	1.007
Native American	0.208	0.725	1.231
Sex (1=Female)	**-0.937**	0.000	0.392
Marital Status (1=Married)	0.058	0.704	1.059
Age	0.096	0.079	1.101
Age^2	-0.001	0.198	0.999
Disability (1=Yes)	-0.022	0.908	0.979
Tenure (1=Yes)	0.346	0.074	1.413
Value	**0.049**	0.001	1.051
Mortgage	0.000	0.880	1.000
Unearn	0.000	0.551	1.000
Resdinc	**0.000**	0.035	1.000
P65	-0.292	0.267	0.747
P18	0.114	0.052	1.121
Some College (1=Yes)	-0.068	0.665	0.934
College Graduate (1=Yes)	-0.126	0.468	0.882
More than College (1=Yes)	0.184	0.357	1.202
Number of Observations	2383		
Chi-squared statistic (df=19)	191.01945		
Log Likelihood	-1842.765		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.
Note: **BOLD** indicates the value is statistically significant at $p < .05$.
Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

EXHIBIT C-2
RESULTS OF LOGISTIC REGRESSION
CONSTRUCTION

City of Tallahassee CMSA			
	B	**Sig.**	**Exp (B)**
African American	-0.557	0.158	0.573
Hispanic American	-20.160	0.998	0.000
Asian American	-20.232	0.999	0.000
Native American	1.311	0.344	3.711
Sex (1=Female)	**-1.267**	0.003	0.282
Marital Status (1=Married)	0.291	0.336	1.338
Age	0.019	0.857	1.019
Age^2	0.000	0.944	1.000
Disability (1=Yes)	-0.338	0.366	0.713
Tenure (1=Yes)	0.518	0.211	1.679
Value	0.059	0.077	1.061
Mortgage	0.000	0.609	1.000
Unearn	0.000	0.183	1.000
Resdinc	0.000	0.487	1.000
P65	-1.665	0.123	0.189
P18	0.004	0.977	1.004
Some College (1=Yes)	0.313	0.290	1.368
College Graduate (1=Yes)	-0.413	0.295	0.662
More than College (1=Yes)	-0.472	0.453	0.624
Number of Observations	378		
Chi-squared statistic (df=19)	61.577		
Log Likelihood	-388.8687		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.
Note: **BOLD** indicates the value is statistically significant at $p < .05$.
Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

EXHIBIT C-3
RESULTS OF LOGISTIC REGRESSION
PROFESSIONAL SERVICES

City of Tallahassee CMSA			
	B	**Sig.**	**Exp (B)**
African American	**-1.358**	0.041	0.257
Hispanic American	0.464	0.631	1.591
Asian American	0.621	0.468	1.860
Native American	-18.515	0.999	0.000
Sex (1=Female)	**-1.029**	0.002	0.357
Marital Status (1=Married)	0.172	0.666	1.187
Age	**0.428**	0.009	1.534
Age^2	**-0.004**	0.021	0.996
Disability (1=Yes)	0.342	0.510	1.408
Tenure (1=Yes)	0.641	0.197	1.898
Value	**0.084**	0.030	1.087
Mortgage	0.000	0.343	1.000
Unearn	0.000	0.667	1.000
Resdinc	0.000	0.252	1.000
P65	-0.055	0.921	0.947
P18	0.181	0.192	1.198
Some College (1=Yes)	0.669	0.417	1.952
College Graduate (1=Yes)	**1.918**	0.013	6.806
More than College (1=Yes)	**2.211**	0.004	9.127
Number of Observations	754		
Chi-squared statistic (df=19)	154.74		
Log Likelihood	-368.0563		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.
Note: **BOLD** indicates the value is statistically significant at $p < .05$.
Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

EXHIBIT C-4
RESULTS OF LOGISTIC REGRESSION
OTHER SERVICES

City of Tallahassee CMSA			
	B	**Sig.**	**Exp (B)**
African American	**-0.740**	0.013	0.477
Hispanic American	-1.204	0.130	0.300
Asian American	-0.016	0.975	0.984
Native American	0.503	0.573	1.654
Sex (1=Female)	0.041	0.876	1.042
Marital Status (1=Married)	-0.053	0.834	0.949
Age	0.075	0.415	1.078
Age^2	-0.001	0.530	0.999
Disability (1=Yes)	0.348	0.233	1.417
Tenure (1=Yes)	0.119	0.735	1.126
Value	**0.064**	0.010	1.066
Mortgage	0.000	0.897	1.000
Unearn	0.000	0.403	1.000
Resdinc	0.000	0.088	1.000
P65	-0.437	0.321	0.646
P18	0.151	0.126	1.164
Some College (1=Yes)	0.171	0.508	1.187
College Graduate (1=Yes)	0.057	0.853	1.059
More than College (1=Yes)	-0.004	0.992	0.996
Number of Observations	659		
Chi-squared statistic (df=19)	55.384		
Log Likelihood	-599.125		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.
Note: **BOLD** indicates the value is statistically significant at $p < .05$.
Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

EXHIBIT C-5
RESULTS OF LOGISTIC REGRESSION
GOODS AND SUPPLIES

City of Tallahassee CMSA			
	B	Sig.	Exp (B)
African American	**-2.670**	0.010	0.069
Hispanic American	0.108	0.896	1.114
Asian American	0.712	0.538	2.038
Native American	-17.942	0.999	0.000
Sex (1=Female)	-0.312	0.442	0.732
Marital Status (1=Married)	0.072	0.871	1.075
Age	0.253	0.152	1.288
Age^2	-0.002	0.240	0.998
Disability (1=Yes)	-0.651	0.316	0.522
Tenure (1=Yes)	-0.427	0.520	0.652
Value	0.006	0.888	1.006
Mortgage	0.000	0.588	1.000
Unearn	0.000	0.430	1.000
Resdinc	0.000	0.304	1.000
P65	0.687	0.220	1.987
P18	0.154	0.327	1.166
Some College (1=Yes)	0.000	0.999	1.000
College Graduate (1=Yes)	0.135	0.770	1.144
More than College (1=Yes)	0.515	0.485	1.674
Number of Observations	592		
Chi-squared statistic (df=19)	37.854		
Log Likelihood	-270.4627		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.
Note: **BOLD** indicates the value is statistically significant at $p < .05$.
Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

EXHIBIT C-b
RESULTS OF LINEAR REGRESSION
EXPLANATION OF RESULTS AND VARIABLES

Linear Regression Output

Below, variable names and operational definitions are provided. When interpreting the linear regression **Exhibits C-6** to **C-10**, the first column—Unstandardized B—is the most informative index with regard to the influence of the independent variables on the earnings of a self-employed individual. Each number in this column represents a percent change in earnings. For example, the corresponding number for an African American is -.139, from **Exhibit C-6**, meaning that an African American will earn 13.9 percent less than a nonminority male. The other four columns are reported in order to give the reader another indicator of both the magnitude of the variable's effect and the direction of the effect. Std. Error reports the standard deviation in the sampling distribution. Standardized B reports the standard deviation change in the dependent variable from on standard deviation increase in the independent variable. The t and Sig. columns simply report the level and strength of a variable's significance.

Variables

Race, ethnicity, and gender indicator variables:

African American
Asian American
Hispanic American
Native American
Nonminority Woman

Other indicator variables:

Marital Status: Married or not.
Disability: Individuals self-reported health-related disabilities.
Age
Age^2: age squared. Used to acknowledge the positive, curvilinear relationship between each year of age and self-employment.
Speaks English Well: Person's ability to speak English if not a native speaker.
Some College: Some college education.
College Graduate: College degree.
More than College: Professional or graduate degree.

EXHIBIT C-6
RESULTS OF LINEAR REGRESSION
OVERALL

City of Tallahassee CMSA					
	Unstandardized		Standardized		
	B	Std. Error	B	t	Sig.
African American	-0.139	0.148	-0.046	-0.940	0.348
Hispanic American	-0.374	0.355	-0.052	-1.054	0.293
Asian American	0.046	0.300	0.008	0.155	0.877
Native American	0.852	0.420	0.098	2.030	0.043
Nonminority Women	-0.129	0.113	-0.056	-1.141	0.255
Marital Status	**0.207**	0.105	0.099	1.973	0.049
Disability (1=Yes)	**-0.411**	0.138	-0.146	-2.985	0.003
Age	**0.087**	0.039	0.909	2.206	0.028
Age^2	**-0.001**	0.000	-0.859	-2.089	0.037
Speaks English Well	-0.109	0.207	-0.029	-0.528	0.598
Some College (1=Yes)	0.024	0.114	0.012	0.209	0.835
College Graduate	**0.475**	0.122	0.220	3.907	0.000
More than College	**0.763**	0.136	0.320	5.612	0.000
Constant	8.288	0.841		9.859	0.000

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.
Note: **BOLD** indicates the value is statistically significant at $p < .05$.
Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

EXHIBIT C-7
RESULTS OF LINEAR REGRESSION CONSTRUCTION

City of Tallahassee CMSA					
	Unstandardized		Standardized		
	B	Std. Error	B	t	Sig.
African American	-0.278	0.241	-0.107	-1.153	0.252
Native American	-0.101	0.618	-0.017	-0.164	0.870
Nonminority Women (1=Female)	0.294	0.272	0.098	1.079	0.283
Marital Status (1=Married)	**0.331**	0.160	0.188	2.064	0.042
Disability (1=Yes)	-0.043	0.231	-0.018	-0.186	0.852
Age	**0.177**	0.059	2.264	2.985	0.004
Age^2	**-0.002**	0.001	-2.296	-3.023	0.003
Speaks English Well (1=Yes)	**1.963**	0.619	0.336	3.169	0.002
Some College (1=Yes)	-0.129	0.167	-0.076	-0.773	0.442
College Graduate (1=Yes)	0.414	0.220	0.177	1.881	0.063
More than College (1=Yes)	-0.088	0.346	-0.024	-0.255	0.799
Constant	6.560	1.218		5.386	0.000

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.
Note: **BOLD** indicates the value is statistically significant at $p < .05$.
Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

EXHIBIT C-8
RESULTS OF LINEAR REGRESSION
PROFESSIONAL SERVICES

City of Tallahassee CMSA					
	Unstandardized		Standardized		
	B	Std. Error	B	t	Sig.
African American	-0.457	0.613	-0.087	-0.745	0.459
Hispanic American	0.469	0.725	0.073	0.646	0.520
Asian American	0.172	0.662	0.033	0.260	0.795
Nonminority Women (1=Female)	-0.176	0.277	-0.077	-0.636	0.527
Marital Status (1=Married)	0.285	0.351	0.102	0.814	0.419
Disability (1=Yes)	**-0.954**	0.454	-0.252	-2.102	0.039
Age	-0.072	0.138	-0.580	-0.523	0.603
Age^2	0.001	0.001	0.511	0.462	0.645
Speaks English Well (1=Yes)	0.040	0.485	0.011	0.083	0.934
Some College (1=Yes)	-1.412	0.785	-0.400	-1.799	0.076
College Graduate (1=Yes)	-0.661	0.746	-0.318	-0.885	0.379
More than College (1=Yes)	-0.494	0.745	-0.250	-0.663	0.509
Constant	13.565	3.406		3.982	0.000

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.
Note: **BOLD** indicates the value is statistically significant at $p < .05$.
Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

EXHIBIT C-9
RESULTS OF LINEAR REGRESSION
OTHER SERVICES

City of Tallahassee CMSA					
	Unstandardized		Standardized		
	B	Std. Error	B	t	Sig.
African American	-0.192	0.178	-0.095	-1.075	0.285
Hispanic American	-0.963	0.513	-0.156	-1.876	0.063
Asian American	0.041	0.342	0.011	0.119	0.906
Native American	0.943	0.515	0.153	1.831	0.070
Nonminority Women (1=Female)	**-0.382**	0.151	-0.219	-2.529	0.013
Marital Status (1=Married)	0.252	0.140	0.154	1.797	0.075
Disability (1=Yes)	**-0.345**	0.171	-0.168	-2.020	0.046
Age	0.016	0.066	0.200	0.247	0.805
Age^2	0.000	0.001	-0.024	-0.030	0.976
Speaks English Well (1=Yes)	**-0.508**	0.241	-0.194	-2.106	0.037
Some College (1=Yes)	0.201	0.153	0.128	1.310	0.193
College Graduate (1=Yes)	**0.461**	0.176	0.253	2.627	0.010
More than College (1=Yes)	0.131	0.259	0.046	0.505	0.614
Constant	9.542	1.367		6.982	0.000

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.
Note: **BOLD** indicates the value is statistically significant at $p < .05$.
Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

EXHIBIT C-10
RESULTS OF LINEAR REGRESSION
GOODS AND SUPPLIES

City of Tallahassee CMSA					
	Unstandardized		Standardized		
	B	Std. Error	B	t	Sig.
African American	-0.784	1.125	-0.128	-0.697	0.491
Hispanic American	-0.757	0.857	-0.173	-0.884	0.384
Asian American	0.569	1.280	0.093	0.445	0.660
Nonminority Women	0.056	0.375	0.026	0.150	0.882
Marital Status	-0.489	0.370	-0.224	-1.321	0.197
Disability (1=Yes)	-0.620	0.610	-0.172	-1.016	0.318
Age	0.123	0.158	1.164	0.778	0.443
Age^2	-0.001	0.002	-1.145	-0.772	0.446
Speaks English Well	0.547	0.791	0.151	0.691	0.495
Some College (1=Yes)	-0.005	0.401	-0.003	-0.012	0.990
College Graduate	0.139	0.405	0.070	0.344	0.733
More than College	**1.716**	0.724	0.475	2.371	0.024
Constant	7.922	3.606		2.197	0.036

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.
Note: **BOLD** indicates the value is statistically significant at $p < .05$.
Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

APPENDIX D: PRIVATE SECTOR DISCUSSION

APPENDIX D
PRIVATE SECTOR DISCUSSION

Based on the U.S. Bureau of Census, 2002 Survey of Business Owners (SBO) there remains a significant gap between the market share of minority- and women-owned business enterprises (M/WBEs) and their share of the Leon County metropolitan area business population.

As shown in **Exhibit D-1** below, there were 24,317 businesses in the Leon County metropolitan area, of which 16.5 percent were owned by minorities and 27.8 percent by women. Minorities' share of market revenue was 2.2 percent. Minorities averaged $303,661 per firm. **Exhibit D-1** also shows that the following:

- African American-owned firms were 9.6 percent of firms, 0.7 percent of sales, with $95,637 in average revenue per firm, 7.3 percent of the market place average.

- Hispanic American-owned firms were 3.0 percent of firms, 0.4 percent of sales, with $49,299 in average revenue per firm, 11.9 percent of the market place average.

- Asian American-owned firms were 2.6 percent of firms, 1.0 percent of sales, with $139,444 in average revenue per firm, 39.3 percent of the market place average;

- Native American-owned firms were 1.3 percent of firms, 0.1 percent of sales, with $19,281 in average revenue per firm, 11.3 percent of the market place average.

- Nonminority women-owned firms were 27.8 percent of firms, 7.0 percent of sales, with $958,738 in average revenue per firm, 25.2 percent of the market place average.

EXHIBIT D-1
U.S. BUREAU CENSUS 2002
SURVEY OF BUSINESS OWNERS
MEASURE OF AVAILABILITY AND UTILIZATION
IN THE LEON COUNTY MARKET PLACE
ALL FIRMS

	# of Firms	Sales	Sales Per Firm
All firms	24,317	$13,690,982	$563
African American	2,333	$95,637	$41
Hispanic American	734	$49,299	$67
Asian American	631	$139,444	$221
Native American	304	$19,281	$63
All Minorities	4,002	$303,661	$76
Nonminority Women	6,769	$958,738	$142

Percentage of Marketplace

	Firms	Sales	Sales Per Firm Compared to the Marketplace Average
African American	9.6%	0.7%	7.3%
Hispanic American	3.0%	0.4%	11.9%
Asian American	2.6%	1.0%	39.3%
Native American	1.3%	0.1%	11.3%
All Minorities	16.5%	2.2%	13.5%
Nonminority Women	27.8%	7.0%	25.2%

Disparity Index

	(ratio of sales to firms)
African American	7.3
Hispanic American	11.9
Asian American	39.3
Native American	11.3
Nonminority Women	25.2

Source: U.S. Bureau of the Census 2002, Survey Of Business Owners, Based On All Firms.

Exhibit D-2 below shows that based on all firms there were 6,472 businesses with paid employees. in the Leon County metropolitan area in 2002, of which 7.6 percent were owned by minorities and 18 percent by nonminority women-owned firms. Minorities' share of market revenue was 1.7 percent. Minorities averaged $217,536 per firm. **Exhibit D-2** also shows that the following,

- African American-owned firms were 3.6 percent of firms, 0.4 percent of sales, with $53,179 in average revenue per firm, 11.5 percent of the market place average.
- Hispanic American-owned firms were 2.3 percent of firms, 0.3 percent of sales, with $41,808 in average revenue per firm, 14.4 percent of the market place average.

- Asian American-owned firms were 1.8 percent of firms, 1 percent of sales, with $122,549 in average revenue per firm, 53.5 percent of the market place average.

- Nonminority women-owned firms were 18 percent of firms, 5.8 percent of sales, with $752,237 in average revenue per firm, 32.3 percent of the market place average.

- The data was incomplete for Native American-owned firms with paid employees.

EXHIBIT D-2
U.S. BUREAU CENSUS 2002
SURVEY OF BUSINESS OWNERS
ALL FIRMS WITH PAID EMPLOYEES

	# of Firms	Sales	Sales Per Firm
All firms	6,472	$12,889,631	$1,992
African American	233	$53,179	$228
Hispanic American	146	$41,808	$286
Asian American	115	$122,549	$1,066
Native American	N/A	N/A	N/A
All Minorities	494	$217,536	$440
Nonminority Women	1,168	$752,237	$644

Percentage of Marketplace			
	Firms	**Sales**	**Sales Per Firm Compared to the Marketplace Average**
African American	3.6%	0.4%	11.5%
Hispanic American	2.3%	0.3%	14.4%
Asian American	1.8%	1.0%	53.5%
Native American	N/A	N/A	N/A
All Minorities	7.6%	1.7%	22.1%
Nonminority Women	18.0%	5.8%	32.3%

Disparity Index	
	(ratio of sales to firms)
African American	11.5
Hispanic American	14.4
Asian American	53.5
Native American	N/A
Nonminority Women	32.3

Source: U.S. Bureau of the Census 2002, Survey Of Business Owners, Based On Firms with Paid Employees Only.

For all construction firms the results are shown in **Exhibit D-3** below, there were 2,901 construction firms in the Leon County metropolitan area in 2002, of which 6.8 percent were owned nonminority women-owned firms. **Exhibit D-3** also shows that:

- Nonminority women-owned firms were 6.8 percent of firms, 6.2 percent of sales, with $84,224 in average revenue per firm, 90.9 percent of the market place average.

- Complete data on African American-, Native American, Hispanic American-, and Asian American-owned firms was not available.

EXHIBIT D-3
U.S. BUREAU CENSUS 2002
SURVEY OF BUSINESS OWNERS
CENSUS MEASURE OF AVAILABILITY AND UTILIZATION
IN THE LEON COUNTY MARKET PLACE
ALL CONSTRUCTION FIRMS

	# of Firms	Sales	Sales Per Firm
All firms	2,901	$1,363,866	$470
African American	N/A	N/A	N/A
Hispanic American	N/A	N/A	N/A
Asian American	N/A	N/A	N/A
Native American	N/A	N/A	N/A
All Minorities	N/A	N/A	N/A
Nonminority Women	197	$84,224	$428

Percentage of Marketplace			
	Firms	**Sales**	**Sales Per Firm Compared to the Marketplace Average**
African American	N/A	N/A	N/A
Hispanic American	N/A	N/A	N/A
Asian American	N/A	N/A	N/A
Native American	N/A	N/A	N/A
All Minorities	N/A	N/A	N/A
Nonminority Women	6.8%	6.2%	90.9%

Disparity Index	
	(ratio of sales to firms)
African American	N/A
Hispanic American	N/A
Asian American	N/A
Native American	N/A
Nonminority Women	90.9

Source: U.S. Bureau of the Census 2002, Survey of Business Owners, Based On All Firms Specializing in Construction.

Exhibit D-4 below shows that based on all firms there were 4,387 businesses specializing in professional services in the Leon County metropolitan area in 2002, of which 7.9 percent were owned by minorities and 24.4 percent by nonminority women-owned firms. Minorities' share of market revenue was 26.4 percent. Minorities averaged $33,034 per firm. **Exhibit D-4** also shows that the following,

- African American-owned firms were 5.6 percent of firms, 0.9 percent of sales, with $15,000 in average revenue per firm, 16.9 percent of the market place average.

- Asian American-owned firms were 2.3 percent of firms, 1.1 percent of sales, with $18,034 in average revenue per firm, 49.8 percent of the market place average.

- Nonminority women-owned firms were 24.4 percent of firms, 12.7 percent of sales, with $202,148 in average revenue per firm, 52.1 percent of the market place average.

- The data was incomplete for Hispanic American- and Native American-owned firms.

EXHIBIT D-4
U.S. BUREAU CENSUS 2002
SURVEY OF BUSINESS OWNERS
ALL FIRMS WITH PAID EMPLOYEES

	# of Firms	Sales	Sales Per Firm
All firms	4,387	$1,588,337	$362
African American	245	$15,000	$61
Hispanic American	N/A	N/A	N/A
Asian American	100	$18,034	$180
Native American	N/A	N/A	N/A
All Minorities	345	$33,034	$96
Nonminority Women	1,072	$202,148	$189

Percentage of Marketplace			
	Firms	**Sales**	**Sales Per Firm Compared to the Marketplace Average**
African American	5.6%	0.9%	16.9%
Hispanic American	N/A	N/A	N/A
Asian American	2.3%	1.1%	49.8%
Native American	N/A	N/A	N/A
All Minorities	7.9%	2.1%	26.4%
Nonminority Women	24.4%	12.7%	52.1%

Disparity Index	
	(ratio of sales to firms)
African American	16.9
Hispanic American	N/A
Asian American	49.8
Native American	N/A
Nonminority Women	52.1

Source: U.S. Bureau of the Census 2002, Survey Of Business Owners, Based On All Firms Specializing in Professional Services.

All groups exhibited disparity to substantial disparity in the marketplace where data was available. Disparity indices for the overall market place are presented at the bottom of **Exhibits D-1**, **D-2**, **D-3**, and **D-4**.

Board of County Commissioners
Leon County, Florida

Policy No. 96-1

Title:	Purchasing Policy
Date Adopted:	June 20, 2017
Effective Date:	June 20, 2017
Reference:	Chapters 274 and 287, Florida Statutes
Policy Superseded:	Policy No. 96-1, "Purchasing Policy"; adopted January 16, 1996; revised November 25, 1997; revised February 24, 1998; revised March 22, 2005; revised December 13, 2005; revised June 13, 2006; revised February 26, 2009; revised October 27, 2009; revised February 9, 2010; revised March 23, 2010; revised October 12, 2010; revised June 14, 2011; revised August 23, 2011; revised November 8, 2011; revised February 14, 2012; revised March 13, 2012; revised February 12, 2013; revised October 29, 2013; revised January 27, 2015

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy", revised by the Board of County Commissioners on January 27, 2015 be superseded and a revised policy, Policy No. 96-1 "Purchasing Policy," is hereby adopted in its place, to wit:

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY

Purchasing Policy

LEON COUNTY BOARD OF COUNTY COMMISSIONERS
Purchasing Policy

TABLE OF CONTENTS

PART A: PURCHASING PROCEDURE 5

Section 1 PURPOSE 5

Section 2 APPLICATION OF POLICY 5

Section 3 DEFINITIONS 7

Section 4 AUTHORITY OF PURCHASING DIRECTOR 11

Section 5 PURCHASING CATEGORIES; THRESHOLD AMOUNTS 12

Table 1 Purchasing Process Thresholds 12
Table 2 Contract Award and Signature Authority Thresholds 12
Section 5.01 Utilization of Minority, Women, and Small Business Enterprises 12
Section 5.02 PETTY CASH/REIMBURSEMENT 13
Section 5.03 SMALL PURCHASES 13
Section 5.03.1 WAREHOUSE OPERATIONS 13
Section 5.04 BLANKET PURCHASE ORDERS 13
Section 5.05 FIELD QUOTES 14
Section 5.06 PURCHASING QUOTES 14
Section 5.07 INFORMAL BIDS 14
Section 5.07.1 INFORMAL BIDS FOR TENANT RENOVATIONS AND IMPROVEMENTS FOR LEASED SPACE 14
Section 5.08 COMPETITIVE SEALED BIDDING 14
Section 5.09 COMPETITIVE SEALED PROPOSALS 18
Section 5.09.1 PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, AND LAND SURVEYING SERVICES 18
Section 5.10 SOLE SOURCE PURCHASES 22
Section 5.11 EMERGENCY PURCHASES 22
Section 5.12 COOPERATIVE PURCHASING 23
Section 5.13 PROTESTING INTENDED DECISIONS AND PROCUREMENT AWARDS 23
Section 5.14 CONTRACT CLAIMS 28
Section 5.15 REMEDIES FOR SOLICITATIONS OR AWARDS IN VIOLATION OF LAW 28
Section 5.16 OWNER DIRECT PURCHASES IN PUBLIC WORKS CONTRACTS 29
Section 5.17 EMPLOYMENT ELIGIBILITY AND VERIFICATION 29

Section 6 CONTRACT ADMINISTRATION 30

Section 6.1 CONTRACT PROVISIONS 30
Section 6.3 CHANGE ORDERS/CONTRACT AMENDMENTS 31
Section 6.4 ASSIGNMENTS OF CONTRACTS 31
Section 6.5 RIGHT TO INSPECT PLANT 32

Section 7 RIGHTS OF BOARD OF COUNTY COMMISSIONERS 32

Section 8 COUNTY PROCUREMENT RECORDS 32

Section 9 SPECIFICATIONS 32

Section 9.1 MAXIMUM PRACTICABLE COMPETITION 32
Section 9.2 USE OF BRAND NAME OR EQUIVALENT SPECIFICATIONS 32
Section 9.3 BRAND NAME SPECIFICATIONS 33

Section 10 ETHICS IN PUBLIC CONTRACTING 33

Section 10.1 CRIMINAL PENALTIES 33
Section 10.2 EMPLOYEE CONFLICT OF INTEREST 33
Section 10.3 CONTEMPORANEOUS EMPLOYMENT PROHIBITED 33
Section 10.4 USE OF CONFIDENTIAL INFORMATION 33
Section 10.5 WAIVERS FROM CONTEMPORANEOUS EMPLOYMENT PROHIBITION AND OTHER CONFLICTS OF INTEREST 33
Section 10.6 GRATUITIES AND KICKBACKS 34
Section 10.7 SANCTIONS 34
Section 10.8 RECOVERY OF VALUE TRANSFERRED OR RECEIVED IN BREACH OF ETHICAL STANDARDS 34

Section 11 FEDERAL REQUIREMENTS 34

Section 11.1 PATENTS 34
Section 11.2 FEDERAL PUBLIC POLICY REQUIREMENTS 35

Section 12 INSURANCE REQUIREMENTS 36

Section 13 BONDS AND DEPOSITS 36

Section 13.1 TYPES OF BONDS AND DEPOSITS: 36
Section 13.2 AMOUNT OF BOND OR DEPOSIT 37
Section 13.3 PROCESSING OF BONDS AND DEPOSITS: 38

Section 14 PAYMENT TO VENDORS 38

Section 14.1 PAYMENT DISPUTE RESOLUTION 38

Section 15 AUTHORIZATION TO DEBAR OR SUSPEND VENDOR(S) 40

Section 15.1 APPEAL OF DECISION TO DEBAR OR SUSPEND 41

PART B: MINORITY WOMEN AND SMALL BUSINESS ENTERPRISE PROGRAM 41

Section 1 MINORITY, WOMEN AND SMALL BUSINESS ENTERPRISE PROGRAM 41

A. Purpose 41
B. Definitions 41
C. Administrative Authority, Powers and Duties 45
D. MWBE Citizens Advisory Committee 46
E. Aspirational Targets 46
F. Special Consideration for MBEs, WBEs, and SBEs 47
G. Setting and Meeting Aspirational Targets 47
H. Responsibilities of Persons Seeking Participation as a MBE, WBE, or SBE Contractor or Subcontractor 49
I. Contract Management 49
J. Certification Criteria 51
K. Certification and Recertification Process 52
L. Decertification and Right of Appeal 53
M. Small Business Enterprise 53
N. Outreach 54
O. Severability Clause 55

PART A: PURCHASING PROCEDURE

Section 1 PURPOSE

This policy is adopted to promote the following purposes:

A. To simplify, clarify, and modernize the procurement practices used by the Leon County Board of County Commissioners.

B. To promote the continued development of professional and equitable procurement policies and practices.

C. To promote public confidence in the purchasing procedures followed by Leon County.

D. To ensure the fair and equitable treatment of all persons who deal with the procurement system of Leon County.

E. To encourage the growth of small and minority businesses through the promotion of an atmosphere conducive to the development and maintenance of small, minority and women owned business participation in the County's procurement system.

F. To maximize economy in Leon County procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds of Leon County.

G. To provide safeguards for the maintenance of a procurement system of quality and integrity in Leon County.

Section 2 APPLICATION OF POLICY

A. Contracts: This policy shall apply to contracts/agreements solicited or entered into after the effective date of this policy or subsequent amendments or revisions, unless the parties agree to its application to a contract solicited or entered into prior to the effective date.

B. Activities: This policy shall apply to the purchase/procurement of all materials, supplies, services, construction and equipment except as herein specifically exempted.

C. Exemptions from the Purchasing Policy. The following exemptions do not preclude the County from utilizing competitive procurement practices where possible. The following types of purchasing activities shall be exempt from the purchasing policy except as noted:

1. All heavy equipment repairs shall be exempted from the competitive sealed bid requirements. The Fleet Management Director or designee shall solicit and evaluate quotations and make a recommendation for award. The Purchasing Director shall review the quotations and the recommendation for award and award of the bid shall be made by the appropriate authority as provided in Section 5.0.

2. All purchases of services from a utility whose rates are determined and controlled by the Public Service Commission or other governmental authority, including but not limited to electricity, water, sewer, telephone, and cable television services.

3. All supplies, materials, equipment, or services purchased at a price established in any of the authorized forms of state contracts of the State of Florida Department of Management Services, Division of Purchasing; under the terms and conditions of a cooperative purchasing agreement or term contract by other governmental units, or through other cooperative purchasing organizations.

4. All supplies, and materials, equipment, construction, or services purchased from another unit of government not otherwise limited or prohibited by law.

5. Service/Maintenance Contracts: Continuing service and/or maintenance contracts that are initially awarded by the Board as a part of product acquisition/installation to a vendor who is the manufacturer, developer, or who is the authorized service agent thereof and for which funds are

annually appropriated in the budget are exempt from further competitive requirements of this policy. Examples are software/hardware maintenance, building systems maintenance, security systems, etc.

6. Real property, real estate brokerage, options of title or abstracts of title for real property, title insurance for real property, and other related costs of acquisition, rental, or sale of real property.

7. All purchases of used equipment having a value of $50,000 or less; however, each such purchase shall be supported by one equipment appraisal report from the vendor.

8. All purchases of used equipment having a value greater than $50,000 and less than $100,000; however, each such purchase shall be supported by two independent equipment appraisal reports.

9. Library Media and Materials. The purchase of library books, education and/or personnel texts, textbooks, printed instructional materials, reference books, periodicals, databases, indexes, pre-recorded library media materials, e.g. audio and video cassettes, film strips, films, sound recordings, computer software, etc., and printed library cards that are to be a part of the library collection are exempt.

10. Grants (Direct Payment) by the County and social services (e.g. burials, reimbursable emergency assistance payments to approved social service agencies, down payment assistance, temporary housing relocation expenses and indigent medical and tubercular care patient services).

11. Advertisements (except Delinquent Tax Notices).

12. Training Media and Services. When such materials or services are available only from the producer, publisher, owner of the copyright or patent, educational institution or training service provider, which developed the training program, the purchase, is exempt from competitive requirements. Approval thresholds in Section 5.0 shall apply.

13. Software. Upgrades, software modification services by the copyright holder, and related software enhancements to installed software purchased through competitive means are exempt. The purchase of new software packages or systems shall follow the thresholds and procedures of the policy to ensure competitive selection.

14. Corporate and media sponsorship agreements up to the formal bid threshold in Section 5.0.

15. Licensed health professionals, e.g., Doctors, Nurses, Veterinarians who provide service directly to patients.

16. Training and educational courses, contracts between the County and governmental entities or nonprofit corporations, memberships, publications, meeting rooms, and hotels when any of the procurements listed previously are below the formal bid threshold in Section 5.0.

17. Lectures by individuals.

18. Artistic services, works of art for public places, and art design and conservation services.

19. Continuing education events or programs.

20. Services of legal counsel authorized by the Office of the County Attorney, including, but not limited to, expert witnesses, conflict counsel, and other services required by the Office of the County Attorney.

21. Travel arrangements and expenses. (Reference Travel Policy)

22. Tourism Event Hosting Applications/Requests/Bids

23. Revenue Generating contracts

Section 3 DEFINITIONS

A. The following terms defined in this section shall have the meanings set forth below whenever they appear in this policy:

1. "Addendum" is a written document used to expand or more fully explain the terms of a bid instrument (Invitation to Bid or Request for Proposals). An addendum is not to be confused with a contract "amendment."

2. "Agreement/Contract" means all types of Leon County agreements, regardless of what they may be called, for the purchase or disposal of supplies, services, materials, equipment, or construction and which name the terms and obligations of the business transaction.

3. "Blanket Purchase Order" means a purchase order issued to a vendor for an amount not to exceed the face value of the purchase order. A blanket purchase order is for the procurement of commodities or services no single item of which shall exceed the threshold for small purchases unless the appropriate method of procurement was used to generate the Blanket Purchase Order.

4. "Board" means the Board of County Commissioners of Leon County, Florida.

5. "Brand Name or Equivalent Specification" means a specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance, and other salient characteristics needed to meet the County requirements, and which provides for the submission of equivalent products.

6. "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

7. "Change Order" means a written order amending the scope of, or correcting errors, omissions, or discrepancies in a contract or purchase order.

8. "Commodity" means a product that the County may contract for or purchase for the use and benefit of the County. A specific item, it is different from the rendering of time and effort by a provider.

9. "Competitive Sealed Bidding" (Invitation for Bid) means a written solicitation for sealed competitive bids used for the procurement of a commodity, group of commodities, or services valued more than the threshold for this category. The invitation for bids is used when the County is capable of specifically defining the scope of work for which a contractual service is required or when the County is capable of establishing precise specifications defining the actual commodity or group of commodities required.

10. "Confirming Order" means a purchase order restating the same terms originally placed orally or in writing other than a purchase order.

11. "Construction" means the process of building, attaining, repairing, improving, or demolishing any public structure or building, or other public improvement of any kind to any public real property. It does not include routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

12. "Contract amendment or modification" means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

13. "Contractor" means any person having a contract with Leon County (not to include employment contracts).

14. "Contractual Services" means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals

and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged there under; and professional, technical, and social services.

15. "Contractual Services Contract" is a contract for a contractor's time and effort rather than the furnishing of specific commodities. Satisfactory completion of the service and/or a specified period of time or date completes such contract.

16. "Cooperative Purchasing" is procurement conducted by, or on behalf of, more than one public procurement unit.

17. "Cost Analysis" is the evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid, and costs to be reimbursed.

18. "Data" means recorded information, regardless of form or characteristic.

19. "Definite Quantity Contract" is a contract whereby the contractor(s) agrees to furnish a specific quantity of an item or items at a specified price and time to specified locations. Delivery by the vendor and acceptance of the specific quantity by the County completes such contract.

20. "Designee" means a duly authorized representative of a person holding a superior position.

21. "Emergency" means when there exists a threat to public health, welfare, or safety; natural or unnatural, unexpected events; accidents; or loss to the County under emergency conditions which shall be considered to mean those situations where the operation of a department or division would be seriously impaired if immediate action were not taken.

22. "Emergency Purchase" is a purchase necessitated by a sudden unexpected turn of events (e.g., acts of God, riots, fires, floods, accidents or any circumstances or cause beyond the control of the agency in the normal conduct of its business) where the delay incident to competitive bidding would be detrimental to the interests of the County.

23. "Employee" means an individual drawing a salary from Leon County, whether elected or non-elected. For the purposes of this policy, it also means that any non-compensated individual performing personal services for Leon County is to be governed by these rules.

24. "Established Catalog Price" is the price included in a catalog, price list, schedule, or other form that:
    a) is regularly maintained by a manufacturer or contractor;
    b) is either published or otherwise available for inspection by customers; and
    c) states prices at which sales are currently or were last made to a significant number of any category of buyers or those buyers constituting the general buying public for the supplies or services involved.

25. "Field Quotes" is the procurement procedure used by the operating department or divisions to purchase commodities or contractual services with a value within the threshold amounts set for this category and are conducted by the department or division.

26. "f.o.b. or FOB (free on board)" is a term used in conjunction with an identified physical location to determine the responsibility and basis for payment of freight charges, and the point at which title for the shipment passes from seller to buyer. Commonly used deliveries are:

    a) FOB Destination. A shipment to be delivered to a destination designated by the buyer and the point at which buyer accepts title.
    b) FOB Shipping Point (Origin). A shipment is to be delivered to the buyer with passage of title, on board the indicated conveyance or carrier at the contractor's designated facility.

27. "Gratuity" is a payment, loan, subscription, advance, deposit of money, service, or anything of more than nominal value, present or promised, inuring to the benefit of an employee, unless consideration of substantially equal or greater value is given by the employee.

28. "Informal Sealed Bid" is a written solicitation method used by the County for securing prices and selecting a provider of commodities or services with a value within the threshold for this category

29. "Intended Decision" means a written notice that states the firm or firms to whom the County intends to award a contract resulting from a solicitation and which establishes the period in which a notice of intent to protest may be timely filed. The Intended Decision is posted on the County website and on the Public Notice board in the Purchasing Division.

30. "Invitation for Bid" (Competitive Sealed Bidding) means a written solicitation for sealed competitive bids used for the procurement of a commodity, group of commodities, or services valued more than the threshold for this category. The invitation for bids is used when the County is capable of specifically defining the scope of work for which a contractual service is required or when the County is capable of establishing precise specifications defining the actual commodity or group of commodities required.

31. "Invitation to Negotiate" means a written solicitation that calls for responses to select one or more persons or business entities with which to commence negotiations for the procurement of commodities or contractual services.

32. "Joint Venture" means:
    a) a combination of contractors performing a specific job in which business enterprises participate and share a percentage of the net profit or loss; or
    b) a joint business association of a minority individual(s)/firm(s) as defined herein, and a non-minority individual(s)/firm(s) to carry out a single business enterprise for which purpose the individuals/firms combine their property, money, efforts, skills and/or knowledge.

33. "Local Business" means a business which:

    a) Has had a fixed office or distribution point located in and having a street address within Leon, Gadsden, Wakulla, or Jefferson County for at least six months immediately prior to the issuance of the request for competitive bids or request for proposals by the county; and
    b) Holds any business license required by Leon County, and, if applicable, the City of Tallahassee; and
    c) Is the principal offeror who is a single offeror; a business that is the prime contractor and not a subcontractor; or a partner or joint venturer submitting an offer in conjunction with other businesses.

34. "Manufacturer" means a person or firm engaged in the process of making, fabricating, constructing, forming, or assembling a product(s) from raw, unfinished, semi-finished, finished, or recycled materials through a direct contract/agreement on behalf of the general contractor.

35. "Option to Renew" means a contract clause that allows a party to reinstate the contract for an additional term.

36. "Person" means any business, individual, committee, club, other organization, or group of individuals.

37. "Pre-Bid Conference" (or Pre-Proposal Conference) means a meeting held with prospective bidders prior to solicitation of or the date for receipt of bids or proposals, to recognize state of the art limits, technical aspects, specifications, and standards relative to the subject, and to elicit expertise and bidders' interest in submitting a bid or pursuing the task.

38. "Procurement Award" is an award of a contract for goods or services resulting from a solicitation through action by the Board of County Commissioners in a public meeting.

39. "Professional Services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, as defined by the State of Florida, or those performed by any architect, professional engineer, landscape architect, or registered land surveyor in connection with his professional employment or practice.

40. "Purchase Order" means that document used by Leon County to request that a contract be entered into for a specified need, and may include, but not be limited to, the technical description of the requested item, delivery schedule, transportation, criteria for evaluation, payment terms, and other specifications.

41. "Purchasing" means buying, procuring, renting, leasing, or otherwise acquiring any materials, supplies, services, construction, or equipment. It also includes all functions that pertain to the obtaining of any material, supplies, services, construction, and equipment, including description of specifications and requirements, selection and solicitation of resources, preparation, and award of contract.

42. "Purchasing Director" means the Leon County employee duly authorized to enter into and administer contracts and make written determinations with respect thereto under the terms of the purchasing policies of the Board of County Commissioners.

43. "Purchasing Quotes" is the procedure used to purchase commodities or contractual services wherein the Purchasing Director or Purchasing Agents obtain either written or oral quotations from two or more vendors for purchases within the threshold amounts set for this category.

44. "Recycled Content" means materials that have been recycled and are contained in the products or materials to be procured, including, but not limited to, paper, plastic, aluminum, glass, and composted materials. The term does not include internally generated scrap that is commonly used in industrial or manufacturing processes or waste or scrap purchased from another manufacturer who manufactures the same or a closely related product.

45. "Regulation" means a statement by the Board of County Commissioners having general or particular applicability and future effect, designed to implement, interpret, or prescribe law, policy, or practice.

46. “Request for Information” means a written or electronically posted request to vendors for information concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted to form a binding contract.

47. "Request for Proposals" (RFP) means a written solicitation for sealed proposals with the title, date, and hour of public opening designated. The request for proposals may be used when the County is unable to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required, and when the County is requesting that a qualified offeror propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document.

48. “Request for a Quote” means a solicitation that calls for pricing information for purposes of competitively selecting and procuring commodities and contractual services from qualified or registered vendors.

49. "Responsible bidder or offeror" means a person who has the capability, in all respects, to perform fully the contract requirements, and the integrity and reliability, which will assure good faith performance.

50. "Responsive bidder" means a person who has submitted a bid, which conforms in all material respects to the Invitation to Bid or the Request for Proposals.

51. “Revenue Generating Contract” means a contract where revenue is received for goods and services provided on behalf of governmental entities.

52. "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than those which is not defined as supplies and which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

53. "Small Purchases" means the procurement of commodities or services with a value within the thresholds set for this category without the requirement of quotes, bids, or public notice under procedures established by the Purchasing Division.

54. "Sole (Single) Source Purchases" means the purchase of a commodity, service, equipment, or construction item(s) from one available practical source of supply. A Sole (single) Source may be declared such by the Board of County Commissioners for reasons acceptable to it.

55. "Specification" means any description of the physical or functional characteristics of the nature of a material, supply, service, construction, or equipment item. It may include a description of any requirement for inspection, testing, recycled, or degradable materials content, or preparing a material, supply, service, construction, or equipment item for delivery.

56. "Supplier" means a person or firm who engages in the selling of materials and supplies to contractors, subcontractors, and/or manufacturers for the purpose of constructing, repairing, altering, remodeling, adding to or subtracting from or improving any building, structure, or property through a direct contract/agreement on behalf of the general contractor.

57. ”Tangible Personal Property” is defined as property which has an original acquisition cost of $1,000 or more; is not consumed in use and has a useful life of one year or more after initial acquisition; is not fixed in place and not an integral part of a structure or facility; and is not an integral part or component of another piece of equipment.

58. "Term Contract" means indefinite quantity contract whereby a contractor(s) agrees to furnish an item or items during a prescribed period of time (such as 3, 6, 9, 12 months or a specific date). The specified period of time or date completes such contract.

59. "Tie (Identical) Bid" is when two or more bids are equal with respect to price and it appears that the quality and service offered by the vendors are otherwise comparable.

60. “Tourism Event Hosting Application/Request/Bid” means the process utilized by the Tourism Department when applying to organizations to host tourism events.

Section 4 AUTHORITY OF PURCHASING DIRECTOR

A. The Purchasing Director shall serve as the central purchasing officer of Leon County.

B. The Purchasing Director shall develop and administer operational procedures implementing this policy and for governing the internal functions of the Division of Purchasing.

C. Except as otherwise specifically provided in this policy, the Purchasing Director, or his/her designee, shall, in accordance with regulations promulgated by the Board of County Commissioners:

1. Purchase or supervise the purchase of all supplies, services, materials, equipment, and construction services defined within the scope of this policy.
2. Operate a central warehouse for the purchasing, in bulk, of items that may be more economically bought and distributed than when purchased on an individual basis; and, to provide facilities for storage of critically needed supplies.
3. Administer the County Purchasing Card Program.
4. Administer the Property Control Program.

D. Upon the prior approval of the County Administrator or designee, the Purchasing Director may delegate authority to designee(s) as allowed by law or rule.

E. The Purchasing Director shall coordinate with the Tallahassee-Leon County Office of Economic Vitality, Office of Minority, Women, and Small Business Enterprise, to implement, monitor, and enforce the Minority, Women, and Small Business Enterprise program.

Section 5 PURCHASING CATEGORIES; THRESHOLD AMOUNTS

Table 1 Purchasing Process Thresholds	
Procurement Method	**Threshold**
Petty Cash/Reimbursement (Section 5.02)	Not to exceed $100
Small Purchase Procedures (Section 5.03) Tangible Property/Controlled Asset Consumables Warehouse Operations (Section 5.031)	 $1 to $1,000 $1 to $2,500 $1 to $5,000
Blanket Purchase Orders (Section 5.04) Non-contractual Basis Contractual Basis	 not to exceed $5,000 not to exceed annual contract value
Field Quotes (Section 5.05) Tangible Property/Controlled Asset Consumables	 $1,000 to $5,000 $2,500 to $5,000
Purchasing Quotes (Section 5.06)	$5,000.01 to $50,000
Bid - Informal Bid Process – Standard (Section 5.07)	$50,000.01 to $100,000
Bid – Informal Bid Process for Tenant Renovations/Improvements to County Space Leased by Private Entities (Section 5.07.1)	$50,000.01 to $200,000
Bid - Competitive Sealed Bids (Section 5.08)	$100,000.01 and above
RFP - Competitive Sealed Proposals (Sections 5.09 and 5.09.1)	Purchasing Director –Authorized to Release RFPs Expected to Result in Costs No Greater than $100,000; County Administrator Authorized to release all RFPs

Table 2 Contract Award and Signature Authority Thresholds	
Individual	**Threshold[1]**
Purchasing Director	*Procurement Agreements up to $100,000
County Administrator	*Procurement Agreements greater than $100,000 and no greater than $250,000
Board of County Commissioners	*Procurement Agreements greater than $250,000
[1] Term contracts will be awarded based upon the value of the initial term of the contract. *All contracts will be in a form approved by the County Attorney's Office prior to execution.	

Section 5.01 Utilization of Minority, Women, and Small Business Enterprises

Minority, Women, and Small Business Enterprise Program will be conducted in compliance with Part B of this Policy. Employees are encouraged to seek out and utilize certified minority, women-owned, and small business enterprises in the procurement process, when available. (Please see Part B, Minority, Women, and Small Business Enterprise Participation Program).

Whenever practicable, at least one of the three quotes/bids from certified minority and women-owned business enterprises shall be secured for Small Purchases, Field Quotes, Purchasing Quotes, and Informal Bids. The Purchasing Director shall review the quotations and make the award or require additional quotations/bids prior to award.

For Competitive Sealed Bidding, Competitive Sealed Proposals (CCNA), and Other Competitive Sealed Proposals, Part B, Minority, Women, and Small Business Enterprise Participation Program shall be utilized unless otherwise exempted in this policy.

Section 5.02 PETTY CASH/REIMBURSEMENT

A. Petty cash funds shall be established and administered under the financial policies of the Board.

B. Purchases from any petty cash fund or the reimbursement for a purchase shall be governed by the following requirements:

1. No purchase of any single item from any petty cash fund or for reimbursement shall exceed the authorized dollar limit for petty cash/reimbursements in Section 5.
2. Reimbursement for employee travel expenses from a petty cash fund shall not be allowed, except for local parking or toll costs.
3. Funds contained within a petty cash fund shall not be expended for the payment of salaries.
4. Expenditures from a petty cash fund or personal funds shall be reimbursed, provided:
   a) They are supported by itemized vouchers, invoices, or receipts signed by the division or department head or designee.
   b) They qualify as a proper public purpose.
   c) They are expenses included within the approved annual budget of the division or department.

Section 5.03 SMALL PURCHASES

The purchase of commodities, equipment, and services, which cost less than the threshold authorized in Section 5, does not require solicitation of quotes or bids. Small purchases shall be authorized by Department or Division heads or their designees. Small purchase thresholds are to be determined utilizing the definitions below. Specific questions should be referred to the Purchasing Division for final decisions as to the determination of the category to be utilized.

A. Tangible Property/Controlled Asset - Items/Assets that require a property tag and inclusion on the County inventory. For purposes of this section tangible property/controlled asset includes the following:

1. An item which has an original acquisition cost of $1,000 or more; is not consumed in use and has a useful life of one year or more after initial acquisition; is not fixed in place and not an integral part of a structure or facility; and is not an integral part or component of another piece of equipment; and
2. An item with a historical cost less than $1,000 but has been identified as being particularly at risk or vulnerable to loss or theft and having a residual value when approaching its end of shelf life by the Purchasing Director and the appropriate Division Director. Examples include computers, laptops, iPads, certain types of IT equipment, and certain types of maintenance equipment.

B. Consumables – Commodities and services that are not included in the Tangible Property/Controlled Asset description above. These items are generally assumed to be consumed during use, have little to no residual value when wear-out is achieved/reached, intended to be used up and then replaced, or used up very quickly. Some examples include writing instruments, fuel, filters, most items of clothing, paper products, food, and some replaceable hand tools such as shovels, rakes, etc.

Section 5.03.1 WAREHOUSE OPERATIONS

The purchase of commodities, materials, and equipment for warehouse inventory, which cost less than the threshold authorized in Section 5, does not require solicitation of quotes or bids. Use of economic indices, review of costs, market trends, and/or use of periodic quotations shall be used by staff to assure cost effective purchases.

Section 5.04 BLANKET PURCHASE ORDERS

Blanket Purchase Orders of either type listed below shall not be used to purchase any tangible personal property item. Tangible personal property items shall be listed as individual line items on a purchase order.

A. Non-contractual Basis - All purchases made with a non-contractual blanket purchase order shall follow the thresholds and requirements for competitive selection. No purchase order shall be issued for an amount greater than the limit established for a non-contractual blanket purchase order in Section 5 of this policy for the purchase of goods or services not under a contractual arrangement authorized under this purchasing policy or approved by the Board.

B. Contractual Basis - No purchase order shall be issued for an amount greater than the limit established for a contractual blanket purchase order in Section 5 of this policy for the purchase of goods or services unless approved by the Board.

Section 5.05 FIELD QUOTES

The purchase of goods and services, which cost within the range authorized for field quotes in Section 5, shall require competitive quotations from three or more vendors. The quotations may be obtained by the Department/Divisions.

Section 5.06 PURCHASING QUOTES

The purchase of goods and services, which cost within the range authorized for purchasing quotes in Section 5, shall require competitive quotations from three or more vendors. The quotations may be obtained by the operating department/division or the Purchasing Division and shall be reviewed and awarded by the Purchasing Director. Quotes must be on company letterhead, quote forms, or in a similar format with a date and signature of an authorized representative of the vendor.

Section 5.07 INFORMAL BIDS

For purchases within the cost range authorized for informal bids in Section 5, the Purchasing Director shall secure, whenever possible, a minimum of three written quotations, which shall be the result of written specifications transmitted by mail, by electronic format, or by facsimile. When such quotations are received by facsimile, the purchasing agent will immediately seal and label the quotations until the time set for opening bids. In those instances where the securing of three quotations is not practicable, the Purchasing Director shall provide written justification of such. The quotations shall be reviewed and a written recommendation of award shall be prepared for review and action.

Section 5.07.1 INFORMAL BIDS FOR TENANT RENOVATIONS AND IMPROVEMENTS FOR LEASED SPACE

For purchases for tenant renovations/improvements for County-owned spaces leased to private entities and within the cost range authorized for informal bids for lease space in Section 5, all procedures in Section 5.07 shall be followed.

Section 5.08 COMPETITIVE SEALED BIDDING

A. Conditions for Use. All contracts for purchases of a single item or aggregate for the proposed term of service in excess of the established base amount for competitive sealed bidding in Section 5 shall be awarded on the basis of sealed competitive bidding, except as provided in Section 5.09, Competitive Sealed Proposals.

B. Invitation to Bid. An invitation to bid shall be issued and shall include specifications, all contractual terms and conditions, and the place, date, and time for opening or submittal. All interpretations or corrections shall be issued as addenda. The County shall not be responsible for oral clarifications or representations.

1. Alternate(s). Alternate bids will not be considered unless authorized by and defined in the invitation to bid or addenda thereto.

2. Approved Equivalents. The County reserves the right to determine acceptance of item(s) as an approved equivalent. Bids, which do not comply with, stated requirements for equivalents in the bid conditions are subject to rejection. The procedure for acceptance of equivalents shall be

included in the invitation to bid or addenda thereto.

3. Negotiation of Terms and Conditions – Less Than Two Responsive Submissions. If less than two responsive bids, proposals, or replies for commodity or contractual services purchases are received, the Purchasing Director may negotiate on the best terms and conditions. The Purchasing Director shall document the reasons that such action is in the best interest of the County in lieu of resoliciting competitive sealed bids, proposals, or replies. The Purchasing Director shall report all such actions to the County Administrator or designee prior to final award of any contract resulting from the negotiations.

C. Public Notice.

1. The solicitation of competitive bids or proposals for any County construction project that is projected to cost more than $200,000 shall be publicly advertised at least once in a newspaper of general circulation in the County at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. The solicitation of competitive bids or proposals for any County construction project that is projected to cost more than $500,000 shall be publicly advertised at least once in a newspaper of general circulation in the County at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. Bids or proposals shall be received and opened at the location, date, and time established in the bid or proposal advertisement. In cases of emergency, the procedures required in this section may be altered by the County in any manner that is reasonable under the emergency circumstances.

   The solicitation of competitive bids for work on roads shall be publicly advertised in a newspaper of general circulation in the county at least once each week for two consecutive weeks.

2. Changes to Public Notice. If the location, date, or time of the bid opening changes, written notice of the change shall be given in the form of an addendum, as soon as practicable after the change is made and posted on the Purchasing Division website.

3. Each invitation to bid, request for proposals, request for qualifications, invitation to negotiate, or other procurement solicitation which is anticipated to include travel expenses by authorized persons as defined in the Leon County Travel Policy shall include the following notice:

   "Consultant travel which is not covered within the scope of the consultant's contract and which is billed separately to the County on a cost reimbursement basis must receive prior approval and will be reimbursed in accordance with the Leon County Travel Policy. Travel expenses shall be limited to those expenses necessarily incurred in the performance of a public purpose authorized by law to be performed by the Leon County Board of County Commissioners and must be within limitations described herein and in Ch. 112.06, Florida Statutes. Consultants and contractors, traveling on a cost reimbursement basis, must have their travel authorized by the department head from whose budget the travel expenses will be paid and the County Administrator."

D. Bid Opening. Bids shall be opened publicly. At least one representative from the Division of Purchasing shall open the bids in the presence of one or more witnesses at the time and place designated in the Invitation to Bid. The amount of each bid, and such other relevant information as may be deemed appropriate by the Purchasing Director, together with the name of each bidder, and all witnesses shall be recorded. The record (Tabulation Sheet) and each bid shall be open to public inspection as provided by law.

E. Bid Acceptance and Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Policy. Bids shall be evaluated based on the requirements set forth in the Invitation to Bid, which may include, but not be limited to criteria to determine acceptability such as: inspection, testing, quality, recycled or degradable materials content, workmanship, delivery, and suitability for a particular purpose and/or factors to determine a bidder's level of responsibility such as references, work history, bonding capacity, licensure, certifications, etc. Those criteria that will affect the bid price and that are to be considered in evaluation for award shall be objectively measured, such as discounts, transportation costs, and total or life cycle costs. No criteria may be used in bid evaluation that is not set forth in the Invitation to Bid, in regulations, or in this policy.

F. Bid Agenda Item. The Tabulation Sheet and other bid documents, as necessary, shall be presented to the appropriate department or division head for review and recommendation. The department or division head shall prepare the recommendation in the appropriate format to the awarding authority as prescribed in Section 5.

G. Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids, before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted where appropriate under the sole discretion of the County. Mistakes discovered before bid opening may be modified or withdrawn upon written notice received in the office designated in the Invitation for Bids prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a non-judgmental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in bid price or other provisions of bids prejudicial to the interest of the County or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:

1. the mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or

2. the bidder submits evidence that clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Purchasing Director and concurred with by the County Administrator.

H. Multi-Step Sealed Bidding.

1. When it is considered impractical to initially prepare a purchase description to support an award based on price, an invitation for bids or request for proposals may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.

2. A multi-step process utilizing pre-qualification of bidders or respondents may be used to ensure that the bidders/respondents have the appropriate licensure, capacity, qualifications, experience, staffing, equipment, bonding, insurance and similar project based criteria to successfully a perform a specific project or service. Those bidders/respondents determined qualified in the pre-qualification will then be eligible to participate in the invitation to bid or request for proposal process for the project or service. The Purchasing Director shall develop and administer operational procedures governing any such pre-qualification process.

I. Award. The contract shall be awarded with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation to bid. The County reserves the right to waive any informality in bids and to make an award in whole or in part when either or both conditions are in the best interest of Leon County. The contract shall be awarded by purchase order or other written notice. Every procurement of contractual services shall be evidenced by a written agreement.

1. Notice of Intended Decision. The Intended Decision shall be posted on the County website and on the public notice board in the Purchasing Division. This written notice shall state the firm or firms to whom the County intends to award the contract resulting from the solicitation and establishes the 72 consecutive hour period in which a notice of intent to protest may be timely filed.

2. Notice of Right to Protest. Any bid award recommendation may be protested if the recommendation is alleged to be contrary to the County's rules or policies, the solicitation specifications, or law. The standard of proof for such proceedings shall be whether the action is clearly erroneous, contrary to competition, arbitrary or capricious. Such notice of intent of bid protest shall be delivered to the Purchasing Director within 72 consecutive hours after posting of the Notice of Intended Decision of Award (excluding Saturdays, Sundays, and County holidays). Protestor shall file thereafter a formal written bid challenge within 10 calendar days after the date in which the notice of intent of bid protest has been submitted. Failure to timely file a notice of

intent of bid protest or failure to timely file a formal written bid protest with the proper bond shall constitute a waiver of all rights provided under the Leon County Purchasing Policy.

J. Cancellation of Invitations for Bids. An invitation for bids or other solicitation may be canceled, or any or all bids may be rejected in whole or in part when it is in the best interests of the County, as determined by the Board. Notice of cancellation shall be provided to all planholders and posted on the County website. The notice shall identify the solicitation, explain the reason for cancellation, and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurement of similar items.

K. Disqualification of Vendors. For any specific bid, vendors may be disqualified by the Purchasing Director for the following reasons:

1. Failure to materially perform according to contract provisions on prior contracts with the County.

2. Conviction in a court of law of any criminal offense in connection with the conduct of business.

3. Clear and convincing evidence of a violation of any federal or state anti-trust law based on the submission of bids or proposals, or the awarding of contracts.

4. Clear and convincing evidence that the vendor has attempted to give a Board employee a gratuity of any kind for the purpose of influencing a recommendation or decision in connection with any part of the Board's purchasing activity.

5. Failure to execute a Public Entity Crimes Statement as required by Florida Statutes Chapter 287.133(3)(a).

6. Other reasons deemed appropriate by the Board of County Commissioners.

L. Negotiation of Terms and Conditions – Less Than Two Responsive Submissions. If less than two responsive bids, proposals, or replies for commodity or contractual services purchases are received, or all bids received exceed the available budget identified for the commodity or contractual service, the Purchasing Director may negotiate on the best terms and conditions. The Purchasing Director shall document the reasons that such action is in the best interest of the County in lieu of resoliciting competitive sealed bids, proposals, or replies. The Purchasing Director shall report all such actions to the County Administrator or designee prior to final award of any contract resulting from the negotiations. Award will be made according to the award thresholds in Section 5.

M. Local preference in bidding.

1. In purchasing of, or letting of contracts for procurement of, personal property, materials, contractual services, and construction of improvements to real property or existing structures in which pricing is the major consideration, the County may give a preference to Local Businesses in making such purchase or awarding such contract, as follows:

   a) Individuals or firms which have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a Local Business as defined herein, shall be given a preference in the amount of five percent of the bid price.
   b) Individuals or firms which do not have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a Local Business as defined herein, shall be given a preference in the amount of three percent of the bid price.
   c) The maximum cost differential shall not exceed $20,000.00. Total bid price shall include the base bid and all alternatives or options to the base bids, which are part of the bid and being recommended for award by the appropriate authority.

2. Certification. Any vendor claiming to be a Local Business shall so certify in writing to the purchasing division. The certification shall provide all necessary information to meet the requirements for a Local Business as defined herein. The purchasing agent shall not be required to verify the accuracy of any such certifications, and shall have the sole discretion to determine if a vendor meets the definition of a “Local Business.”

3. Waiver. The application of local preference to a particular purchase, contract, or category of contracts for which the County is the awarding authority may be waived upon written recommendation of the County Administrator and approval of the Board. The application of local preference to a particular purchase, contract, or category of contracts below the award authority of the Board may be waived upon written recommendation of the Director of Purchasing and approval of the County Administrator.

(Reference Article IX, Section 2-400, Chapter 2 of the Code of Laws of Leon County, Florida)

N. Prohibited Communications

1. Any form of communication, except for written correspondence with the Purchasing Division requesting clarification or asking questions, shall be prohibited regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between: Any person or person's representative seeking an award from such competitive solicitation; and

2. Any County Commissioner or Commissioner's staff, or any county employee authorized to act on behalf of the Commission to award a particular contract.

For the purpose of this section, a person's representative shall include, but not be limited to, the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.

The prohibited communication shall be in effect as of the release of the competitive solicitation and terminate at the time the Board, or a County department authorized to act on behalf of the Board, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.

The provisions of this section shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meetings, presentations made to the Board, and protest hearings. Further, the provisions of this section shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, communications with the County Attorney or communications with the Purchasing Director.

Prohibited communications may result in disqualification from the particular request for proposal, request for qualification, bid, or any other competitive solicitation and shall be grounds for suspension from doing business with the County.

Section 5.09 COMPETITIVE SEALED PROPOSALS

Section 5.09.1 PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, AND LAND SURVEYING SERVICES

A. Purpose. The purpose of this section, and the procedures established hereunder, is to ensure compliance with Section 287.055 Florida Statutes, known as the Consultants Competitive Negotiation Act (CCNA). This act establishes parameters within which the County must select professional services from architects, engineers, landscape architects, surveyors, and mappers. The CCNA requires the County to select these services on a qualitative basis using prescribed criteria prior to any negotiations, which may consider the cost of such services.

B. Public Announcement. It is the policy of the County to publicly announce all requirements for professional architectural, engineering, landscape architectural, land surveying, and mapping services, and to negotiate such contracts on the basis of demonstrated competence and qualifications at fair and reasonable prices. In the procurement of such services, the Purchasing Director may require firms to submit a statement of qualifications, performance data, and other information related to the performance of professional services.

1. Scope of Project Requirements.

   a) For specific projects, the County office requesting the professional services shall submit to the Purchasing Director written project requirements indicating the nature and scope of the professional services needed by the office, including but not limited to the following:
      1) the general purpose of the service or study;
      2) the objectives of the study or service;
      3) estimated period of time needed for the service or the study;
      4) the estimated cost of the service or study;
      5) whether the proposed study or service would or would not duplicate any prior or existing study or service; and
      6) the desired qualifications, listed in order of importance, applicable to the scope and nature of the services requested.

   b) For Continuing Supply Services, the County office requesting the professional services shall submit to the Purchasing Director written project requirements indicating the nature and scope of the professional services needed by the office, including but not limited to the following:
      1) the general purpose of the service or study;
      2) estimated period of time needed for the service or the study;
      3) the estimated cost of the service or study;
      4) the desired qualifications, listed in order of importance, applicable to the scope and nature of the services requested.

2. Review of Project Requirements. The Purchasing Director or his/her designee shall review the scope of project requirements and prepare a draft request for proposals. The draft RFP shall be submitted to the requesting office for consideration and revision, as may be needed, prior to public distribution of the RFP.

3. Distribution of RFP. The Purchasing Director shall distribute the RFP in accord with standard procedures including publication of legal notice, and provide notification of the date and time when such proposals are due. Public notice shall be as provided in Section 5.08 (C).

4. Negotiation of Terms and Conditions – Less Than Two Responsive Submissions. If less than two responsive bids, proposals, or replies for commodity or contractual services purchases are received, the Purchasing Director may negotiate on the best terms and conditions. The Purchasing Director shall document the reasons that such action is in the best interest of the County in lieu of resoliciting competitive sealed bids, proposals, or replies. The Purchasing Director shall report all such actions to the County Administrator or designee prior to final award of any contract resulting from the negotiations.

5. Modification Prohibition. After the publicized submission time and date, any proposal received shall not be modified or allowed to be modified in any manner except for correction of clerical errors or other similar minor irregularities as may be allowed by the Selection Committee (defined in Section 5.09.1(B)) at any point in the process prior to contract negotiations.

6. Reuse of Existing Plans. There shall be no public notice requirements or utilization of the selection process as provided in this section for projects in which the County is able to reuse existing plans from a prior project. However, public notice of any plans, which are intended to be reused at some future time, shall contain a statement that provides that the plans are subject to reuse.

7. Local preference in Requests for Proposals.

   a) In the purchasing of, or letting of contracts for procurement of, personal property, materials, contractual services, and construction of improvements to real property or existing structures for which a request for proposals is developed with evaluation criteria, a local preference of the total score may be assigned for a local preference, as follows:

      1) Individuals or firms which have a home office located within Leon, Gadsden, Wakulla, or

Jefferson County, and which meet all of the criteria for a Local Business as defined herein, shall be given a preference in the amount of five percent.

2) Individuals or firms which do not have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a Local Business as defined herein, shall be given a preference in the amount of three percent.

b) Certification. Any vendor claiming to be a Local Business shall so certify in writing to the purchasing division. The certification shall provide all necessary information to meet the requirements for a Local Business as defined herein. The purchasing agent shall not be required to verify the accuracy of any such certifications, and shall have the sole discretion to determine if a vendor meets the definition of a "Local Business."

c) Waiver. The application of local preference to a particular purchase, contract, or category of contracts for which the County is the awarding authority may be waived upon written recommendation of the County Administrator and approval of the Board. The application of local preference to a particular purchase, contract, or category of contracts below the award authority of the Board may be waived upon written recommendation of the Director of Purchasing and approval of the County Administrator.

(Reference Article IX, Section 2-400, Chapter 2 of the Code of Laws of Leon County, Florida)

8. Exemptions. This section shall not apply to a professional service contract for a project where the basic construction cost is estimated by the agency to be less than the threshold amount provided in s. 287.055, Florida Statutes, or for a planning or study activity when the fee for professional services is estimated by the agency to be less than the threshold amount provided in s. 287.055, Florida Statutes, or in cases of valid public emergency so certified by the County Administrator. This section shall not apply to any requirement for professional services if a continuing contract is in effect and a determination is made to utilize the continuing contract to obtain such services.

C. CCNA Evaluation Committee Membership and Evaluation.

1. Depending on the expected complexity and expense of the professional services to be contracted, the County Administrator, or his/her designee shall determine whether a three member or five-member selection committee will best serve the needs of the County.

2. Membership of all Evaluation Committees shall be appointed by the County Administrator or his/her designee.

3. Public Meetings. In accordance with Florida Statute 286.011, all Evaluation Committee meetings subsequent to the opening of the solicitation are to be public meetings. The Chairperson shall be responsible to provide the Purchasing Division with all meeting information (date, time, location, and reason for meeting) no less than 96 hours in advance of any scheduled meeting, excluding holidays and weekends. The Purchasing Division will provide reasonable notice of all meetings, no less than 72 hours in advance of such scheduled meeting, excluding holidays and weekends, by posting a Notice of Evaluation Committee Meeting on the public notice bulletin board in the Division offices and on the Leon County website. The Purchasing Director shall develop and implement Evaluation Committee procedures to ensure compliance with public meeting requirements.

4. Contact with the CCNA Evaluation Committee. Members of the CCNA Evaluation Committee are prohibited from discussing a project with any professional or professional firm that may submit a proposal during the procurement process, except in formal committee meetings. The conduct of the business and discussions regarding the proposals before the CCNA Evaluation Committee must be done in the public meetings only.

5. Evaluation of Proposals. Only written responses of statements of qualifications, performance data, and other data received in the purchasing office by the publicized submission time and date shall be evaluated.

a) The initial ranking of proposals is based upon the points given in the Weighted Scoring Sheet utilizing the Evaluation Criteria Matrix. The scores will be provided by the Purchasing

and MWSBE Divisions for Local preference and MWBE participation, respectively.

b) Shortlisting. The best-qualified respondents shall be based upon the CCNA Evaluation Committee's ability to differentiate qualifications applicable to the scope and nature of the services to be performed as indicated by the ratings on the Weighted Scoring Sheet. Typically, the top three rated firms, if there are at least three responsive respondents, will be considered as the shortlisted firms, unless the County Administrator, after input and discussion with the CCNA Evaluation Committee, approves adding additional firms to the shortlist.

6. Presentations/Interviews. The CCNA Evaluation Committee may choose to conduct formal presentations/interviews with shortlisted firms prior to final ranking.

7. Final Ranking. The CCNA Evaluation Committee shall utilize the Ordinal Process Rating System to rank the firms. The respondents shall be listed in order of preference starting at the top of the list. The list of best-qualified persons shall be forwarded to the County Administrator or Board, as appropriate, for approval prior to beginning contract negotiations. Negotiation sequence shall be based on the order of preference.

D. Negotiation Staff. Contract negotiations shall be conducted by the Purchasing Director or designee(s) or by a Negotiation Committee.

1. Negotiation Committee Membership. Membership of the three-member Negotiation Committee shall consist of:
   a) the Purchasing Director, or the designee of the Purchasing Director who shall chair the committee,
   b) the head of the primary using department or agency, or his/her designee,
   c) the County Attorney or designee.

2. Negotiation. The Negotiator(s) shall negotiate a contract with the firm considered to be the most qualified to provide the services at compensation and upon terms which the Negotiator(s) determines to be fair and reasonable to the County. In making this decision, the Negotiator(s) shall take into account the estimated value, the scope, the complexity, and the professional nature of the services to be rendered. Should the Negotiator(s) be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, negotiations with that firm shall be formally terminated. The Negotiator(s) shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the Negotiator(s) shall formally terminate negotiations, and shall then undertake negotiations with the third most qualified firm. Should the Negotiator(s) be unable to negotiate a satisfactory contract with any of the selected firms, the Selection Committee shall select additional firms in order of their competence and qualifications, and the Negotiator(s) shall continue negotiations in accordance with this Section until an agreement is reached or until a determination has been made not to contract for such services.

3. Continuing Contracts. Nothing in this section (5.091) shall be construed to prohibit continuing contracts for professional services between a firm and the County.

Section 5.09.2 OTHER COMPETITIVE SEALED PROPOSALS

A. Conditions for Use. When the Director of Purchasing determines that the use of competitive sealed bidding is either not practical or not advantageous to the County, a contract may be entered into by the use of competitive sealed proposals.

B. Consultant's Competitive Negotiation Act. Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, as defined under the Consultant's Competitive Negotiation Act (Section 287.055, Florida Statutes), shall be secured under the provisions of Section 5.09.1.

C. Public Notice. Adequate public notice of the Request for Proposals shall be given in the same manner as provided in subsection 5.08C of this policy for competitive sealed bidding.

D. Evaluation Factors. The Request for Proposals shall state the relative importance of criteria outlined in the scope of services, fee proposal, and other evaluation criteria.

E. Proposal Cancellation or Postponement. The Director of Purchasing may, prior to a proposal opening, elect to cancel or postpone the date and/or time for proposal opening or submission.

F. Revisions and Discussions with Responsible Offerors. Discussions may be conducted with responsible offerors who submit proposals determined to be qualified of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

G. Award. Award shall be made to the responsive, responsible offeror whose proposal is determined in writing to be the most advantageous to Leon County, taking into consideration the evaluation factors set forth in the Request for Proposals. No other factors or criteria shall be used in the evaluation criteria that are not included in the Request for Proposal.

H. Local preference in Other Competitive Sealed Proposals. In the purchasing of, or letting of contracts for procurement of, personal property, materials, contractual services, and construction of improvements to real property or existing structures for which a request for proposals is developed with evaluation criteria, a local preference of the total score may be assigned for a local preference, as follows:

1. Individuals or firms which have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a Local Business as defined herein, shall be given a preference in the amount of five percent.
2. Individuals or firms which do not have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a Local Business as defined herein, shall be given a preference in the amount of three percent.

(Reference Article IX, Section 2-400, Chapter 2 of the Code of Laws of Leon County. Florida)

I. Negotiation of Terms and Conditions – Less Than Two Responsive Submissions. If less than two responsive bids, proposals, or replies for commodity or contractual services purchases are received, the Purchasing Director may negotiate on the best terms and conditions. The Purchasing Director shall document the reasons that such action is in the best interest of the County in lieu of resoliciting competitive sealed bids, proposals, or replies. The Purchasing Director shall report all such actions to the County Administrator or designee prior to final award of any contract resulting from the negotiations.

Section 5.10 SOLE SOURCE PURCHASES

A. Sole Source Certification. A contract may be awarded, except as otherwise provided for under state law, for a supply, service, material, equipment or construction item(s) without competition when the Purchasing Director, with the concurrence of the County Administrator or designee, certifies in writing, after conducting a good faith review of available sources, that there is only one available source for the required material, supply, service, equipment, or construction item(s). Such awards will be made within the authorized procurement limits identified in Section 5.0. When a purchase exceeds the threshold amount for Board approval, the item will be placed on the agenda for Board approval and certification that the vendor has been determined to be a sole source.

B. Additional Purchases from Certified Sole Source. The Purchasing Director shall be authorized, after initial sole source certification, to make additional purchases from a sole source vendor for not less than one year or until such time as contrary evidence is presented regarding sole source eligibility, whichever period is less.

Section 5.11 EMERGENCY PURCHASES

A. Authorization During Normal Business Hours. In the case of emergencies that require the immediate purchase of goods, equipment or services, the County Administrator, Purchasing Director, Group

Director, or his designee shall be empowered to secure such goods or services without competitive bidding. In this event, all measures reasonably possible under the circumstances shall be taken to assure the maximum cost benefit to the County of the goods or services procured.

B. Authorization Outside of Normal Business Hours. A department or division head, during non-business hours, is authorized to make purchases without competitive bids, when an emergency arises.

C. Documentation and Approval. Documentation for emergency purchases pertaining to Section 5.11 (A) and (B) shall be submitted to the Purchasing Office on the standard requisition form with a detailed explanation, and support material attached, if applicable, within 10 workdays after the event occurred. Emergency purchases that exceed the competitive sealed bid threshold shall be ratified by the Board. Emergency purchases within the informal bid thresholds shall be approved by the County Administrator after-the-fact.

D. Mutual Aid Agreements. The County may enter into and utilize Mutual Aid Agreements as provided in Chapter 252, Florida Statutes in the event of emergency situations. The Purchasing Director shall be authorized to invoke the terms of the Mutual Aid Agreement.

Section 5.12 COOPERATIVE PURCHASING

A. State Contracts. The Purchasing Director is authorized to purchase goods or services for any dollar amount from authorized vendors listed on the respective state contracts (state term continuing supply contracts, SNAPS agreements [State Negotiated Agreement Price Schedules], agreements resulting from Invitations to Negotiate [ITN], or other such contracts authorized by statute for use by local governments) of the Florida Department of Management Services or other state agencies. Such purchases shall be made without competitive bids provided that funding has been appropriated and approved by the Board of County Commissioners in Department/Division accounts.

B. Federal Supply Service. The Purchasing Director is authorized to purchase goods or services for any dollar amount from authorized vendors listed on the eligible Federal Supply Schedules issued by the Federal General Services Administration. Such purchases shall be made without competitive bids provided that funding has been appropriated and approved by the Board of County Commissioners in Department/Division accounts.

C. Other Public Procurement Units. The Purchasing Director shall have the authority to join with other units of government in cooperative purchasing ventures when the best interest of the County would be served thereby, and the same is in accordance with the County and State law. The Purchasing Director shall appropriately document such cooperative purchasing arrangements. All Cooperative Purchasing conducted under this section shall be through contracts awarded through full and open competition, including use of source selection methods equivalent to those required by this policy. Each selection method shall clearly state the intention to include participation by other units of government as a requirement for use in cooperative purchasing.

D. Cooperative Purchasing Organizations. The Purchasing Director is authorized to purchase goods or services for any dollar amount from authorized vendors listed on eligible contracts of cooperative purchasing organizations. Such purchases shall be made without competitive bids provided that funding has been appropriated and approved by the Board of County Commissioners in Department/Division accounts. All Cooperative Purchasing contracts utilized under this section shall have been awarded through full and open competition, including use of source selection methods equivalent to those required by this policy.

Section 5.13 PROTESTING INTENDED DECISIONS AND PROCUREMENT AWARDS

A. Right to Protest. Any person, hereinafter referred to as Protestor, who submits a timely response to an invitation to bid, a request for proposals, an invitation to negotiate, a request for qualifications, a multi-step sealed bid, or multi-step request for proposals under Sections 5.07, 5.08, 5.09, 5.09.1 or 5.09.2 of this Policy, and who is aggrieved with an Intended Decision of the County or a Procurement Award rendered by the Board of County Commissioners shall have the right to protest. Failure to protest an Intended Decision shall act as a bar to protest a subsequent Procurement Award that adopts the

Intended Decision in all material respects.

1. Any Protestor wishing to protest an Intended Decision shall follow the procedures set forth in paragraphs B, C, and D of this Section.

2. Any Protestor wishing to protest a Procurement Award shall follow the procedures in paragraphs B, C, and E of this Section.

B. Filing a Protest. A Protestor shall file with the County a notice of intent to protest in writing within 72 consecutive hours after the posting of the notice of Intended Decision or Procurement Award of the County. A formal written protest shall be filed within 10 calendar days after the date the notice of intent to protest has been filed. Failure to timely file a notice of intent to protest or failure to file a formal written protest shall constitute a waiver of the right to proceedings under this Section.

A notice of intent to protest and the formal written protest are deemed filed with the County when it is received by the Purchasing Division.

1. The notice of intent to protest shall contain at a minimum: the name of the Protestor; the Protestor's address and phone number; the name of the Protestor's representative to whom notices may be sent; the name and bid number of the solicitation; and, a brief factual summary of the basis of the protest.

2. The formal written protest shall: identify the Protestor and the solicitation involved; include a plain, clear statement of the grounds upon which the protest is based; refer to the statutes, laws, ordinances, or other legal authorities which the Protestor deems applicable to such grounds; and, specify the relief to which the Protestor deems himself entitled.

3. A formal written protest shall include the posting of a bond with the Purchasing Division at the time of filing the formal written protest, made payable to the Board of County Commissioners, Leon County, in an amount equal to one percent (1%) of the County's estimate of the total dollar amount of the contract or $5000, whichever is greater. If after completion of the bid protest process and any court proceedings, the County prevails, the County shall be entitled to recover all court costs provided under Florida law, but in no event attorney fees, which shall be included in the final order of judgment rendered by the court. Upon payment of such court costs by the Protestor, the bond shall be returned to him. After completion of the bid protest process and any court proceedings, if the Protestor prevails, the protestor shall be entitled to have his bond returned and he shall be entitled to recover from the County all court costs provided under Florida law, but in no event attorney fees, lost profits or bid preparation costs, which shall be included in the final order of judgment rendered by the court. In no case will the Protestor or Intervenor be entitled to any costs incurred with the solicitation, including bid preparation costs, lost profits, bid protest costs, and/or attorney's fees.

4. Timeliness of protest determinations. All determinations on the timeliness of notices of intent to protest and formal written protests will be made by the Purchasing Director.

C. General Provisions

1. Intervenor. Any person, hereinafter referred to as Intervenor, who has submitted a timely response to the subject invitation to bid, request for proposals, invitation to negotiate, request for qualifications, or multi-step sealed bids, or multi-step requests for proposals, and who has a substantial interest in the Intended Decision or Procurement Award of the County, may be granted the right to intervene by order of the Chairperson of the Procurement Appeals Board or Special Master in response to a petition to intervene. A petition to intervene shall be filed within five calendar days of the filing of a formal written protest. Failure to timely file a petition to intervene shall constitute a waiver of all rights to intervene in the subject protest proceeding. Petitions to intervene will be considered by the Chairman of the Procurement Appeals Board, and any decision concerning a Petition to Intervene shall be made by the Chairman and shall be deemed final.

2. Time Limits. The time limits in which formal written protests shall be filed as provided herein

may be altered by specific provisions in the invitation to bid, request for proposals, invitation to negotiate, request for qualifications, or multi-step sealed bids, or multi-step requests for proposals or upon the mutual written consent of the Protestor and the County.

3. Entitlement to Costs. In no case will the Protestor or Intervenor be entitled to any costs incurred with the invitation to bid, request for proposals, invitation to negotiate, request for qualifications, or multi-step sealed bids, or multi-step requests for proposals, including, but not limited to bid preparation costs, lost profits, bid protest costs, and/or attorney's fees.

~~4.~~ After a formal written protest has been filed with the Purchasing Director, the Protestor may not discontinue such appeal without prejudice, except as authorized by the Procurement Appeals Board or Special Master.

5. Stay of Procurement During Protests. In the event of a timely protest under Section 5.13(B) herein, the Purchasing Director shall not proceed further with the solicitation or award of the contract until all administrative remedies have been exhausted or until the County Administrator makes a written determination that the award of a contract without delay is necessary to protect the substantial interests of the County. Additionally, the County Administrator, or designee may execute an extension of current contract(s) to ensure the continuation of critical services.

D. Protest of Intended Decisions.

1. Upon timely receipt of a notice of intent to protest an Intended Decision, the Purchasing Director shall provide the Protestor with acknowledgement of receipt and a copy of this Section. The Purchasing Director shall within two business days mail a copy of the notice of intent to protest to all persons who responded to an invitation to bid, a request for proposals, an invitation to negotiate, a request for qualifications, or multi-step sealed bids, or multi-step requests for proposals.

2. Upon timely receipt of a formal written protest of an Intended Decision, the Purchasing Director shall provide the Protestor with acknowledgement of receipt and will notify the Chairman of the Procurement Appeals Board. The Purchasing Director shall within two business days mail a copy of the formal written protest to all persons who responded to an invitation to bid, a request for proposals, an invitation to negotiate, a request for qualifications, or multi-step sealed bids, or multi-step requests for proposals.

3. Procurement Appeals Board. There is hereby established a Procurement Appeals Board to be composed of a chairperson and two members and two alternates. The chairperson, members, and alternates of the Procurement Appeals Board shall be appointed by the County Administrator. The term of office of the chairperson, members, and alternates of the Procurement Appeals Board shall be three years. For the initial appointments, the County Administrator shall appoint the chairperson for a term of three years, one member and one alternate for a term of two years, and one member and one alternate for a term of one year so that a term of office expires every year. Thereafter, their successors shall be appointed for terms of three years, or for the balance of any unexpired term, but members may continue to serve beyond their terms until their successors take office. Members may be reappointed for succeeding terms.

a) The Purchasing Division is authorized to provide for the Procurement Appeals Board such administrative support as the Chairman requests in the hearing of formal written protests.

b) Acting by two or more of its members, the Procurement Appeals Board shall issue a decision in writing or take other appropriate action on each formal written protest submitted. A copy of any decision shall be provided to all parties and the Purchasing Director.

c) Procurement Appeals Board Proceeding Procedures

1) The Procurement Appeals Board shall give reasonable notice to all substantially affected persons or businesses, including the Protestor, and any Intervenor.

2) At or prior to the protest proceeding, the Protestor and/or Intervenor, as the case may be, may submit any written or physical materials, objects, statements, affidavits, and arguments which he/she deems relevant to the issues raised.

3) In the protest proceeding, the Protestor, and/or Intervenor, as the case may be, or his representative or counsel, may also make an oral presentation of his evidence and arguments. Further, only reasonable direct and cross-examination of witnesses shall be permitted, at the discretion of the Chairman of the Procurement Appeals Board. The members of the Procurement Appeals Board may make whatever inquiries they deem pertinent to a determination of the protest.

4) The judicial rules of evidence shall not strictly apply; however, witnesses shall be sworn, and any testimony taken under oath and, the members of the Procurement Appeals Board shall base their decision on competent, substantial evidence. The protest proceeding shall be de novo. Any prior determinations by administrative officials shall not be final or conclusive.

5) Within seven (7) working days of the conclusion of the protest proceeding, the Procurement Appeals Board shall render a decision. The Procurement Appeals Board decision shall be reduced to writing and provided to the Protestor and/or Intervenor, as the case may be, and the County.

6) Any party may arrange for the proceedings to be stenographically recorded and shall bear the expense of such recording.

E. Protest of Procurement Awards; Special Master Proceedings.

1. Upon timely receipt of a notice of intent to protest a Procurement Award of the County, the Purchasing Director shall provide the Protestor with acknowledgement of receipt and a copy of the this Section. The Purchasing Director shall within one business day mail a copy of the notice of intent to protest to all persons who responded to an invitation to bid, a request for proposals, an invitation to negotiate, a request for qualifications, or multi-step sealed bids, or multi-step requests for proposals.

2. Upon timely receipt of a formal written protest of a Procurement Award of the County, the Purchasing Director shall provide the Protestor with acknowledgement of receipt and will notify the County Attorney of the protest. The Purchasing Director shall within one business day mail a copy of the formal written protest to all persons who responded to an invitation to bid, a request for proposals, an invitation to negotiate, a request for qualifications, or multi-step sealed bids, or multi-step requests for proposals.

3. Appointment of a Special Master. The County Administrator shall appoint and retain a special master or shall contract with the Florida Division of Administrative Hearings for an administrative law judge to act as a special master to conduct evidentiary proceedings regarding formal written protests of Procurement Awards. Each special master shall be a licensed attorney with the Florida Bar who has practiced law in Florida for at least five years, and who has experience in procurement law, local governmental law, or administrative law. Each special master appointed and retained by the County shall serve at the pleasure of the County Administrator and shall be compensated at a rate or rates to be fixed by the County Administrator. The expense of each special master proceeding shall be borne equally by the Protestor and the County.

4. Ex parte communication.

a) No county employee, elected official, or other person who is or may become a party to a proceeding before a special master may engage in an ex parte communication with the special master. However, the foregoing does not prohibit discussions between the special master and county staff that pertain solely to scheduling and other administrative matters unrelated to the merits of the hearing.

b) If a person engages in an ex parte communication with the special master, the special master shall place on the record of the pending case all ex parte written communications received, all written responses to such communications, a memorandum stating the substance of all oral communications received, and all oral responses made, and shall advise all parties that such matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be entitled to do so, but only if such party requests the opportunity for rebuttal within ten days after notice of such communication. If he or she deems it necessary due to the effect of an ex parte communication received by him, the special master may withdraw from the case.

5. Powers of special masters. The special masters who conduct hearings pursuant to this section shall have the powers of hearing officers enumerated in F.S. § 120.569(2)(f), as amended.

6. Prehearing requirements. At least fourteen days prior to the date set for the hearing, the parties shall exchange a list of names and addresses of witnesses planned to testify at the hearing, and a list of exhibits planned to be introduced at the hearing, as well as produce the physical exhibits for inspection by the parties. Each party is entitled to depose witnesses scheduled to testify at the evidentiary hearing.

7. Hearings.

a) All hearings shall be commenced within 45 days of the date of the filing of the formal written protest. Requests for continuance by any party, either before or during the hearing, may be considered upon good cause shown.

b) All hearings shall be open to the public.

c) The participants before the special master shall be the Protestor, the Protestor's witnesses, if any, county staff and witnesses, and any Intervenor. The participation of Intervenors shall be governed by the terms of the order issued by the special master in response to a petition to intervene. Intervention may only be permitted to any person, hereinafter referred to as Intervenor, who has submitted a timely response to the subject invitation to bid, request for proposals, an invitation to negotiate, a request for qualifications, or multi-step sealed bids, or multi-step requests for proposals, and who has a substantial interest in the Procurement Award.

d) Testimony and evidence shall be limited to matters directly relating to the formal written protest. Irrelevant, immaterial, or unduly repetitious testimony or evidence may be excluded.

e) All testimony shall be under oath. The order of presentation of testimony and evidence shall be as set forth by the special master.

f) To the maximum extent practicable, the hearings shall be informal. All parties shall have the opportunity to respond, to present evidence and provide argument on all issues involved which are related to the formal written protest, and to conduct cross-examination and submit rebuttal evidence. During cross-examination of witnesses, questioning shall be confined as closely as possible to the scope of direct testimony and matters involving impeachment. The special master may call and question witnesses or request additional evidence as he or she deems necessary and appropriate.

g) The special master shall render a final order on the formal written protest to the parties within ten days after the hearing concludes, unless the parties waive the time requirement. The final order shall contain written findings of fact and conclusions of law, which shall then be presented to the Board of County Commissioners for ratification or other final disposition.

Section 5.14 CONTRACT CLAIMS

A. Authority to Settle Contract Controversies. This Section applies to controversies between the County and a contractor and which arise under, or by virtue of, a contract between them. This includes without limitation controversies based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission, where the contractor and County agree to utilize the provision of this section.

1. The Purchasing Director is authorized to settle any controversy arising out of the performance of a County contract, prior to the commencement of an action in a court of competent jurisdiction up to $10,000 in value.

a) If such a controversy is not resolved by mutual agreement, the Purchasing Director shall promptly issue a decision in writing. A copy of the decision shall be mailed or otherwise be furnished to the contractor immediately. The decision shall:

1) State the reason for the action taken; and,

2) Inform the Contractor of its right to administrative review as provided in this section.

b) If the Purchasing Director does not issue a written decision required in paragraph (a) of this subsection within 30 days after written request for a final decision, or within such longer period as may be agreed upon by the parties, then the contractor may proceed as if an adverse decision had been received.

c) The decision of the Purchasing Director may be appealed to the Procurement Appeals Board by the protestor by filing a formal written appeal with the Purchasing Director within five calendar days of receipt of the Purchasing Director's decision.

2. The Procurement Appeals Board is authorized to review any appeal of a decision on a contract controversy by the Purchasing Director or to hear any contract controversy in excess of $10,000.

3. The Procurement Appeals Board shall promptly decide the contract or breach of contract controversy. The proceeding shall be de novo and shall follow the Proceeding Procedures contained in Section 5.13 (E)(3). Any prior determination by administrative officials shall not be final or conclusive.

Section 5.15 REMEDIES FOR SOLICITATIONS OR AWARDS IN VIOLATION OF LAW

A. Prior to Bid Opening or Closing Date for Receipt of Proposals. If prior to the bid opening or the closing date for receipt of proposals, the Purchasing Director, after consultation with the County Attorney, determines that a solicitation is in violation of federal, state, or local law or ordinance, then the solicitation shall be canceled or revised to comply with applicable law.

B. Prior to Award. If after bid opening or the closing date for receipt of proposals, but prior to the award of contract, the Purchasing Director, after consultation with the County Attorney, determines that a solicitation or a proposed award of a contract is in violation of federal, state, or municipal law or ordinance, then the solicitation or proposed award shall be canceled.

C. After Award. If, after award, the Purchasing Director, after consultation with the County Attorney, determines that a solicitation or award of a contract was in violation of applicable law or ordinance, then:

1. If the person awarded the contract has not acted fraudulently or in bad faith:

a) the contract may be ratified and affirmed, provided it is determined that doing so is in the best interest of the County; or

b) the contract may be terminated and the person awarded the contract shall be compensated for the actual costs reasonably incurred under the contract, plus a reasonable profit, prior to termination, but excluding attorney's fees; or

2. If the person awarded the contract has acted fraudulently or in bad faith, the contract may be

declared null and void or voidable, if such action is in the best interests of the County.

Section 5.16 OWNER DIRECT PURCHASES IN PUBLIC WORKS CONTRACTS

It is the policy of Leon County, Florida that all owner direct purchases for supplies and materials for use in public works projects be made in accordance with section 212.06(6) Florida Statutes and rule 12A-1.094 Florida Administrative Code, as they may be amended from time to time.

The Purchasing Director shall establish administrative procedures, processes, and forms necessary for the implementation and administration of owner direct purchases for supplies and materials for use in public works projects. In addition, the Purchasing Division shall provide training for project managers and other fiscal staff involved in contracts that may utilize owner direct purchases.

Section 5.17 EMPLOYMENT ELIGIBILITY AND VERIFICATION

A. Federal statutes and executive orders require employers to abide by the immigration laws of the United States and to employ in the United States only individuals who are eligible to work in the United States. It is the policy of Leon County, Florida that unauthorized aliens shall not be employed nor utilized in the performance of contracted services for the County, in accordance with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (8 U.S.C. § 1324a), and Subpart 22.18 of the Federal Acquisition Register.

B. Employment Eligibility Verification.

1. This section on employment eligibility verification ("E-Verify") requirements shall apply to contractors and subcontractors performing contracted services for the County, where the contracted services are funded pursuant to federal grants, federal contracts, state grants, or state contracts.

2. Each Contractor and subcontractor, as defined in this section, shall agree to enroll and participate in the federal E-Verify Program for Employment Verification under the terms provided in the "Memorandum of Understanding" governing the program. Contractor further agrees to provide to the County, within thirty days of the effective date of this contract/amendment/extension, documentation of such enrollment in the form of a copy of the E-Verify "Edit Company Profile" screen, which contains proof of enrollment in the E-Verify Program (this page can be accessed from the "Edit Company Profile" link on the left navigation menu of the E-Verify employer's homepage).

3. Contractor further agrees that it will require each subcontractor that performs work under this contract to enroll and participate in the E-Verify Program within sixty days of the effective date of this contract/amendment/extension or within sixty days of the effective date of the contract between the Contractor and the subcontractor, whichever is later. The Contractor shall obtain from the subcontractor(s) a copy of the "Edit Company Profile" screen, indicating enrollment in the E-Verify Program and make such record(s) available to the Agency upon request.

4. Contractor will utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of: (a) all persons employed during the term of the Agreement by Contractor to perform employment duties within Florida; and (b) all persons (including subcontractors) assigned by Contractor to perform work pursuant to the Agreement.

    a) Contractor must use E-Verify to initiate verification of employment eligibility for all persons employed during the term of the Agreement by Contractor to perform employment duties within Florida within three business days after the date of hire.

    b) Contractor must initiate verification of each person (including subcontractors) assigned by Contractor to perform work pursuant to the Agreement within 60 calendar days after the date of execution of this contract or within 30 days after assignment to perform work pursuant to the Agreement, whichever is later.

5. Contractor further agrees to maintain records of its participation and compliance with the provisions of the E-Verify program, including participation by its subcontractors as provided previously, and to make such records available to the County or other authorized state entity consistent with the terms of the Memorandum of Understanding.

6. Compliance with the terms of this Employment Eligibility Verification provision is made an express condition of this contract and the County may treat a failure to comply as a material breach of the contract.

C. The Purchasing Director shall establish administrative procedures, processes, and forms necessary for the implementation and administration of this policy section. In addition, the Purchasing Division shall provide training for project managers and other staff involved in contracts that may utilize E-Verify requirements.

Section 6 CONTRACT ADMINISTRATION

The Purchasing Director or his designee shall serve as the chief contract administrator for the County. The Purchasing Director shall establish administrative procedures, processes, and tools necessary for the implementation and conduct of a comprehensive contract administration program. In addition, the Purchasing Division shall provide initial contract administration training for project managers and update training as deemed necessary.

Section 6.1 CONTRACT PROVISIONS

A. Standard Contract Clauses and Their Modification. The Purchasing Director, after consultation with the County Attorney, may establish standard contract clauses for use in County contracts. However, the Purchasing Director may, upon consultation with the County Attorney, vary any such standard contract clauses for any particular contract.

B. Contract Clauses. All County contracts for supplies, services, and construction shall include provisions necessary to define the responsibilities and rights of the parties to the contract. The Purchasing Director, after consultation with the County Attorney, may propose provisions appropriate for supply, service, or construction contracts, addressing among others the following subjects:

1. the unilateral right of the County to order, in writing, changes in the work within the scope of the contract;

2. the unilateral right of the County to order, in writing, temporary stopping of the work or delaying performance that does not alter the scope of the contract;

3. variations occurring between estimated quantities or work in contract and actual quantities;

4. defective pricing;

5. time of performance and liquidated damages;

6. specified excuses for delay or nonperformance;

7. termination of the contract for default;

8. termination of the contract in whole or in part for the convenience of the County;

9. suspension of work on a construction project ordered by the County;

10. site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract:

    a) when the contract is negotiated;
    b) when the contractor provides the site or design;
    c) when the parties have otherwise agreed with respect to the risk of differing site conditions.

11. value engineering proposals.

Section 6.2 PRICE ADJUSTMENTS

A. Methods of Price Adjustment. Adjustments in price during the term of a contract shall be computed in one or more of the following ways upon approval by the Board:

1. by agreement on a fixed price adjustment before commencement of the pertinent performance or as soon thereafter as practicable;

2. by unit prices specified in the contract or subsequently agreed upon;

3. by the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon by the Board;

4. in such other manner as the contracting parties may mutually agree; or

5. in the absence of agreement by the parties, by a unilateral determination by the County of the costs attributable to the events or situations under such clauses with adjustment of profit or fee as computed by the County, subject to the provisions of this section.

B. Cost or Pricing Data Required. A contractor shall be required to submit cost or pricing data if any adjustment in contract price is subject to the provisions of this Section.

Section 6.3 CHANGE ORDERS/CONTRACT AMENDMENTS

A. Change Orders. Change Orders are written documentation reflecting changes made to stipulations, condition, or terms of the contract during the contract period whether the contract is a capital improvement or a consultant services contract. There are two types of change orders that may be made to these contracts.

1. Field Change Order. This change order is identified in the original approved contract as a contingency and is referred to as a field change order. It is customary in more complex contracts to include a contingency for changes to the original contract through Field Change Orders. For contracts of less than $1,000,000, a contingency may be included generally not to exceed 10% of the contract value, unless circumstances justify same. For contracts in excess of $1,000,000, a contingency shall be included, but shall generally not exceed 5% of the original contract value, unless circumstances justify same.

   When a contract is approved with such a contingency, the Project Manager with the concurrence of the respective Department Director or designee is authorized to approve one or more Change Orders up to the aggregate monetary value of the contingency. The contract must contain an approved contingency clause for this type of Field Change Order such as "The contract price includes a 5% or 10% (whichever is applicable) contingency amount for change orders that may be authorized at the discretion of the County."

   Alternately, as a part of the project award recommendation, staff may propose an alternate amount for the level of pre-approved field Change Orders based upon the known complexity of the project; the certainty of unknown factors such as asbestos abatement or unknown conditions in rehabilitation; or other such factors for consideration by the Board.

2. Approved Change Order. Any Change Order, the cost of which exceeds the Field Change Order Threshold amount, or a Change Order which amends the scope of work or services in a significant manner, shall be considered by the County Administrator or designee. In the event a budget amendment is required, the procedures of the Office of Management and Budget shall apply to the amendment.

B. Contract Amendments. Contract amendments, other than change orders, which provide for the alteration of specifications, delivery point, time, payments, quantity, or similar provisions of a contract without changing the scope of the project, may be approved by an appropriate person based upon the dollar value of the amendment. The purchasing categories' thresholds designated in Sections 5 through 5.09 shall govern the appropriate level of approval.

Section 6.4 ASSIGNMENTS OF CONTRACTS

No agreement made pursuant to any section of this policy shall be assigned or sublet as a whole or in part without the written consent of the County nor shall the contractor assign any monies due or to become due to

the contractor hereunder without the previous written consent of the County.

Section 6.5 RIGHT TO INSPECT PLANT

The County may, at its discretion, inspect the part of the plant or place of business of a contractor or any subcontractor, which is related to the performance of any contract awarded, or to be awarded, by Leon County. The right expressed herein shall be included in all contracts or subcontracts that involve the performance of any work or service involving Leon County.

Section 7 RIGHTS OF BOARD OF COUNTY COMMISSIONERS

Nothing in this Policy shall be deemed to abrogate, annul, or limit the right of the Board in accordance with Florida law and in the best interests of the County, to reject all bids/proposals received in response to a solicitation , to determine in its sole discretion the responsiveness and responsibility of any bidder/proposer, to approve and authorize or to enter into any contract it deems necessary and desirable for the public welfare, or to vary the requirements of the Policy in any instance when necessary and desirable for the public welfare.

Section 8 COUNTY PROCUREMENT RECORDS

A. Procurement Files. All determinations and other records pertaining to the solicitation, award, or performance of a contract shall be maintained for the County in appropriate files by the Purchasing Director.

B. Retention of Procurement Records. All procurement records shall be retained and disposed of by the County in accordance with records retention guidelines and schedules established by the State of Florida.

Section 9 SPECIFICATIONS

Section 9.1 MAXIMUM PRACTICABLE COMPETITION

All specifications shall be drafted to promote overall economy and encourage competition in satisfying the County's needs and shall not be unduly restrictive. This policy applies to all specifications including, but not limited to, those prepared for the County by architects, engineers, designers, and draftsmen.

Section 9.2 USE OF BRAND NAME OR EQUIVALENT SPECIFICATIONS

A. Use. Brand name or equivalent specifications may be used when the Purchasing Director determines that:

1. no other design, performance, or qualified product list is available;

2. time does not permit the preparation of another form of purchase description, not including a brand name specification;

3. the nature of the product or the nature of the County requirements makes use of a brand name or equivalent specification suitable for the procurement; or

4. use of a brand name or equivalent specification is in the County's best interests.

B. Designation of Several Brand Names. Brand name or equivalent specifications shall seek to designate three, or as many different brands as are practicable, as "or equivalent" references and shall further state that substantially equivalent products to those designated may be considered for award.

C. Required Characteristics. Unless the purchasing agent determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equivalent specifications shall include a description of the particular design, functional, or performance characteristics required.

D. Nonrestrictive Use of Brand Name or Equivalent Specifications. Where a brand name or equivalent specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

E. Determination of Equivalents. Any prospective bidder may apply, in writing, for a pre-bid determination of equivalence by the Purchasing Director. If sufficient information is provided by the prospective bidder, the Purchasing Director may determine, in writing and prior to the bid opening time, that the proposed product would be equivalent to the brand name used in the solicitation.

F. Specifications of Equivalents Required for Bid Submittal. Vendors proposing equivalent products shall include in their bid submittal the manufacturer's specifications for those products. Brand names and model numbers are used for identification and reference purposes only.

Section 9.3 BRAND NAME SPECIFICATIONS

A. Use of Brand Name Specifications. Since use of a brand name specification is restrictive of product competition, it may be used only when the Purchasing Director makes a determination that only the identified brand name item or items will satisfy the County's needs.

B. Competition. The Purchasing Director shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 5.10, Sole Source Purchases.

Section 10 ETHICS IN PUBLIC CONTRACTING

Section 10.1 CRIMINAL PENALTIES

To the extent that violations of the ethical standards of conduct set forth in this Section constitute violations of the State Criminal Code they shall be punishable as provided therein. Such penalties shall be in addition to civil sanctions set forth in this part.

Section 10.2 EMPLOYEE CONFLICT OF INTEREST

A. Participation. It shall be unethical for any County employee to participate directly or indirectly in a procurement contract when the County employee knows that:

1. the County employee or any member of the County employee's immediate family (father, mother, brother, sister, child, grandparent, or grandchild of employee or spouse) has a financial interest pertaining to the procurement contract; or

2. any other person, business, or organization with whom the County employee or any member of a County employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement contract.

B. Blind Trust. A County employee or any member of a County employee's immediate family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest.

Section 10.3 CONTEMPORANEOUS EMPLOYMENT PROHIBITED

It shall be unethical for any County employee who is participating directly or indirectly in the procurement process to become or to be, while such a County employee, the employee of any person contracting with the County.

Section 10.4 USE OF CONFIDENTIAL INFORMATION

It shall be unethical for any employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

Section 10.5 WAIVERS FROM CONTEMPORANEOUS EMPLOYMENT PROHIBITION AND OTHER CONFLICTS OF INTEREST

The County Administrator may grant a waiver from the employee conflict of interest provision or the contemporaneous employment provision upon making a written determination that:

A. the contemporaneous employment or financial interest of the County employee has been publicly disclosed;

B. the County employee will be able to perform his procurement functions without actual or apparent bias or favoritism; and

C. the award will be in the best interest of the County.

Section 10.6 GRATUITIES AND KICKBACKS

A. Gratuities. It shall be unethical for any person to offer, give, or agree to give any County employee, or for any County employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or performing in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, subcontract, or to any solicitation or proposal therefor.

B. Kickbacks. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

C. Contract Clause. The prohibition against gratuities and kickbacks prescribed in this section shall be conspicuously set forth in every contract and solicitation therefore.

Section 10.7 SANCTIONS

A. Employee Sanctions. Upon violation of the ethical standards by an employee, the County Administrator, Purchasing Director, or other appropriate authority may:

1. impose one or more appropriate disciplinary actions as defined in the County Personnel Rules and Regulations, up to and including termination of employment; and,

2. may request investigation and prosecution.

B. Non-employee Sanctions. The Board may impose any one or more of the following sanctions on a non-employee for violation of the ethical standards:

1. written warnings;

2. termination of contracts; or

3. debarment or suspension as provided in Section 15.

Section 10.8 RECOVERY OF VALUE TRANSFERRED OR RECEIVED IN BREACH OF ETHICAL STANDARDS

A. General Provisions. The value of anything being transferred or received in breach of the ethical standards of this policy by a County employee or a non-employee may be recovered from both County employee and non-employee.

B. Recovery of Kickbacks by the County. Upon a showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order there under, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the County and will be recoverable hereunder from the recipient. In addition, that amount may also be recovered from the subcontractor making such kickback. Recovery from one offending party shall not preclude recovery from other offending parties.

Section 11 FEDERAL REQUIREMENTS

Section 11.1 PATENTS

If a contract involving research and development, experimental, or demonstration work is being funded in whole or in part by assistance from a federal agency, then the contract shall include the following provisions.

A. Notice to Contractor. The contract shall give notice to the contractor of the applicable grantor agency requirements and regulations concerning reporting of, and rights to, any discovery or invention arising out of the contract.

B. Notice by Contractor. The contract shall require the contractor to include a similar provision in all subcontracts involving research and development, experimental, or demonstration work.

Section 11.2 FEDERAL PUBLIC POLICY REQUIREMENTS

A. Applicability. If a contract is being funded in whole or in part by assistance from any federal agency, either directly or as a pass-through, the contract is subject to one or more federal public policy requirements such as:

1. equal employment opportunity;
2. affirmative action;
3. fair labor standards;
4. energy conservation;
5. environmental protection; or
6. other similar socio-economic programs.

B. It is the policy of the Board of County Commissioners to obtain commodities and services efficiently and effectively in free and open competition for the Federal Grant and Aid Programs (including Federal pass-through grants such as the Community Development Block Grant) through the use of sound procurement practices. All County staff and other persons (subgrantees or contractors) with designated responsibility for the administration of Federal Grant award contracts are responsible for ensuring compliance with all applicable federal and state laws and regulations. These include but are not limited to OMB Circular A-102, Attachment O; 2 CFR Part 200.317-.326; s. 255.0525, Florida Statutes; s. 287.055, Florida Statutes; s. 290.047, Florida Statutes; Chapter 73C-23, Florida Administrative Code; and, the Purchasing Policy of the Leon County Board of County Commissioners and any subsequent revisions to any of the above laws, rules, and regulations.

C. The County Purchasing Policy shall govern the procurement of commodities and services for the Federal Grant and Aid Programs except as provided in this section unless otherwise required in the grant award.

1. In the event of declaration of emergency by the Chairman of the Board, the Purchasing Policy shall be suspended and the guidelines of Federal Regulation 2 CFR Part 200 shall be utilized, to include, but not be limited to procurement thresholds.

2. Local Preference Program is not applicable to Federally funded programs.

3. The Tallahassee-Leon County Office of Economic Vitality's Minority, Women, and Small Business Enterprise Program is not applicable to Federally funded programs. Instead, the following affirmative steps shall be taken and documented to ensure that these firms are used when possible:

a) Place qualified small, minority, and women owned businesses on solicitation lists;
b) Assure that small, minority, and women owned businesses are solicited when they are potential sources;
c) Divide total requirement, when economically feasible, into smaller tasks or quantities to permit maximum participation by small, minority, and women owned businesses;
d) Establish delivery schedules, when requirements permits, which encourage participation by small, minority, and women owned business enterprises;
e) Use service and assistance from such organization as Small Business Administration (SBA) and the Minority Business Development Agency of the Department of Commerce; and

f) Require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs a through e of this section.

4. All procurement of commodities or services in excess of $2,000 shall require a written agreement embodying all provisions and conditions thereof.

5. All procurement of commodities or services in excess of $2,000 and less than the threshold amount provided for CATEGORY TWO in s. 287.017, Florida Statutes may be entered into only after informal competition based on offers or quotes from not less than three (3) vendors, unless otherwise required in the grant or aid program.

6. Publication of public notice for invitations to bid or requests for proposals and notification of the solicitation through distribution to potential bidders or offerors shall be required for all procurement in excess of the threshold amount provided for CATEGORY TWO in s. 287.017, Florida Statutes. The time frames in section 5.08 of this policy shall apply for the required public notice.

7. Except as may otherwise be provided by law, procurement awards shall be made only on the basis of requirements and evaluation factors related to the price or quality of the commodities or services or to the ability of the prospective supplier or contractor to perform under the agreement. In evaluating the ability of a prospective contractor to perform, the County shall at a minimum consider the prospective contractor's record of past performance under similar federal grants.

8. Nothing herein shall prohibit the County from utilizing a single source procurement (Section 5.10, Sole Source Purchases) or procurement from another unit of government (Section 5.12, Cooperative Purchasing).

D. Notice. The Purchasing Director shall include in the contract all appropriate provisions giving the contractor notice of these requirements. Where applicable, the Purchasing Director shall include in the contract provisions the requirement that the contractor give a similar notice to all of its subcontractors.

Section 12 INSURANCE REQUIREMENTS

A. Minimum Requirements. Contractor shall purchase and maintain such insurance as will protect it from claims under Workers' Compensation laws, disability benefit laws or other similar employee benefit plans; from claims or damages because of bodily injury, occupational sickness or disease or death of its employees and claims insured by usual personal injury liability coverage in amounts determined by the provisions of the Risk Management Policy.

B. Certificates of Insurance. Certificates of Insurance acceptable to the County shall be filed with the Purchasing Division prior to the commencement of the work and periodically thereafter upon any renewals during the term of the contract.

C. Change of Insurance Requirements. The Board of County Commissioners reserves the right to change the insurance requirements based on the project scope, or when determined in the best interest of the County.

Section 13 BONDS AND DEPOSITS

When any of the following bonds is (are) required, the bond(s) will be requested in the bid document. No work in connection with the fulfillment of a contract shall commence until the appropriate bond(s) is (are) accepted by the County.

Section 13.1 TYPES OF BONDS AND DEPOSITS:

A. Combination Payment and Performance Bond - This type of bond is required for repairs, renovations, new construction, and other public works costing in excess of $200,000. For projects less than that amount, it may be required at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. When a payment and performance bond is required, the bond will be requested in the bid document. No work in connection with the fulfillment of a contract shall commence until the payment and performance bond is accepted by the County.

B. Performance Bond - For a project of an estimated value less than $200,000, requirement of a performance bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For projects estimated to be $200,000 or more, such bond will be required to insure that a contract is carried out in accordance with the applicable specifications and at the agreed contract price.

C. Payment and Material Bond - For a project of an estimated value less than $200,000, requirement of a payment and material bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For projects estimated to be $200,000 or more, such bond will be required to protect the County from suits for non-payment of debts, which might be incurred by a contractor's performance for the County.

D. Warranty Bonds - At the discretion of the Purchasing Director, after consultation with user departments, a Warranty Bond may be required from a successful bidder to insure warranty provisions are fulfilled.

E. Guaranty of Good Faith Deposit (Bid Deposit) - For projects estimated to be less than $200,000, requirement of a bid bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For purchases where it is determined by the Purchasing Director to be in the best interest of the County, and projects estimated to be $200,000 or more, bidders will be required to submit with their bid or proposal a guaranty of good faith deposit. When in the best interest of the County, it is recommended by the Purchasing Director and approved by the County Administrator or his designee, these requirements may be waived.

1. Return of Bond. Such deposit may not be withdrawn until a specified time after the proposals are opened and awards made. The deposit of the bond shall be retained by the Finance Officer of the Board until the Purchasing Director is satisfied that the Contractor's obligations have been satisfactorily completed.

2. Substitutes. In lieu of a surety bid bond, contractor may submit a certified check, cashier's check, or treasurer's check, on any national or state bank. Such deposits shall be in the same percentage amounts as the bond. Such deposits shall be retained by the Finance Officer of the Board until all provisions of the contract have been met.

F. Irrevocable Letter of Credit. Upon approval of the Purchasing Director, a contractor may present an Irrevocable Letter of Credit from a national or state chartered bank in lieu of any of the foregoing bonds for the same face value as required for the bond. The letter of credit shall be for a period of time not less than three months beyond the scheduled completion date of the purchase of the contracted services or materials.

G. Retention of Payments. The County may require the payment for a project, or a portion thereof, be withheld until the project has been completed as a method of protecting the County's interest. Retention may also be used in lieu of the above listed bonds. The solicitation documents shall specifically state if retention of any portion or all of the payment for the project is to be done.

Section 13.2 AMOUNT OF BOND OR DEPOSIT

A. Amount of Bond. Bonds or deposits, which may be required, shall normally be in the following amounts, except as provided in the following subsection B.

1. Performance Bond: 100% of contract price.

2. Payment Bond: 100% of contract price.

3. Payment and Performance Bond: 100% of contract price.

4. Guaranty of Good Faith Deposit (Bid Deposit or Bond): The bid deposit will be 5% of the price bid by the vendor.

B. Exceptions to Amount of Bond. Any of the previously listed bonds may be required at another amount recommended by the Purchasing Director and approved by the County Administrator or his designee when in the best interest of the County.

Section 13.3 PROCESSING OF BONDS AND DEPOSITS

A. Responsibility for Securing Bonds. The contractor shall be responsible for securing the bond. Any costs may be included in the contract price.

B. Licensure of Bonding Company. The company acting as surety for any bond issued shall be licensed to do business in the State of Florida.

C. Review of Bonds by County Attorney. Surety bonds furnished will be reviewed by the County Attorney, who shall either accept or reject it for the Board. All surety bonds accepted shall be forwarded to the Finance Officer of the Board by the Purchasing Director to be filed in the official records of the Board.

D. Failure to Provide Required Bond. In the event a contractor fails to provide an acceptable bond when required, within 10 days after notification, the County Attorney will be notified. Upon the recommendation of the County Attorney, the Board may declare the contract null and void, and retain in the account of Leon County any good faith deposits or guaranty which may have been submitted as liquidated damages under the terms of the solicitation.

E. Filing of Bonds. Bonds, when accepted, shall be forwarded to the Finance Officer of the Board and shall be filed with the applicable contract documents.

F. Deposits. Cash deposits (cashier's check, money orders, bank drafts, etc.) of all bidders shall be forwarded to the Finance Officer of the Board for deposit to the account of the Board of County Commissioners. Upon award of contract, the Purchasing Director or designee shall be responsible for approving the return of deposits to unsuccessful bidders.

G. Plans and Specification Deposit/Fees. The Purchasing Director is authorized to assess reasonable deposits and/or fees, not to exceed the cost of reproduction, for plans and specifications issued as a part of invitations for bids or requests for proposals. Deposits of all bidders for plans and specifications shall be forwarded to the Finance Officer of the Board for deposit to the account of the Board of County Commissioners. Upon award of contract, the Purchasing Director or designee shall be responsible for approving the return of refundable deposits to unsuccessful bidders. Fees are to be deposited into the account from which applicable reproduction costs are paid.

Section 14 PAYMENT TO VENDORS

It is the policy of Leon County, Florida that payment for all purchases by the County be made in a timely manner in accordance with the provisions of the "Local Government Prompt Payment Act," sections 218.70 – 218.79, Florida Statutes.

The Purchasing Director, in conjunction with the Finance Director, shall establish administrative procedures, processes, and forms necessary for the implementation and administration of payments for all contracts under the requirements of the Local Government Prompt Pay Act. In addition, the Purchasing Division shall team with the Finance Department to provide accounts payable training for project managers and other fiscal staff involved in contracts and update training as deemed necessary.

Section 14.1 PAYMENT DISPUTE RESOLUTION

A. In the event a dispute occurs between a contractor/vendor, herein referred to as vendor, and the County concerning payment of a payment request for construction work or an invoice for goods and/or services, the vendor should first attempt to resolve the issue with the Project Manager. If the dispute cannot be resolved between the vendor and the Project Manager within two business days of the dispute first being raised, the vendor may file a formal payment dispute. Formal payment dispute resolution shall be finally determined by the County, under this procedure in accordance with Florida Statute (FS) 218.76.

B. Definitions. These definitions are specific to Section 14.1 of this policy.

1. "Project Manager" is the Leon County employee responsible for managing the contract and approving payment requests and invoices related to the payment dispute.

2. "Contract Manager" is the Leon County employee within the County Purchasing Division responsible for monitoring contracts. The Contract Manager serves as Chair of the Payment Dispute Resolution Committee.

C. Filing a Dispute. Any vendor shall file with the Contract Manager in the County Purchasing Division a formal notice of payment dispute in writing within two (2) business days of the dispute first being raised.

1. The notice of payment dispute shall contain at a minimum: the name of the vendor; the vendor's address and phone number; the name of the vendor's representative to whom notices may be sent; the contract number associated with the payment dispute; and, a brief factual summary of the basis of the dispute.

2. Waiver. Failure to timely file a written payment dispute shall constitute a waiver of proceedings under this section.

3. Upon timely receipt of a formal payment dispute, the Contract Manager shall provide the vendor with acknowledgement of receipt, will notify the Payment Dispute Resolution Committee, and will coordinate with all parties to establish the date and time for a Payment Dispute Resolution Proceeding.

D. General Provisions

1. Time Limits. Proceedings to resolve the dispute shall be commenced not later than 45 calendar days after the date on which the payment request or proper invoice (as specified in the contract document) was received by the County and shall be concluded by final decision of the County not later than 60 calendar days after the date on which the payment request or proper invoice was received by the County.

2. Protest. Dispute resolution procedures shall not be subject to chapter 120, and such procedures shall not constitute an administrative proceeding, which prohibits a court from deciding de novo any action arising out of the dispute.

3. Interest. If the dispute is resolved in favor of the County, then interest charges shall begin to accrue 15 calendar days after the County's final decision. If the dispute is resolved in favor of the vendor, then interest shall begin to accrue as of the original date the payment became due.

4. Any party may arrange for the proceedings to be stenographically recorded and shall bear the expense of such recording.

E. Payment Dispute Resolution Proceeding Process

1. All formal payment disputes shall be presented to the Payment Dispute Resolution Committee. The committee shall be comprised of the Contract Manager, Purchasing Director, and appropriate Division Director for the County or their designees.2. Within three (3) business days of timely receipt of a formal notice of payment dispute, the Contract Manager shall schedule a proceeding before the Payment Dispute Resolution Committee to include all substantially affected persons or businesses, including the vendor and County project manager. Non-appearance by the vendor shall constitute a forfeiture of proceedings with prejudice.

3. At or prior to the dispute proceeding, the vendor and project manager, may submit any written or physical materials, objects, statements, affidavits, and arguments which he/she deems relevant to the payment dispute.

4. In the proceeding, the vendor and project manager, or his representative or counsel, may also make an oral presentation of his evidence and arguments. Further, only reasonable direct and cross-examination of witnesses shall be permitted, at the discretion of the Chairman of the Payment Dispute Resolution Committee. The members of the Payment Dispute Resolution Committee may make whatever inquiries they deem pertinent to a determination of the dispute.

a) The judicial rules of evidence shall not strictly apply; however, witnesses shall be sworn, and any testimony taken under oath and, the members of the Payment Dispute Resolution Committee shall base their decision on competent, substantial evidence. The proceeding shall be de novo. Any prior determinations by administrative officials shall not be final or conclusive.

b) Within three business days of the conclusion of the proceeding, the Payment Dispute Resolution Committee shall render a decision. The Payment Dispute Resolution Committee decision shall be reduced to writing and provided to the vendor and the County project manager. The decision of the Payment Dispute Resolution Committee shall be final and conclusive for all disputes valued less than $100,000.

c) For those disputes valued above $100,000, the Payment Dispute Resolution Committee shall file a Recommended Agency Order for approval by the County Administrator or his designee.

Section 15 AUTHORIZATION TO DEBAR OR SUSPEND VENDOR(S)

A. Suspension. After consultation with the County Attorney, the Purchasing Director is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity, which might lead to debarment. The suspension shall be for a period not to exceed three (3) months, and the Purchasing Director shall immediately inform the Board and provide notice to the affected person.

B. Debarment. After reasonable notice and a reasonable opportunity for the suspended person to be heard, the Board shall either disbar such person or terminate the suspension. The debarment should be for a period of not more than three (3) years.

C. Causes for Debarment. The causes for debarment include:

1. entry of a plea of guilty, no contest, or nolo contendere to or conviction of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
2. entry of a plea of guilty, no contest, or nolo contendere to or conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a County contractor;
3. entry of a plea of guilty, no contest, or nolo contendere to or conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
4. violation of contract provisions, as set forth below, of a character which is regarded by the Board to be so serious as to justify debarment action:
   a) deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
   b) a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;
5. having been adjudicated guilty of any violation by the Leon County Contractor's Licensing Board, or the State of Florida Construction Industry Licensing Board within the past twelve (12) month period at the time of bid submittal;
6. having been adjudicated guilty by the Leon County Code Enforcement Board of any violation of an environmental ordinance within the past six (6) month period at the time of bid submittal; and
7. any other cause the Purchasing Director or Board determines to be as serious and compelling as to affect responsibility as a County contractor, including debarment by another governmental entity.

D. Notice of Decision. The Purchasing Director shall issue a written notice to the person of the decision to debar or suspend. The decision shall state the reasons for the action taken and inform the debarred or suspended person involved of his/her rights concerning judicial or administrative review. The written decision shall be mailed or otherwise furnished immediately to the debarred or suspended person.

Section 15.1 APPEAL OF DECISION TO DEBAR OR SUSPEND

The Board's decision to debar or suspend a person or business shall be final and conclusive, unless the debarred person commences a timely action in court in accordance with applicable law.

PART B: MINORITY WOMEN AND SMALL BUSINESS ENTERPRISE PROGRAM

Section 1 MINORITY, WOMEN AND SMALL BUSINESS ENTERPRISE PROGRAM

A. Purpose. The purpose of the Minority and Women-Owned Business Enterprise and Small Business Enterprise (MWSBE) Program is to effectively communicate Leon County procurement and contracting opportunities, through enhanced business relationships, to end disparity and to increase participation opportunities for certified minority and women-owned business enterprises and small business enterprises in a competitive environment.

B. Definitions. These definitions are specific to Part 2 of this policy.

1. “Affiliate” or “Affiliation” – Shall mean when Eligible Owner either directly or indirectly controls or has the power to control the other; a third party or parties controls or has the power to control both; or other relationships between or among parties exist such that affiliation may be found. A business enterprise is an Affiliate of an Eligible Owner when the Eligible Owner has possession, direct or indirect of either: (i) the Ownership of or ability to direct the voting of as the case may be more than fifty percent (50%) of the equity interest, value or voting power of such business, or (ii) the power to direct or cause the direction of the management and policies of such business whether through the Ownership of voting securities by contract or otherwise. In determining whether a business is an Affiliate with another business or with an Owner, consideration shall be given to all appropriate factors including but not limited to common Ownership, common management, contractual relationship and shared facilities.

2. “Applicant” – Shall mean a Person who has submitted a Certification Application to the MWSBE Division for Certification consideration.

3. “Aspirational Targets” – Shall mean the percentage or dollar level targeted for the minimum level of MBE, WBE, or SBE participation for a particular procurement opportunity.

4. “Bidder” – Shall mean, unless otherwise stated, a party responding to an invitation for bid, or other form of a procurement opportunity.

5. “Business Categories” shall include and shall have the following meaning:

a) “Architecture & Engineering” – Shall mean architectural or engineering services provided by an appropriately licensed professional architect or engineer, or by a professional architectural or engineering firm, related to architectural or engineering services.

i. “Architecture” - When provided by an appropriately licensed architect or architectural firm that employs appropriately licensed architects, "architecture" shall mean the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning, providing preliminary study designs, drawings and specifications, job-site inspection, and administration of construction contracts.

ii."Engineering" – "Engineering" shall include the term "professional engineering" and, when provided by an appropriately licensed "professional engineer", "licensed engineer", or an engineering firm that employs appropriately licensed professional or licensed engineers, "engineering" shall mean any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services.

b) "Construction" – Shall mean services that include the building, attaining, repairing, improving, or demolishing any public structure or building, or other public improvement of any kind to any public real property. It does not include routine operation, routine repair, or routine maintenance of existing buildings or facilities.

c) "Professional Services" – Shall mean any service provided by a person or firm that is of a professional nature, with special licensing, educational degrees, and unusual or highly specialized expertise. Examples include, but are not limited to Financial Services, Legal Services, Medical Services, and Advertising/Marketing Services. "Professional Services" does not include "Architecture & Engineering," which is previously separately defined herein.

d) "Other Services" – Shall mean any service that is labor intensive and not professional or construction related. Examples include, but are not limited to maintenance services, janitorial services, lawn services, employment services, and printing services.

e) "Materials and Supplies/Purchases" – Shall mean the equipment and consumable items purchased in bulk, or deliverable products. Examples of such include, but are not limited to equipment and parts, chemicals, and paper products.

6. "Certification" – Shall mean the verification that a business meets all of the eligibility criteria for participation in the MWSBE Program as a SBE and/or a MBE or WBE.

7. "Certification Application" – Shall mean the forms and documents an Applicant must complete to be considered for Certification.

8. "Commercially Useful Function" - Shall mean a business that: (a) is responsible for the execution of a distinct element of work or services; (b) carries out its obligation by actually performing, managing, or supervising the work involved; (c) performs work that is normal for its business, services and function; and (d) is not further Subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices. A Contractor, Subcontractor, Vendor or Supplier shall not be considered to perform a Commercially Useful Function if the Contractor's, Subcontractor's, Vendor's or Supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of MWSBE participation.

9. "Contract" - Shall include any agreement, regardless of what it may be called, between the County and a Person to provide or procure labor, materials, supplies, or services to, for, or on the behalf of the County.

10. "Contractor" - Shall mean any person, firm, or legal entity that has entered into a Contract with the County or any of its contracting agencies.

11. "Control" – Shall mean the Applicant Owner(s) actually exercise control over the business' operations, work, management, and policy. Indication of such control are set forth as follows:

    a) Applicant Owner(s) must demonstrate the ability to make unilateral and independent business decisions as needed to guide the future and destiny of the business, and their business must not be subject to any formal or informal restrictions that limit the customary discretion of such Applicant Owner(s). There can be no restrictions through corporate provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Applicant Owner(s) from making any business decision of the firm without the cooperation or vote of another entity or Person that is not an Applicant Owner(s) or who would not be eligible for the MWSBE Program.

    b) The Applicant Owner(s) must control the day-to-day operations of the business in the critical area(s). Administrative responsibilities alone are not sufficient to prove control. The Applicant Owner(s) may delegate various areas of the management or daily operations of the business to persons, who would not qualify to be MWSBEs or who are not Applicant Owners, only if such delegation is typical in the industry for such business and such delegation is revocable.

    c) The Applicant Owner(s) must have an overall understanding of, and managerial and technical competence, experience and expertise, directly related to the business' operations and work.

12. "County" - Shall mean Leon County, Florida

13. "County Facilities" – Shall mean County buildings and other buildings and structures owned, leased, or used by the County or its contractors, assignees, lessees and licensees.

14. "Front" – Shall mean a business that intentionally and/or falsely holds itself out as a business that is Controlled and Owned at least 51% by a Minority(ies), a Woman or Women, when in fact it is not.

15. "Good Faith Committee" – Shall mean a standing committee whose purpose is to determine the validity of a Bidder's Good Faith Efforts to meet Aspirational Targets, as it relates to MWSBE participation for a procurement opportunity, when a Bidder with Subcontracting and/or Supplier opportunities fails to meet the Aspirational Targets, and the MWSBE Director has determined that the Bidder has not made Good Faith Efforts.

16. "Good Faith Efforts" – Shall mean efforts exercised by a Bidder in good faith to meet Aspirational Targets for MWSBE participation as a Subcontractor or Supplier, as may be relevant to the particular bid or RFP. The Bidder can demonstrate that it has made a Good Faith Effort by meeting the Aspirational Targets, or by demonstrating it has made reasonable efforts to do so, such as in person**,** written, telephone, electronic communication, contact with certified MWBE's, provisions of plans or specifications to MWBE's, or outreach efforts with MWBE's.

17. "Independent" – Shall mean a business whose viability does not depend on its relationship with another firm. Recognition of an Applicant business as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a business is independent. Considerations of such independence include: (i) relationships with other businesses in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources; (ii) whether present or recent family, or employer/employee relationships compromise the Applicant Owner(s)' independence; and (iii) whether the Applicant Owner(s)' exclusive or primary dealings with a prime contractor compromises the Applicant Owner(s)' independence.

18. "Joint Venture" – Shall mean a legal organization that takes the form of a short-term partnership in which the parties jointly undertake for a transaction, for which they combine their property, capital, efforts, skills, and knowledge. Generally, each party shall contribute assets and share risks. Joint Ventures can involve any type of business transaction and the parties involved can be individuals, groups of individuals, companies, or corporations.

19. "Local Market" – Shall mean the geographical area consisting of the following Florida counties: Leon, Gadsden, Jefferson, and Wakulla.

20. "Majority Ownership" or "Majority Owner" – Shall mean owning no less than 51% of a business enterprise.

21. "Minority Business Enterprise" (MBE) - Shall mean a business whose MBE Certification is recognized, current, and accepted by Leon County's MWSBE Program.

22. "Minority Person" or "Minority" - Shall mean an individual who is a citizen of the United States, or a lawfully admitted permanent resident, and who identifies himself or herself as being African, Hispanic, Asian, American Indian, Alaskan Native, and American Aleut descent.

    a) "African American" – Which shall mean all persons having origins from Africa

    b) "Hispanic American" – Which shall mean all persons having origins from a Hispanic country.

    c) "Asian American" – Which shall mean all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

    d) "American Indian", "Alaskan Native" and "American Aleut" – Which shall mean all persons having origins in any of the original people of North America

23. "Minority, Women and Small Business Enterprise" (MWSBE) – Shall refer jointly to MBE, WBE and SBE, or any combination thereof.

24. "MWSBE Director" - Shall mean the Director of Leon County's MWSBE Division and manager of the MWSBE Program.

25. "MWSBE Program" – Shall mean the programs and efforts set forth by Leon County under the provisions of this policy, either directly or through partners, to enhance participation in County procurements to achieve parity for MBEs, WBEs, and SBEs.

26. "Owner" or "Ownership" – Shall mean the person(s) who own(s) a business.

27. "Parity" – Shall mean the utilization of MBEs and WBEs for County Contracting and procurements in a share equal to the availability of MBEs and WBEs in the Local Market who are willing, able and available to perform the services and provide the goods being Contracted or procured.

28. "Participation Plan" – Shall mean the response provided by the Bidder as a part of their bid or proposal and which provides the detailed information in response to the Aspirational Targets contained in the invitation to bid or request for proposals.

29. "Person or Party" – Shall mean one or more individuals, partnerships, associations, organizations, trade or professional associations, corporations, public corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more individuals, and further includes any department, office, agency or instrumentality of the County.

30. "Prime Contractor" – Shall mean a person or firm who is qualified and responsible for the entire project contracted, who may have one or more Subcontractors.

31. "Purchasing" or "Procurement"- Shall mean the buying, renting, leasing or otherwise obtaining or acquiring any goods, supplies, materials, equipment, or services.

32. Respondent – The Person or Party who responds to a request for proposal or a request for qualification.

33. "Small Business Enterprise" (SBE) – Shall mean a business whose SBE Certification is recognized, effective and accepted by Leon County's MWSBE Program.

34. "Small Business Enterprise Program" (SBE Program) – Shall mean those components of the MWSBE Program that targets increased participation of SBEs in the County's procurements, including the coordination with other entities and agencies that assist small businesses through various means such as education and networking.

35. "Subcontract" - Shall mean any agreement, arrangement, or understanding, written or otherwise, between a Contractor and any Party (in which the parties do not stand in relationship of employer and employee) which assigns some of the obligations of the Contract:

    a) For the furnishing of supplies or services or for the use of real personal property; including lease arrangements which, in whole or in part, is/are utilized in the performance of one or more Contracts with the County; or

    b) Under which any portion of the Contractor/Vendor's obligation under one or more Contracts with the County is performed, undertaken, or assumed.

36. "Subcontractor" – Shall mean any Party performing work for a Prime Contractor engaged by Leon County under a Contract with a Contractor.

37. "Supplier" - Shall mean a business that furnishes needed items to a Contractor, and (i) is either involved in the manufacture or distribution of the supplies or materials; or (ii) otherwise warehouses and ships the supplies.

38. "Vendor" – Shall mean a business that sells goods or services.

39. "Woman" or "Women" - Shall mean an American woman who has not self-identified, within the definition of this Section, as a Minority Person or Minority.

40. "Women Business Enterprise" (WBE) - Shall mean a business whose WBE Certification is recognized, effective and accepted by Leon County's MWSBE Program.

C. Administrative Authority, Powers and Duties

1. The provisions of the MWSBE Program shall be administered and enforced by the MWSBE Director.

2. The MWSBE Director's powers and duties include the following:

    a) Establish written procedures to implement the MWSBE Program, including the Certification of businesses as SBEs, MBEs and WBEs;

    b) Assess the Certification of applications for the MWSBE program, and coordinate Certifications with partner agencies;

    c) Maintain a database of MWSBEs and provide assistance to County departments and divisions in identifying MWSBEs for anticipated procurements;

    d) Provide information and assistance to MWSBEs to assist them with increasing their ability to compete effectively for the award of County solicitations for procurements;

    e) Apprise SBEs, MBEs and WBEs of opportunities for technical assistance and training;

    f) Identify and work to eliminate barriers that inhibit MWSBE participation in the County's procurement process;

    g) Establish realistic MBE and/or WBE Aspirational Targets for specific procurements;

    h) Establish realistic Aspirational Targets and identify procurement opportunities for competition among SBEs;

    i) Monitor the utilization of MWSBEs and the progress of the MWSBE Program to ensure that MWSBEs have opportunities to participate in the County's procurement of goods and services, and report on the progress of the MWSBE Program at least annually;

    j) Implement mechanisms and procedures for monitoring utilization of MWSBEs in accordance with Contract requirements; and,

    k) Perform outreach by networking with state and local governments, nonprofit organizations, professional and trade organizations and participate in conventions and seminars sponsored and widely attended by small, minority, and women business owners.

3. All Departments and Divisions under the jurisdiction of the Leon County Board of County Commissioners are responsible for assisting in the implementation of the MWSBE Program.

D. The Tallahassee-Leon County MWSBE Citizens Advisory Committee shall monitor the progress of the MWSBE Program toward achieving program performance goals established by the Board of County Commissioners. The Committee may be requested to review and provide MWSBE policy alternatives, as well as provide programmatic recommendations relative to seeking resolution of disputes regarding Certification and Good Faith Efforts. There are eleven members: four appointed by the County Commission, four appointed by the City Commission, and one nominated appointee each from the Big Bend Minority Chamber of Commerce, Capital City Chamber of Commerce, and the Greater Tallahassee Chamber of Commerce. Members serve two- year terms with vacancies being filled for the remainder of a term; and, reappointments will be limited to three consecutive terms. The Committee shall be chaired by a Chairperson nominated and elected by the members of the Committee. A quorum of the membership shall be required to conduct any meeting of the Committee. All meetings shall be noticed, open to the public and minutes of any such meeting shall be recorded.

E. Aspirational Targets

1. The Aspirational Targets (Part 2, Section 1, Table 1) were identified through the October 15, 2009 Disparity Study Update performed by MGT America and accepted by the Leon County Board of County Commissioners on October 27, 2009.

Part 2, Section 1, Table 1- Aspirational Targets		
Procurement Category	**Aspirational MBE Target**	**Aspirational WBE Target**
Construction Prime Contractors	8%	5%
Construction Subcontractors	17%	9%
Architecture & Engineering	12%	14%
Professional Services	7%	15%
Other Services	10%	8%
Materials and Supplies	1%	6%

2. The Aspirational Targets for individual bids/RFPs may be higher or lower than the participation levels identified in Section 16, Table 1, and should reflect realistic M/WBE availability for the particular project.

3. Aspirational Targets are considered to be the minimum level of MBE, WBE, and/or SBE participation expected for a particular procurement. Aspirational Targets are considered to be targets set to achieve participation levels commensurate with available businesses, and for which there are opportunities for exemptions based upon Good Faith Efforts.

4. Aspirational Targets shall be reasonable (with consideration given to Subcontracting opportunities and the availability of MBEs, WBEs, or SBEs in the Market Area, that are capable of performing the work).

5. Aspirational Targets may not be appropriate when Subcontracting is not reasonable or permitted.

6. In cases where it is not reasonable to set Aspirational Targets, the MWSBE Director may encourage MWSBE participation through Bidder's purchase of goods or services from MWSBEs, consistent with the Aspirational Targets, or provide for any combination thereof.

7. Aspirational Targets shall apply to all Bidders, including MBE, WBE, and SBE Bidders. However, if a bidder is MBE or WBE certified, then the aspirational target for subcontracting in that category shall be deemed fulfilled. All other aspirational targets will apply.

8. Only the dollars expended with certified MWSBE firms shall be considered toward satisfying the Aspirational Targets.

9. In an effort to meet Aspirational Targets, Departments and Divisions under the jurisdiction of the Board of County Commissioners shall cooperate with the MWSBE Division and make every reasonable effort, consistent with Board policy, to utilize MWSBEs when available. The MWSBE Director shall coordinate and promote the process by taking active steps to encourage full

participation of Certified, capable, and competitive MBE, WBE, and SBE businesses and by keeping staff informed of MWSBE availabilities.

10. The MWSBE Director shall annually evaluate relevant expenditure and contracting data to determine the performance and progress of the MWSBE Program.

F. Special Consideration for MBEs, WBEs and SBEs - For contracts of $100,000 or less, where there is a disparity of 1% or less between the total of the base bid and all recommended alternates of a 100% owned and operated MBE, WBE or SBE and the apparent lowest bid which is from a business that is not a MBE, WBE or SBE, and all other purchasing requirements have been met, the Contract may be awarded to the MBE, WBE or SBE to help achieve Aspirational Targets, where otherwise permissible.

G. Setting and Meeting Aspirational Targets

1. Project Review and Setting Aspirational Targets - The MWSBE Director, a Purchasing representative and an appropriate division or department representative shall review each proposed project or bid to determine the potential for Subcontracting and for utilizing MWSBEs, considering the scope of work, available and capable MWSBEs to potentially perform the work, and opportunities for multiple bids. Such reviews may be held as a group, via e-mail, telephone, etc. Based upon these and other reasonable factors, the MWSBE Director or designee shall determine the recommended Aspirational Targets.

   a) If the recommended Aspirational Target is lower than the applicable participation level(s) identified in Section 16, Table 1:

      i. The MWSBE Director shall notify the County Administrator of the recommendation Aspirational Target and provide reasons for such recommendation.

      ii. The County Administrator shall then advise the Leon County Board of County Commissioners, typically through an e-mail to each Commissioner. Commissioners shall be given five (5) business days to ask the County Administrator to delay the issuance of the Bid/RFP and request an agenda item regarding the recommended Aspirational Target.

      iii. If no Commissioner requests an agenda item regarding the recommended Aspirational Target within the five-business day time period, the recommended Aspirational Target shall stand, and staff is authorized to release the Bid/RFP.

   b) The notification process previously outlined does not apply when the recommended Aspirational Target is equal to or greater than the applicable participation level(s) identified in Section 16, Table 1.

2. Notice to Potential Bidders -

   a) Language regarding the MWSBE Program policy and Aspirational Targets will be included into each bid and request for proposal package specifications to inform prospective Bidders of the requirement to make good faith efforts to utilize MWSBEs, as appropriate to the particular procurement.

   b) Plans and specifications will be made available to the MWSBE Director by the Purchasing Division or originating division for review by potential MWSBE Bidders.

3. Participation Plans (Submitting and Changing) - Bidders shall submit a Participation Plan when the procurement opportunity contains Aspirational Targets. Such Participation Plans shall identify the MBEs, WBEs and SBEs to be utilized, their percentage of utilization, and the Commercially Useful Functions they will be providing, consistent with the commodities or services for which they are Certified to provide.

   a) Unless otherwise approved by the Board, no Bidder that will be Subcontracting will be awarded a bid or proposal that contained Aspirational Targets until the Bidder has provided a Participation Plan detailing the utilization of MWSBEs (as applicable to the Aspirational Targets for the procurement); the Participation Plan has been analyzed by the MWSBE Director; such analysis is provided to the Board through an agenda item; and the proposed Contract is approved by the Board.

4. Good Faith Efforts required Proposing Prime Contractors (including Joint Ventures) to Meet Aspirational Targets

   a) Bidders responding as a Prime Contractor (including Joint Ventures) shall demonstrate that they made Good Faith Efforts to meet Aspirational Targets.

   b) All Bidders, including MBEs, WBEs, or SBEs, shall either meet the Aspirational Targets or demonstrate in their bid or RFP response the Good Faith Efforts they made, such as:

      i. Advertising for participation by MWSBEs in non-minority and minority publications within the Market Area, including a copy of the advertisement and proof of the date(s) it appeared – or by sending correspondence, no less than ten (10) days prior to the submission deadline, to all MWSBEs referred to the Bidder by the MWSBE Division for the goods and services to be Subcontracted and/or Supplied.

      ii. Documentation indicating that the bidding Prime Contractor provided ample time for potential MBE, WBE and SBE Subcontractors to respond to bid opportunities, including a chart outlining the schedule/time frame used to obtain bids from MBE, WBE and SBE Vendors as applicable to the Aspirational Target.

      iii. Contacting MBEs, WBEs, and SBE Vendors who provide the services needed for the bid or proposal, including a list of all MWSBEs that were contacted and the method of contact.

      iv. Contacting the MWSBE Division for a listing of available MWSBEs who provide the services needed for the bid or proposal, including a list of those MWSBEs who were contacted regarding their participation.

      v. Document follow-up telephone calls with potential MWSBE Subcontractors encouraging their participation.

      vi. Allowing potential MWSBE Subcontractors to review bid specifications, blueprints and all other bid/RFP related items at no charge to the MWSBEs.

      vii. Contacting the MWSBE Division, no less than five (5) business days prior to the bid/RFP deadline, regarding problems they are having in reaching the Aspirational Targets.

      viii. Other documentation indicating their Good Faith Efforts to meet the aspirational targets.

   c) Prime Contractors will negotiate in good faith with interested MWSBEs, not rejecting a MWSBE as unqualified or unacceptable without sound business reasons based on a thorough investigation of their capabilities. The basis for rejecting any MWSBE deemed unqualified or unacceptable by the Prime Contractor shall be included in the Good Faith Effort documentation. The Prime Contractor shall not impose unrealistic conditions of performance on MWSBEs seeking subcontracting opportunities.

5. Good Faith Committee

   a) Should the MWSBE Director determine that a Bidder with Subcontracting and Supplier opportunities has not made Good Faith Efforts to meet the Aspirational Targets the MWSBE Director shall refer the matter to the Good Faith Committee.

   b) The Good Faith Committee shall include the County Administrator or designee, serving as Chair, the Purchasing Director or designee, the Chair of the MWSBE Citizens Advisory Committee or designee, and may include others appointed at the discretion of the County Administrator or the County Administrator's designee.

   c) The Good Faith Committee shall make a formal determination, based on a simple majority vote, as to whether the proposing Prime Contractor made Good Faith Efforts to reach the Aspirational Targets, with each member of the Good Faith Committee having an equal vote in making such determination.

6. The Participation Plan for a specific project and the Contractor’s commitment to carry out the program shall become a part of the Contract.

7. Joint Ventures - To determine whether the Joint Venture is given credit as such for meeting

Aspirational Targets:

a) The Joint Venture shall demonstrate that at least one partner to the Joint Venture is a MBE, WBE or SBE, as applicable to the Aspirational Target, and that such partner is responsible for a clearly defined portion of the work to be performed, will be performing a Commercially Useful Function under the Contract, and shares in the Ownership, Control, management, responsibilities, risks, and profits of the Joint Venture.

b) Such demonstration shall be verified by pertinent documents and sworn statements and may be reviewed by the MWSBE Division at the time a bid, proposal, or reply is submitted, or prior to the award of a bid, proposal or Contract.

c) For the purpose of tentatively awarding credit towards a Bidder meeting Aspirational Targets, the MWSBE Division may consider a proposed partnership, that is not yet legally formed and which appears in all matters except legal formation as a joint venture. However, such partnership shall become a legal Joint Venture organization prior to entering into a Contract and failure to form such legal Joint Venture organization shall result in the loss of such proposed Contract.

d) The MWSBE Division may award credit towards a Bidder meeting Aspirational Targets a portion of the total dollar amount of a proposed Contract equal to the percentage of the Ownership and Control held by the qualifying MBE, WBE, and SBE partners (as applicable to the Aspirational Targets) in the Contracting Joint Venture.

H. Responsibilities of Persons Seeking Participation as a MBE, WBE or SBE Contractor or Subcontractor

1. Persons seeking to participate as a MBE, WBE or SBE Contractor or Subcontractor shall complete the MWSBE certification process managed by the Leon County MWSBE Director, or assure that they have Certification that is accepted by the MWSBE Division, for the scope of work for which they are proposing to perform.
2. Persons seeking to participate as a MBE, WBE or SBE Contractor or Subcontractor shall attend pre-bid conferences to obtain information and technical assistance on projects and procedures in which they may be interested in bidding, or in which they may be interested in participating as a Subcontractor.

I. Contract Management

1. Changing Subcontractors - A Prime Contractor who determines that an MWSBE named in their bid or proposal submittal is unavailable or cannot perform the work, shall request a change order to modify their Participation Plan.
   a) Such changes require the prior written concurrence of the MSWBE Division, which shall be based on reasonable considerations such as:
      i. The Prime Contractor has provided the MWBSE Division with documentation regarding the current MWSBE's poor work performance and measures the Prime Contractor has taken to improve the MWSBE's performance.
      ii. The Prime Contractor has worked with the MWSBE Division and County staff without success to improve the MWSBE's performance.
   b) The MWSBE Division shall consult with the Prime Contractor and the County's technical staff and project manager prior to approve or disapprove the Prime Contractor's proposed substitution.
   c) Prime Contractors who substitute Subcontracted MWSBEs without the prior written approval by the MWSBE Division may be subject to actions for breach of contract, and dollars spent with the unauthorized MWSBE may not be credited towards meeting the Aspirational Targets, with the Prime Contractor remaining responsible for meeting the Aspirational Targets provided for by the Contract.
2. Monitoring Contracted Utilization and Failure to Meet Contracted Utilization

a) The MWSBE Division will monitor the level of MWSBE utilization by Prime Contractors. If a Contractor is having difficulties meeting the contractual MWSBE Aspirational Targets, the MWSBE Division will help the Contractor identify additional potential MWSBE sub-contractors and/or suppliers.

b) If a Contractor's MWSBE participation falls below that provided for in their Contract, then the Contractor may be in breach of their contract. The MWSBE Division shall investigate whether it appears that a breach of contract has occurred. Upon a determination by the MWSBE Director that it appears a breach has occurred, the County Attorney's office will be contacted, and payments under the Contract may be immediately suspended. The County Attorney's office shall be fully involved throughout this process. Based upon guidance from the County Attorney's office, the findings and determination of the MWSBE Director, in conjunction with the County Attorney's office, may be forwarded to the Good Faith Committee for a determination as to whether the Contractor made a Good Faith Effort to comply with the requirements of the Contract, or take other appropriate actions.

3. Suspension - Contractors found in breach of their Contract may be suspended from bidding on and/or participating in any future County contracts for up to three (3) years as provided in Section 15 of the Purchasing Policy.

4. Reporting – Prime Contractors with MWSBE participation shall submit a monthly report, not less frequently than monthly, and in a form and manner prescribed by the MWSBE Division, which may include items, such as the invoices submitted to the County, payments received, and payments made to each MBE, WBE, and SBE as a part of each project.

5. Payments - Contracts and purchase orders shall contain the payment schedule. An MBE, WBE or SBE may seek expedited payment in case of hardship by notifying the MWSBE Director or Purchasing Director, and in such cases, the County may provide expedited payments when determined to be reasonably necessary, provided all work or services have been satisfactorily performed.

6. On-Site Monitoring - The MWSBE Division may perform on-site monitoring of MWSBE utilization on County projects. Monitoring may consist of scheduled or unscheduled project site visits. This does not exclude Contract monitoring expected by other County staff responsible for the project in the performance of their regular duties.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

J. Certification Criteria –

For Certification as a MBE, WBE or SBE, the Applicant must meet all of the following Criteria as noted; businesses may be Certified as a: (1) MBE; (2) WBE; (3) SBE; (4) MBE/SBE; or (5) WBE/SBE:

MBE, WBE and SBE Certification Eligibility Criteria			
	Type of Certification (must meet ALL marked criteria)		
	MBE	WBE	SBE
Majority Owner(s) must be a Minority or Minorities who manage and Control the business. In the case of a publicly owned business, at least 51% of all classes of the stock, which is owned, shall be owned by one or more of such persons.	X		
Majority Owner(s) must be a Woman or Women who manage and Control the business. In the case of a publicly owned business, at least 51% of all classes of the stock, which is owned, shall be owned by one or more of such persons.		X	
Majority Ownership in the business shall not have been transferred to a woman or minority, except by descent or a bona fide sale within the previous 2 years.	X	X	
Majority Owner(s) must reside in Leon, Gadsden, Jefferson, or Wakulla County Florida.	X	X	X
Majority Owner(s) must be a United States citizen or lawfully admitted permanent resident of the United States.	X	X	X
Business must be legally structured either as a corporation, organized under the laws of Florida, or a partnership, sole proprietorship, limited liability, or any other business or professional entity as required by Florida law.	X	X	X
Business must be Independent and not an Affiliate, Front, façade, broker, or pass through.	X	X	X
Business must be a for-profit business concern.	X	X	X
Business must be currently located within the Market Area.	X	X	X
Business must have all licenses required by local, state, and federal law.	X	X	X
Business must currently be licensed and engaging in commercial transactions typical of the field, with customers in the Local Market Area other than state or government agencies, for each specialty area in which Certification is sought. Further, if a Supplier, business must be making sales regularly from goods maintained in stock.	X	X	X
Business must have expertise normally required by the industry for the field for which Certification is sought.	X	X	X
Business must have a net worth no more than $2 million.	X	X	X
Business must employ 50 or fewer full- or part-time employees, including leased employees.	X	X	X
Annual gross receipts on average, over the immediately preceding three (3) year period, shall not exceed: - For businesses performing Construction – $2,000,000/year. - For businesses providing Other Services or Materials & Supplies - $2,000,000/year. - For businesses providing Professional Services – $1,000,000/year.	X	X	X
Business must have been established for a period of one (1) calendar year prior to submitting its application for SBE certification.			X
Business must have a record of satisfactory performance on no less than three (3) projects, in the business area for which it seeks certification, during the past 12 calendar months.			X

K. Certification and Recertification Process

1. Application –

   a. Persons seeking Certification shall complete a Certification Application, which provides the MWSBE Division with information regarding the name and address of the company and its owner(s), the gender/race of the Owner(s), a listing of the type of commodities/services it provides, the Vendor's work/contract history and past earnings, and other relevant information necessary for the determination of Certification eligibility.

   b. Certification Application attachments, such as "Proof of Ownership" with the Applicant's name listed on it, a copy of the applicant's most recent pictured identification also indicating race and gender (if seeking MBE or WBE Certification), the most recent financial statements for the company, as well as the other required documents listed on the Certification Application, shall accompany the completed and notarized Certification Application. Copies of MWSBE Certifications(s) from other governmental agencies shall also be included, where applicable.

2. Application Evaluation Period – The MWSBE Division shall review, evaluate, and make a determination as to whether an Applicant is certifiable within 30 days of receipt of a complete Certification Application, with all applicable attachments.

3. Certification Approvals - If the Applicant is deemed certifiable, they will be notified of their Certification approval in writing through a letter of Certification and a certificate, which indicates the expiration date of their certification.

4. Certification Denials - If an Applicant who has submitted a Certification Application is determined not certifiable based on information provided on the Certification Application, including attachments, or as a result of the MWBSE Division's investigation and research, the Certification Application will be denied. Submission of fraudulent information, by or on the behalf of the Applicant as part of the Certification process, is grounds for Certification denial. The Applicant will then be notified in writing of the denial of their Certification. Such official denial notification shall include notice to the Applicant of their right to appeal their denial and of the appeal process.

5. Appeals of Certification Denials - An Applicant may appeal their Certification denial by presenting written notice of their appeal to the MWSBE Director within 10 business days after the Applicant's receipt of the Certification denial. An appeal of a Certification denial will be heard by the MWSBE Citizen Advisory Committee. Upon receipt of the notice of appeal of a Certification denial, the MWSBE Director shall convene a meeting of the Committee to review the denial of the application for Certification. The Committee shall review all documentation prepared by the MWSBE Division or submitted by the Applicant prior to the time the committee convenes. The Committee shall not receive any new evidence, and may make whatever relevant inquiry necessary to render a decision on the appeal. The Committee shall review the relevant evidence submitted and determine whether the Application for MWSBE Certification meets the specific criteria provided in Policy 96-1. The decision of the Committee shall be upon majority vote of the Committee and shall be based upon competent substantial evidence. Within five (5) business days of the decision of the Committee, the Chairman shall reduce to writing the decision of the Committee, which shall set forth a statement of the relevant facts and application of the Policy to the facts supporting the decision of the Committee.

6. Denied Application May Not Resubmit - Applicants whose request for Certification has been denied by the MWSBE Division shall not be eligible to submit a new Certification Application for six (6) months after the notice of Certification denial.

7. Certification Period - Unless otherwise provided, Certification is valid for two (2) years.

8. Recertification –
   a. MBEs, WBEs and SBEs are required to submit a Certification Application biannually for a review of and potential continuation of the Certification status.

b. The MWSBE Division will send written notification to the Certified MBE, WBE, or SBE, no later than 60 days prior to the Certification expiration date, along with a Certification Application and instructions for completion and submission.

c. Certification Applications submitted for recertification consideration shall be received by the MWSBE Division no later than the last effective date of the current Certification. Certification Applications submitted for recertification consideration received after expiration of the current Certification will not be considered, unless the reason for the delay is accepted and approved by the MWBE Division, at which time a one-time extension of their certification not to exceed 30 days may be granted.

d. Procedures relevant to the review of the Certification Application, Certification Approvals, Certification Denials, Appeals of Certification Denials, and Certification Periods, provided for in this Section, shall be the same for the Applications for recertification as for the initial Certification Application.

9. Notification of Changes – MBEs, WBEs, and SBEs shall notify the MWSBE Division of any changes in the Certified business, during the Certification period, which may impact the Certification (such as a change in Ownership or in the types of services and/or commodities being provided). If such changes occur during the Certification period, the business' Certification status may be reevaluated.

10. Certification Reevaluation - The County reserves the right to reevaluate an MWSBE's Certification at any time during the Certification period, and to rescind Certification if it is found that the business is not certifiable.

11. Certification From Other Agencies - The MWSBE Program may accept MBE, WBE and SBE Certifications from parties to THE MWBE INTER-LOCAL AGREEMENT (such parties currently include the City of Tallahassee and Leon County; however, such parties may change from time to time without notice or revision to this policy), and in accord with the Memorandum of Understanding with the Florida Office of Supplier Diversity. Further, the MWSBE Division reserves the right to review the Certification process and documentation utilized by an outside certifying agency; request clarification or additional information from the certified business; to delay acceptance of certification while it is being reviewed; and to deny certification any time during the Certification period.

12. The MWSBE Division may, based upon the provisions of this policy, determine to approve certifications that only apply to the County procurement process due to the difference in the policies between the County, City of Tallahassee, and the Florida Office of Supplier Diversity.

L. Decertification and Right of Appeal

1. The MWSBE Program reserves the right to revoke Certification at any time such action is deemed reasonably necessary. Grounds for revocation of Certification include, but are not limited to, the following:
   a. Submission of fraudulent information, by or on the behalf of the Applicant for Certification or by or on the behalf of the MBE, WBE or SBE either as part of the Certification process or as part of a procurement or contract process.
   b. Failure to promptly report any change in Ownership or Control of the business.
   c. Failure to promptly report any name, address or telephone number changes of the business.
   d. Failure to respond to requests for information from the MWSBE Division.
   e. Fraudulent representation or participation on County projects or contracts, or breach of contract with the County.
   f. Revocation by a party to the MWBE INTERLOCAL AGREEMENT or the Memorandum of Understanding with the Florida Office of Supplier Diversity.

2. Any business having its Certification revoked by the MWSBE Division shall have the right to appeal such Certification revocation, following the same process as Appeals of Certification Denials.

M. Small Business Enterprise (SBE)

1. SBE Orientation - The County shall conduct periodic meetings to educate SBEs about the program and about general matters relating to participating in County procurement opportunities. The MWSBE Division may require SBEs to attend periodic follow-up meetings, but no more than once every two (2) years. Failure to attend such meetings shall be grounds for decertification for such up to 12 months, as determined appropriate by the MWSBE Division.

2. SBE Graduation - A SBE shall graduate from the SBE Program and is no longer eligible for Certification as a SBE six (6) years after the date of award of the first procurement opportunity made through the SBE program and will no longer be eligible for certification as a SBE. Graduation of an SBE shall not affect the contribution made by the SBE toward satisfaction of an Aspirational Target if the work was identified in a bid or RFP proposed to be performed by the SBE prior to the date of SBE Graduation and the bid or RFP opening date occurred prior to the SBE Graduation date.

3. Reserving Procurement Opportunities for Exclusive Competition Among SBEs - Procurement opportunities may be reserved for exclusive competition among SBEs when:
   a. At least three (3) SBEs, with Certification in the relevant area, are available to compete for the procurement opportunity;
   b. Permissible by law; and,
   c. Such limited competition has been recommended by the appropriate authority as stipulated:

Criteria for Reserving Procurement Opportunities for Exclusive Competition Among SBEs

Business Category	Estimated Procurement Value (Estimated Contract Cost)	Minimum Number of Available SBEs, Certified in Procurement Opportunity Area	Authority that Recommends Reserving Procurement Opportunity for Exclusive Competition Among SBEs
Construction - Prime Contractor	$100,000 or less	Three (3)	[1] Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Professional Services	$50,000 or less	Three (3)	[1] Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Other Services	$25,000 or less	Three (3)	[1] Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Materials & Supplies	$25,000 or less	Three (3)	[1] Committee Concurrence (MWSBE Director, Purchasing Director, Project Director or Division Director responsible for the project/budgeted expense)

[1] Committee Concurrence – If consensus cannot be reached, the County Administrator or his/her designee shall make the final decision. Such agreement between the committee members can be gained via any reasonable means of communication, such as a face-to-meeting, over the phone or via e-mail. Documentation of such concurrence shall be retained with the procurement records.

N. Outreach –

A continuing effort of the County involves identifying SBEs, MBEs, and WBEs capable of providing goods and services and ensuring that staff, through business community interactions, are knowledgeable about and support the MWSBE Program. The MWSBE Division will network with state and local governments, nonprofit organizations, professional and trade organizations and participate in conventions and seminars sponsored and widely attended by small, minority, and women business owners. Staff coordination may include, but is not limited to:

1. Coordination with the user departments on increasing awareness of program policies, directives and program targets and objectives for County staff;

2. Development of an internal education program to promote the awareness of all staff about SBE and MBE, and WBE firms and the commitment to their full participation in its activities.

3. Determine prospective program participants as well as assist them in understanding regulations and the certification process.

4. Develop directories of certified minority, women-owned, and SBEs firms capable of providing services.

5. Assist program participants in understanding and meeting the County's contracting need.

6. Develop promotional campaigns, forums or seminars to inform the small, minority and women-owned business community of the County's needs and its commitment to involve such firms in its contracting activities, along with receiving feedback from the business community.

7. Target appropriate firms for participation in the County's contractor training effort;

8. Identify categories in which firms are underrepresented;

9. Develop special events to meet special needs or concerns including contracting trade fair open houses;

10. Coordinate events with other governmental entities and private and nonprofits organizations.

O. Severability Clause

Each separate provision of this program is deemed independent of all other provisions herein so that if any provision or provisions are declared invalid, all other provisions hereof shall remain valid and in full force and effect.

(Part 2 (previously Section 16) Adopted September 10, 1991, deleted and replaced by separate policy January 16, 1996, reincorporated July 30, 2002, and replaced in its entirety June 13, 2006)

Revised June 20, 2017

FY2017 Leon County Summary Report of Expenditures

Procurement Categories	FY17 MBE Expenditures by Category	FY17 MBE % of Expenditures by Category	Policy 96-1 Aspirational Target	FY17 WBE Expenditures by Category	FY17 WBE % of Expenditures by Category	Policy 96-1 Aspirational Target	NMM Expenditures by Category	NMM % of Expenditures by Category	Grand Total
Architecture & Engineering Services	189,114	23%	12%	1,557	0%	14%	633,777	77%	824,448
Construction Services	232,649	4%	8%	38,557	1%	5%	5,104,011	95%	5,375,217
Construction Subcontracting	562,584	36%	17%	478,964	30%	9%	534,364	34%	1,575,912
Materials and Supplies	1,000	0%	1%	261,386	11%	6%	2,016,383	88%	2,278,769
Other Services	547,114	16%	10%	671,440	19%	8%	2,229,456	65%	3,448,010
Professional Services	13,378	2%	7%	8,777	1%	5%	603,763	96%	625,918
Grand Total	1,545,839	11%		1,460,681	10%		11,121,754	79%	14,128,274

Small Business Enterprise Program Overview

The Small Business Enterprise (SBE) Program was established by the Board in order to foster growth in Leon County's economy by affording small businesses an opportunity to gain experience, knowledge, and training to compete and secure contracts with Leon County. Unlike the MWBE Program, the SBE Program is race and gender neutral. The SBE program is structured to reserve procurement opportunities for exclusive competition among SBE's when at least three (3) SBE's are certified in the relevant procurement category and are available to compete for the procurement opportunity. Therefore, local businesses are provided opportunities to compete with companies of similar size, capacity, and net worth. Projects are reserved for SBE competition based upon recommendations as indicated in the table below:

Criteria for Reserving Procurement Opportunities for Exclusive Competition Among SBEs

Business Category	Estimated Procurement Value (Estimated Contract Cost)	Minimum Number of Available SBEs, Certified in Procurement Opportunity Area	Authority that Recommends Reserving Procurement Opportunity for Exclusive Competition Among SBEs
Construction - Prime Contractor	$100,000 or less	Three (3)	[1] Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Professional Services	$50,000 or less	Three (3)	[1] Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Other Services	$25,000 or less	Three (3)	[1] Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Materials & Supplies	$25,000 or less	Three (3)	[1] Committee Concurrence (MWSBE Director, Purchasing Director, Project Director or Division Director responsible for the project/budgeted expense)

[1] Committee Concurrence – If consensus cannot be reached, the County Administrator or his/her designee shall make the final decision. Such agreement between the committee members can be gained via any reasonable means of communication, such as an in person meeting, telephone conference or via e-mail. Documentation of such concurrence shall be retained with the procurement records.

Leon County
Board of County Commissioners

Notes for Agenda Item #23

Leon County Board of County Commissioners

Agenda Item #23

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Herbert W.A. Thiele, County Attorney

Title: Status Report on Legal Action Challenging State Preemption of Local Gun Laws

Review and Approval:	Herbert W.A. Thiele, County Attorney
Lead Staff/ Project Team:	LaShawn D. Riggans, Deputy County Attorney

Statement of Issue:

As requested by the Board at the April 10, 2018, this item seeks consideration of a status report concerning legal action challenging the State's preemption of local gun laws.

Fiscal Impact:

This item has no current fiscal impact. A fiscal impact would occur if the County were to take legal action challenging the State's preemption of local gun laws.

Staff Recommendation:

Option #1: Accept the status report on legal action challenging the State's preemption of local gun laws.

Report and Discussion

Background:

At the Board meeting of April 10, 2018, during the time set aside for discussion items by Commissioners, Commissioner Lindley expressed interest in reviewing the current lawsuits instituted by other local governments that challenge the State's preemption of local gun laws, including possible options for Leon County. After discussion, the Board unanimously approved a motion directing staff to prepare an agenda item for the Board's consideration that will provide a report on legal action challenging the State's preemption of local gun laws.

In 2011 the Florida Legislature passed House Bill 45 which amended Section 790.33, Florida Statutes, to set forth the Legislature's preemption of the "whole field of regulation of firearms and ammunition," to the exclusion of all existing and future local ordinances. The statute (Attachment #1) also imposes stiff penalties should an elected or appointed local government official enact, or cause to be enforced, a local ordinance, administrative rule, or regulation that impinges upon the Legislature's exclusive occupation in the field of the regulation of firearms and ammunition. The penalty provisions set forth in Section 790.33(3) include: personal liability for local elected or appointed officials, even if acting in good faith or in reliance upon advice of counsel; civil fines of up to $5,000 against elected or appointed local government officials; prohibition on the use of public funds to provide a defense for local government officials; termination of employment, or removal from office by the Governor; and civil liability to local government entities for damages of up to $100,000, plus attorneys' fees, to persons "adversely affected" by the local regulation at issue. Following the enactment of House Bill 45, the Board adopted five separate ordinances on June 24, 2011 to repeal portions of the Leon County Code of Laws which were in potential conflict with Section 790.33, Florida Statutes.

On March 9, 2018, the Governor signed into law the "Marjory Stoneman Douglas High School Public Safety Act." This Act prohibits a person who has been adjudicated mentally defective or committed to a mental institution from owning or possessing a firearm until certain relief is obtained, prohibits a person younger than 21 years of age from purchasing a firearm, and prohibits the sale and possession of bump-fire stocks.

On April 10, 2018, and pursuant to the authority set forth in Article VIII, Section 5(b), of the Florida Constitution, the Board adopted Ordinance No. 18-03, which created Article III to Chapter 12 of the Leon County Code of Laws, entitled "Criminal History Records Check and Waiting Period for Purchase of Firearms." The Ordinance requires a criminal history records check and waiting period of three days for the purchase of firearms when any part of the transaction is conducted on property to which the public has the "right of access," such as, for example, gun shows, flea markets, and firearms exhibitions. This Ordinance does not conflict with Section 790.33, Florida Statutes, as it was adopted under the authority of the Florida Constitution.

Analysis:

Earlier this year two separate lawsuits were filed by local governments to challenge certain aspects of Section 790.33, Florida Statutes. Both cases are in the early stages of litigation.

The case of *City of Weston, Florida v. Scott*, Case No. 2018 CA 000699, Circuit Court of the Second Judicial Circuit in and for Leon County, was instituted by several Florida municipalities and elected municipal officials, as well as a citizen of Miami Beach. The municipal plaintiffs include: the City of Weston, City of Miramar, City of Pompano Beach, Village of Pinecrest, City of South Miami, City of Miami Gardens, City of Miami Beach, City of Coral Gables, Town of Cutler Bay, City of Lauderhill, City of Boca Raton, Town of Surfside, City of Tallahassee, City of North Miami, City of Orlando, City of Fort Lauderdale, City of Gainesville, City of St. Petersburg, City of Maitland, and the Village of Key Biscayne. Also, the Village of Palmetto Bay filed a motion to intervene in the case.

In the *City of Weston* case, the Complaint for Declaratory Relief challenges the "onerous, unconstitutional, and unprecedented penalties contained in section 790.33, Florida Statutes" as being unconstitutional. The seven-count Complaint alleges the following.

(1) Count I: That the penalty provisions of Section 790.33(3)(e), Florida Statutes (which allow the Governor to remove local elected officials from office for violations of the firearm preemption statute) violate the constitutional imitations on gubernatorial authority with respect to municipal officers.

(2) Count II: That the penalty provisions of Sections 790.33(3)(a)-(e) Florida Statutes conflict with the constitutional right of elected officials to legislative immunity in connection with their performance of legislative activities.

(3) Count III: That the penalty provisions of Section 790.33(3)(f) conflict with the constitutional right of municipalities to be immune from suit for discretionary functions.

(4) Count IV: That the penalty provisions of Section 790.33(3)(f) are overbroad, in violation of local officials' free speech rights.

(5) Count V: That Section 790.33 violates the right to due process of elected officials and is unconstitutionally vague.

(6) Count VI: That the penalty provisions of Section 790.33(3), as well as the application of the general preemption of local forearms regulation contained in Section 790.33(1), violate the prohibition on arbitrary and capricious laws and are thus invalid and unconstitutional. In this allegation the Plaintiffs note that private property owners are permitted to pass and enforce "rules" related to firearms and ammunitions on private property, but municipalities are not allowed to regulate firearms on municipally owned property.

(7) Count VII: That Sections 790.33(3)(a), (c), (d) and (e) violate the rights of residents living in municipalities to petition and instruct their local elected officials and are thus unconstitutional.

The Complaint in the case of *Broward County v. Scott*, Case No. 2018 CA 000882, Circuit Court of the Second Judicial Circuit in and for Leon County, was filed on April 23, 2018 by Broward County and its elected officials. Miami-Dade County and its elected officials subsequently joined as party plaintiffs. This action only challenges the constitutionality of the penalty provisions of Section 790.33, and does not challenge the state's ability to preempt local governments in the regulation of firearms and ammunition. The six-count Complaint alleges that the penalty provisions against local governments and local officials are improper and should be declared null and void based on the following grounds:

(1) Count I: Conflict with the Florida constitutional imitations on gubernatorial authority with respect to local government officers;

(2) Count II: Unconstitutional impairment of contracts resulting from the gubernatorial removal authority;

(3) Count III: Violation of the constitutional doctrine of separation of powers by imposing personal liability on elected officials for legislative action and by mandating that the courts permanently enjoin a local government from enforcing an ordinance;

(4) Count IV: Conflict with sovereign immunity protections and the rights of local government entities and officials to be immune from suit for discretionary functions;

(5) Count V: Unconstitutional vagueness; and

(6) Count VI: Violation of substantive due process and equal protection, as the penalties are arbitrary and capricious and lack a rational basis.

Leon County has various options with regard to legal action challenging the provisions of Section 790.33, Florida Statutes. These options will be summarized below.

An option that was mentioned at the Board meeting of April 10, 2018, would be to file an amicus curiae (friend of the court) brief in one of the existing cases (the *Broward County* or *City of Weston* case noted above). The purpose of an amicus brief is to assist the court in cases of public interest, aid the court in the presentation of difficult issues, and/or help ensure that a particular argument is brought forth for the court's consideration. To file an amicus brief, the court's permission must first be obtained. Amicus briefs are somewhat uncommon in the trial courts, but can be very effective and advantageous when submitted later to the appellate court.

A second option would be for the County to request to join as a plaintiff in an existing case (the *City of Weston* or *Broward County* case). In both the *City of Weston* and *Broward County* cases,

additional local governments and elected officials subsequently joined as party plaintiffs, and Amended Complaints that included these parties were filed in the Circuit Court. Under Rule 1.210(a), Florida Rules of Civil Procedure, a person (which would include the County) "may at any time be made a party if that person's presence is necessary or proper to a complete determination of the cause." This rule is designed to avoid duplication of judicial effort caused by multiple lawsuits, and is liberally construed to allow all those who have a unified claim to participate in a single case.

A third option would be to file a motion to intervene in one of the existing cases, such as what the Village of Palmetto Bay has done in the *City of Weston* case. Pursuant to Rule 1.230 of the Florida Rules of Civil Procedure, "anyone claiming an interest in pending litigation may at any time be permitted to assert a right by intervention." However, the rights of an intervenor are subordinate to the rights of the parties.

A fourth option would be for the County to file a separate lawsuit in Circuit Court. If the County desires to assert and resolve claims other than the claims that have been raised in the lawsuits cited above, a separate lawsuit would be appropriate and more effective. This option has advantages, but would be more costly.

Options:

1. Accept the status report on legal action challenging the State's preemption of local gun laws.
2. Do not accept the status report on legal action challenging the State's preemption of local gun laws.
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. Section 790.33, Florida Statutes.

Select Year: 2018 Go

The 2018 Florida Statutes

Title XLVI
CRIMES

Chapter 790
WEAPONS AND FIREARMS

View Entire Chapter

790.33 Field of regulation of firearms and ammunition preempted.—

(1) PREEMPTION.—Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.

(2) POLICY AND INTENT.—

(a) It is the intent of this section to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by any jurisdictions other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically authorized by this section or general law; and to require local jurisdictions to enforce state firearms laws.

(b) It is further the intent of this section to deter and prevent the violation of this section and the violation of rights protected under the constitution and laws of this state related to firearms, ammunition, or components thereof, by the abuse of official authority that occurs when enactments are passed in violation of state law or under color of local or state authority.

(3) PROHIBITIONS; PENALTIES.—

(a) Any person, county, agency, municipality, district, or other entity that violates the Legislature's occupation of the whole field of regulation of firearms and ammunition, as declared in subsection (1), by enacting or causing to be enforced any local ordinance or administrative rule or regulation impinging upon such exclusive occupation of the field shall be liable as set forth herein.

(b) If any county, city, town, or other local government violates this section, the court shall declare the improper ordinance, regulation, or rule invalid and issue a permanent injunction against the local government prohibiting it from enforcing such ordinance, regulation, or rule. It is no defense that in enacting the ordinance, regulation, or rule the local government was acting in good faith or upon advice of counsel.

(c) If the court determines that a violation was knowing and willful, the court shall assess a civil fine of up to $5,000 against the elected or appointed local government official or officials or administrative agency head under whose jurisdiction the violation occurred.

(d) Except as required by applicable law, public funds may not be used to defend or reimburse the unlawful conduct of any person found to have knowingly and willfully violated this section.

(e) A knowing and willful violation of any provision of this section by a person acting in an official capacity for any entity enacting or causing to be enforced a local ordinance or administrative rule or regulation prohibited under paragraph (a) or otherwise under color of law shall be cause for termination of employment or contract or removal from office by the Governor.

(f) A person or an organization whose membership is adversely affected by any ordinance, regulation,

measure, directive, rule, enactment, order, or policy promulgated or caused to be enforced in violation of this section may file suit against any county, agency, municipality, district, or other entity in any court of this state having jurisdiction over any defendant to the suit for declaratory and injunctive relief and for actual damages, as limited herein, caused by the violation. A court shall award the prevailing plaintiff in any such suit:

1. Reasonable attorney's fees and costs in accordance with the laws of this state, including a contingency fee multiplier, as authorized by law; and
2. The actual damages incurred, but not more than $100,000.

Interest on the sums awarded pursuant to this subsection shall accrue at the legal rate from the date on which suit was filed.

(4) EXCEPTIONS.—This section does not prohibit:

(a) Zoning ordinances that encompass firearms businesses along with other businesses, except that zoning ordinances that are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this subsection and are prohibited;

(b) A duly organized law enforcement agency from enacting and enforcing regulations pertaining to firearms, ammunition, or firearm accessories issued to or used by peace officers in the course of their official duties;

(c) Except as provided in s. 790.251, any entity subject to the prohibitions of this section from regulating or prohibiting the carrying of firearms and ammunition by an employee of the entity during and in the course of the employee's official duties;

(d) A court or administrative law judge from hearing and resolving any case or controversy or issuing any opinion or order on a matter within the jurisdiction of that court or judge; or

(e) The Florida Fish and Wildlife Conservation Commission from regulating the use of firearms or ammunition as a method of taking wildlife and regulating the shooting ranges managed by the commission.

(5) SHORT TITLE.—As created by chapter 87-23, Laws of Florida, this section may be cited as the "Joe Carlucci Uniform Firearms Act."

History.—ss. 1, 2, 3, 4, ch. 87-23; s. 5, ch. 88-183; s. 1, ch. 2011-109.

Copyright © 1995-2018 The Florida Legislature • Privacy Statement • Contact Us

Leon County
Board of County Commissioners

Notes for Agenda Item #24

Leon County Board of County Commissioners

Agenda Item #24

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Community Redevelopment Agency's Arts, Cultural and Heritage Grant Program Recommendations

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator
Lead Staff/ Project Team:	Kerri L. Post, Director, Division of Tourism Nicki Paden, Management Analyst

Statement of Issue:

This item seeks the Board's approval of the grant awards for the Community Redevelopment Agency's Arts, Cultural, and Heritage Grant Program consistent with the terms of the Interlocal Agreement between the County, City and the CRA to utilize Tourist Development Taxes previously set aside for a performing arts center.

Fiscal Impact:

This item seeks to award approximately $3.1 million in Tourist Development Tax (TDT) funds for three projects. Adequate TDT funds have been allocated pursuant to the Interlocal Agreement to satisfy the grant awards.

Staff Recommendation:

Option #1: Approve the Arts, Cultural, and Heritage Grant Program funding recommendations as follows: Le Moyne Gallery ($2,042,000), Big Bend Community Development Corp. ($840,885), and John Gilmore Riley House Museum ($189,000) subject to the City and Community Redevelopment Agency's approval.

Report and Discussion

Background:

The Community Redevelopment Agency (CRA) established a grant program, allocation process, review committee, and accelerated timeline to award approximately $3.1 million in Tourist Development Tax (TDT) funds once dedicated to the performing arts center, by July 2018, subject to the approval by the CRA Board and the County and City Commissions. This item seeks the Board's approval of the grant awards for the Arts, Cultural, and Heritage Grant Program (ACHGP), as recommended by the Arts and Culture Review Committee and reviewed by the Tourist Development Council (TDC), subject to the CRA Board's approval on July 9th. Should the CRA Board take any action other than what has been recommended by the ACRC, staff will provide the Board an update at its July 10th meeting.

Since the Third Amendment to the CRA Interlocal Agreement in 2014, approximately $5.2 million of TDT was retained in an interest bearing account set aside for projects, programs and expenses related to culture, visual arts, and heritage in either of the CRA Districts. Pursuant to the Interlocal Agreement, the CRA Board is charged with making recommendations for the utilization of these funds which are subject to final approval by both the County and City Commissions. Based on final negotiations, $2.1 million of these TDT funds have been allocated by the County and City for the Capital City Amphitheater support space to be constructed as part of the North American Properties redevelopment project adjacent to Cascades Park. This results in a balance of approximately $3.1 million for allocation as part of the ACHGP administered by the CRA.

On March 27, 2018, the Board received an update on the ACHGP created by the CRA Board (and consistent with the existing Interlocal Agreement) for the remaining $3.1 million of TDT funding dedicated for cultural projects, programs and expenses in either of the CRA Districts (Attachment #1). On May 25, 2017, the CRA Board approved the creation of the Arts and Culture Review Committee (ACRC) to provide guidance to CRA staff for the development and facilitation of the ACHGP allocation process. The six-member ACRC consists of the following representatives:

1. Russell Daws, Tourist Development Council
2. Spenser Ingram, Council on Culture and Arts
3. Claudia D'Vant, Tallahassee Downtown Improvement Authority
4. Betsy Couch, Knight Creative Communities Initiative
5. Cynthia Tunnicliff, Downtown Redevelopment Commission
6. Rahni Wright, Frenchtown Southside Citizens Advisory Committee

The ACRC was tasked with providing guidance to CRA staff for the development of a two-phased review process and, upon completion, providing ACHGP funding recommendations to the CRA Board. An accelerated timeline of the application, deliberation, and approval process was adopted in order for the County, CRA Board, and City to each approve the grant awards at their respective meetings in July. The timeline is as follows:

- March 26, 2018: Publication of ACHGP Application Materials
- May 24, 2018: ACHGP Application Deadline
- May 25 – June 11, 2018: ACRC deliberations
- June 21, 2018: Leon County Tourist Development Council Review
- July 9, 2018: CRA Board consideration
- July 10, 2018: Board of County Commissioners consideration
- July 11, 2018: City of Tallahassee consideration

Following the application deadline, a total of nine funding requests were submitted to the CRA. One project was deemed ineligible, three projects were deemed partially eligible, and five projects were deemed fully eligible for funding as explained in the analysis section. One of the three partially eligible project applicants, Southside Arts, withdrew from the process leaving seven applications to be evaluated by the ACRC.

The ACRC funding recommendations are subject to final approval by the CRA Board and the County and City Commissions. The CRA Board is scheduled to meet one day prior to the County's July 10th Board meeting. This item seeks the Board's approval of the award recommendations for the ACHGP, as recommended by the ACRC and reviewed by the TDC, subject to the CRA Board's approval on July 9th.

Analysis:

Created and administered by the CRA, the ACHGP serves as the allocation process for the remaining $3.1 million of TDT (Attachment #2). The ACHGP timeline and application process tasked the ACRC with the review and evaluation of grant applications to provide recommendations for funding awards to be presented to the CRA Board and the County and City Commissioners. As a part of this effort, the ACHGP called for a two-phase review process:

Phase One Review

On Tuesday, May 29, an initial review was conducted to determine the eligibility of the nine applications for TDT funding as determined by Section 125.0104, F.S. and the CRA Interlocal Agreement. This review was conducted by a workgroup consisting of representatives from the Council on Culture & Arts, County/City/CRA staff, and the City/County Attorney Offices. Following deliberations, the workgroup identified five projects as fully eligible, one project as ineligible, and three projects as partially eligible for TDT funds. Each applicant was provided written notification of the Phase One Review for eligibility. One of the three partially eligible project applicants, Southside Arts, withdrew from the process leaving a total of seven fully eligible and partially eligible projects to be considered by the ACRC.

Phase Two Review

Following the eligibility review, the ACRC held three public meetings to conduct the second phase of the review process to evaluate the remaining seven eligible applicants based on the

CRA-approved evaluation criteria. Following an extensive review and deliberation of the ACRC, the funding requests were ranked based on the average of their total scores as shown in Table #1.

Table #1: Ranking of Project Applicants and Average Total Scores

Rank	Average Score	Organization	Project Proposal	Funding Request
#1	86.5	LeMoyne Arts	"Art for Always"	$3 million
#2	83.66	Big Bend Community Development Corp. (CDC)	"Community Driven Arts, Culture, Heritage, and Educational Project"	$1.2 million
#3	83.16	TLH Arts	"Performance and Rehearsal Space"	$3 million
#4	82.83	John Gilmore Riley House Center/Museum	"Soul Voices"	$275,000
#5	77.0	Florida Litfest/ Word of South	"Cascades Park Amphitheater Concert Funding"	$350,000
#6	71.66	CAT Family Records	"Monroe Contemporary"	$2.8 million
#7	68.88	Playhouse Tallahassee	"Playhouse Tallahassee in Washington Square"	$3 million

As indicated in the program guidelines (Attachment #2), the ACRC and CRA Board reserve the right to recommend awarding the $3.1 million to a single project or multiple proposals, and to allocate those funds in the manner that best meets the stated program criteria. During the evaluation process, the ACRC considered the opportunity to fund multiple project proposals to achieve the greatest benefit from the program. Further, applicants indicated a willingness and ability to revise project plans if awarded less funding than requested which would allow multiple projects to be recommended for the allocation of TDT funds.

Thus, the ACRC reviewed the seven project applications and recommended funding for three of the top four ranked applications. Based on the applicants' willingness to revise project plans if awarded less funding than requested, the ACRC was able to identify three projects that could be sufficiently funded with the $3.1 million of TDT funds as follows:

- LeMoyne Arts: $2,042,000
- Big Bend CDC: $840,855
- John Gilmore Riley House Center/Museum: $189,000

The LeMoyne Arts "Art for Always" project proposes the construction and renovation of an Education Center, sculpture garden and parking. The Big Bend Community Development Corp. proposes "Ashmore's Museum: A Community-driven Arts, Culture, Heritage Educational Catalyst" project in Frenchtown including a glassworks studio and learning lab. The John Gilmore Riley House Center/Museum proposes "Soul Voices" which will produce permanent historic markers throughout the Frenchtown community.

Tourist Development Council Review of Funding Recommendations
On June 21, 2018, the TDC conducted a special meeting to review the project applications and ACRC grant funding recommendations. Following extensive discussion, several TDC members expressed disappointment that a performing arts space/venue will not be realized through this process, thereby leaving a significant community priority unfulfilled. Recognizing the current local grant opportunities available, members suggested the ACHGP as an opportunity to support an unprecedented project unique to current local cultural offerings. In light of this one-time opportunity to leverage approximately $3.1 million, several TDC members indicated an expectation for a single transformative project for the community. The TDC's discussion resulted in a consensus statement acknowledging the diligent work of the ACRC and the importance of accountability for these projects moving forward but expressed disappointment that the funds would not be utilized for a publicly owned and singular transformative project (Attachment #3).

The ACRC funding recommendations, as reviewed by the TDC, require final approval of the CRA, City, and County Board at their respective meetings in July. This item seeks the Board's approval of the grant awards for the ACHGP as recommended by ACRC, subject to the CRA Board's approval on July 9th. Should the CRA Board take any action other than what has been recommended by ACRC, staff will provide the Board an update at its July 10th meeting.

Options:

1. Approve the Arts, Cultural, and Heritage Grant Program funding recommendations as follows: Le Moyne Gallery ($2,042,000), Big Bend CDC ($840,885), and John Gilmore Riley House Museum ($189,000) subject to the City and Community Redevelopment Agency's approval.
2. Do not approve the Arts, Cultural, and Heritage Grant Program funding recommendations.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. March 27, 2018 Status Update on the Proposed Restructuring of the CRA
2. Arts, Culture, and Heritage Grant Program Application and Funding Guidelines
3. TDC Consensus Statement on the Review of the ACHGP Funding Recommendations

Leon County Board of County Commissioners

Agenda Item #14

March 27, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Status Update on the Proposed Restructuring of the Community Redevelopment Agency

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Ken Morris, Assistant County Administrator Nicki Paden, Management Analyst

Statement of Issue:

This status update seeks the Board's authorization for the County Administrator to finalize the proposed restructuring of the Community Redevelopment Agency (CRA) as approved by the Board on February 27, 2018 but without the additional changes to the ongoing Tourist Development cultural funding allocation process approved by a separate motion at that meeting to be considered in the negotiations with City.

Fiscal Impact:

The proposed restructuring of the CRA has a fiscal impact as described in greater detail in the February 27th agenda item including a $23 million overall savings to the County. The proposed restructuring will provide the desired funding for the County to offset a portion of the revenue loss associated with the possible additional Homestead Exemption and provides additional long-term savings by reducing the County's overall contributions to the CRA.

Staff Recommendation:

See next page.

Staff Recommendation:

Option #1: Accept the status update on the proposed restructuring of the Community Redevelopment Agency.

Option #2: Direct the County Administrator to proceed with finalizing the proposed restructuring of the Community Redevelopment Agency, in a form to be approved by the County Attorney, which shall be brought back to the Board for approval on April 24, 2018 and include the following elements:

A. Discontinue the County's financial contributions to the Downtown CRA District by FY 2024 (final payment to be made in FY 2023).

   i. County increment incentives would continue to be made only for the three recently approved projects (Firestone/Bloxham redevelopment, 4Forty North Apartments, and Washington Square).

B. Equalize the County's millage rate contribution to the City's millage rate throughout the entirety of the Frenchtown/Southside CRA District starting in FY 2019.

C. Finalize and approve the boundaries for the proposed Frenchtown/Southside CRA District expansion.

D. Extend the term of the Frenchtown/Southside CRA District from 2030 to 2038.

E. Upon execution of this proposed restructuring, County Commissioners would no longer serve on the governing body of the CRA.

Report and Discussion

Background:

Based on previous Board direction, the County Administrator and City Manager entered into negotiations to sunset the County's participation in the Downtown Community Redevelopment Agency (CRA). The County Administrator and Interim City Manager explored in good faith opportunities to balance the short- and long-term goals of their respective organizations, resolve long standing differences with regard to the CRA, and present a solution that serves the best interest of all affected stakeholders.

The proposed restructuring, as presented in the February 27th agenda item and approved by the Board, includes the following elements (Attachment #1):

A. Discontinue the County's financial contributions to the Downtown CRA District by FY 2024 (final payment to be made in FY 2023).
    i. County increment incentives would continue to be made only for the three recently approved projects (Firestone/Bloxham redevelopment, 4Forty North Apartments, and Washington Square).
B. Equalize the County's millage rate contribution to the City's millage rate throughout the entirety of the Frenchtown/Southside CRA District starting in FY 2019.
C. Finalize and approve the boundaries for the proposed Frenchtown/Southside CRA District expansion.
D. Extend the term of the Frenchtown/Southside CRA District from 2030 to 2038.
E. Upon execution of this proposed restructuring, County Commissioners would no longer serve on the governing body of the CRA.

Additionally, the Board also approved a separate motion to include in the negotiations with the City the return of the County's authority over the unallocated Tourist Development Tax (TDT) funds designated for cultural funding. Pursuant to the existing interlocal agreement, the current process requires the County, the City and the CRA to approve the allocation of these funds.

On February 28, 2018, the City of Tallahassee approved the proposed restructuring of the CRA. However, the City did not approve the additional changes to the ongoing Tourist Development cultural funding allocation process.

Regarding the Tourist Development cultural funding allocation process, since the Third Amendment to the CRA Interlocal Agreement in 2014, approximately $5.1 million of TDT has been set aside for projects, programs and expenses related to culture, visual arts, and heritage in either of the CRA Districts (Attachment #2). The CRA Board is charged with making recommendations for the utilization of these funds which are subject to final approval by both the County and City Commissions. To date, $2.25 million of the TDT funds has been allocated by the County and City for the Capital City Amphitheater support space to be constructed as part of the North American Properties redevelopment project adjacent to Cascades Park.

Currently, the cultural funding allocation process approved by the CRA (and consistent with the existing Interlocal Agreement) to allocate the remaining TDT funding is underway and is expected to award all of the designated TDT funds upon its completion.

This agenda item provides the Board an update on action taken by the City Commission at its February 28th meeting, the status of CRA's ongoing grant process for the remaining $2.9 million of TDT, and the recommended next steps in order to effectuate the proposed restructuring of the CRA.

Analysis:

Immediately following the Board's approval of the proposed restructuring of the CRA, the City Commission took up the issue at its meeting on February 28, 2018 (Attachment #3). The City Commission approved the restructuring as proposed by the City Manager and County Administrator (elements A-E on page 3 in the Background section of this agenda item); however, the City Commission did not affirm the changes to the TDT allocation sought by the Board.

As previously mentioned, the CRA Board is charged with making recommendations to the County and City Commissions for the utilization of the TDT funds once dedicated to the performing arts center. Approximately $2.9 million of TDT funds remain available for projects, programs and expenses related to culture, visual arts, and heritage in either of the CRA Districts. On May 25, 2017, the CRA Board approved the creation of the Arts and Culture Review Committee (ACRC) in an effort to identify, evaluate, and recommend potential proposals for the utilization of the remaining TDT balance (Attachment #4). The six-member committee consists of representatives from the Leon County Tourist Development Council, the Council on Culture and Arts, the Tallahassee Downtown Improvement Authority, the Knight Creative Communities Initiative, and one representative from both the Frenchtown/Southside Citizen Advisory Committee and the Downtown Redevelopment Commission.

ACRC has provided guidance to CRA staff for the development of a two-phased process for the review and ranking of funding requests for the allocation of TDT toward proposed projects, programs and expenses related to culture, visual arts, and heritage. The application process is based on objectives from the Capital Area Cultural Plan and feedback gathered from the arts, cultural, and general community. Once applications are received, the ACRC will review and rank funding requests based on evaluation criteria approved by the CRA Board during their May 25, 2017 meeting. Following this review, funding requests will be forwarded to the Leon County Tourist Development Council prior to consideration by the CRA Board and final approval by the County and City Commissions.

At this time, CRA staff anticipates opening the application process by the last week of March 2018. This process is consistent with the terms of the CRA Interlocal Agreement and the policy guidance provided by the CRA Board. An update on the ACRC's application/review process and timeline will be provided at the CRA meeting on March 22, 2018. County Tourism staff will continue to work with the ACRC throughout their efforts to identify, evaluate, and recommend proposals for the utilization of the remaining TDT funds.

Based on the mutual support for elements A-E of the proposed restructuring, the City Commission not consenting to the reassignment of the remaining $2.9 million in TDT funds to the County's sole discretion, and the ongoing arts and culture grants process consistent with the Interlocal Agreement, staff recommends proceeding with the CRA restructuring as initially proposed and approved by the Board. Staff will coordinate with the City to prepare an interlocal agreement and any other necessary legal documents to be formally executed by each party as follows:

- March 22nd CRA Meeting: Finding of Necessity to expand the Frenchtown/Southside CRA.
- April 24th County Commission Meeting: Approval of the Interlocal Agreement for the proposed restructuring of the CRA and the Finding of Necessity to expand the Frenchtown/Southside CRA.
- April 25th City Commission Meeting: Approval of the Interlocal Agreement for the proposed restructuring of the CRA.
- May 23rd City Commission Meeting: Public Hearing to adopt the Finding of Necessity to expand the Frenchtown/Southside CRA.
- May 24th, CRA Meeting: Final Adoption of the Interlocal Agreement for the proposed restructuring of the CRA (the final CRA meeting to include County Commissioner participation).

The anticipated schedule provides the County and City the opportunity to review and approve the formal documents so that the financial restructuring can be implemented by the start of FY 2019. County Commissioners' final meeting serving on the CRA Board would be May 24, 2018.

Options:

1. Accept the status update on the proposed restructuring of the Community Redevelopment Agency.
2. Direct the County Administrator to proceed with finalizing the proposed restructuring of the Community Redevelopment Agency, in a form to be approved by the County Attorney, which shall be brought back to the Board for approval on April 24, 2018 and include the following elements:
    A. Discontinue the County's financial contributions to the Downtown CRA District by FY 2024 (final payment to be made in FY 2023).
        i. County increment incentives would continue to be made only for the three recently approved projects (Firestone/Bloxham redevelopment, 4Forty North Apartments, and Washington Square).
    B. Equalize the County's millage rate contribution to the City's millage rate throughout the entirety of the Frenchtown/Southside CRA District starting in FY 2019.
    C. Finalize and approve the boundaries for the proposed Frenchtown/Southside CRA District expansion.

D. Extend the term of the Frenchtown/Southside CRA District from 2030 to 2038.

E. Upon execution of this proposed restructuring, County Commissioners would no longer serve on the governing body of the CRA.

3. Do not accept the status update on the proposed restructuring of the Community Redevelopment Agency and direct the County Administrator to discontinue the proposed restricting until the City agrees to reassign the remaining $2.9 million in Tourist Development Tax funds to the sole discretion of the County.
4. Board direction.

Recommendation:

Options #1 & #2.

Attachments:

1. February 27, 2018 Agenda Item on the Proposed Restructuring of the County's Participation in the Community Redevelopment Agency
2. December 11, 2014 Third Amendment to Interlocal Agreement
3. February 28, 2018 City Commission Agenda Item on the Proposed Restructuring of the County's Participation in the Community Redevelopment Agency
4. May 25, 2017 CRA Agenda Item Regarding the Creation of the Arts and Culture Review Committee

A Call For Proposals
For Tourist Development Tax
Art, Heritage and Culture Funding

To promote and expand arts, heritage, and culture in our community.

Application Guidelines

We are seeking ideas that will build and support culture, heritage and arts in our community, attract tourists to Tallahassee and Leon County, and expand opportunities for creativity.

To accomplish this, the Community Redevelopment Agency, Leon County Commission, Visit Tallahassee, the City of Tallahassee have made $3,000,000 in Tourist Development Tax dollars available to fund applications that accomplish these goals.

So, we want to know:

"What are some BIG ideas that you have that will further enhance and strengthen the art, heritage and cultural community in Tallahassee?"

We want ideas that are sustainable, that will contribute to the quality of life of residents and are inclusive and accessible to all. It could involve expanding your current footprint, connecting with other organizations, or supporting new public art.

Because the funds used to implement the selected applications are Tourist Development Tax funds – all proposals must meet Chapter 125 Florida Statute requirements for the expenditure of bed tax funds, as described below,

- Further local economic development and/or help market the culture and arts in our area,
- Educate the public about the arts, culture or heritage of our community,
- Generate a self-sustaining level of operational revenue.

Additionally, the proposed use/activity/project should be located in one of Tallahassee's two CRA districts. (click the links below to see district maps),

The maximum award amount is Three Million Dollars ($3,000,000) which may be awarded to single or multiple proposals. The reviewing entities reserve the right to allocate those funds in the manner that best meets the stated program criteria.

Purpose: The Tourist Development Tax (TDT) is a local sales tax, authorized and governed by Florida Statute 125.0104. Any award and expenditures of tourist development tax funds must comply with the express authorized use(s) of such funds pursuant to Florida Statutes Section 125.0104. Applicants shall ensure that the proposed use(s) and, if awarded, the actual use of the tourist development tax funds are expressly permitted by Section 125.0104, and shall provide documentation sufficient to substantiate same.

Applicants must demonstrate how the project(s) will enhance Leon County as a tourist destination. The project must have as one of its main features a component which will attract tourists to our area and help generate hotel and motel (lodging) "bed nights" as required by the Local Option Tourist Development Act (as outlined in Section 125.0104 Florida Statutes). (The Tourist Development Council will provide guidance on measurement of this criterion.)

What may be funded:

Project funds may be used to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate or promote certain facilities as authorized by the Local Option Tourist Development Act (as authorized in Section 125.0104, Florida Statutes)("Tourist Development Act") as limited by the Third Amendment to Interlocal Agreement Among the City of Tallahassee, Leon County and the Community Redevelopment Agency of the City of Tallahassee regarding the Creation and Operations of the Downtown District Community Redevelopment Area and the Expansion of any Community Redevelopment Area ("Interlocal Agreement")

For the purposes of this Application the Tourist Development Act authorizes ; Auditoriums, museums, aquariums, or zoological parks that are publicly owned and operated, or, publicly owned but operated by organizations that are exempt from federal taxation pursuant to 26 U.S.C. s. 501 (c)(3); or an activity, service, venue, or event, which has as one of its main purposes the attraction of tourists. Pursuant to the Interlocal Agreement, the funds may also be used for projects, programs, and expenses related to culture, visual arts, and heritage programs; performing arts space, as part of the convention center project; or other performing arts projects. All of these projects must be open to the public and within the boundaries of the Tallahassee Downtown or Frenchtown/Southside CRA Districts.

Who may apply?

1.) The public entity or nonprofit organization must meet the following qualifications:
Nonprofit organizations must:
   a. Be incorporated in and qualified to do business in the state of Florida.
   b. Have tax-exempt status under Section 501(c) subsections (3), (4), (5), (6) or (7) of the Internal Revenue Code. A copy of the most recent IRS determination letter, or a submitted application for same, must accompany the application, to confirm tax-exempt status.
   c. Have a governing board (2 or more members) which meets regularly and operates under a set of bylaws, and has fifty percent (50%) of governing board members residing in Leon County.
   d. Must have a bank checking account confirmed at the time of application.
   e. Whose principal office address, as recorded in the Secretary of State's Office, is in Leon County.
   f. Provide a verifiable certification of the organizations ability to execute the proposed project, including the ability to meet financial demands of the project.

2.) A consortium or alliance of organizations may apply. An applicant organization may not apply under more than one organizational name. One (1) organization must be the lead applicant.

3.) Tax Exempt Status must be confirmed before funding will be awarded.

Process Schedule:

Process Opens/Applications Available:	Monday, March 26th, 2018
Applicant Workshop #1:	2:00 PM, Friday, April 6th, 2018
Applicant Workshop #2:	6:00 PM, Thursday, May 3rd, 2018
Application Deadline:	**4:00 PM, Thursday, May 24th, 2018**
Phase One Review Meeting:	10:00 AM, Friday, May 25th, 2018,
Applicant Notification for Phase One:	By 5:00 PM, Tuesday, May 29th, 2018,
Phase One Cure Period:	Noon, Tuesday, May 29th to 4:00 PM, Tuesday, June 5th, 2018,
ACRC Ph. Two Review Meeting #1:	2:00 PM, Thursday, June 7th, 2018,
ACRC Ph. Two Review Meeting #2:	2:00 PM, Monday, June 11th, 2018
Tourist Development Council Review:	9:00 AM, Thursday, June 21st, 2018
CRA Board Review:	9:30 AM, Monday, July 9th, 2018
County Commission Review:	Tuesday, July 10th, 2018
City Commission Review:	Wednesday, July 11th, 2018
Applicant Notification:	Thursday, July 12th, 2018, via email

PROCESS STRUCTURE & REVIEW CRITERIA

The review process is composed of two phases:

Phase One:

The goal of Phase One is to screen proposals for eligibility as determined by compliance with Florida Statute Chp. 125 and the City/County/CRA interlocal agreement. Proposals that do not meet these entry level standards will not move forward to Phase Two. Staff will verify required documentation, including, but not limited to, project location and active non-profit status.

All application materials must be submitted with the initial application. As shown in the schedule below, there is a one week cure period for minor omissions such as missing signatures. If an application is not complete before the end of the cure period, it will not progress to Phase Two.

Phase Two:

Phase Two utilizes multiple review criteria to identify and score the different benefits offered by each proposal.

Arts Culture Review Committee (ACRC) – The review committee appointed by the Downtown Improvement Authority (DIA), Tourist Development Council (TDC), the City of Tallahassee, Leon County, Knight Creative Community Initiative (KCCI), and the Community Redevelopment Agency Citizens Advisory Committees (CRA CAC) will review and rank the Phase Two applications. The ACRC's recommendations will be forwarded to the Tourist Development Council for review and comment, and to the Leon County Board of County Commissioners, the City of Tallahassee City Commission, and, the Community Redevelopment Agency Board for review and final action.

The review criteria and scoring structure are as follows:

1.) Compliance with the Cultural Plan goal for Funding and Facilities; Provide sustainable public and private funding to preserve and improve arts, cultural and heritage organizations and experiences. (10 Points)

2.) Compliance with the Cultural Plan goal for Economic Development; Position and market the arts, culture and heritage as a strategic partner of Tallahassee/Leon County economic development efforts, through public and private funding for arts, arts organizations and cultural assets. (10 Points)

3.) Compliance with the Cultural Plan goal for Education; Capitalize on the area's art, cultural and heritage attributes to strengthen art, culture and heritage opportunities in schools and the community. (5 Points)

4.) Potential for revenue generation to pay ongoing staffing, operations and maintenance, including organizational capacity and financial stability of applicant(s). (20 Points)

5.) Number of arts/cultural/heritage entities supported by use. (10 Points)

6.) Potential number of citizens/visitors served by use. (criteria to be determined by TDC) (15 Points)

7.) Identifiable need, as demonstrated by unfilled demand such as a completed feasibility study for project. (15 Points)

8.) Impact of location on adjacent uses, both positive and negative. (5 Points)

9) Cost to build; the applicant must ensure that use is buildable before commitment of grant; Excluding the grant amount, any other amount and source of all funds for the proposed project must be disclosed at the time of application. We heavily discourage applicants from including projected amounts and/or anticipated revenue from fundraising or other activities. Only funds identified as "on hand" at the time of application will be considered. Include an explanation of how the funds will be utilized, including amount requested, total project budget, itemized budget. (10 Points)

Funding Restrictions – These funding restrictions are applicable to any grants approved as part of this process.

Funds may not be used for:

(a) Expenses incurred or obligated prior to or after the award period.
(b) Interest or reductions or deficits or loans, fines, penalties or cost of litigation.
(c) Prize money, scholarships, awards, plaques, certificates, or contributions.
(d) Benefits and projects planned primarily for fund raising purposes.
(e) Entertainment and promotions including related expenses such as receptions, food, beverages, flowers, t-shirts.
(f) Projects whose primary purpose is not secular and programs where the primary effect of funding would be to support a religion.
(g) Travel.
(h) Funds from a Leon County or Leon County Tourist Development Council program.
(i) Admissions to cultural programs, exhibits or performances.

(j) Projects that are restricted to private participation, including those programs which would restrict public access on the basis of race, color, national origin, sex, religion, age, marital status, political affiliation, familial status, disability, sexual orientation, pregnancy, or gender identity and expression.
(k) Telemarketing.

Application Guidance

1.) Plan ahead – Applicants are urged to plan ahead and begin preparation of their applications well in advance of the due date for submission. Before starting the writing process, applicants should read the guidelines and instructions carefully and follow them. **Failure to follow instructions could result in disqualification of an application**.

2.) Attend one or both mandatory application workshops. Workshop schedules are shown in the schedule above and will be posted online at http:// Talgov.com. Staff will be available to answer your questions and provide additional information.

3.) Schedule a meeting with a member of the Staff if you would like personal guidance regarding your application.

5.) Check and double check – Applications should be checked carefully to assure that all sections of the application form is complete and the required attachments are provided in the order listed.

6.) Meet the Application Deadline! Submit all information on or before 4:00 PM on Thursday, May 24th, 2018. Late submittals will not be accepted. No exceptions will be made.

7.) When the deadline for submission has passed, there will be a one week cure period from 4:00 PM Tuesday May 29th, 2018 to 4:00 PM, Tuesday, June 5th, 2018. For applications with minor omissions, such as missing signatures. Applicants will not be allowed to submit any information, documents or attachments after expiration of the cure period.

Process Information:
STAFF REVIEW – CRA, TDC and COCA staff will review all applications for completeness.

Arts Culture Review Committee (ACRC) REVIEW – Following determination of eligibility and completion of the cure period, the review committee appointed by the Downtown Improvement Authority (DIA), Tourist Development Council (TDC), the City of Tallahassee, Leon County, Knight Creative Community Initiative (KCCI), and the Community Redevelopment Agency Citizens Advisory Committees (CRA CAC)

will review and rank the applications. A minimum of two review meetings are planned, more will be scheduled if needed.

SCORING –ACRC Review meetings are public. Applicants are encouraged to attend. ACRC Committee members score applications based upon the review criteria listed in the grant program guidelines. Recommended funding recommendations are based upon the applicant's score and funds available.

PROJECT TYPES and REQUIREMENTS – Please note that a broad range of project types are eligible for funding, including events and programs. If the proposed project is a physical facility, priority may be given to projects that are ready for, or have entered, permitting, Ability to demonstrate legal proof of ownership or the right to undisturbed use of leased property for a minimum of 20 years including documentation and written explanation of any easements, covenants, or other conditions affecting the use of the site or facility, or both. The documentation may be in the form of an executed copy of a lease, deed, agreement for deed, title, or copy of a recent tax statement. If the application is for acquisition, the application must include a description of the site or facility, purchase price, and a letter of intent or contract to sell signed by the seller.

APPLICATION REVIEW and APPLICANT Q&A – At the second Phase Two review meeting on Monday June 11th, the ACRC may have a question and answer period with applicants. Please designate a speaker for your project and provide that information to CRA staff at the beginning of the meeting.

FUNDING APPROVAL – The ACRC's recommendations will be reviewed by the Tourist Development Council (TDC) and then presented to the Board of the Community Redevelopment Agency for review and action. The CRA Board will review the Committee and TDC recommendations and vote on funding recommendations. Following CRA Action, the Leon County Commission and the Tallahassee City Commission will also review and vote on the CRA recommendation. All three entities (CRA, City, County) must approve the recommendations for the funding to be granted.

After approval of funding, three (3) copies of a funding agreement will be provided to the grantee for signature. The agreement is a legally binding document between the grantee and the Leon County Tourist Development Council and Community Redevelopment Agency and provides obligations to which both parties are agreeing. Each copy must be signed by the appropriate parties and returned to the CRA and TDC for processing. One copy will be returned to the grantee for their records.

IMPLEMENTATION

Grantees shall implement programs/projects in the manner described in the grant application, subject to local regulation. Prior to implementing any changes in the agreement, grantee must contact the CRA Staff about any modifications in the grant project or program. In published materials and

announcements regarding the funded activity, the grantee must include the proper attribution statement and the TDC, CRA and City logos.

CONCLUSION

Grantees shall submit a Project Evaluation Report to the CRA, and any financial information required by within thirty (30) calendar days after completion of the project or the conclusion of the term of the project/program period, as described in this Agreement. The report form shall be submitted along with other documentation that is required under the Agreement but has not previously been submitted.

PAYMENT

Payment of all grants is on a reimbursement basis and is contingent upon successful completion of the program/project/phase or event. Grantees are required to prepare and submit invoices along with a project narrative and copy of marketing materials demonstrating proper acknowledgment of the funds to the CRA and TDC.

Managing Awards

Administration of the Award – Awardees will be first notified via email by the CRA.

Revisions and Defining Units of Service - Before an Agreement can be issued, awardees are asked to provide updated information regarding changes in the project/program that have been made since the date of the original application. At that time the awardee also will be asked to help define the "units of production or service" that serves as the basis on which the funding will be distributed.

Agreements and Workshop - After submitting revisions awardees are sent an agreement for services which must be signed/executed within one month.

Change Requests – Awardees must keep the CRA Staff informed about any desired changes in the project or program that effect the provisions of the proposal. All changes must be submitted to the CRA for written approval prior to their implementation.

Invoices and Project Evaluation Reporting - Awardees are required to keep accurate records and receipts of funded activity and document such on invoices and final Project Report (Exhibit B) (submitted online) to the county. Payment of all funding is on a reimbursement basis, contingent upon successful completion of the project or program and meeting the requirements of the (contract) agreement.

Insurance Requirements – If insurance is required by the Community Redevelopment Agency or TDC's Risk Management Staff, the awardee shall furnish a Certificate of Insurance or endorsements evidencing the insurance coverages specified by the agreement and such Certificate of Insurance shall be attached and incorporated as part of the agreement. Such required Certificate shall be provided prior to the awardee beginning performance of work under the agreement. The Certificate must name the CRA, Leon County TDC and the City of Tallahassee as additional insured. Please maintain the organization's coverage with your agent by keeping an up-to-date Certificate of Insurance. Failure to provide an up-to-date, or renewed, Certificate could delay the execution of the agreement, and payments, until the insurance requirements are met.

The Correct Use of County Logos and Attribution in Printed Materials – Awardees must give appropriate attribution to the CRA, Leon County TDC, and the City of Tallahassee through use of the CRA logo, and the City of Tallahassee logo, and the Leon County TDC logo in all flyers, programs, brochures, newsletters, direct mail, sponsor recognition, signage, etc. In press releases, only the funding statement is required.

Site Signage: Please note that a sign must be posted at the project location indicating that the above entities funded the project.

Extensions/Waivers – If an awardee is unable to file and project evaluation reports on time, then the organization must request either an extension and /or waiver of the deadline for submission.

Leon County Tourist Development Council

Per Florida Statute 125.0104 the Tourist Development Council is an authorized advisory council to the Leon County Board of County Commissioners

Bo Schmitz, Chairman
Hampton Inn & Suites
Capitol-University

Bryan Desloge
Leon County
Board of County
Commissioners

Scott Maddox
Tallahassee City
Commission

Nancy Miller
Tallahassee City
Commission

Sam Patel
Sleep Inn

Sharon Priester
Hampton Inn & Suites
I-10/Hilton Garden Inn

Russell Daws
Tallahassee Museum
of History & Natural
Science

Michelle Personette
Challenger Learning
Center

Matt Thompson
Madison Social

Leigh Davis
Leon County Parks &
Recreation

Audra Pittman
Council on Culture &
Arts (COCA)

Kerri L. Post
Executive Director
Leon County
Division of
Tourism/Visit
Tallahassee

June 26, 2018

Honorable Community Redevelopment Agency Board
301 South Adams Street
Tallahassee, FL 32301

Honorable Leon County Board of County Commissioners
301 South Monroe Street
Tallahassee, FL 32301

Honorable Tallahassee City Commissioners
300 South Adams Street
Tallahassee, FL 32301

Purpose of Letter: To inform the presiding members of the Community Redevelopment Agency (CRA), Leon County Board of County Commission, and the Tallahassee City Commission who will consider the project recommendations in the CRA's Arts, Culture and Heritage Funding Process utilizing tourist development taxes previously collected for the former performing arts center.

Dear Commissioners:

As the Chairman of the Leon County Tourist Development Council, I would like to express our gratitude for the CRA's leadership in developing and administering the CRA's Arts, Culture and Heritage Funding Process utilizing tourist development taxes previously collected for the former performing arts center. The CRA's Arts Cultural Review Committee (ACRC) evaluated, scored and ranked seven applications in accordance with the application criteria. Mr. Russell Daws was the TDC's representative appointed to the ACRC. The Committee's project and funding recommendations were presented to the TDC for review and comment at a special meeting on June 21, 2018 as follows:

- Le Moyne Gallery: $1,995,598
- John Gilmore Riley House Museum: $183,423
- Big Bend CDC: $820,978

Following extensive discussion on the recommendations and process, several TDC members expressed disappointment that a performing arts space/venue will not be realized through this process and therefore a significant community need will remain unfulfilled. As this was a one-time-only funding opportunity, many TDC members expressed expectations for one project to be transformative for the community. The thoughtful discussion resulted in the following statement:

"General consensus is that it was a diligent process and we thank the CRA for the opportunity to have a representative on the committee (ACRC). We thank the committee for their hard work. The TDC hoped that the remaining funds from the performing arts dollars that were originally collected from hotel bed tax would be utilized for a publicly owned space, that is operated by a non-profit, and would be transformative for our community. That is not the case and we are not excited by the outcome, however should the CRA elect to move forward we think accountability is important in the fundraising goals and timeline for construction."

Best regards,

T. Bo Schmitz
Chairman, Leon County Tourist Development Council
General Manager, Hampton Inn & Suites Capitol-University

cc: Leon County Tourist Development Council Members
Vincent S. Long, County Administrator
Reese Goad, Interim City Manager
Ken Morris, Asst. County Administrator
Wayne Tedder, Asst. City Manager
Kerri L. Post, Executive Director, Leon County Division of Tourism/Visit Tallahassee

Leon County
Board of County Commissioners

Notes for Agenda Item #25

Leon County Board of County Commissioners

Agenda Item #25

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Options to Establish and Support a Children's Services Council Planning Committee

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Heather Peeples, Special Projects Coordinator Sara Pratt, Management Intern

Statement of Issue:

This item seeks Board direction regarding the establishment and support of a Children's Services Council (CSC) Planning Committee in anticipation of placing the establishment of an independent Children's Service Council district on the November 2020 General Election ballot.

Fiscal Impact:

Pending Board direction, this item may have a fiscal impact. An independent consultant selected to staff and support a Children's Services Council Planning Committee is estimated to cost $75,000. Funds are available in the General Fund contingency account (Attachment #1); however, utilizing County staff to support the committee has no additional direct costs.

Staff Recommendation:

Option #3: Board direction.

Report and Discussion

Background:

On February 27, 2018, the Board directed staff to prepare an agenda item to consider placing on the 2018 General Election ballot, the question of establishing an independent Children's Services Council (CSC), a special district with taxing authority for the purpose of providing funding for children's services throughout the County, for consideration by the local electorate.

The requested agenda item was presented at the March 27, 2018 meeting and included a proposed Ordinance establishing an independent CSC upon voter approval (Attachment #2). The Board approved ballot language that does not prescribe terms of reauthorization, thereby automatically requiring reauthorization after 12 years in accordance with Florida law. During the March 27th meeting, the Board also directed staff to prepare an agenda item providing an overview of existing research relative to issues impacting children in Leon County, approaches regarding a possible education and information program, and options for the County's support during the CSC's first year of operation. The agenda item was presented to the Board on May 22, 2018 and included an aggregation of available data points that are common indicators of child well-being and presented a comparison of Leon County to the State of Florida (Attachment #3). In addition, the Board approved scheduling the first and only public hearing for the proposed Ordinance on June 19, 2018.

The Board held its first and only public hearing for the proposed Ordinance on June 19, 2018, in which the Board voted to place a referendum to establish an independent CSC on the 2020 General Election ballot.

At the June 19, 2018 meeting, the Board also requested that staff prepare an agenda item for July 10, 2018 to include options for the establishment and support of a Children's Services Council Planning Committee in anticipation of the 2020 referendum.

Analysis:

During the June 19, 2018 meeting, the Board discussed several options for establishing and staffing a proposed CSC Planning Committee, which would be responsible for developing a plan for a future Leon County Children's Service Council if approved by the voters. The following analysis outlines the two types of committees discussed by the Board (Board-established or independent) and provides several options for staffing support.

Option #1: Board-Established CSC Planning Committee

The first option is to establish the CSC Planning Committee as a County committee appointed by the Board. This option is being recommended by *Our Kids First*, which has prepared a detailed proposal for structuring and staffing the Committee as well as a work plan for compiling a final report to be presented to the Board in December 2019 (Attachment #4).

Committee Structure & Membership: Under this option, the Committee would be a Board-Established Decision Making Committee subject to Leon County Policy No. 03-15, *Board-Appointed Citizen Committees* (Attachment #5), as well as, state sunshine laws. Under this

structure, no two committee members would be able to discuss any business that will come before the committee outside of a publicly noticed meeting.

County Policy defines a Board-Established Decision Making Committee as a "Citizen Committee that provides recommendations regarding matters to be considered for Board approval and is intended to become part of the Board's decision-making process or otherwise makes decisions independent of the Board in accordance with its governing documents." In order to establish this type of Committee, the Board would be required to adopt an Enabling Resolution outlining the Committee's structure, membership, and charge (Attachment #6).

Our Kids First is recommending the Committee be composed of 20 members, including 15 Leon County community members and five (5) statutory members that would be required by Florida Statute to serve on an independent Children's Services Council if approved by the voters in 2020. As part of their proposal, *Our Kids First* has put forth the following recommended list of individuals to serve on the CSC Planning Committee:

Statutory Members

- Judge John Sjostrom, Chief Judge of the 2nd Judicial Circuit of Florida
- Superintendent Rocky Hanna, Leon County Schools
- The Department of Children and Families District Administrator, or his or her designee
- One (1) School Board Member, as appointed by the Leon County School Board
- One (1) County Commissioner, as appointed by the full Board

Community Members

- Sheriff Walt McNeil, Leon County Sheriff's Office
- State Attorney Jack Campbell, Second Judicial Circuit of Florida
- Monesia Brown
- Mark O'Bryant
- Reverend Julius McCallister
- Jim Croteau
- Kim Williams
- Dr. Alma Littles
- Tom Derzypolski
- Lila Jaber,
- Mimi Graham
- Jay Reeves
- Nancy Daniels
- Lew Shelly
- Derrick McGhee

If the Board chooses to approve the members proposed by *Our Kids First*, County staff will coordinate with the Leon County School Board and the Florida Department of Children and Families to appoint a member. Staff will reach out to each member to complete the necessary orientation and disclosure forms. Additionally, one County Commissioner would need to be appointed by the full Board.

Staffing Support: During the June 19, 2018 meeting, the Board discussed two possible staffing options for this type of Committee: (1) issuing a request for proposals (RFP) for staffing services or (2) utilizing existing Leon County staff and resources.

- *Issue an RFP for Staffing Services*

  As recommended by *Our Kids First*, this option considers the Committee being staffed by an outside consultant selected through the County's competitive procurement process. Should the Board wish to pursue this option, staff recommends that the Board authorize the County Administrator to issue an RFP for staffing services. The scope of services contained in the RFP would be based upon *Our Kids First* proposed work plan. An RFP evaluation committee consisting of members from the CSC Planning Committee and County staff would be appointed by the County Administrator. Based upon the recommendation of the RFP evaluation committee, the Board may wish for the County Administrator to negotiate and enter into a contract or bring back a future agenda item for the Board to award the contract.

  In accordance with the work plan provided by *Our Kids First*, the RFP will solicit a part-time consultant to conduct research and provide staffing support to the committee for nine meetings to be held over a nine-month period. Based upon similar County contracts for consulting/staffing services, the total cost of staffing services for the CSC Planning Committee is estimated to not exceed $75,000. Funds are available in the County's General Fund Contingency account to contract for staffing services (Attachment #1).

  In addition to the services provided by the outside consultant, County staff would work directly with the consultant to ensure all State and local requirements for a Board-established committee are met.

- *Utilize Existing Leon County Staff and Resources*

  Should the Board choose to utilize existing Leon County staff and resources to support the CSC Planning Committee, the County Administrator will assign a staff support person. The assigned staff will conduct research, coordinate meetings, prepare materials and implement *Our Kids First* draft work plan. The assigned staff person will ensure all State and local requirements for a Board-established committee are met.

<u>Option #2: Independent CSC Planning Committee</u>

An alternative option discussed by the Board during the June 19th meeting, is to support *Our Kids First* in establishing an independent CSC Planning Committee and provide funding for staffing services.

Committee Structure & Membership: Under this option, the development of a plan for a future CSC in Leon County would continue to be a community-led initiative. *Our Kids First* would establish a CSC Planning Committee independent from the Board of County Commissioners. This approach ensures the Committee's independence by keeping the development of a plan "at arm's length" from County government. The membership of the Committee would still be the 20 members proposed by *Our Kids First*. The Board of County Commissioners would still select one County Commissioner to serve on the committee. As this is not a County appointed committee, the members would not be subject to sunshine laws;

however, the committee could continue to ensure transparency and accessibility by public noticing and conducting all of their meetings in the sunshine.

Staffing Support: In order to ensure the community-led effort maintains independence from the County, the Independent CSC Planning Committee may choose to operate without any additional staffing support from the County. However, the Board may choose to provide an Independent CSC Planning Committee with funding to hire a consultant to staff the committee. Should the Board wish to pursue this option, the County could act as the fiscal agent and enter into an agreement with a consultant or organization selected by the CSC Planning Committee. Any funding provided can only be used for research/education and staffing of the committee in developing the proposed plan, but cannot be used to advocate for the referendum's passage.
In considering hiring an outside consultant, just one option to provide staffing support to the CSC Planning Committee is the Florida Children's Council. The non-profit organization is the statewide association for Children's Services Councils throughout the state of Florida. The association is conveniently located in Tallahassee and has the knowledge, access to resources, and expertise to staff this independent committee. If mutually agreeable, County funding could be utilized to pay for a contract with the association to provide this support. Alternatively, *Our Kids First* could pick any organization or consultant qualified to provide staffing services. It should be noted that this is not the option which is being recommended by *Our Kids First.*

Conclusion

The options presented offer two distinct approaches. First, establishing a Board appointed committee and have the County take further reasonability for the establishment and creation of the CSC. Second, allowing the committee to continue to operate as an independent citizen-led initiative and having the County remain at "arm's length" from the process. While this item outlines two specific options for establishing and staffing a CSC Planning Committee, the Board may wish to consider other alternatives or take no additional action at this time.

Rest of page intentionally left blank

Options:

1. Approve the Enabling Resolution creating a ***Board-Established*** Children's Services Council Planning Committee and:

    a. Confirm appointments to the Children's Services Council Planning Committee as recommended by *Our Kids First*.

    b. Appoint one Commissioner to the Children's Services Council Planning Committee.

    For staffing support, the Board may wish to select either c or d below:

    c. Authorize the County Administrator to issue an RFP for staffing services and negotiate and execute an agreement in a form approved by the County Attorney with the top ranked consultant. Approve the attached Budget Amendment appropriating up to $75,000 from the General Fund contingency account.

    OR

    d. Utilize County staff and resources to support the Committee.

2. Support *Our Kids First* in establishing an ***independent*** Children's Services Council Planning Committee and:

    a. Appoint one Commissioner to the Children's Services Council Planning Committee.

    For staffing support, the Board may wish to select either b or c below:

    b. Authorize the County Administrator to execute an agreement, in a form approved by the County Attorney, for staffing services with a consultant or organization selected by the committee and act as the fiscal agent for the agreement. Approve the attached Budget Amendment appropriating up to $75,000 from the General Fund contingency account.

    OR

    c. Provide no additional support for the independent Children's Services Council Planning Committee at this time.

3. Board direction.

Recommendation:

Option #3: Board direction.

Attachments:

1. Budget Amendment Request
2. March 27, 2018 Agenda Item, "Request to Schedule the First and Only Public Hearing for April 10, 2018, to Consider an Ordinance to Establish an Independent Children's Service Council District Upon Voter Approval at the November 6, 2018 General Election" (without attachments)

3. May 22, 2018 Agenda Item, "Report on the Establishment of an Independent Children's Service Council District" (without attachments)
4. *Our Kids First* Proposal for the CSC Planning Committee
5. Leon County Policy No. 03-15, *Board-Appointed Citizen Committees*
6. Enabling Resolution Creating a Board-Established Children's Services Council Planning Committee

FISCAL YEAR 2017/2018
BUDGET AMENDMENT REQUEST

No: BAB18031
Date: 6/28/2018

Agenda Item No:
Agenda Item Date: 7/10/2018

County Administrator

Vincent S. Long

Deputy County Administrator

Alan Rosenzweig

Request Detail:

Revenues

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

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
001	990	59900	599	General Fund Contingency	124,850	(75,000)	49,850
001	820	58200	519	Aids to Private Organizations	33,500	75,000	108,500

Purpose of Request:

This budget amendment allocates $75,000 from the General Fund Contingency for contractual staffing services to assist the Children's Services Council Planning Committee.

Group/Program Director

Budget Manager

Scott Ross, Director, Office of Financial Stewardship

Approved By: **Resolution** ☐ **Motion** ☒ **Administrator** ☐

BUDGET "OPERATING" CONTINGENCY RESERVES
CONTINGENCY FUND UPDATE (FY 2017/18)

			GENERAL FUND 001-990-59900-599	Beginning Balance: **$200,000.00**
No.	APPROVAL DATE	AGENDA DATE	AMENDMENT TITLE	BALANCE
1		14-Nov-17	Installation of a Historical Marker at the Leon County Fairgrounds	$1,100
2		12-Dec-17	Renaming of the Leon County Courthouse Annex in Honor of Retiring Circuit Judge Charles A. Francis	$9,000
3				
4		27-Feb-18	Cyber Security Monitoring for County Computer Network	$41,450
5		27-Feb-18	Commissioner Desloge Harvard Kennedy School Executive Edu.	$16,100
6		27-Mar-18	Over the Edge-Tallahassee	$2,500
7		19-Jun-18	Tallahassee-Leon County Housing Leadership Council	$5,000
8		***10-Jul-18***	***Be The Solution, Inc.***	***$16,626***
9		***10-Jul-18***	***Staffing Services for the Children's Services Council Planning Committee***	***$75,000***
10				
13				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

Bold, Italic items are pending Board Approval

USAGE TO DATE (TOTAL AMENDMENTS)	**$166,776.00**
ENDING BALANCE	**33,224.00**
END BALANCE AS % OF BEGIN BALANCE	**17%**
USAGE BALANCE AS % OF BEGIN BALANCE	**83%**

Leon County Board of County Commissioners

Agenda Item #13

March 27, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Request to Schedule the First and Only Public Hearing for April 10, 2018, to Consider an Ordinance to Establish an Independent Children's Service Council District Upon Voter Approval at the November 6, 2018 General Election

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Heather Peeples, Special Projects Coordinator Nicki Paden, Management Analyst Sara Pratt, Management Intern

Statement of Issue:

As requested by the Board during the February 27, 2018 meeting, this agenda item seeks approval to schedule the first and only public hearing on April 10, 2018 at 6:00 p.m. to consider an ordinance creating an independent special district to fund children's services throughout Leon County upon voter approval at the November 6, 2018 General Election (Attachment #1).

Fiscal Impact:

This item does not have a fiscal impact. However, if approved by the voters in November, the Children's Services Council could levy up to 0.5 mills annually beginning in FY2020 (October 1, 2019). The 0.5 mills would generate approximately $8.0 million. The levying of the millage and expenditure of the funds would be solely at the discretion of the newly created independent special district.

Staff Recommendation:

Option #5: Board direction.

Report and Discussion

Background:

During the February 27, 2018 meeting, the Board directed staff to present an agenda item for consideration of a 2018 General Election ballot that establishes an independent special district with taxing authority for the purpose of providing funding for children's services throughout the county. Section 125.901, Florida Statutes provides counties with the authority to create this type of independent special district by ordinance upon approval by the local electorate to annually levy ad valorem taxes not to exceed the maximum of 0.5 mills (Attachment #2).

Florida law states that a Children Services Council (CSC) is granted the power to allocate tax revenue to provide and maintain preventive, developmental, treatment, and rehabilitative services for children as well as any other children's services needed for the general welfare of the county.

Once an independent special district is established, the Board of County Commissioners has limited oversight and authority. Per Section 125.901, Florida Statutes, the CSC must provide the board with an annual report, quarterly financial reports, and an annual budget. However, Florida Statute states that the CSC's budget shall not be subject to change or modification by the governing body of the county or any other authority. The Board of County Commissioners does have the authority to dissolve a district by ordinance upon approval of the electorate. To do this, the county must first obligate itself to assume the district's debts, liabilities, contracts, and outstanding obligations within the total millage available to the county.

In May 1989, the Board of County Commissioners appointed 26 citizens to a Children's Services Committee charged with studying children's issues, identifying needs, finding areas of duplication, and presenting a final report with recommendations. The Committee's Final Report (Attachment #3) found that insufficient resources were available and recommended that an independent special district be established to provide dedicated funding for children's services. The Board accepted the Committee's recommendation, adopted the necessary ordinance to establish a district (Attachment #4), and called for a special election to grant the CSC authority to level ad valorem tax. A special election was held on May 8, 1990, and the referendum failed with 67% of voters opposed.

The proposed Ordinance included as Attachment #1 will create Children's Services Council district upon voter approval at the November 6, 2018 General Election.

Analysis:

Florida Statute 125.901 provides Counties the authority and process to establish independent special districts for children's services. Currently, there are eight Florida counties with an independent special district for children's services: (1) Broward; (2) Hillsborough; (3) Martin, (4) Miami-Dade, (5) Okeechobee, (6) Palm Beach, (7) Pinellas, (8) and St. Lucie. As show in Table 1, these districts vary in age, structure, and the amount of annual tax revenue collected for services.

Table 1: Comparative Summary of Independent Special Districts for Children's Services

County	Name	Year Est.	Membership	Millage Rate	Annual Ad Valorem Taxes
Broward	Children's Services Council of Broward County	2000	11 Members*: (6) Ex-officio members; (5) Members appointed by the Governor	0.4882	$75.9 million
Hillsborough	Children's Board of Hillsborough County	1988	10 Members: (5) Ex-officio members; (5) Members appointed by the Governor	0.4589	$32.9 million
Martin	Children's Services Council of Martin County	1988	10 Members: (5) Ex-officio members; (5) Members appointed by the Governor	0.3618	$7.2 million
Miami-Dade	The Children's Trust of Miami	1988	33 Members: (22) Ex-officio members; (4) Members-at-large, as appointed by a majority of the sitting members; (7) Members appointed by the Governor	0.5	$121 million
Okeechobee	The Children's Trust of Okeechobee County	1990	10 Members: (5) Ex-officio members; (5) Members appointed by the Governor	0.4000	$624,683
Palm Beach	Children's Services Council of Palm Beach County	1986	10 Members: (5) Ex-officio members; (5) Members appointed by the Governor	0.659**	$113 million
Pinellas	Juvenile Welfare Board of Pinellas County	1945	11 Members*: (5) Ex-officio members; (6) Members appointed by the Governor	0.8981**	$61 million
St. Lucie	Children's Services Council of St. Lucie County	1990	10 Members: (5) Ex-officio members; (5) Members appointed by the Governor	0.4765	$8 million

* Broward and Pinellas County were permitted by a special act of the Legislature in 2003 and 2004 respectively to modify the number of members serving on their CSC.

** Palm Beach and Pinellas County were permitted by a special act of the Legislature in 2000 and 2003 respectively to levy up to 1.0 mill upon voter approval.

In 1945, the Florida Legislature passed a local bill establishing the first CSC in Pinellas County known as the Juvenile Welfare Board. The most recent CSC to be established was in Broward County in 2000. Broward's CSC was similarly established by a local bill rather than an ordinance, which is not the case in most counties. The majority of CSC's have set a millage rate of between 0.3 mills and the maximum of 0.5 mills; however, two counties (Palm Beach and Pinellas) were permitted by a special act of the Legislature to levy up to 1.0 mill upon voter approval.

Pursuant to Florida Statute, each CSC has the power to collect information and statistical data to help identify the needs of children and to allocate funds to other local agencies providing services. Local governments are eligible to receive funding from the CSC; however, Section 125.901, Florida Statutes prohibits the public school system and any agencies under the school system's exclusive jurisdiction from receiving funds. All of the existing CSCs have implemented a competitive grant program to fund children's services, and some larger CSCs have also developed their own programs to directly provide services. The types of services funded through CSCs include but are not limited to:

- early childhood education
- literacy and tutoring programs
- drop-out and juvenile crime prevention programs
- youth employment
- counseling for expectant parents
- afterschool and enrichment programs
- distribution of meals and schools supplies
- healthcare services such as mental health and substance abuse counseling, dental services, hearing and vision screenings, developmental screenings for children with special needs, and outreach to promote enrollment in Florida's KidCare Program.

The most recent annual report for each CSC is included as Attachments #5-12 and provides additional information regarding the types of organizations and services that receive funding.

Children's Services Council Structure
Per Section 125.901, Florida Statutes, for charter counties an independent special district for children's services is governed by a CSC composed of either 10 members or 33 members. As noted in the comparative analysis, the majority of the CSC's are governed by a 10-member body consisting of the following members:

- The superintendent of schools;
- A school board member as appointed by the school board;
- The Department of Children and Families District Administrator, or his or her designee;
- A judge assigned to juvenile cases as appointed by the chief judge;
- A county commissioner as appointed by the board of county commissioners; and
- Five (5) members appointed by the Governor from candidates nominated by the board of county commissioners to serve a four-year term.

Board of County Commissioners in a home rule charter county may alternatively choose to establish a CSC composed of 33 members (Attachment #1). Currently, only Miami-Dade County has chosen to adopt a 33-member structure for its CSC. Several of the ex-officio positions on a 33-member CSC do not exist in Leon County, such as the county mayor and county municipal league representative. Consequently, staff recommends the 10-member structure for the CSC should the Board wish to proceed with scheduling a public hearing on April 10, 2018.

Terms of Reauthorization
For counties seeking to establish an independent special district after 2010, the Board of County Commissioners has three options regarding the terms of reauthorization of the CSC:

- Specify in the initial referendum that the district is not subject to reauthorization and would remain in place until and unless repealed by the voters.
- **OR**, specify in the initial referendum the number of years for which the initial authorization shall remain effective.
- **OR**, if the referendum does not prescribe terms of reauthorization, the county is required to submit the question of retention or dissolution to the electorate in the general election 12 years after the initial authorization.

There is no comparative analysis for how other Counties address terms of reauthorization as Florida Statutes provides different procedures for children's services councils established prior to 2010 (all eight existing CSC's were established prior to 2010). However, the Alachua County Board of County Commissioners is also considering establishing a children's' services council and has approved placing a referendum on the November 6, 2018 ballot. Alachua's referendum does not specify terms of reauthorization (Attachment #13). Therefore, if the referendum is approved by their voters, Alachua County will be required to reauthorize its district in twelve years or 2030 (Attachment #2).

Should the Board wish to proceed with scheduling a public hearing on April 10, 2018, the preferred terms of reauthorization will need to be established for the referendum.

First Year of Operation, Staffing and Funding
According to Florida Statute, once a referendum for an independent special district is approved and members are appointed to a CSC:

> …the children's services council must identify and assess the needs of the children in the county served by the council and submit to the governing body of each county a written description of:
>
> a) The activities, services, and opportunities that will be provided to children.
> b) The anticipated schedule for providing those activities, services, and opportunities.
> c) The manner in which children will be served, including a description of arrangements and agreements which will be made with community organizations, state and local

educational agencies, federal agencies, public assistance agencies, the juvenile courts, foster care agencies, and other applicable public and private agencies and organizations.

d) The special outreach efforts that will be undertaken to provide services to at-risk, abused, or neglected children.

e) The manner in which the council will seek and provide funding for unmet needs.

f) The strategy which will be used for interagency coordination to maximize existing human and fiscal resources.

The CSC must also go through the process of adopting a millage rate and budget in accordance with Florida's the Truth in Millage (TRIM) Act. As shown in the attached timeline (Attachment #14), accomplishing these statutory requirements will take approximately one year. During this time, the CSC will not collect tax revenue and consequently would not be able to hire staff without assistance from the County.

To remedy the issue, Florida law permits the Board of County Commissioners to fund the CSC during its first year of operation which may include financial and/or staffing support. The financial support may be provided in the form of a loan. Other counties with a CSC have granted loans ranging from $5,000 to $500,000. Some of CSC's have utilized the loans to hire staff. Most counties have chosen to utilize staffing support from the offices of the County Administrator and County Attorney during their initial startup period. Should the Board wish to provide these resources, an interlocal agreement with the CSC would be established.

Fiscal Analysis and Impacts
As an independent special district, the CSC would have the authority to levy up to 0.5 mills annually. The first year of property tax collection would begin in FY2020 (October 1, 2019). The amount of property tax collection would be impacted by the passage of the additional $25,000 homestead exemption referendum in November 2018. Table 2 shows the estimated amount of revenue at three different mileage rate increments with and without the impact of the additional homestead exemption. The actual millage rate would be established annually by the CSC. Projected revenues reflect estimated property value growth at 4% per year from FY 2018.

Table 2: Possible Millage Rates and Revenue Scenarios for the CSC Taxing Authority

Millage Rate	**0.125**	**0.25**	**0.5**
Revenue Without Passage of Additional Homestead Referendum (1)	$2,003,129	$4,006,257	$8,012,515
Revenue With Passage of Additional Homestead Property Referendum (1) (2)	$1,884,379	$3,768,757	$7,537,515

(1) Revenues reflected at 95% of collections as required by Florida Statute
(2) Revenues adjusted for a loss of $1.0 billion in taxable value due to passage of additional property tax referendum

It is important to note that, in addition to a potential new CSC millage rate, the Board has approved a fiscal plan that contemplates an increase to the Countywide millage rate by 0.4 mills to address the impacts of the proposed new homestead exemption. The Board's fiscal plan to address the $7.2 million in lost property tax revenue in FY 2020 includes two primary strategies. The first strategy is to address payments to the Downtown CRA and save the County $1.4 million. This strategy has been approved by both the City and County and is in the final stages of negotiation. The second strategy is to increase the countywide millage rate by 0.4 in FY 2020. This will raise an additional $5.8 million and offset the balance of the reduced revenue.

As discussed during last year's budget development, if the referendum passes, the additional $25,000 exemption for a homestead property owner with taxable values greater than $150,000 will see $208 in annual savings. Table 3 shows the impact of a possible CSC property tax on an average single family homestead property assuming the property tax referendum passes.

Table 3: Impact to an Average ($159,000) Homesteaded Property of Children Services Council Taxing Authority in Conjunction with Implementation of County Fiscal Plan

CSC Millage Rate	**0.125**	**0.25**	**0.50**
Savings from Additional Homestead Exemption	$208.00	$208.00	$208.00
Increase from Children Services Council Millage	($10.50)	($21.00)	($42.00)
Increase from County Fiscal Plan (0.4 mills)	($34.00)	($34.00)	($34.00)
Total Savings	$163.50	$153.00	$132.00

If the CSC levied a millage without the property tax exemption being approved, the impact may range from $10.50 to $42.00 depending on the millage rate; the actual millage rate will be established annually by the CSC. However, if the homestead exemption passed, the additional $25,000 exemption provides the average homeowner $208.00 in savings. As reflected in the table, the average homeowner would still have a net savings with the possible 0.4 mills levied by the County and 0.5 mills levied by a new CSC.

Non-homesteaded property owners do not benefit from the exemption and any tax increase depends upon the property's taxable value (e.g. a 0.50 mill increase for $150,000 taxable value results in a $75.00 annual or $6.25/monthly increase in property taxes.)

Dependent Special Districts for Children's Services
An alternative approach to funding children's services is the establishment of a dependent special district. Section 125.901, Florida Statutes, authorizes each county to create by ordinance a dependent special district for the purpose of providing preventive, developmental, treatment, and rehabilitative services for children. The district would be staffed by the county and funding for the district would be provided as part of the county's annual budget. The district would be governed by a CSC charged with making funding recommendations to the Board of County

Commissioners. The district would also be authorized to seek grants and accept donations to fund children's services, provided that the district's budget requires approval by the Board of County Commissioners or may be vetoed by the Board.

Attachment #15 compares the four (4) counties currently operating a dependent special district to fund children's services: (1) Duval; (2) Indian River; (3) Lake; and (4) Manatee.

Conclusion
Should the Board wish to proceed, the next required step is to schedule a public hearing to consider an ordinance establishing an independent Children's Service Council district upon voter approval. Once at public hearing, a simple majority vote is required to adopt the ordinance for placing a referendum on the November 6, 2018 General Election ballot.

As stated previously, the Board of County Commissioners has limited oversight and authority over a CSC once established. However, a County Commission does have the authority to determine the CSC's structure, the terms of reauthorization for the independent special district, and interim staffing and funding provided to the CSC in its first year before it is able to collect tax revenue.

Options:

1. Schedule the first and only public hearing for April 10, 2018, to consider an Ordinance to establish an independent Children's Service Council district upon voter approval at the November 6, 2018 General Election and direct staff to prepare ballot language specifying that the district *is not subject to reauthorization.*
2. Schedule the first and only public hearing for April 10, 2018, to consider an Ordinance to establish an independent Children's Service Council district upon voter approval at the November 6, 2018 General Election and direct staff to prepare ballot language *specifying the number of years for which the initial authorization shall remain effective.*
3. Schedule the first and only public hearing for April 10, 2018, to consider an Ordinance to establish an independent Children's Service Council district upon voter approval at the November 6, 2018 General Election and direct staff to prepare ballot language *that does not prescribe terms of reauthorization, thus requiring reauthorization in the 2030 General Election in accordance with Florida law.*
4. Do not schedule first and only public hearing for April 10, 2018, to consider an Ordinance to establish an independent Children's Service Council district upon voter approval at the November 6, 2018 General Election
5. Board direction.

Recommendation:

Option #5.

Attachments:

1. Proposed Ordinance
2. Section 125.901, Florida Statutes
3. 1990 Children's Services Committee Final Report
4. Leon County Ordinance 90-13, Children's Services District and Council
5. Children's Services Council of Broward County 2016 Annual Report
6. Children's Board of Hillsborough County 2016 Annual Report
7. Children's Services Council of Martin County 2016 Annual Report
8. The Children's Trust of Miami-Dade County 2017 Annual Report
9. Children's Services Council of Okeechobee County 2017 Annual Report
10. Children's Services Council of Palm Beach County 2017 Funding Report
11. Juvenile Welfare Board of Pinellas County 2018 Budget
12. Children's Services Council of St. Lucie County 2017 Annual Report
13. Alachua County Ordinance for the Creation of a Countywide Independent Special District to Provide Children's Services
14. Timeline of the First Year of Operation
15. Comparative Summary of Dependent Special Districts for Children's Services

Leon County Board of County Commissioners

Agenda Item #23

May 22, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Report on the Establishment of an Independent Children's Service Council District

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Heather Peeples, Special Projects Coordinator Sara Pratt, Management Intern

Statement of Issue:

As requested by the Board during the March 27, 2018 meeting, this agenda item provides an overview of existing research relative to issues impacting children in Leon County, possible approaches regarding an education and information program, and options for the County's support during a Children's Services Council's first year of operation.

Fiscal Impact:

This item does not have a fiscal impact. However, if approved by the voters in November, the Children's Services Council could levy up to 0.5 mills annually beginning in FY 2020 (October 1, 2019). The 0.5 mills would generate approximately $8.0 million. The levying of the millage and expenditure of the funds would be solely at the discretion of the newly created independent special district.

Staff Recommendation:

Option #1: Accept the report on the establishment of an independent Children's Service Council District.

Report and Discussion

Background:

As requested by the Board during the March 27, 2018 meeting, this agenda item provides an overview of existing research relative to issues impacting children in Leon County, approaches regarding a possible education and information program, and options for the County's support during a Children's Services Council's (CSC) first year of operation.

During the March 27th meeting, staff presented an agenda item including a proposed Ordinance establishing an independent CSC district upon voter approval. The Board directed staff to schedule the first and only public hearing for the proposed Ordinance on June 19, 2018 and directed staff to bring back an agenda item at the Board's May 22, 2018 meeting to include the requested information.

Since the Board's last meeting, the City Commission has adopted a resolution supporting Leon County's proposed Children's Services Council Ordinance (Attachment #1). Also in this time, a local political committee called *Our Kids First* formed to advocate for the establishment of a CSC in Leon County.

Analysis:

Following an overview of existing research relative to issues impacting children in Leon County, the analysis section concludes with possible approaches regarding an education and information program, and options for the County's support during a Children's Services Council's first year of operation.

Executive Summary: Existing Research Relative to Issues Impacting Children in Leon County

Over 30 reports are cited in this item, but many other reports focusing on various issues impacting children at the national, state, and local level are available. The reports included in this agenda item were selected based on several criteria. First, reports were selected because they provided the most current data or were published by organizations that regularly gather data allowing for trends to be identified. Second, reports with comparative data at the state and county level were also selected. As a result, the majority of the reports included in this item were prepared by state and federal agencies. Additionally, reports from community stakeholder groups and nonprofits that focus on children's issues are presented in the item. These reports often utilize the same state/federal data, but also include recommendations for improving outcomes for children and families.

From each of these reports, common indicators of child well-being were selected and are presented across four categories: (1) Economic Well-being, (2) Education, (3) Health, and (4) Family & Community. These categories are based on *Kids Count*, a project of the Annie E. Casey Foundation to track the well-being of children in the United States.

Economic Well-being: Eleven indicators of economic well-being were identified for this agenda item, and Leon County outperformed or was consistent with the State in all but three: (1) child poverty, (2) percent of those eligible receiving Women, Infants, and Children (WIC)

services, and (3) the percent of single male households with children living below the Asset Limited, Income Constrained, Employed (ALICE) threshold.

Education: Twelve indicators of educational achievement were selected for this agenda item, and Leon County outperformed or was generally equivalent to the State in all categories. In addition to the comparative analysis, there are several specific recommendations for improvement from the 2017-2018 Leon County Schools Title I Advisory Council report, including: strengthening and increasing access to school readiness programs, providing parent skills/support programs, and establishing community partnerships with nonprofit organizations to better serve students' needs in a coordinated and timely manner.

Health: Fourteen indicators of physical and mental health were selected for this agenda item, and Leon County outperformed or was consistent with the State in five indicators: (1) tobacco use, (2) suicides ages 12-18, (3) teen pregnancies, (4) overweight or obese middle and high school students, and (5) physically active middle and high school students.

Leon County did not perform as well as the rest of the State in the remaining nine indicators: (1) Baker Act involuntary examinations for children under the age of 18; (2) drug and alcohol use, (3) hospitalizations for self-inflicted injuries, (4) motor vehicle crashes, (5) motor vehicle crash deaths, (6) infant deaths, (7) deaths ages 5-9, (8) bacterial STDs ages 15-19, (9) kindergarten immunizations.

In addition to the comparative analysis, the Florida Department of Health's 2018 Leon County Community Health Assessment identified the following as priority public health issues in Leon County related to children:

- Early Childhood Education
- After-School Programs/Tutoring
- Social Marketing Of Health Promotion
- Maternal and Child Health
- Breastfeeding
- Access to Prenatal Care
- Access to Mental Health Services
- Access to Healthy Foods
- Physical Activity

Family & Community: Fourteen indicators of family and community well-being were identified for this agenda item, and Leon County outperformed or was consistent with the State in eight of the indicators. Leon County did not perform as well as the rest of the State in the remaining seven indicators: (1) grandparents acting as child guardians, (2) total juvenile arrests, (3) juvenile arrests/contacts for burglary, (4) juvenile arrests/contacts for grand larceny, (5) juvenile arrests/contacts for auto theft, (6) school-related arrests.

Statewide Rankings: In addition to the individual reports and indicators provided in this agenda item, child well-being rankings for each of Florida's counties are provided by Florida's division of *Kids Count*, which is overseen by Department of Child and Family Studies at the University of South Florida. According to their 2018 Florida Child Well-Being Index, **Leon County ranked 10th out of 67 counties** in the State for child well-being (Attachment #2). However, while Leon County is ranked relatively high, the comparisons are being made to **Florida which**

had an overall rank of 40th in the nation according to the Annie E. Casey Foundation 2017 *Kids Count* project (Attachment #3). Table #1 shows a comparison for all four categories.

Table #1: Leon County and the State of Florida Summary Analysis

	Leon County compared to all 67 Florida Counties	State of Florida compared to all 50 States
Economic Well-being	21	45
Education	4	31
Health	32	44
Family & Community	53	35
Aggregate Ranking	**10**	**40**

While Leon County outperforms the State in many indicators, there are a number of areas where the data indicates Leon County is not performing as well. However, these comparisons are being made to the entire State of Florida, which in total is ranked near the bottom when compared to the rest of the country.

Balance of this page left blank intentionally.

Overview of Existing Research Relative to Issues Impacting Children in Leon County

A thorough literature review of existing research relative to issues impacting children in Leon County was conducted. This overview provides an aggregation of available data points that are common indicators of child well-being and presents a comparison of Leon County to the State of Florida. The indicators of child well-being selected for this overview are organized into four categories: (1) Economic Well-being, (2) Education, (3) Health, and (4) Family & Community.

In defining "children", according to the U.S. Census Bureau, on average from 2012-2016 there were 53,292 children under the age of 18 living in Leon County. In Leon County, children ages 5 to 14 years comprised 10.4% of the total population, and children ages 15 to 17 years comprised 3.2% of the population.

Economic Well-being

As shown in Table #1, eleven indicators of economic well-being were identified for this report. Leon County outperformed or was consistent with the State in all but three: (1) child poverty, (2) percent of those eligible receiving Women, Infants, and Children (WIC) services, and (3) the percent of single male households with children living below the ALICE threshold.

Table #2 - Economic Indicators

Agency/Report	Report Highlights	Leon	Florida
American Community Survey (Attachment #4) (2012-2016)	Children in households with an income below poverty level in the last 12 months	10,274 (23.3%)	931,568 (19.4%)
	% of children under age 6 with all parents in the labor force.	68.2%	66.8%
	% of children ages 6 to 17 with all parents in in the labor force	76%	72%
	% of children in families that own a home	54.2%	54.0%
Public Assistance Report (Attachment #5) (2012-2016)	Children in households receiving public assistance	16,030 (30%)	1,326,413 (32.7%)
Council on Homelessness Annual Report (2015-2016) (Attachment #6)	Homeless students in Pre-K through 12th grade	866 (2.3%)	72,957 (2.4%)
Women, Infants, and Children (WIC) Data (2015-2017) (Attachment #7)	% of those eligible being served by WIC	64.3%	72.1%
Asset Limited, Income Constrained, Employed ALICE Report (2015) (Attachment #8)	Households married with children living below the ALICE threshold	10%	32%
	Single female households with children living below the ALICE threshold	78%	84%
	Single male households with children living below the ALICE threshold	74%	71%
	Average cost of child care for two adults with one infant and one preschooler	$961 (per month)	$1,015 (per month)
Whole Child Leon: Report on the Status of Our Young Children (2016) (Attachment #9)	The report proposes the following recommendations for policies and programs: • Promote paid parental leave • Promote livable wage of at least $10 per hour • Encourage businesses to adopt family friendly policies • Encourage business practices that support breastfeeding mothers • Support businesses in low income neighborhoods • Encourage financial institutions to provide short term low interest loans to prevent predatory lending		

2012-2016 American Community Survey 5-Year Estimates (Attachment #4)
The United States Census Bureau's American Community Survey is an ongoing survey that provides vital demographic information on a yearly basis. Topics covered in the Survey include population, income, poverty, housing, education and more.

According the 2012-2016 Survey, 23.3% of children in Leon County lived in a household where the total income for the last year was below the federal poverty threshold. Poverty thresholds vary by size of family and the ages of the members. While child poverty was higher in Leon County, the Survey found that the County had a higher percentage of children in households where all parents were in the labor force, meaning that they are either employed or looking for employment. The percentage of children in families that owned a home rather than renting housing was also slightly higher in Leon County than statewide.

Public Assistance Report 5-Year Estimates (Attachment #5)
As part of its American Community Survey, the U.S. Census Bureau reports the number of children in households that have received Supplemental Security Income (SSI), cash public assistance income, or Supplemental Nutrition Assistance Program (SNAP) services in the past 12 months.

From 2012 to 2016, 16,030 Leon County children (30%) lived in households receiving at least one form of public assistance. In the State of Florida during the same period, 1,326,413 children (32.7%) received at least one form of public assistance.

Council on Homelessness 2017 Annual Report (Attachment #6)
Florida Department of Children and Families (DCF) Council on Homelessness was established in 2001 to develop policy and make recommendations on how to reduce homelessness throughout the State. Each year, the Council publishes a report on the number of homeless individuals in each county. According to the report, during the 2015-2016 period, 2.3% (866) of Leon County Pre-K through 12th grade students were homeless, which is slightly less than the statewide percentage of 2.4% (72,957). The majority of homeless students in Leon County lived in shelters (23%; 200) or shared housing with others (69%; 597) due to loss of housing, economic hardship, etc.

Women, Infants, and Children (WIC) Data (Attachment #7)
The Florida Department of Health monitors data on WIC, a federal assistance program for healthcare and nutrition of low-income pregnant women, breastfeeding women, non-breastfeeding postpartum women, infants, and children up to age five. Data from the 2015-2017 period indicates that in Leon County 64.3% (14,752 out of 22,945) of those eligible for WIC were served, compared to Florida's 72.1% (1,433,284 out of 1,988,506).

ALICE Report (Attachment #8)
The ALICE (Asset Limited, Income Constrained, Employed) Report is a study of financial hardship conducted by Rutgers University-Newark's School of Public Affairs and Administration as requested by United Way agencies in 15 states, including Florida. The 2017 edition of the Report is an update to the initial report and was compiled using 2015 data from various sources including the Bureau of Labor Statistics, American Community Survey, the

Florida Department of Education, and other state and federal government agencies. The ALICE report provides county-level data on the minimum budget required for household survival.

According to the Report, in 2015, 10% of households married with children were below the ALICE threshold, which is significantly lower than the statewide average of 32%. Additionally, 78% of single female households with children and 74% of single male households with children were below the ALICE threshold compared to the statewide average of 84% and 71% respectively. The Report found that the average cost of childcare in Leon County for two adults with one infant and one preschooler was $961 a month. This is lower than the state average for childcare, which was $1,015 a month.

The Board held a workshop on the ALICE Report on May 8, 2018, during which these findings were discussed in greater detail.

Whole Child Leon 2016 Report on the Status of Our Young Children (Attachment #9)
Whole Child Leon was established in 2004 by the Lawton Chiles Foundation and partners with existing providers to connect families to services relating to social and emotional development, spiritual foundation and strength, economic development, physical and mental health, quality education, and safe and nurturing environments. In its 2016 report, Whole Child Leon provides an assessment of the health of children ages 0 to 5, and proposes several recommendations for policies and programs to address issues of economic disparity, including:

- Encourage local governments, those who contract with local governments and who receive incentives from local government to move towards a more livable wage of at least $10 per hour,
- Encourage all businesses to implement family friendly practices that enable single parents to maintain continuous employment,
- Use economic development incentives (e.g. Blue Print 2000) to attract and support employers who utilize family friendly practices (paid maternity and paternity leave, support breastfeeding) and pay a livable wage.
- Encourage financial institutions (banks and credit unions) to provide low interest loans to startup businesses that will be located in low income neighborhoods and employ residents of these areas, and
- Encourage banks and credit unions to create short term, low interest loans for emergency relief to stop predatory lending.

Education
As shown in Table #2 on the following page, 12 indicators of educational achievement were selected for this agenda item. Leon County outperformed or was generally equivalent to the State in all categories. In addition to the comparative analysis, there are several specific recommendations for improvements from local stakeholder groups and nonprofits.

The 2017-2018 Leon County Schools Title I Advisory Council report presents many recommendations, including: strengthening and increasing access to school readiness programs, providing parent skills/support programs, and establishing community partnerships with nonprofit organizations to better serve students' needs in a coordinated and timely manner.

Similarly, Whole Child Leon's 2016 Report on the Status of Our Young Children provides several recommendation for improving early childhood education, such as: increasing local funding for subsidized childcare, providing funding to the Early Learning Coalition to support quality rankings for childcare centers, support workforce training for early childhood professionals.

Balance of this page left blank intentionally.

Table #3 - Educational Indicators

Agency/Report	Report Highlights	Leon	Florida
Office of Early Learning Annual Report (2016-2017) (Attachment #10)	% of eligible children enrolled in School Readiness Programs	40%	22%
Graduation Rates (2016-2017) (Attachment #11)	High school graduation rates	88.6%	82.3%
	High school graduation rates by race (White)	94.1%	86.2%
	High school graduation rates by race (Black)	81.6%	74.8%
	High school graduation rates by race (Hispanic)	89.6%	81.3%
	High school graduation rates by race (Asian)	93.8%	93.2%
Dropout Rates (2016-2017) (Attachment #12)	High school dropout rates	0.4%	4%
Florida Department of Education: Local Education (LEA) Profile (Attachment #13)	Standard diploma graduation rate for students with disabilities (2015-2016)	81%	64%
	Dropout rate for students with disabilities (2015-2016)	3%	17%
	Students with disabilities in any employment or continuing education (2014-2015)	61%	55%
Student Performance Data for Students with Disabilities (2015-2016) (Attachment #14)	Pre-K Children with Disabilities Functioning within Age Expectations by Time of Exit		
	% of Pre-K children meeting expectations in Personal-Social	86.4%	81.1%
	% of Pre-K children meeting expectations in Communication	72.1%	66.5%
	% of Pre-K children meeting expectations in Adaptive	83.6%	77.2%
Florida Standards Assessment English Language Arts: 3rd Grade (2016-2017) (Attachment #15)	% of 3rd grade students receiving a passing score of 3 or above on the FSA English Language Arts Exam	61.8%	57.8%
Florida School Grades (2017) (Attachment #16)	% of schools with an "A" grade	34%	30%
	% of schools with an "B" grade	20%	27%
	% of schools with an "C" grade	36%	35%
	% of schools with an "D" grade	9%	7%
	% of schools with an "F" grade	0%	1%
Healthiest Communities Rankings (2018) (Attachment #17)	Per child expenditures in public schools	$10,014 (per child)	$9,572 (per child)
	Rate of accredited child care facilities per 100,000	0.2 (per 100k)	< 0.1 (per 100k)
	Youths ages 16 to 19 not enrolled in school or working	1.9%	4.2%
Lowest 300 Performing Elementary Schools (2016-2017) (Attachment #18)	Five of the lowest 300 performing elementary schools in the State were in Leon County		
Leon County Schools: Title I Advisory Council Report (2017-2018) (Attachment #19)	Recommendations: strengthening and increasing access to school readiness programs, providing parent skills/support programs, and establishing community partnerships with nonprofit organizations to better serve students' needs in a coordinated and timely manner.		
Early Learning Coalition of the Big Bend Region: Data Dashboard (2018) (Attachment #20)	• 84.2% of children in School Readiness are from working families. o The majority of these parents work in the Healthcare (17%), Public Administration (18.4%), and Hospitality/Lodging/Leisure (20.3%) industry. • 123 School Readiness providers operate in Leon County. • In FY2018, School Readiness providers received $6,462,262 in direct service payments from the Early Learning Coalition. • 109 VPK providers operate in Leon County • In FY2018, VPK providers received $3,295,926 in direct service payments from the Early Learning Coalition.		
Whole Child Leon: Report on the Status of Our Young Children (2016) (Attachment #7)	The report proposes the following recommendations for policies and programs: • Increase funding children eligible for subsidized care • Fund early learning collation to support quality ranking for child care centers • Workforce training for early childhood professionals		

2016-2017 Office of Early Learning Annual Report (Attachment #10)
Florida Department of Education (FDOE) Office of Early Learning annually publishes data on the School Readiness Program and Volunteer Prekindergarten (VPK), which are administered by local early learning coalitions. The School Readiness Program is a financial assistance program for working families who are income-eligible or whose children are at risk of abuse or neglect. VPK is a free program that prepares four-year-old children for kindergarten regardless of family income.

The Early Learning Coalition of the Big Bend serves Leon County as well as Gadsden, Liberty, Taylor, Jefferson, Madison, and Wakulla. According to the Office of Early Learning's Annual Report, 2,409 children out of the 6,001 income-eligible children in Leon County were enrolled in the School Readiness Program during FY 2016-2017. This is an enrollment rate of 40%, which is nearly double the state enrollment rate of 22%.

FDOE 2016-2017 Graduation Rates (Attachment #11)
FDOE annually published state and county graduation rates, which are percentage of students who graduate within four years of their first enrollment in ninth grade. This calculation only includes students earning a standard high school diploma and does not include GEDs or special diplomas. Over the last five years, Leon County's graduation rate has increased from 77% in 2012-2013 to 88.6% in 2016-2017. The County's current graduation rate exceeds that of the State, which was 82.3% in 2016-2017.

Graduation rates for all races were higher in Leon County when compared with the State; however, in Leon County, white students had the highest graduation rate followed by Asian students, Hispanic students, then black students. At the state level, Asian students had the highest graduation rates, followed by white students, Hispanic students, then black students.

FDOE 2016-2017 Dropout Rates (Attachment #12)
According to FDOE, a dropout is defined as a student who withdraws from school for any of several reasons without transferring to another school, home education program, or adult education program. Over the last five years, Leon County's dropout rate has significantly decreased from 3% in 2012-2013 to 0.4% in 2016-2017. The County's current dropout rate is far below that of the State, which was 4% in 2016-2017.

FDOE 2017 Local Education Agency (LEA) Profile (Attachment #13)
The LEA profile contains a series of data indicators that describe measures of educational benefit, educational environment, prevalence, and parent involvement for students with disabilities. The Profile also provides information about district performance as compared to state level targets in Florida's State Performance Plan/Annual Performance Report. The Profile shows that Leon County is meeting a majority of the State Performance Plan Indicators such as graduation and dropout rates, post-school outcomes, and placement of students with disabilities.

FDOE 2017 Student Performance Data for Students with Disabilities (Attachment #14)
The Florida Department of Education Bureau of Exceptional Education and Student Services compiles student performance data using the Florida Standards Assessment (FSA), the End of Course exam (EOC), and the Florida Standards Alternate Assessment (FSAA).

Also included in this report is the percentage of prekindergarten children with disabilities who entered prekindergarten below age expectations, but were functioning within age expectations by the time they exited preschool. Percentages are shown for each of three domains: Personal-Social, Communication, and Adaptive. In Leon County, during the 2015-2016 school year, there were 434 prekindergarten children with disabilities who entered prekindergarten below age expectations. Of these, 86.4% left prekindergarten meeting expectations in the Personal-Social domain, 72.1% met expectations in the Communication domain, and 83.6% met expectations in the Adaptive domain. Leon County's percentages for the same period exceed that of the State.

Florida Standards Assessment English Language Arts: 3rd Grade Scores (Attachment #15)
All Florida schools teach the established Florida Standards in English Language Arts (ELA). The Florida Standards Assessments (FSA) ELA Reading component is administered to students for the first time in third grade and is one of the main factors used to determine if a student should be promoted to the fourth grade. Scoring is determined by performance level with level 1 indicating inadequacy and level 5 indicating mastery. Level 3 is considered satisfactory and is the minimum score required for advancement to the next grade. According to the FDOE, a level 3 score indicates that the student may need additional support for the next grade/course.

In Leon County during the 2016-2017 period, there were 2,732 students taking the third grade ELA Reading component, of which 61.8% scored a level 3 or above on the exam. This is a higher percentage than the state average of 57.8%; however, Leon County experienced a slight decline from 2014-2015 when 63% of third graders passed the exam.

FDOE 2016-2017 Florida School Grades (Attachment #16)
The FDOE assigns a grade of "A" through "F" to each school and district in the state based on Florida Standards Assessment (FSA) scores, learning gains of the lowest 25% of students, middle school acceleration, graduation rate, and college and career acceleration. Overall, Leon County Schools received a "B" for the entire district. In total, 54% of schools in Leon County received an "A" or "B" grade compared to the statewide average of 57% of schools. The percentage of "C" and "D" schools in Leon County were slightly higher than the State.

2018 Healthiest Communities Rankings (Attachment #17)
The Healthiest Communities Rankings are published by U.S. News & World Report in partnership with the Aetna Foundation and the University of Missouri Center for Applied Research and Engagement Systems (CARES). The report ranks nearly 3,000 counties using 80 metrics across 10 categories, one of which is education. According to the report, the education category examines the strength of a community's education system and the education level of its residents through measures of participation, capacity and achievement. Leon County received an overall education score of 66 out of 100. Several of the indicators used to calculate this score relate to the education of children and have been included in this item in Table #

FDOE 2016-2017 Lowest 300 Performing Elementary Schools (Attachment #18)
FDOE annually reports the 300 lowest performing elementary schools in the State. These rankings are based on the English Language Arts (ELA) achievement and learning gains points each school earns in the school grades model. In 2016-2017, five of the 300 lowest performing elementary schools were in Leon County: (1) Oak Ridge Elementary School; (2) John G Riley

Elementary School; (3) Pineview Elementary School; (4) Bond Elementary School; and (5) Imagine School At Evening Rose. All five are Title I schools and one school, Imagine School at Evening Rose, is a charter school. Imagine School closed in 2017 after the Leon County School Board voted unanimously to eliminate its charter agreement.

2017-2018 Title I Advisory Council Report to the School Board (Attachment #19)
The Title I Advisory Council (TAC) is charged with assisting the Superintendent and School Board in making decisions pertaining to Title I schools. Title I schools are those schools with high percentages of children from low-income families, and are consequently receiving federal assistance to improve academic achievement.

The 2017-2018 TAC Report provides an overview of Title I schools in Leon County including demographics, overall school grades, and the percentages of minority and economically disadvantaged students. For example, in 2017, a total of three schools received the lowest grade, a "D" grade; two (Oak Ridge & John G. Riley) are Title I schools and one is a charter school (Governor's). All three schools had a student population above 80% minority.

The Report presents several recommendations to improve student outcomes, including: strengthening and increasing access to school readiness programs, providing parent skills/support programs, and establishing community partnerships with nonprofit organizations to better serve students' needs in a coordinated and timely manner.

Early Learning Coalition of the Big Bend Region 2018 Data Dashboard (Attachment #20)
The Early Learning Coalition of the Big Bend Region is one of several contracted partners with the State of Florida's Office of Early Learning that is responsible for the administration of the School Readiness and VPK programs. The organization provides these services to Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla counties and publishes monthly data on their website for each of these counties. The types of data reported include the number of VPK and School Readiness providers, direct service payments to these providers, the number of children enrolled in these programs or on a waiting list, and parent demographics of parents receiving financial assistance for childcare. Comparative state data is not included in this report as the Early Learning Coalition of the Big Bend only tracks data within its service area.

Whole Child Leon 2016 Report on the Status of Our Young Children (Attachment #9)
Several of the recommendations presented in the Whole Child Leon 2016 Report on the Status of Our Young Children address early childhood education, including:

- Invest local dollars to increase quality funding for Leon County children eligible for subsidized care from $3,500 per year to $5,000, approximately a $2 million annual increase;
- Provide funding to Early Leaning Coalition to support a rigorous quality rating system for all childcare centers and make the results public for each center. Require every licensed childcare center that receives any public funding and is rated a quality center to serve at least 25% of its children from those eligible for subsidized care.

- Early childhood professional who are essential to program quality should receive workforce training aligned to integrate quality standards in a manner that protects workforce diversity and improves compensation.

Health

As shown in Table #3 on the following page, 14 indicators of physical and mental health were selected for this report, and Leon County outperformed or was consistent with the State in only five indicators: (1) tobacco use, (2) suicides ages 12-18, (3) teen pregnancies, (4) overweight or obese middle and high school students, and (5) physically active middle and high school students.

Leon County did not perform as well as the rest of the State in the remaining nine indicators: (1) Baker Act involuntary examinations for children under the age of 18; (2) drug and alcohol use, (3) hospitalizations for self-inflicted injuries, (4) motor vehicle crashes, (5) motor vehicle crash deaths, (6) infant deaths, (7) deaths ages 5-9, (8) bacterial STDs ages 15-19, (9) kindergarten immunizations.

Balance of this page left blank intentionally.

Table #4 - Health Indicators

Agency/Report	Report Highlights	Leon	Florida
Florida Baker Act Report (2015-2016) (Attachment #21)	% of total involuntary examinations: Children under 18	18.79% (415 exams)	16.71% (32,476 exams)
Youth Tobacco Survey (2016) (Attachment #22)	Youth currently using cigarettes, cigars, smokeless, hookah, or electronic vaping	14.2%	16.3%
Youth Substance Abuse Survey (2016) (Attachment #23)	Students having at least one alcoholic drink in the last 30 days	28.9%	25.4%
	Students using marijuana at least once in the last 30 days	17.6%	17%
	Students using synthetic or "fake" marijuana at least once in the last 30 days	2.2%	1%
	Students using amphetamines without a doctor's orders at least once in the last 30 days	2.3%	1.6%
	Students using prescription pain relievers without a doctor's orders at least once in the last 30 days	4%	2%
School Aged Children & Adolescent Profile/Pregnancy and Young Child Profile (Attachment #24)	Hospitalizations for self-inflicted injuries ages 12-18 (2012-2014)	151.8 (per 100k)	93.1 (per 100k)
	Suicide ages 12-18 (2012-2014)	3.8 (per 100k)	5.1 (per 100k)
	Licensed drivers in motor vehicle crashes ages 15-18 (2016)	87.3 (per 1,000)	56.8 (per 1,000)
	Passengers injured/killed in motor vehicle crashes ages 5-1 (2014-2016)	539.9 (per 100k)	460.5 (per 100k)
	Deaths ages 5-9 (2014-2016)	17.8 (per 100k)	13.2 (per 100k)
	Births to teen mothers ages 15-19 (2014-2016)	10.7 (per 1,000)	21 (per 1,000)
	Bacterial STDs ages 15-19 (2014-2016)	4,085 (per 100k)	2,265.4 (per 100k)
	Kindergarten children fully immunized (2016)	93.3%	93.7%
Infant Mortality Data (2014-2016) (Attachment #25)	Infant deaths per 1,000 live births	6.6 (per 1,000)	6.1 (per 1,000)
	Rate of infant deaths by race (White)	3.2 (per 1,000)	4.4 (per 1,000)
	Rate of infant deaths by race (Black/Other)	10.2 (per 1,000)	10.6 (per 1,000)
Healthiest Weight Profile (2014) (Attachment #26)	Middle and High School students who are overweight or obese	27.1%	28.2
	Middle and high school students who were physically active for at least 60 minutes per day on all 7 of the past days	22.6%	22.9%
Big Bend Area Health Education Center-Early Childhood Obesity Prevention Initiative (2015-2016) (Attachment #27)	• The highest percentages of overweight/obese students were among Title I schools. • 34% of all 1st, 3rd, and 6th grade students in Leon County Schools screened were at risk for obesity-related health. • Children from lower income families were 1.6 times as more likely to be obese. • Black students were more than 2 times as likely to be obese than white students.		
Leon County Community Health Assessment (2015-2016) (Attachment #28)	The Leon County Health Department identified the following as priority public health issues relating to children: • early childhood education • after-school programs/tutoring • social marketing of health promotion • maternal and child health • breastfeeding • access to prenatal care • access to mental health services • access to healthy foods • physical activity		
Whole Child Leon: Report on the Status of Our Young Children (2016) (Attachment #9)	The report proposes the following recommendations for policies and programs: • Increase behavioral, developmental and mental health screenings • Funding for Capital Area Healthy Start Coalitions Preconception Health Program • Expand community gardens, eco-tourism, and solar		

2015-2016 Florida Baker Act Report (Attachment #21)
Florida Statute requires DCF to annually publish a report on the number of Baker Act involuntary examinations conducted throughout the State. In Leon County, a total of 2,209 involuntary examinations were conducted during FY 2015-2016. Of these, 18.79% were for Leon County residents under the age of 18, which is greater than the State total of 16.71%. From 2010 to 2016, the number of Leon County residents under the age of 18 that received involuntary examinations increased from 192 to 415 (116.15%).

2012-2016 Youth Tobacco Survey Results (Attachment #22)
The Florida Department of Health (FDOH) regularly conducts a student survey on self-reported tobacco use among youths ages 11-17. During the 2012-2016 period, percentages of students in Leon County that have tried cigarettes, cigars, or smokeless tobacco have mostly remained consistent since 2012. However percentages of youths who have tried hookah and electronic vaping and who currently use hookah and electronic vaping have significantly increased in both Leon County and throughout the State. In 2012, 6.1% of Leon County youths tried hookah and 3.3% tried electronic vaping; in 2016, 11.5% tried hookah and 18.6% tried vaping. Youth that currently use hookah doubled from 2% in 2012 to 4.1%, in 2014 while youth that currently use electronic vaping increased from 1.1% to 7%.

2012-2016 Youth Substance Abuse Survey Results (Attachment #23)
The Florida Youth Substance Abuse Survey is a collaborative effort between FDOH, FDOE, DCF, the Florida Department of Juvenile Justice, and the Governor's Office of Drug Control. The survey relies on self-reporting and is administered to Florida high school students each spring to assess risk and substance abuse prevalence. The 2016 survey results found that more Leon County high school students drink underage and use other drugs than the statewide average. Additionally, Leon County students drive impaired or ride in a car with an impaired driver more than the statewide average.

School-Aged Child & Adolescent Profile /Pregnancy and Young Child Profile (Attachment #24)
FDOH's publishes profiles for both children and mothers in Leon County with data on various health and economic indicators. The report ranks 82 indicators by county on a scale of 1 (most favorable) to 4 (least favorable). When compared with Florida, Leon County has 32 indicators with a score of 1 and 12 indicators with a score of 4; 38 indicators were given scores in between most favorable and least favorable.

FDOH's Pregnancy and Young Child Profile indicates Leon County ranks 84 indicators by county on the same scale of 1 to 4. When compared with Florida, Leon County had 29 indicators with a score of 1 and nine indicators with a score of 4; 46 indicators were given scores between most favorable and least favorable.

2016 Infant Mortality Data (Attachment #25)
FDOH monitors rates of infant mortality by county as deaths occurring within 364 days of birth. Leon County has had higher infant mortality rates than the State for the last twenty years; however, the rates in Leon County have declined over time while the rates in Florida have remained somewhat steady. Recent data from 2014-2016, indicates that Leon County had 6.6 infant deaths per 1,000 live births compared to 6.1 infant deaths per 1,000 live births in Florida.

Data from FDOH indicates that in Leon County there has been disparity in infant mortality among whites, blacks, and minorities for the last twenty years. Between 2014 and 2016, the infant mortality rate among whites was 3.2 infant deaths per 1,000 live births; the rate among blacks & other minorities was 10.2 infant deaths per 1,000 live births. Infant mortality rates among whites, blacks, and minorities in Florida for the same time period reflects a similar pattern, as the data also shows disparities among these groups since 1995.

2016 Healthiest Weight Profile (Attachment #26)
FDOH's Healthiest Weight Profile includes data for the State and individual counties regarding the weight, eating habits, and physical activity levels of adults and children. According to Leon County's Profile, the majority of middle and high school students (69.1%) are at a healthy weight. Comparatively, 27.1% of students are either overweight or obese, which is slightly less than the state percentage of 28.2%.

Big Bend Area Health Education Center- Early Childhood Obesity Prevention Initiative (Attachment #27)
The Early Childhood Obesity Prevention (ECOP) Initiative was established in Leon County in 2015 under the Big Bend Area Health Education Center and works towards all children entering school at a healthy weight. Data collected by ECOP shows that for the 2015-2016 school year rates of obese or overweight students significantly increased as students moved from 1st to 6th grade. Children from lower income families were 1.6 times more likely to be obese and black students in Leon County were more than 2 times as likely to be obese than white students.

Data from 2016/2017 shows that the highest percentages of overweight/obese students were among Title I schools. Additionally, 34% of all 1st, 3rd, and 6th grade students in Leon County Schools screened were at risk for serious health problems as the great majority of obese children become obese adults.

2018 Leon County Community Health Assessment (Attachment #28)
FDOH in Leon County conducts County Community Health Assessments in partnership with United Way of the Big Bend and Tallahassee Memorial Healthcare to identify priority health issues in developing strategies for a community health improvement plan. The assessment of the county's overall health status includes conducting door-to-door surveys at 300 households across six focus neighborhoods as well as gathering secondary data from sources including vital statistics, U.S. Census, FDOH, and others.

The most recent 2015-2016 assessment identified the following as priority public health issues in Leon County relating to children:

- early childhood education
- after-school programs/tutoring
- social marketing of health promotion
- maternal and child health
- breastfeeding
- access to prenatal care
- access to mental health services
- access to healthy foods
- physical activity

Whole Child Leon 2016 Report on the Status of Our Young Children (Attachment #9)
Several of the recommendations presented in the Whole Child Leon 2016 Report on the Status of Our Young Children address the health and well-being of children and their families, including:

- Bolster healthcare provider efforts to administer behavioral, developmental, and mental health screenings in accordance with recommended frequency and add adverse childhood experience (ACE) screening to existing standards of pediatric care.
- Funding for Capital Area Healthy Start Coalitions Preconception Health Program, and
- Encourage expansion of community gardens, eco-tourism, installation and maintenance of solar units on homes.

Family & Community
As shown in Table #4 on the following page, 14 indicators of family and community well-being were identified for this report. Leon County outperformed or was consistent with the State in eight of the indicators. Leon County did not perform as well as the rest of the State in the remaining seven indicators: (1) grandparents acting as child guardians, (2) total juvenile arrests, (3) juvenile arrests/contacts for burglary, (4) juvenile arrests/contacts for grand larceny, (5) juvenile arrests/contacts for auto theft, (6) school-related arrests.

Balance of this page left blank intentionally.

Table #5 – Family & Community Indicators

Agency/Report	Report Highlights	Leon	Florida
County and Municipal Arrest Data (2017) (Attachment #29)	% of total arrests: Juveniles (Under age 18)	10.8% (474 arrests)	7.9% (29,702 arrests)
Delinquency Profile (2016-2017) (Attachment #30)	% of youth arrests/contacts for burglary	16%	15.4%
	% of youth arrests/contacts for assault/battery	14.8%	16.4%
	% of youth arrests/contacts for aggravated/battery	10.3%	10.3%
	% of youth arrests/contacts for misdemeanor drugs	6.9%	6.9%
	% of youth arrests/contacts for grant larceny (excluding auto)	5.9%	4.9%
	% of youth arrests/contacts for auto theft	5.3%	1.9%
	% of youth arrests/contacts by race (White)	21%	37%
	% of youth arrests/contacts by race (Black)	75%	47%
	% of youth arrests/contacts by race (Hispanic)	4%	16%
Service of Continuum Analysis (2017) (Attachment #31)	% of eligible youth issued civil citations	65%	55%
	School-related arrests	19%	15%
School Aged Children & Adolescent Profile/Pregnancy and Young Child Profile (Attachment #24)	Children Experiencing Child Abuse Ages 5-11 (2016-2016)	810.7 (per 100k)	995.0 (per 100k)
	Children Experiencing Sexual Violence Ages 5-11	54.2	60.6
Grandparent data (2016) (Attachment #32)	Grandparents living with and acting as guardians for their grandchildren under age 18	48.9%	32.1%
Children Under 18 in Foster Care (2014-2016) (Attachment #33)	Rate of children under 18 in foster care	383.2 (per 100k)	513.1 (per 100k)
Community Based Care Scorecard (2016-2017) (Attachment #34)	Number of key performance measures met or exceeded by community-based care agencies providing child welfare services.	9 out of 12 (per 100k)	7 out of 12 (per 100k)
Tallahassee-Leon County Commission on the Status of Women and Girls: Status of Girls Report (Attachment #35)	• Girls in Leon County used depressants (2%) and prescription pain relievers (2.7%) in the last 30 days at rates double than that of males in Leon County (2014-2015) • Leon County exceeded the statewide average of girls who belonged to a gang by 1-3% (2012-2016) • 56 children in Leon County were victims of human trafficking (2013-2016) • 375 alleged female victims were processed through Tallahassee's Child Protection Team (2014-2015) o 23.2% were ages 0-5 o 38.7% were ages 6-12 o 38.1% were 13 years or older		
Whole Child Leon: Report on the Status of Our Young Children (2016) (Attachment #9)	The report proposes the following recommendations for policies and programs: • Support public awareness of and family education about the importance of the early years, • Increase public and family awareness about the consequences of toxic stress and the importance of brain development, • Engage parents, volunteers, and community organizations in promoting childhood literacy and reading for at least one hour a day.		

<u>Florida Department of Law Enforcement: 2017 County & Municipal Arrest Data</u> (Attachment #29)
The Florida Department of Law Enforcement (FDLE) publishes county arrest data as part of its annual Uniform Crime Report (UCR), a standardized report on crime statistics based on data gathered by state and local law enforcement agencies. According to their most recent report, the percent of the total arrests which were juveniles under age 18 was higher in Leon County when compared to the State.

The report also provides a breakdown of juvenile arrests by law enforcement agencies, which are as follows:

- Leon County Sheriff's Office – 80 (16.9%) arrests
- Tallahassee Police Department – 375 arrests (79.1%)
- FSU Police Department – 8 arrests (1.7%)
- Florida Division of Alcoholic Beverages and Tobacco – 1 arrest (0.2%)

Florida Department of Juvenile Justice: 2017 Delinquency Profile (Attachment #30)
The Florida Department of Juvenile Justice (DJJ) collects data on juveniles through its Juvenile Justice Information System and tracks counts of youths in contact with the juvenile justice system. The count of contacts includes arrests as well as youths required to complete a diversion program. As a result, the total number of youth contacts reported by DJJ is higher than other reporting agencies such as FDLE.

In Leon County, there were 561 youth contacts/arrests during the FY 2016-2017 period with 41% of youths committing burglary, assault/battery, or aggravated assault/battery. Statewide there were 35,278 juvenile contacts/arrests, with 42% committing burglary, assault/battery, or aggravated assault/battery. The percent of juvenile arrests/contacts by race in Leon County mirrors that of the State. At both the County and State level, black youth accounted for the largest percentage of juvenile arrests/contacts, followed by white youth, then Hispanic youth.

Florida Department of Juvenile Justice: 2017 Service Continuum Analysis (Attachment #31)
DJJ annually publishes its Juvenile Service Continuum Analysis report, a comprehensive statewide review of county-level data, including a gap analysis of services and programs available, to evaluate the implementation of juvenile justice policies at the county level. The report includes benchmarking of counties' performance on factors that demonstrate how a county is supporting the Department's strategic goals of preventing and diverting more youth from entering the juvenile justice system.

The report found that in Leon County during 2016-2017:

- 65% of eligible juvenile delinquents with first-time misdemeanors were issued civil citations
- 19% of arrests were school-related

In a needs analysis survey conducted in Leon, respondents indicated that individual/family counseling and mentoring programs were in sufficient supply, but there continues to be a need for accessible transportation and evidence-based programs.

School-Aged Child & Adolescent Profile /Pregnancy and Young Child Profile (Attachment #24)
FDOH's profiles for both children and mothers in Leon County include data regarding rates of child abuse and sexual abuse. According the most recent profile, children ages 5-11 in Leon County had lower rates of abuse and sexual abuse when compared to the State.

Grandparents as Child Guardians (Attachment #32)
FDOH's Health Charts includes data on grandparents acting as the guardian for grandchildren under age 18 in the household. Data shows that in 2016, 48.9% of grandparents had their grandchildren living with them in Leon County, while 32.1% of grandparents statewide had their grandchildren living with them. Since 2009 Florida has had lower percentages of grandparents acting as guardians than Leon County and has shown a more consistent decline.

Children Under 18 in Foster Care (Attachment #33)
FDOH's Health Charts provides an unduplicated count of children in out of home care excluding approved relative and non-relative care. In Leon County for the 2014-2016 period, the rate of children under 18 in foster care was 383.2 per 100,000. This rate is significantly lower than that of the State, which was 513.1 per 100,000.

2016-2017 Community Based Care Scorecard Performance Measures (Attachment #34)
DCF's Office of Child Welfare annually publishes a Community Based Care (CBC) Scorecard, to evaluate the lead nonprofit agencies providing child welfare services. These agencies are evaluated using 12 key measures to determine how well they are meeting the most critical needs of at-risk children in families in each county. In Leon County, nine out of the 12 key measures were met or exceeded with the exception of the following:

- Percent of children exiting foster care to a permanent home within twelve (12) months;
- Placement moves per one-thousand (1,000) days in foster care; and
- Percent of young adults who have aged out of foster care who have completed or are enrolled in secondary education, vocational training, and/or adult education.

Tallahassee-Leon County Commission on the Status of Women & Girls 2017 Status of Girls Report (Attachment #35)
The most recent annual report published by the Tallahassee/Leon County Commission on the Status of Women and Girls (CSWG) focuses on girls in Leon County grades K-12. By analyzing data from local, state, and federal agencies, the CSWG found that:

- Rates of drug and alcohol use among is lower than that of boys with the exception of depressants and prescription pain relievers. Girls in Leon County used depressants (2%) and prescription pain relievers (2.7%) in the last 30 days at rates double than that of males in Leon County. Both percentages are higher than the state average for girls.
- Leon County has a lower representation of gangs and gang members than the state average. However, from 2012 to 2016, Leon County exceeded the statewide average of girls who belonged to a gang by 1-3%.
- Between 2013 and 2016, DCF completed human trafficking intakes for 56 children within Leon County—all of whom were girls.
- In 2014-15, 375 alleged female victims were processed through Tallahassee's Child Protection Team, and of these 23.2% were ages 0-5, 38.7% were ages 6-12, and 38.1% were 13 years or older.

Whole Child Leon 2016 Report on the Status of Our Young Children (Attachment #9)
Several of the recommendations presented in the Whole Child Leon 2016 Report on the Status of Our Young Children address the health and well-being of children and their families, including:

- Support public awareness of and family education about the importance of the early years,
- Increase public and family awareness about the consequences of toxic stress and the importance of brain development, and
- Engage parents, volunteers, and community organizations in promoting childhood literacy and reading for at least one hour a day.

Public Education and Information Program
Should the proposed CSC Ordinance be placed on the November 2018 ballot, the Board requested information on how a public education and information program could be conducted. For these types of ballot initiatives, the County has historically leveraged existing in-house resources. Depending on the specific initiative, the County has also enhanced the education program with additional funding to engage a professional communications agency and to pay for additional targeted outreach.

For the in-house approach, Leon County Community and Media Relations is prepared to support a public education and information program by utilizing existing communication resources. This effort would include:

- Posting information on Leon County's Comcast Channel 16;
- Generating news advisories for media partners;
- Publishing content in local newspapers as part of the monthly issue of the Leon County Link;
- Creating public service announcements to be broadcast on radio stations with which the County has continuing service agreements already budgeted;
- Hosting and promoting online educational materials; and
- Leveraging social media platforms.

In addition to these in-house efforts, the Board may wish to enhance a public education and information program by contracting with a professional communications agency. The County has similarly engaged a consultant for past campaigns including:

- **2002 Home Rule Charter Referendum -** Throughout the public education program, Leon County spent $95,444 on public information activities, including professional consulting fees, an informational video, printing, and distribution of a direct mail information piece, and television spots on cable and network television stations to reach the targeted audience.

- **2006 Leon County Community Healthcare Plan -** The County used professional communications and consulting services to develop effective educational and informational messages. The public education and information program cost $150,000

in total and included professional services and direct mail pieces. Consultants used their knowledge of the community to research and craft clear, concise, credible, and consistent communication in the form of direct mailings and brochures. In addition, consultants assisted with producing collateral, overseeing vendors engaged in graphic design or direct mailing, and making sure County staff communicated to all citizens through multiple outreach methods.

- **2014 Local Government Infrastructure Surtax Extension** - The County and City allocated up to $100,000 each to support public education efforts including contracting with a professional communications agency; final expenditures were approximately $50,000 per government. This public information and education program included website design, direct mail, creation and distribution of various print materials, development of educational videos, as well as advertising through local print publications, radio, billboards, and theaters. The local government's effort was complemented by a private political action committee (PAC) who advocated for the passage of the surtax.

All public education and information program efforts funded by the County or led by County staff would be factually based and would not advocate for or against the establishment of a Children's Services Council.

In addition, staff met with representatives from *Our Kids First* (a PAC formed to support the passage of the referendum) to discuss a possible public education campaign. In these discussions, representatives of the PAC expressed their desire for the County to utilize the County's existing in-house resources, but are not requesting any additional County funds be committed at this time. As the PAC's communications plan becomes finalized, the PAC may come back at a later date requesting the County provide funding for an enhanced education campaign. The political committee has begun fundraising to support its own advocacy campaign and has engaged with a professional communications agency to oversee these activities. Representatives from *Our Kids First* will be in attendance at the Board's May 22, 2018 meeting and are prepared to present an update on their efforts.

Options for County Support During a CSC's First Year of Operation

Should a CSC be established in Leon County, the Board will have the option to support the organization in its initial start-up phase and to assist the CSC in meeting the requirements laid out in Florida Statute. Most counties with a CSC have chosen to provide either financial support or in-kind staffing support during its first year of operation.

According to Florida Statute, once a referendum for an independent special district is approved and members are appointed to a CSC, the newly formed CSC is responsible for assessing the needs of the children in the county and developing a strategic plan for addressing unmet needs. The CSC, like the County, must also go through the process of adopting a millage rate and budget in accordance with Florida's the Truth in Millage (TRIM) Act. As shown in the attached timeline (Attachment #36), accomplishing these statutory requirements will take approximately one year. During this time, the CSC will not collect tax revenue and consequently would not be able to hire staff without assistance from the County.

To remedy the issue, Florida law permits the County to fund the CSC during its first year of operation which may include financial and/or staffing support. Several counties have granted loans including Okeechobee ($5,000), Palm Beach ($150,000), and Broward ($500,000). These loans would be utilized to assist the CSC in fulfilling all Statutory requirements, which may include hiring staff. Other counties chose to limit their support to in-kind staffing from the offices of the County Administrator and County Attorney during the CSC's initial startup period. Miami-Dade and St. Lucie County both exclusively provided interim staffing to the CSC until it was able to hire permanent staff. Alachua County is still evaluating what type of support it will provide should its referendum pass in November.

Should Leon County voters approve establishing a CSC, staff recommends that the County provide a loan (estimated at approximately $150,000) to be repaid to the County once the CSC is able to levy taxes. A final loan amount would be determined once the CSC is established. It is recommended that a loan be utilized by the CSC to hire staff that can oversee Council business and meetings while ensuring all Statutory requirements are met. Under this approach, during the first year of operation, the County staff would continue to provide technical assistance to the CSC as it relates to TRIM, statutory requirements related to budgeting, etc.

If the voters approve a referendum to establish a CSC in November, an agenda item would be prepared for the Board outlining the County's proposed support during the CSC's first year of operation.

Next Steps

The first and only public hearing for the proposed Children's Services Council Ordinance is scheduled for June 19, 2018. Should the Board choose to place a referendum on the 2018 General Election ballot at the June meeting, staff would request any additional guidance regarding a public education and information program. As noted earlier in the item, the Board may choose to initiate an in-house program using existing resources or an enhanced program with funds allocated to engage a professional communications agency. At this point in time, *Our Kids First* is not requesting any additional funds be allocated.

If Leon County voters approve establishing a CSC in November, the County would immediately begin the process of soliciting citizen applications for the five seats to be appointed by the Governor. Per Florida Statute, the Board is required to submit to the Governor at least three recommendations for each of the five vacancies. The Governor then has 45 days to make a selection or request a new list of candidates. To ensure that the CSC is able to convene and begin its work as soon as possible, eligible citizen applications would be presented to the Board at the December 11, 2018 meeting.

During the Board's December 11th meeting, the agenda item would also seek direction regarding County support during the CSC's first year of operation. As noted earlier, counties often provide financial or in-kind staffing support; staff is recommending that the County provide a loan to cover any startup costs and allow the CSC to hire staff or engage with another organization for staffing support. Following the Board's direction on this matter, an interlocal agreement outlining the County's support during the CSC's first year of operation would be brought back to the Board for consideration.

Options:

1. Accept the report on the establishment of an independent Children's Service Council District.
2. Do not accept the report on the establishment of an independent Children's Service Council District.
3. Board direction.

Recommendation:

Option #1

Attachments:

1. City of Tallahassee Resolution
2. Florida Kids Count 2018 Florida Child Well-Being Index
3. 2017 Kids County Data Book: State Trends in Child Well-Being
4. U.S. Census Bureau: 2012-2016 American Community Survey 5-Year Estimates
5. U.S. Census Bureau: Public Assistance Report 5-Year Estimates
6. DCF Council on Homelessness 2017 Annual Report
7. FDOH Women, Infants, and Children (WIC) Data
8. Asset Limited, Income Constrained, Employed (ALICE) Report
9. Whole Child Leon 2016 Report on the Status of Our Young Children
10. FDOE 2016-2017 Office of Early Learning Annual Report
11. FDOE 2016-2017 Graduation Rates
12. FDOE 2016-2017 Dropout Rates
13. FDOE 2017 Local Education Agency (LEA) Profile
14. FDOE 2017 Student Performance Data for Students with Disabilities
15. FDOE Florida Standards Assessment English Language Arts: 3rd Grade Scores
16. FDOE 2016-2017 Florida School Grades
17. 2018 Healthiest Communities Rankings
18. FDOE 2016-2017 Lowest 300 Performing Elementary Schools
19. 2017-2018 Title I Advisory Council Report to the School Board
20. Early Learning Coalition of the Big Bend Region 2018 Data Dashboard
21. DCF 2015/2016 Florida Baker Act Report
22. FDOH 2012/2016 Youth Tobacco Survey Results
23. FDOH 2012/2016 Youth Substance Abuse Survey Results: Leon County High Schools
24. FDOH School-Aged Child & Adolescent Profile /Pregnancy and Young Child Profile
25. FDOH 2016 Infant Mortality Data
26. FDOE 2016 Healthiest Weight Profile
27. Big Bend Area Health Education Center- Early Childhood Obesity Prevention Initiative
28. FDOH 2018 Leon County Community Health Assessment
29. FDLE 2017 County and Municipal Arrest Data
30. FDJJ 2017 Delinquency Profile

31. FDJJ 2017 Service Continuum Analysis
32. FDOH Grandparents as Child Guardians
33. FDOH Children Under 18 in Foster Care
34. DCF 2016/2017 CBC Scorecard Performance Measures
35. Tallahassee-Leon County Commission on the Status of Women & Girls 2017 Status of Girls Report
36. Timeline of CSC First Year of Operation

our kids first

MEMORANDUM

TO: Vince Long, County Administrator
Alan Rosenzweig, Assistant County Administrator

FROM: Jon C. Moyle, Jr., Our Kids First

DATE: June 29, 2018

RE: Recommendations for Leon Children's Services Council Planning Committee

---

I wanted to follow up on the recent action of the Board of County Commission to place the question of whether to create the Leon Children's Services Council before the electorate in 2020. The Commission asked you and county staff for recommendations and options to create a committee that could review a host of issues related to the creation of a children's services council and issue a report to the community and the Commission.

Our Kids First wanted to share its thoughts and recommendations for your consideration.

Composition of Leon Children's Services Council Planning Committee and Staffing

Staffing: Appropriate staffing is a critical component that remains under discussion and review. It is suggested that the County Commission delegate to the county administrator the ability to select a consultant to staff the Committee with a budget not to exceed $150,000.00

Suggested Composition of the Committee: It is suggested that the Committee be appointed and comprised of the statutory members set forth in s. 125.901, Florida Statutes, and 15 community members. To reduce the implementation time for the Leon Children's Services Council should it be approved in November of 2020, the Committee should be comprised of statutory and non-statutory members, some of whom may ultimately serve on the Leon Children's Services Council. Thus, below are the statutory members who would serve on the Council and a number of other individuals who could be included in a slate of 15 names to be sent to the Governor for the selection of 5 non-statutory Council members.

Statutory Members

1. Judge John Sjostrom (suggest as possible chair; Judge Sjostrom is awaiting a ruling from a judicial ethics panel as to whether he could serve on this county commission appointed committee)

2. Superintendent of Schools Rocky Hanna (confirmed willingness to serve)
3. County Commissioner (County Commission will appoint member)
4. School Board Member (School Board will appoint member)
5. Department of Children and Families District Administrator

Suggested Community Members For Consideration

6. Sheriff Walt McNeil (confirmed willingness to serve)
7. State Attorney Jack Campbell (confirmed willingness to serve)
8. Monesia Brown (confirmed willingness to serve)
9. Mark O'Bryant (confirmed willingness to serve)
10. Reverend Julius McCallister Bethal AME Church (confirmed willingness to serve)
11. Jim Croteau (working on confirmation)
12. Kim Williams (confirmed willingness to serve)
13. Dr. Alma Littles (confirmed willingness to serve)
14. Tom Derzypolski (confirmed willingness to serve)
15. Lila Jaber – (working on confirmation)
16. Mimi Graham (confirmed willingness to serve)
17. Jay Reeve (working on willingness to serve)
18. Nancy Daniels (working on willingness to serve)
19. Lew Shelly (confirmed willingness to serve)'
20. Derrick McGhee (working on willingness to serve)

Suggested Timing and Plan of Action

It is suggested that the Leon Children's Services Council Planning Committee (Committee) convene in September of 2018 for its initial meeting. At its first meeting, it will consider and adopt a work plan. The scope of work should include a number of matters to be included in a Final Report, including securing and analyzing key community data of child indicators, research of possible solutions to address identified problems, review of return on investment of similar programs in other communities, review and recommendations that use evidence based approaches, identification of community needs, identification of levels and sources of private and public funds targeted toward identified needs, identification of suggested funding steps to address priority community needs, development of proposed bylaws for the Council and other items required to be addressed by statute. The work of the Council will conclude by December 31, 2019 and a final report will be issued to the County Commission and the community. The work of the Council should be readily transferrable to the statutory authorized Leon Children's Services Council if the electorate approves the creation of this Council at the November 2020 general election. Accordingly, in addition to the items suggested above, the following statutory items should be part of the final report of the county commission appointed Committee:

1). Identify and assess the needs of the children in the county served by the council and submit as part of a Final Report a written description of:

a. The activities, services, and opportunities that will be provided to children.

b. The anticipated schedule for providing those activities, services, and opportunities.

c. The manner in which children will be served, including a description of arrangements and agreements which will be made with community organizations, state and local educational agencies, federal agencies, public assistance agencies, the juvenile courts, foster care agencies, and other applicable public and private agencies and organizations.

d. The special outreach efforts that will be undertaken to provide services to at-risk, abused, or neglected children.

e. The manner in which the council will seek and provide funding for unmet needs.

f. The strategy which will be used for interagency coordination to maximize existing human and fiscal resources.

The County Commission appointed Leon Children's Services Planning Council shall also:

- Provide suggested bylaws and rules and regulations for the council's guidance, operation, governance, and maintenance, provided such rules and regulations are not inconsistent with federal or state laws or county ordinances;
- An anticipated budget for the initial year of operations of the Council which includes an implementation timeline and key areas of recommended initial funding;
- Procedures used for early identification of at-risk children who need additional or continued services and methods for ensuring that the additional or continued services are received.

Initial Suggested Work Plan

1. **September 2018 Meeting: Initial Meeting**
    a. Introductions
    b. Affirmation of County Commission recommendation of Judge Sjostrom as Chair, assuming favorable judicial ethics opinion is received
    c. Bi-Monthly meeting schedule – agree on day certain each month to maximize attendance
    d. Review and approval of proposed work plan
    e. What is a CSC? Statutory overview

f. CSC experiences from others
   i. St. Lucie County CSC overview and presentation
   ii. Martin County CSC overview and presentation
g. Previously Identified Key Areas of Focus: Early Childhood Development, Juvenile Crime, Mental Health – discussion

h. Questions and Other

2. November 2018 Meeting: Needs Review and Mental Health Discussion

a. Community Data
b. Review of prior studies and County Commission agenda item addressing need
c. Discussion regarding needs assessment
d. Presentations regarding Mental Health followed by discussion and questions

3. January 2019 Meeting: Juvenile Crime and Prevention Strategies

a. Presentations regarding Juvenile Crime – Best Practices (Broward County CSC has focused on addressing juvenile crime and it may be appropriate for them to present)
b. Discussion and Questions
c. Follow up

4. March 2019 Meeting: Early Childhood Development

a. Presentations regarding Early Childhood Development – Best Practices (includes school readiness, early learning, reading programs that target 3rd grade reading levels, Purpose Built Communities concept, etc.)
b. Discussion and Questions
c. Follow Up

5. May 2019 Meeting: Other possible needs not previously discussed; discussion of timing of program implementation

a. Other Program Areas not previously addressed – Opportunity for others to present programs for consideration
b. Sequential implementation and start up – possibly hear from Alachua if CSC is approved

c. Discussions and Questions
d. Follow Up

6. **July 2019 Meeting: Interactions with other key community entities**
   a. Role of Non-Profits and CSC
   b. Role of United Way and CSC
   c. Role of local Chambers of Commerce and CSC
   d. Role of County Commission
   e. Interactions and coordination with state and federal governments and discussion of funding streams
   f. Discussions and Questions
   g. Follow Up

7. **September 2019 Meeting: Transparency, Accountability and CSC Model: Staff Direction Regarding Draft Final Report**
   a. Evidence Based Decision Making
   b. Return on Investment
   c. Annual Reports and Quarterly Reports
   d. Direction to staff regarding preparation of draft documents

8. **November 2019 Meeting: Draft Implementation Plan, Final Report, Budget and By-Laws**
   a. Consider and Discuss Draft Final Report
   b. Consider and Discuss Draft Implementation Plan
   c. Consider and Discuss Draft Recommended Budget
   d. Consider and Discuss Recommended Draft By-Laws for CSC
   e. Staff Direction for Changes

9. **December 2019 Meeting: Adoption of Final Plan, Report and Recommended Budget and By-Laws for CSC**
   a. Further discussion and review of Final Report, Draft Implementation Plan, Recommended Budget and Draft By-Laws
   b. Take Action on Draft Final Plan, Report to Commission and Community, Recommended Budget and By-Laws.

Board of County Commissioners
Leon County, Florida

Policy No. 03-15

Title:	Board-Appointed Citizen Committees
Date Adopted:	February 13, 2018
Effective Date:	February 13, 2018
Reference:	• Florida Statute Chap. 112, Part III, Code of Ethics for Public Officers and Employees • Florida Statute Chap 119, Public Records • Florida Statute §286.011, Government-in-the-Sunshine Law • Leon County Board of County Commissioners Policy No. 03-05, Code of Ethics
Policy Superseded:	Policy No. 97-9, "Voting Conflicts on Boards, Committees, Councils, and Authorities"; Policy No. 00-5, "Volunteer Boards and Committees"; Policy No. 03-15, Board-Appointed Advisory Committees: Establishment, Appointment, Function, Operation, and Dissolution, adopted September 23, 2003; Policy No. 03-15 "Board-Appointed Advisory Committees" revised April 12, 2011; revised October 11, 2011

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 03-15, "Board-Appointed Advisory Committees" amended on October 11, 2011, is hereby further amended and a revised policy entitled "Board-Appointed Citizen Committees" is adopted in its place, to wit:

POLICY

1) **Intent and Purpose; Scope**

a) Intent and Purpose: to establish a policy and procedure to govern the process and the manner in which Board appointments are made to Citizen Committees, to govern the restrictions and limitations on appointments, and to assure that all Citizen Committees appointed by the Board comply with all applicable Government-in-the-Sunshine, Public Records, and Code of Ethics Laws.

b) Scope: governs all Board-appointed Citizen Committees in existence on the Effective Date of the Policy and to any Board-appointed Citizen Committees thereafter established;

2) **Definitions**

The following terms, when used in the Policy in their capitalized form, shall be defined as follows:

a) Ad Hoc Citizen Committee: a Citizen Committee established for a specific task or objective, and dissolved after the completion of the task or achievement of the objective. May be a Decision Making Committee or a Focus Group.

b) Applicant: a person who is interested in serving on a Citizen Committee and who is required to submit an Application, completed in accordance with this Policy.

c) Application: the form to be completed and submitted by those persons interested in serving on a Citizen Committee, other than those persons whose public positions are specifically identified by statute, code, rule, policy, or other state, federal, or local law as a required member of the Citizen Committee as identified in such law.

d) Board: the Leon County Board of County Commissioners.

e) Bylaws: a document governing the function and operation of a Decision Making Committee.

f) Citizen Committee: any committee or other group to which the Board makes citizen appointments including but not limited to boards, councils, authorities, task forces, commissions, and workgroups.

g) Commissioner: a member of the Leon County Board of County Commissioners.

h) County: Leon County, Florida.

i) Decision Making Committee: a Citizen Committee that provides recommendations regarding matters to be considered for Board approval and is intended to become part of the Board's decision-making process or otherwise makes decisions independent of the Board in accordance with its governing documents.

j) Enabling Resolution: the Resolution adopted by the Board which authorizes the creation of a Citizen Committee and which establishes the Citizen Committee as either a Decision Making Committee or a Focus Group.

k) Focus Group: a Citizen Committee *not* intended to become part of the Board's decision-making process, but rather is intended, by virtue of its Enabling Resolution, to merely provide a fact-finding source of community input and technical resources for use by Staff in developing a Staff recommendation regarding a matter to be considered for Board approval.

l) Orientation: the publication intended to educate Applicants about the applicability of the Government-In-The-Sunshine Laws, Code of Ethics Laws, and Public Records Laws to Citizen Committees.

m) Rules of Procedure: a document governing the function and operation of a Focus Group.

n) Staff: any individual(s) employed by the Leon County Board of County Commissioners.

o) Staff Support Person: the member of Staff assigned by the County Administrator to assist a Citizen Committee in carrying out the Board direction as set forth in the Enabling Resolution.

3) **Responsibilities**

a) County Administrator, or designee, shall be responsible for the implementation and compliance of the Policy, and shall be charged with the following responsibilities to be carried out in accordance with the Policy:

i) developing and implementing the application process;

ii) developing and implementing a process for the selection and appointment of members to Citizen Committees;

iii) developing and implementing an Orientation program;

iv) approving and executing the Bylaws or amended Bylaws for the Decision Making Committees and Rules of Procedure for the Focus Groups in a form approved by the County Attorney;

v) developing and implementing a custodial system for retaining minutes, Rules of Procedure, and Bylaws of Citizen Committees;

b) County Attorney: shall be responsible for providing any legal guidance necessary for the County Administrator to carry out his/her responsibilities under the Policy.

4) **Eligibility**

a) Applicant shall fully complete the application.

b) Applicant must complete the Applicant Orientation for Membership on Citizen Committees.

c) Applicant must be at least 18 years old and a Leon County resident unless otherwise prohibited by Federal, State or Local law.

d) Applicant may be appointed to only one Citizen Committee at a time, except for those serving or applying to serve on Ad Hoc Committees.

e) Limitation on Reappointment of Members: a current member of a Citizen Committee may be reappointed at the expiration of their term provided, however, that no member may serve more than **three** full consecutive terms, unless such limitation is otherwise prohibited or provided by Federal, State, local law or the Decision Making Committee's Bylaws.

5) **Application Process for Citizen Committees**

a) Application Form: The County Administrator shall develop and maintain an Application in a form to be approved by County Attorney.

b) Preliminary Application Review:

i) the County Administrator, or designee, shall review all Applications for completeness.

ii) in the event that any Application is found to be incomplete, or that any Applicant is found to not reside in Leon County, the Applicant shall be notified of such deficiency in the Application.

iii) upon approval of the eligibility of the Applicant, the Application will be maintained, on file, for a period of two years.

6) **Appointment of Members to Citizen Committees**

a) Appointment of Members to Citizen Committees by Individual Commissioners: upon review of the Applications, the County Administrator, or designee, shall coordinate the selection of Applicants as follows:

i) the list of Applicants available and eligible for selection, together with the required Application shall be provided to each Commissioner;

ii) selections shall be made by the individual Commissioners from the list of Applicants, provided by the County Administrator, or designee, and staff shall prepare a Consent Agenda Item to ratify the selections at a Board meeting; and place the matter, as soon as reasonably possible, on the Board's agenda for appointment of each selected Applicant to the Citizen Committee.

b) Appointment of Members to Citizen Committees by full Board: the selection of Applicants by the Full Board shall be approved by a majority vote of the Board, and selection of the Applicants shall be as follows:

i) the list of Applicants available and eligible for selection, together with the required Application shall be provided to each Commissioner;

ii) selections shall be made from the list of Applicants, provided by the County Administrator, or designee, to the full Board in a General Business Agenda Item; and shall be placed, as soon as reasonably possible, on the Board's agenda for appointment by the full Board of each selected Applicant to the Citizen Committee;

7) **Orientation**

a) Availability to Applicants: the County Administrator shall assure that the Orientation is made available to all Applicants in an easily accessible manner; and made available on the County's Citizens Committees' website.

b) Updates and Revisions to Orientation: the County Administrator, in conjunction with the County Attorney, or their designees, shall be responsible for updating and revising the Orientation, as necessary, to reflect any changes in the applicable laws.

8) **Board-Established Focus Groups - Function and Operation**

a) Rules of Procedure: the County Administrator, in conjunction with the County Attorney, or their designees, shall develop, maintain and amend as needed, the Rules of Procedure, which shall govern the function and operation of a Board-Established Focus Group.

b) Staff Support Person: each Citizen Committee shall have a Staff Support Person assigned by either the County Administrator or appropriate agency;

c) Staff Responsibility: upon the adoption of an Enabling Resolution identifying the Citizen Committee as a Focus Group, the Staff Support Person shall be responsible for the following:

i) assuring that all members of the Focus Group, after having completed the Orientation, understand the Public Records Law and Code of Ethics - Standard of Conduct before being allowed to participate in any meeting of the Focus Group;

ii) coordinating and providing Staff assistance, as necessary, for the meetings of the Focus Group; and conducting each meeting of the Focus Group;

iii) at or before the first meeting, providing a copy of the Rules of Procedure to all members of the Focus Group and to the Rules of Procedure custodian, as designated by the County Administrator;

iv) assuring that the Focus Group functions and operates in accordance with the Rules of Procedure for the Focus Group and the Enabling Resolution;

v) reviewing Citizen Committees' purpose and function to ensure the Citizen Committee is meeting the Board's intended goals; and

vi) notifying the County Administrator and/or the County Attorney, as soon as reasonably possible, of any violations of any law applicable to the Focus Group and any other problems encountered with the function and operation of the Focus Group.

9) **Board-Established Decision Making Committees Function and Operation**

a) Bylaws and Amendments to Bylaws: the County Administrator in conjunction with the County Attorney, or their designees, shall develop, maintain and amend as needed, Bylaws, which shall govern the function and operation of a Board-established Decision Making Committee. Unless otherwise prohibited or Federal, State or local law, Bylaws and amendments to bylaws must be approved by the County Administrator and County Attorney and, if required in the Citizen Committee's governing documents, by the Board.

b) Staff Support Person: each Citizen Committee shall have a Staff Support Person assigned by the County Administrator or designee.

c) Staff Responsibility: upon the adoption of an Enabling Resolution identifying the Citizen Committee as a Decision Making Committee, the Staff Support Person shall be responsible for the following:

i) assuring that all members of the Decision Making Committee after having completed Orientation, understand the Public Records Law, the Sunshine Law and the Code of Ethics, before being allowed to participate in any meeting of the Decision Making Committee;

ii) coordinating and providing Staff assistance, as necessary, for the meetings of the Decision Making Committee; and conduct each meeting of the Decision Making Committee;

iii) assuring that reasonable notice to the public is given for each meeting of the Decision Making Committee;

iv) assuring that, at the first meeting of the Decision Making Committee, a Chairperson is elected and that the Bylaws are provided to each member and a copy of the adopted Bylaws is provided to the Bylaws custodian as designated by the County Administrator;

v) assuring that minutes of each meeting of the Decision Making Committee are prepared, per Statute 286.011 Government-in- the-Sunshine Law, as soon as reasonably possible after each meeting, and ensuring that copies of such minutes are retained in a secure area. Staff Support Person shall be considered the minutes custodian for the Decision Making Committee;

vi) assuring that the Decision Making Committee functions and operates in accordance with the Bylaws for the Decision Making Committee and the Enabling Resolution;

vii) reviewing Citizen Committees' purpose and function to ensure the Citizen Committee is meeting the Board's intended goals;

viii) preparing an agenda item, as necessary, to advise the Board of the recommendations of the Decision Making Committee with regard to the matter for which the Decision Making Committee was established; and

ix) notifying the County Administrator and the County Attorney as soon as reasonably possible of any violations of any law applicable to the Decision Making Committee and of any other problems encountered with the function and operation of the Decision Making Committee.

10) **Dissolution of Citizen Committees**

a) The Citizen Committee shall be dissolved only as directed by the Board.

Revised 2/13/18

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, TO ESTABLISH AN ADVISORY COMMITTEE WHICH SHALL BE NAMED THE CHILDREN'S SERVICES COUNCIL PLANNING COMMITTEE AND WHICH SHALL OPERATE AND FUNCTION AS A DECISION MAKING COMMITTEE.

WHEREAS, on June 19, 2018 the Board of County Commissioners of Leon County, Florida (the Board) adopted Ordinance No. 2018-13 establishing an independent Children's Services Council district upon voter approval at the November 2020 General Election; and

WHEREAS, the Board recognizes and acknowledges the importance of developing a plan for a future Children's Service Council if approved by the voters; and

WHEREAS, in order to consider community input in the development of this plan, the Board wishes to establish and appoint a committee to function and operate in accordance with Board Policy No. 03-15, "Board-Appointed Citizen Committees."

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

1. The Board hereby establishes an advisory committee, to be named the Children's Services Council Planning Committee, for the purpose of developing a plan for a future Children's Service Council if approved by the voters in the November 2020 General Election. .

2. The Children's Services Council Planning Committee shall function and operate as a Decision Making Committee in accordance with Board Policy No. 03-15, "Board-Appointed Advisory Committees."

3. The Children's Services Council Planning Committee shall have as its goal to

develop a plan for a future Children's Service Council if approved by the voters in the November 2020 General Election.

4. The Children's Services Council Planning Committee shall be charged with the responsibility of giving input to the Board as follows: The Children's Services Council Planning Committee shall submit a final recommendation regarding a plan for a future Children's Services Council to the Board in the form of a written report.

5. The Children's Services Council Planning Committee shall have 20 members to be appointed as follows:

a. The Superintendent of Leon County Schools, or his designee;

b. A School Board member, as appointed by the Leon County School Board;

c. The Department of Children and Families District Administrator, or his or her designee;

d. A judge assigned to juvenile cases as appointed by the Chief Judge;

e. A member of the Leon County Board of County Commissioners, as appointed by the full Board;

f. Fifteen (15) Leon County residents who represent the demographic diversity of the population of the County.

6. The members of the Children's Services Council Planning Committee shall not be subject to full and public disclosure of financial interests.

7. The Children's Services Council Planning Committee shall be dissolved upon completion of its plan for a future Children's Services Council and its acceptance by the Board, or December 31, 2019, whichever comes first.

DRAFT

8. This Resolution shall become effective immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this ____ day of _____, ____.

LEON COUNTY, FLORIDA

: BY: _____
Nick Maddox, Chairman
Board of County Commissioners

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

BY: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

BY:_____
Herbert W. A. Thiele, Esq.
County Attorney

DRAFT

Leon County
Board of County Commissioners

Notes for Agenda Item #26

Leon County Board of County Commissioners

Agenda Item #26

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Request for Qualifications for Consulting Services to Conduct a Comprehensive Human Services Needs Assessment

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator
Lead Staff/ Project Team:	Shington Lamy, Director, Human Services and Community Partnerships Felisa Barnes, Financial Compliance Manager

Statement of Issue:

This item seeks the Board's consideration to utilize a professional consultant to conduct a comprehensive human services needs assessment. The needs assessment will examine and make recommendations to assist the County and the City of Tallahassee (City) in aligning Community Human Services Partnership (CHSP) funding with the highest human services needs of the community.

Fiscal Impact:

This item has a fiscal impact. The total cost of the consulting services will be based upon an evaluation of the responses received from the Request for Qualifications (RFQ) but is estimated to not exceed $150,000. The funding will be split equally between the County and the City. The County's portion of the funding is available in the Human Services and Community Partnership's current FY 2018 budget.

Staff Recommendations:

Option #1: Authorize staff to participate with the City in issuing a Request for Qualifications for consulting services to conduct a comprehensive human services needs assessment that includes the objectives outlined in this agenda item.

Option #2: Authorize the County Administrator to negotiate and execute a joint agreement with the City, for the consultant identified through the Request for Qualifications process.

Report and Discussion

Background:

This item seeks the Board's consideration to utilize a professional consultant to conduct a comprehensive human services needs assessment to identify the areas of highest human services needs in the community.

The study will include recommendations on how to align Community Human Services Partnership (CHSP) funding with the identified areas of human service needs. Recommendations will address a reevaluation of the existing human service categories and the funding allocations to each category. In addition, the study will recommend potential uniform outcome measures for each human service category to evaluate the effectiveness of funded programs. Finally, the study will establish a recommended process to ensure that the human services categories and funding allocations continue to align with changing community needs and desired community outcomes.

A final report and recommendations will be presented to the Board in the summer of 2019. Based on direction received by the Board and City Commission, final recommendations will be implemented for the next two-year funding cycle beginning October 1, 2020.

The CHSP is a joint systematic planning and funding distribution process of the County and City used to support human services in the community. Agencies providing direct human services to County and City residents, may apply for funding through the CHSP process. When first created in 1997, the CHSP consisted of three partners: the County, City, and United Way of the Big Bend (UWBB). However, in August 2016, the UWBB notified the County and the City that effective FY 2019, they would disengage from the CHSP process. On December 12, 2017, the Board approved a Memorandum of Understanding (MOU) with the City that articulated the mutual commitment to continue their support of the human service agencies through the CHSP (Attachment #1). As requested by the CHSP agencies, to ensure that the human service categories and funding continue to align with the highest human services needs in the community, the MOU also states that the County and City would reevaluate the CHSP human services categories and funding allocations. The categories have largely remained the same since the inception of the CHSP.

Following the adoption of the MOU, County and City staff met with CHSP agencies and the United Partners for Human Services (UPHS) to discuss the most appropriate approach to reevaluating the current human service categories. There was a consensus to conduct a comprehensive human services needs assessment as part of the evaluation process to determine if the current categories are addressing the highest human service needs in the community. Additionally, there was consensus that the County and City utilize an experienced, professional consultant to reevaluate the categories as well as conduct the comprehensive human services needs assessment.

On May 22, 2018, as part of the ratification item of the (Asset Limited, Income Constrained, Employed) ALICE Workshop, the Board was provided an update on County and City staff's discussions with human services partners on the CHSP categories reevaluation process. At that time, staff informed the Board that an agenda item would be presented at the July 10, 2018 meeting, for the consideration of the utilization of a consultant and the proposed comprehensive needs assessment.

Analysis:

Agencies providing direct human services to Leon County and City of Tallahassee residents may apply for funding through the CHSP process. As part of the CHSP Process, Community volunteers serve on Citizen Review Teams (CRT) that are assigned to review the agency's application, evaluate the agency's presentation, and make funding recommendations that are presented to the Board for final approval. One CRT is assigned to each human services funding category. Funds provided by the County and City are allocated across the ten human services funding categories. Table #1 reflects the categories.

Table #1 - Human Services Funding Categories
Children's Services
Community Support Services
Services for Persons with Disabilities
Basic Needs and Emergency Services
Family Support Services
Physical Health Services
Senior Services
Youth Recreation and Character Building Services
Youth Education Services
Promise Zone[1]

[1]*Funding solely by City of Tallahassee*

As stated previously, County and City staff met with CHSP agencies and UPHS to discuss the most appropriate approach to reevaluating the current human service categories. There was a consensus to conduct a comprehensive human services needs assessment as part of the evaluation process to determine if the current categories are addressing the highest human service needs in the community. Based on the results of the assessment, the study would then:

- Align CHSP human services categories to the highest human service needs
- Align funding allocations to the human services categories
- Recommend potential uniform outcome measures for each human service category to evaluate the effectiveness of funded programs
- Establish a process to ensure that the human services categories and funding allocations continue to align with changing community needs and desired community outcomes

As previously stated, the human services categories have largely been in place since the inception of the CHSP process more than 20 years ago. To address the changing needs of the

community, human services providers have implemented new programs. The human services categories, however, have not been modified to address these changing conditions. Therefore, the comprehensive needs assessment will reevaluate the current human service categories.

Additionally, the needs assessment will assist in establishing a recommended funding allocation for each human services category. Historically, the funding allocations to the human services categories have been established based on the funding provided for the previous fiscal year. Any increases in funding made by the County to CHSP have been allocated proportionally to the categories based on the funding provided the prior year. The recommended funding allocations will be prioritized for each human services category based on the results of the needs assessment. As noted above, the CRT process would continue to be used for making recommendations on the funds distribution process for agency programs.

Currently, agencies report specific data on a quarterly basis, such as the number and demographics of clients served. The needs assessment will develop recommended uniform outcome measures for each category that will evaluate the effectiveness of funded programs. The data reported by the agencies will be aligned with the recommended outcome measures and could be used for future funding decisions. In addition, the needs assessment would include a recommended process to ensure that the human services categories and funding allocations continue to align with changing community needs and desired community outcomes.

As previously mentioned, during County and City staffs meetings with human services partners, it was recommended that a professional consultant be utilized to conduct the comprehensive human services needs assessment. A review of other communities found that professional consultants are regularly utilized to conduct human service needs assessments. Most recently, in the spring of 2017, Seminole County utilized a professional consultant to conduct a community needs assessment.

County and City staff are proposing the issuance of a joint Request for Qualifications (RFQ) for a professional consultant. The proposed RFQ would solicit consultants to submit qualifications and experience demonstrating their capability to:

- Conduct a comprehensive human services needs assessment that will examine and make recommendations to assist the County and the City in aligning CHSP funding with the highest human services needs of the community. The final report to the County and City would provide the following:
    - The results of the comprehensive human services needs assessment
    - Proposed modifications to the CHSP Human Services Categories
    - Proposed funding allocation for each Human Service Category
    - Proposed uniform outcome measures for each Human Service Category to evaluate the effectiveness of funded programs
    - Any additional recommendations to ensure that the Human Services Categories and funding allocations continue to align with changing community needs and desired community outcomes

Consistent with the timeline established in the MOU, the changes to the Human Services Categories would go into effect for the FY 2020-2022 two-year funding cycle or October 1, 2020. To ensure a final report is complete and recommendations are presented to the Board by September 2019, Table #2 reflects the proposed timeline for completing the evaluation process.

Table #2 – Estimated Evaluation Process Timeline	
Issue Joint County-City RFQ	July 2018
Select Consultant and Execute Agreement	September 2018
Consultant Begins Work	October 2018
Consultant Complete Works	Spring 2019
Present Consultant's Report & Recommendations to the Board	Summer 2019

Through a joint solicitation with the City, the RFQ scope of work will be developed based on the above bulleted list. A selection committee would be established to evaluate and recommend a consultant to conduct the assessment. The Selection Committee would be comprised of 5 to 7 members including representatives from the County and City governments, the United Partners for Human Services Executive Director and academic professors with expertise in human services and/or social work.

The City Commission is expected to consider this issue during its July 11, 2018 meeting. Staff is seeking the Board's authorization for the County Administrator to negotiate and execute a joint agreement with City to hire the consultant, and authorization to use funds available in the Human Services and Community Partnership's current FY 2018 budget to pay the County's portion of the associated costs for consulting services subsequent to the City's affirmative vote.

Conclusion

The CHSP process continues to be a highly efficient method for allocating the limited resources of the County and City in addressing human services needs in the community. However, the existing Human Service Categories and funding allocations for the categories have remained relatively unchanged since the inception of CHSP nearly 20 years ago. Through the use of a professional consultant, a comprehensive human services needs assessment will identify the current areas of highest human services needs in the community. Based on the needs assessment, recommendations will address a reevaluation of the existing CHSP Human Service Categories and the funding allocations to each category. The needs assessment will also develop recommended uniform outcome measures for each category, that will evaluate the effectiveness of funded programs and include a recommended process to ensure that the Human Services Categories and funding allocations continue to align with changing community needs and desired community outcomes.

A final report and recommendations will be presented to the Board in the summer of 2019. Based on direction received by the Board and City Commissions, final recommendations will be implemented for the next two-year funding cycle beginning October 1, 2020.

Options:

1. Authorize staff to participate with the City in issuing a Request for Qualifications for consulting services to conduct a comprehensive human services needs assessment that includes the objectives outlined in this agenda item.
2. Authorize the County Administrator to negotiate and execute a joint agreement with the City for the consultant identified through the Request for Qualification process.
3. Do not authorize staff to participate with the City in issuing a Request for Qualifications for consulting services to conduct a comprehensive human services needs assessment that includes the objectives outlined in this agenda item.
4. Do not authorize the County Administrator to negotiate and execute a joint agreement with the City for the consultant identified through the Request for Qualification process.
5. Board direction.

Recommendations:

Options #1 and #2.

Attachment:

1. Leon County-City of Tallahassee Memorandum of Understanding on the Community Human Services Partnership

MEMORANDUM OF UNDERSTANDING
BETWEEN
LEON COUNTY AND THE CITY OF TALLAHASSEE
IN SUPPORT OF THE COMMUNITY HUMAN SERVICES PARTNERSHIP

This Memorandum of Understanding is entered into on the 2 day of March 2018 by and between Leon County, Florida (the County) and the City of Tallahassee (the City) to express mutual support and commitment to the Community Human Services Partnership.

WHEREAS, Leon County , the City of Tallahassee, and the United Way of the Big Bend (UWBB) established the Community Human Services Partnership (CHSP) in 1997 to ensure cooperative and collaborative support in funding agencies that provide direct human services to the community in a manner that assures a balanced, effective and efficient delivery system; and

WHEREAS, in August 2016 the UWBB informed the County and City of its intent to disengage from the CHSP commencing with the FY 2018/2019 planning and funding cycle; and

WHEREAS, the County and City Commissions subsequently and respectively expressed their mutual continued support for and commitment to the CHSP; and

WHEREAS, the CHSP will serve as a shared County and City planning and funding distribution process for the delivery of human services to those with the greatest need in our community; and

WHEREAS, the County and City Commissions respectively wish to provide broad policy direction and structure for the CHSP process,

NOW THEREFORE, the County and the City mutually agree to the following:

I. Goals and Objectives

A. The goal of the CHSP fund distribution process is to review agencies' capabilities and performance, and match requests for program funding to community needs, then distribute the available funds in a manner that assures a balanced, effective and efficient human services delivery system.

B. The County and City will maintain the following mutually adopted objectives for the CHSP:

1. Ensure that a majority of CHSP funds are used to provide direct client services to the lowest socio-economic areas where the most difficult social conditions exist.

2. Through the Citizen Review Teams, ensure that 100% of the funds are allocated towards the areas of greatest need and opportunity.
3. Support and maintain the optimal level of human services possible with the amount of resources available.
4. Provide a service delivery system that best matches identified community needs.
5. Focus spending of CHSP funds toward a long-range perspective, which incorporates changing needs and trends relative to how needs should be met.
6. Provide a means for an ongoing review of the program and the financial needs of agencies participating in the CHSP process through program monitoring.
7. Provide a method for measuring the cost and effectiveness of the programs addressing multiple community needs.
8. Use CHSP funds to complement and supplement the agencies' budgets for the provision of comprehensive services, including all tax-supported and voluntary agency activities.
9. Ensure that funds are distributed to human service agencies without unnecessarily duplicating program funding at the expense of others.
10. Eliminate duplicate preparation of applications and reviews or interviews by agencies.
11. Maximize the level of state and federal funds coming into the community through match opportunities.
12. Provide a forum for information sharing and an opportunity to find common ground in defining terms, goals and objectives.
13. Ensure that CHSP funded agencies adhere to the American Institute of Certified Public Accountants (AICPA) standards of accounting for nonprofits.

II. Funding by the Governing Bodies

A. The CHSP funds shall be awarded annually for a two-year period, subject to the annual appropriation by the County and City Commissions respectively.

B. The County and City Commissions shall respectively establish funding levels once every two years beginning in the spring of 2018 for the CHSP two-year funding period.

C. The County and City Commissions shall consider and determine the final distribution of the CHSP funds to agencies for each two-year period and biennial contracts with the agencies.

III. Administration

A. The CHSP will be administered jointly by the County and City.

B. The County Administrator, or designee and the City Manager, or designee shall develop and maintain procedures for the implementation and administration of the CHSP process.
   i. County Administrator, or designee and City Manager, or designee will execute agency biennial contracts.

C. The County and City shall mutually establish and support an on-line system that provides, but is not limited to the following services:
   1. The CHSP Information and Notification
   2. Funding Request Application
   3. Agency Reimbursement and Reporting
   4. Data Collection
   5. Recruitment for Citizens Review Team members

IV. Human Services Categories

A. The County and City Commissions shall jointly and periodically review, evaluate and revise the human services categories and the funding level for each category.
   i. The initial human services categories established for the first two-year period (FY 2018/2019 and FY 2019/2020) are as follows:
      1. Children's Services
      2. Community Support Services
      3. Services for Persons with Disabilities
      4. Basic Needs and Emergency Services
      5. Family Support Services
      6. Physical Health Services
      7. Senior Services
      8. Youth Recreation and Character Building Services
      9. Youth Education Services
      10. Promise Zone (City only)

B. The funding allocation established in FY 2017/2018 for CHSP shall serve as the base funding level for each human services category for the first two-year CHSP funding period (FY 2018/2019 and FY 2019/2020).

C. Any restrictions on the use of funds shall be incorporated into the CHSP procedures. For example, language indicating that the City's Change for Change funding is restricted to the Basic Needs and Emergency Services category will be included in the CHSP procedures.

D. In preparation for the two-year period of the FY 2020/2021 and FY 2021/2022 CHSP application cycle, the County and City shall re-evaluate the human service categories to identify the areas of highest human service needs within the City and County and determine whether the current human service categories reflect those needs. The evaluation process will also recommend the appropriate distribution of CHSP funding amongst the human service categories.

E. The County and City shall review and evaluate the human services categories in coordination and collaboration with all stakeholders including: Citizen Review Team members, CHSP agencies, the UWBB, United Partners for Human Services, human services providers, human services program consumers, and other local partners and implement any proposed revisions in preparation for the two-year period beginning FY 2020-2021.

i. The evaluation process will consider pertinent statistical and demographic information regarding local human services to include, but not be limited to:

a. Local census data
b. Program data and reports provided by CHSP agencies
c. Existing human service and community assessment data and reports

ii. Proposed revisions to the initial categories and recommendations shall be presented to the County and City Commissions for approval respectively by September 2019.

V. Requirement for Agency Participation in CHSP

A. Not-for-profit agency programs that provide direct human services to citizens in Tallahassee-Leon County are eligible for funding through the CHSP.

i. The procedures developed and maintained by the County Administrator, or designee and the City Manager or designee will establish minimum legal requirements for not-for-profit agencies to participate in the CHSP.

B. Agencies seeking funding through the CHSP shall be required to participate in the competitive funding process which includes: participation in mandated workshops and trainings and the submission of an on-line application.

C. Applications shall be accepted once every two years in accordance with the defined application period established by the County Administrator or designee and the City Manager or designee.

D. Applications shall not be accepted after an established deadline.

E. The CHSP funding for programs of "new" agencies shall be limited to 7.5% collectively for each funding category. A new agency is defined as an organization that has not been awarded and/or received CHSP funding in the previous two funding periods.

VI. Requirements for Citizen Review Teams

A. Citizen Review Teams shall be established to review, evaluate, and make funding recommendations for each human services category.

B. Citizen Review Teams shall be comprised of individuals that reside or work within the City of Tallahassee or the unincorporated areas of Leon County.

C. Citizen Review Team members shall be recruited through an open advertisement process.

D. All Citizen Review Team members serve on a voluntary basis.

E. Heads of agencies and/or organizations of programs funded through the CHSP or requesting funding through CHSP are prohibited from serving on Citizen Review Teams.

F. The County and City may have independent processes for ratifying the Citizen Review Team members.

G. The County Administrator, or designee and the City Manager, or designee reserve the right to establish a process to gather input from members of Citizen Review Teams following the completion of the evaluation and funding recommendation of each two-year period.

VII. Appeals Process

A. Ensure that there is a process for agencies that wish to challenge the funding recommendations made by Citizen Review Teams and or staff as part of the procedures for the implementation and administration of the CHSP.

VIII. Program Reporting and Data Collection

A. All agencies awarded funding through the CHSP process shall be required to submit periodic reports.

B. Data shall be collected, compiled and analyzed for the purpose of evaluating program performance and monitoring trends.

C. Data collected from the report shall include, but is not limited to the number of clients served, client demographic information such as race, gender, age and income.

D. Data collected and reported shall be maintained in a manner which conforms to rules and regulations related client privacy and confidentiality.

E. Data collected and analyzed will be shared with the agencies for purposes of improving program efficiency and operations.

F. Information collected through data analysis processes shall be used to establish uniform outcome goals and measures.

G. Information collected and analyzed will be shared with the Citizens Review Teams to assist in future review, evaluation and funding recommendation processes.

H. Program outcome and performance data will be provided periodically the County and City Commissions respectively.

IX. Public Input

A. The County Administrator and the City Manager shall convene a public meeting once a year to receive agency input, present recommend changes to the CHSP process for the upcoming cycle, and discuss long-term opportunities and enhancements to the process that would better address the human services needs of the community.

B. Furthermore, the County and City staff shall conduct at least two additional meetings per year to solicit public and agency input on the CHSP program, monitoring area social service needs and trends along with reviewing and implementing modifications to CHSP processes and procedures.

X. Partnerships

A. The County and City will consider organizations that wish to serve as an additional funding partner that share a mutual commitment to the goals and mission of the CHSP.

For Leon County

Vincent S. Long, County Administrator

For City of Tallahassee

Reese Goad, Interim City Manager

ATTESTED BY:

Gwendolyn Marshall, Clerk of Court & Comptroller, Leon County, Florida

James O. Cooke, IV, City Treasurer-Clerk

AS APPROVED TO FORM:

Herbert W.A. Thiele, County Attorney

Cassandra K. Jackson, Interim City Attorney

Leon County
Board of County Commissioners

Notes for Agenda Item #27

Leon County Board of County Commissioners

Agenda Item #27

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Ratification of the June 19, 2018 Fiscal Year 2019 Budget Workshop

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Tim Barden, Budget Manager Jelani Marks, Management & Budget Analyst Tiffany Fisher, Management Analyst

Statement of Issue:

This agenda item seeks ratification of Board actions taken at the June 19, 2018 Fiscal Year 2019 Budget Workshop.

Fiscal Impact:

This agenda item has a fiscal impact and establishes Board direction for the FY 2019 Tentative Budget. Based on final taxable values, property tax collections are projected to increase $774,962 more than what was presented at the June 19 budget workshop. As detailed in the analysis, this item recommends using the additional collection to increase the reserve set aside for the possible passage of the homestead exemption, thereby further mitigating possible future millage rate increases.

Staff Recommendation:

See next page.

Staff Recommendation:

Option #1: Ratify the actions taken during the June 19, 2018 FY 2019 Budget Workshop.

Option #2: Approve the Resolution and Associated Budget Amendment appropriating $10,000,000 in unallocated fund balance for the fund balance sweep in support of the capital program (Attachment #1).

Option #3: Approve amendments the County Administrator's and County Attorney's Annual Performance Evaluation and Pay Adjustment Policies, 11-6 and 03-14, respectively (Attachments #3 and #4).

Option #4: Approve the $16,626 budget Amendment Request to fund the County's requested portion of spay and neuter community vouchers to be distributed by Be The Solution, Inc. (Attachment #5).

Option #5: Establish the maximum countywide millage rate for FY 2019 at 8.3144.

Option #6: Establish the maximum Emergency Medical Services (EMS) Municipal Services Taxing unit (MSTU) for FY 2019 at 0.5 mills.

Option #7: Approve increasing the additional homestead exemption reserve account by $774,962 from $1.0 million to $1,774,962.

Report and Discussion

Background:

As specified on the Board's adopted budget calendar, a workshop was conducted on June 19, 2018. The purpose of the workshop was to provide staff final direction regarding the development of the FY 2019 Tentative Budget.

Analysis:

In accordance with the actions taken during the June 19, 2018 Budget Workshop, the Board authorized the following:

1. Midyear Status Report on FY 2017 – FY 2021 Strategic Plan and Update on the 2018 LEADS Listening Sessions

The Board approved Option #1:

1. Accept Midyear Status Report on FY 2017-FY 2021 Strategic Plan and update on the 2018 LEADS Listening Sessions.

2. Fiscal Year 2019 Preliminary Budget Overview

The Board approved Options #1 and #2:

1. Accept staff's report on the preliminary budget including approving the Resolution and Associated Budget Amendment appropriating $10,000,000 in unallocated fund balance for the capital program (Attachment #1)

2. Pursuant to Leon County Policy No. 13-1, "Sidewalk Eligibility Criteria and Implementation" approve adding a future sidewalk on Highland Drive from Buck Lake Road to Mahan Drive to the sidewalk priority list.

3. Status Report on Gender-based Pay Equity in Leon County Government

The Board approved Options #1 and #2, as amended:

1. Accept the status report on gender-based pay equity in Leon County government.
2. Approve the exclusion of prior salary history from the County's job application.

3. Provide an annual update to the Board on how the County is continuing to support diversity in the organization. The update will include, but not be limited to: an annual review of gender pay equity, efforts taken to continue to ensure diversity in the workplace and how training opportunities/alternative career paths continue to be promoted throughout the organization to all employees.

   This update will be included in the County's Mid-Year Financial Report which is presented as part of the annual budget process.

In addition, the Board directed that the County Administrator's and the County Attorney's annual evaluations be modified to ensure that gender pay equity was included as part of the evaluation. The policies governing the County Administrator's and County Attorney's Annual Evaluations, Policies 11-6 and 03-14, respectively, have been updated accordingly and are recommended for approval (Attachments #2 and #3).

4. FY 2019-FY 2021 Leon County Division of Tourism Strategic Plan and FY 2019 Funding Requests Including the Sale of Tourism Building

The Board approved Options #1, #2 and #3:

1. Accept the proposed FY 2019-FY 2021 Tourism Strategic Plan (Attachment #4).
2. Approve the utilization of $720,000 in Tourism fund balance to support the proposed FY 2019-FY 2021 Tourism Strategic Plan.
3. Authorize the County Administrator to sell the Tourism Building for the purpose of relocating the Office of Human Services and Community Partnerships and the Division of Tourism.

5. Status Update on the Leon Works Junior Apprenticeship Program and Partnership with CareerSource Capital Region

The Board approved Option #1:

1. Accept the status update on Leon County's partnership with CareerSource Capital Region to support the Leon Works Junior Apprenticeship Program.

6. Status Report on the Street Lighting Program

The Board approved Option #1: Accept the FY 2018 status report on the street lighting program.

1. Accept the FY 2018 status report on the street lighting program.

7. Funding for Be the Solution, Inc. Pet Overpopulation Prevention Activities

The Board approved Options #1 and #2:

1. Approve the $16,626 Budget Amendment Request to fund the County's requested portion of spay and neuter community vouchers to be distributed by Be The Solution, Inc.
2. Authorize the County Administrator to execute an agreement with Be The Solution, Inc. in a form approved by the County Attorney regarding the expenditure and reporting of the $16,626 in County funds.

8. Establishing Maximum Millage Rates for FY 2019 Tentative Budget

The Board approved Options #1 and #2:

1. Establish the maximum countywide millage rate for FY 2019 at 8.3144.

2. Establish the maximum Emergency Medical Services (EMS) Municipal Services Taxing Unit (MSTU) for FY 2019 at 0.5 mills.

Final Taxable Property Values

As discussed during the June 19 Budget Workshop, the Property Appraiser provides preliminary property values on June 1 and final taxable values on July 1. The June 1 values were used for the preparation of the preliminary budget presented at the June 19 Budget Workshop. The final taxable values provided on July 1 have increased an additional 0.6% or $98.0 million. At the current 8.3144 millage rate, property taxes are forecasted to increase an additional $774,962.

With a continued focus on constraining budgetary growth and the long term fiscal viability of the County, there are several approaches the Board may wish to consider for the allocation of the additional $774,962. As further described below, this item recommends increasing the $1.0 million reserve set aside to address the possible passage of the additional homestead exemption to $1.774 million to further reduce any future millage rate increases. An alternative approach that continues to focus on budgetary constraint and fiscal viability is to further reduce the use of recurring fund balance from $2.0 million to $1.225 million.

During the FY 2018 and FY 2019 budget cycles, the Board has taken deliberate measures to prepare the organization for the possibility of the passage of the November 2018 additional homestead exemption referendum. If approved, the revenue reduction to the County is estimated at $7.2 million.

As part of the FY 2018 budget process, staff recommended and the Board reviewed several financial strategies in order to address the long-term fiscal impacts the passage of the referendum would have on Leon County. These options ranged from completely off-setting the $7.2 million in lost property tax revenue by increasing the millage rate by 0.5 mills; to not raising the millage rate, eliminating County services and cease funding certain capital projects (such as the Apalachee Regional Park); to phasing out the Downtown CRA, and increasing the use of fund. After thorough deliberation, the Board opted to support a long-term fiscal plan to:

- Negotiate with the City to withdraw from the Downtown CRA by FY 2020
- Increase the countywide millage rate by 0.4 mills in FY 2020, which would increase ad valorem revenue by $5.8 million.

The County did successfully negotiate a withdrawal from the Downtown CRA. As such, a $1.0 million reserve account to offset the revenue reduction if the referendum passes is included in the FY 2019 preliminary budget. As noted above, the additional $774,962 in property tax revenue is recommended to increase the reserve to $1.774 million. By increasing this reserve, the planned

millage rate increase in FY 2020 can be further reduced by approximately 0.05 mills. Instead of considering increasing the millage rate by 0.40 mills in FY 2020 if the referendum passes, the millage rate increase can be reduced to 0.35 mills.

If the referendum fails, the $1.774 million reserve could be used to nearly eliminate the use of recurring fund balance as part of the FY2020 budget. At the peak of the recession, the use of fund balance had grown to $5.0 million; the preliminary budget reduces this amount to $2.0 million. The goal is to reduce the use of fund balance for recurring purposes to $0.

Alternatively, the additional $774,962 could be used to reduce the $2.0 million in fund balance as part of the current year budget process. This approach reduces the $2.0 million to $1,225,038 in the FY 2019 Tentative Budget furthering the goal of making this amount $0.

Based on the recommendation to increase the homestead reserve account, the FY 2019 Tentative Budget would be $263,242,292, an increase of $774,962 from the FY 2019 Preliminary Budget presented at the June 19, 2018 Budget Workshop. The total tentative FY2019 budget would be 3.77% greater than the FY 2018 Adopted Budget.

Options:

1. Ratify the actions taken during the June 19, 2018 FY 2019 Budget Workshop.
2. Approve the Resolution and Associated Budget Amendment appropriating $10,000,000 in unallocated fund balance for the fund balance sweep in support of the capital program (Attachment #1).
3. Approve amendments the County Administrator's and County Attorney's Annual Performance Evaluation and Pay Adjustment Policies, 11-6 and 03-14, respectively (Attachments #3 and #4).
4. Approve the $16,626 budget Amendment Request to fund the County's requested portion of spay and neuter community vouchers to be distributed by Be The Solution, Inc. (Attachment #5).
5. Establish the maximum countywide millage rate for FY 2019 at 8.3144.
6. Establish the maximum Emergency Medical Services (EMS) Municipal Services Taxing unit (MSTU) for FY 2019 at 0.5 mills.
7. Approve increasing the additional homestead exemption reserve account by $774,962 from $1.0 million to $1,774,962.
8. Approve reducing the use of recurring fund balance by $774,962 (from $2.0 million to $1,225,038).
9. Board direction.

Recommendation:

Options #1 through #7.

Attachments:

1. Resolution and Budget Amendment for the Fund Balance Sweep
2. Revised County Administrator Performance Evaluation and Annual Reporting Process Policy
3. Revised Annual Evaluation and Pay Adjustment for the County Attorney Policy
4. Proposed FY 2019 – FY 2021 Tourism Strategic Plan
5. Budget Amendment & Contingency Statement to allocate funds for Be The Solution, Inc.

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2017/2018; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 10th day of July, 2018.

LEON COUNTY, FLORIDA

BY: _____
Nick Maddox, Chairman
Board of County Commissioners

ATTEST:
Gwendolyn Marshall, Clerk of the Court and Comptroller
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esq.
County Attorney

FISCAL YEAR 2017/2018
BUDGET AMENDMENT REQUEST

No: BAB18027
Date: 6/4/2018

Agenda Item No:
Agenda Item Date: 7/10/2018

County Administrator

Vincent S. Long

Deputy County Administrator

Alan Rosenzweig

Request Detail:

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
001	000	399900	000	Appropriate Fund Balance	8,254,963	1,250,000	9,504,963

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
001	950	591305	581	Transfer To Fund 305	-	1,250,000	1,250,000

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
110	000	399900	000	Appropriate Fund Balance	519,320	1,500,000	2,019,320

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
110	950	591305	581	Transfer To Fund 305	-	1,500,000	1,500,000

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
123	000	399900	000	Appropriate Fund Balance	-	1,150,000	1,150,000

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
123	950	591305	581	Transfer To Fund 305	-	1,150,000	1,150,000

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
126	000	399900	000	Appropriate Fund Balance	-	3,000,000	3,000,000

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
126	950	591305	581	Transfer To Fund 305	-	3,000,000	3,000,000

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
505	000	399900	000	Appropriate Fund Balance	-	1,100,000	1,100,000

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
505	950	591305	581	Transfer To Fund 305	-	1,100,000	1,100,000

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
305	950	381001	000	Transfer From Fund 001	-	1,250,000	1,250,000
305	950	381110	000	Transfer From Fund 110	-	1,500,000	1,500,000
305	950	381123	000	Transfer From Fund 123	-	1,150,000	1,150,000
305	950	381126	000	Transfer From Fund 126	-	3,000,000	3,000,000
305	950	381505	000	Transfer From Fund 505	-	1,100,000	1,100,000
					Subtotal:	8,000,000	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
305	990	59902	599	Reserve For Future Projects	-	8,000,000	8,000,000
					Subtotal:	8,000,000	

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
106	000	399900	000	Appropriate Fund Balance	661,932	1,000,000	1,661,932

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
106	950	591306	581	Transfer To Fund 306	3,220,285	1,000,000	4,220,285

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
306	950	399000	000	Transfer From Fund 106	3,220,285	1,000,000	4,220,285
306	000	399000	000	Appropriate Fund Balance	-	1,000,000	1,000,000
					Subtotal:	2,000,000	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
306	990	59902	599	Reserve For Future Projects	-	2,000,000	2,000,000
					Subtotal:	2,000,000	

Purpose of Request

This budget amendment appropriates $10,000,000 in unreserved fund balance above the adopted policy minimum to replenished general capital reserves. This action allows the Board to maintain its existing infrastructure for the next five years and maintain a sufficient amount of contingency without having to annually transfer large amounts of recurring general revenue to the Capital Improvement Program.

Group/Program Director

Budget Manager

Scott Ross, Director, Office of Financial Stewardship

Approved By: **Resolution** [X] **Motion** [ ] **Administrator** [ ]

Board of County Commissioners
Leon County, Florida

Policy No. 11 - 6

Title:	County Administrator Performance Evaluation and Annual Reporting Process
Date Adopted:	~~September 15, 2015~~July 10, 2018
Effective Date:	~~September 15, 2015~~July 10, 2018
Reference:	N/A
Policy Superseded:	Policy No. 11-6, "County Administrator Performance Evaluation and Annual Reporting Process," adopted September 13, 2011; revised January 29, 2013; revised January 27, 2015; revised September 15, 2015

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 11-6, ~~a revised policy entitled~~ "County Administrator Performance Evaluation and Annual Reporting Process" revised by the Board of County Commissioners on September 15, 2015 is~~be~~ hereby further amended, and a revised policy is adopted in its place, to wit:

For the purpose of evaluating the performance of the County Administrator in a fair and open manner, the Board will annually follow the processes outlined in this policy. As part of this review, the County Administrator will be required to annually report the state of the County to the Board.

This policy is consistent with Florida Statutes 125.84 (1) that states the County Administrator will "Report annually or more often if necessary, to the board of commissioners and to the citizens on the state of the County, the work of the previous year, recommendations for action or programs for improvement of the County and the welfare of its residents."

The following process shall be used annually to effectuate this policy.

Annual Report

1. In September of each year, the County Administrator will prepare a report that provides a detailed analysis summarizing the state of the County ("the annual report").
2. The reporting period for the annual report will be based on the prior fiscal year.
3. The annual report will be presented for acceptance by the Board at the second regularly scheduled meeting in September of each year.
4. To maximize community involvement:
    a. In addition to the Board of County Commissioners meeting, the annual report will be presented to at least two community meetings conducted outside of the Courthouse. The locations will be selected to maximize citizens' opportunity to participate.

b. Presentation of a summary of the annual report will be published in a newspaper of general circulation.

Performance Evaluation

5. An online process, by which each County Commissioners may complete and submit the County Administrator performance evaluation form, will be administered by Human Resources with MIS' technical support.
6. By no later than October 1 of each year, the Chairman will distribute the link to the online County Administrator performance evaluation form, included as part of this policy, to each of the Board members.
7. By no later than the Thursday following the first regularly scheduled meeting in October of each year, each individual Commissioner will complete and submit the County Administrator performance evaluation form. Each Commissioner is encouraged to meet with the County Administrator to discuss their individual evaluation.
8. The Chairman will review all of the evaluation forms and approve an appropriate merit percentage increase in accordance with the contract of the County Administrator.
9. The Human Resources Director will compile the individual evaluations into a summary document and prepare an agenda item containing the following: summary of evaluations, individual evaluations, and merit percentage increase.
10. The compilation of the County Administrator's evaluation will be presented at the second regularly scheduled meeting in October of each year for ratification by the Board of each Commissioner's individual evaluations and the merit percentage increase.

Revised ~~September 15, 2015~~ July 10, 2018

Leon County Board of County Commissioners
Performance Evaluation

County Administrator

This form shall be completed by each member of the Board to evaluate the County Administrator's performance in each of the areas noted below. Performance levels can be noted based on the following scale:

5 – Excellent (almost always exceeds expectations and performs at very high standard)
4 – Above average (generally exceeds performance expectations)
3 – Satisfactory (meets performance expectations)
2 – Below average (generally does not meet performance expectations)
1 – Unsatisfactory (almost always fails to meet minimum performance expectations).

Each member of the Board should sign the form and forward it to the Chairman.

EVALUATION PERIOD: _____ TO: _____

1.	**PROFESSIONAL SKILLS AND STATUS**	**5**	**4**	**3**	**2**	**1**
a.	Knowledgeable of current developments affecting the management field and affecting county governments.					
b.	Respected in management profession.					
c.	Has a capacity for and encourages innovation.					
d.	Anticipates problems and develops effective approaches for solving them.					
e.	Willing to try new ideas proposed by Board Members or staff.					
f.	Interacts with BOCC in a direct and straightforward manner.					

2.	**RELATIONS WITH BOARD OF COUNTY COMMISSIONERS**	**5**	**4**	**3**	**2**	**1**
a.	Carries out directives of the Board as a whole rather than those of any one Board member.					
b.	Assists the Board on resolving problems at the administrative level to avoid unnecessary Board action.					
c.	Assists the Board in establishing policy, while acknowledging the ultimate authority of the Board.					
d.	Responds to requests for information or assistance by the Board.					

3.	**POLICY EXECUTION**	**5**	**4**	**3**	**2**	**1**
a.	Implements Board action in accordance with the intent of the Board.					
b.	Supports the actions of the Board after a decision has been reached, both inside and outside the organization.					
c.	Enforces County policies.					
d.	Understands County's laws and ordinances.					
e.	Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness.					
f.	Offers workable alternatives to the Board for changes in the law when an ordinance or policy proves impractical in actual administration.					

4.	**REPORTING**	**5**	**4**	**3**	**2**	**1**
a.	Provides the Board with reports concerning matters of importance to the County.					
b.	Reports are accurate, comprehensive and produced in a timely manner.					
c.	Prepares a sound agenda which prevents trivial administrative matters from being reviewed by the Board.					
d.	Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny.					

5.	**CITIZEN RELATIONS**	**5**	**4**	**3**	**2**	**1**
a.	Responsive to complaints from citizens.					
b.	Demonstrates a dedication to service to the community and its citizens.					
c.	Skillful with the news media, avoiding political positions and partisanship.					
d.	Has the capacity to listen to others and to recognize their interests.					
e.	Willing to meet with members of the community to discuss their real concerns.					

6.	**STAFFING**	**5**	**4**	**3**	**2**	**1**
a.	Recruits and retains competent personnel for County positions.					
b.	Aware of staff weaknesses and works to improve their performance.					
c.	Accurately informed and concerned about employee relations.					
d.	Professionally manages the compensation and benefits plan.					
e.	Promotes training and development opportunities for employees at all levels of the organization.					

7.	**SUPERVISION**	**5**	**4**	**3**	**2**	**1**
a.	Employs a professional, knowledgeable staff.					
b.	Maintains a healthy and productive organizational culture.					
c.	Employees are recognized for best practices in the industry.					
d.	Employees have training, pay equity and professional growth opportunities within the organization.					
e.	Encourages teamwork, innovation, and effective problem-solving among the staff members.					
f.	Institutes in employees a culture that is focused on customer service and responsible stewardship.					

8.	**FISCAL MANAGEMENT**	**5**	**4**	**3**	**2**	**1**
a.	Prepares a balanced budget to provide services at a level directed by the Board.					
b.	Makes the best possible use of available funds, conscious of the need to operate the County efficiently and effectively.					
c.	Prepared budget is in an intelligent but readable format.					
d.	Possesses awareness of the importance of financial planning and control.					
e.	Appropriately monitors and manages the fiscal activities of the organization.					

9.	**COMMUNITY**	**5**	**4**	**3**	**2**	**1**
a.	Engages with community partners on local initiatives.					
b.	Avoids unnecessary controversy.					
c.	Respected as a community leader.					

Total All Points: _____

Divide Total by: ~~_____~~44 (# of categories)

Average: _____

10. What strengths has the County Administrator demonstrated (management skills, knowledge, abilities) which have been most helpful to you as a commissioner during this evaluation period (feel free to be general or include specific issues or projects which benefited from the Administrator's leadership)?

_____

_____

_____

_____

_____

11. What performance areas would you identify as needing improvement? Why? What constructive, positive ideas can you offer the County Administrator to improve these areas?

_____

_____

_____

_____

_____

12. Other comments?

_____

_____

_____

_____

_____

_____

Signature: _____

Date: _____

Board of County Commissioners
Leon County, Florida

Policy No. 03-14

Title:	Annual Evaluation and Pay Adjustment for the County Attorney
Date Adopted:	~~July 11, 2017~~July 10, 2018
Effective Date:	~~July 11, 2017~~July 10, 2018
Reference:	N/A
Policy Superseded:	Policy No. 00-6, "Annual Evaluations and Pay Adjustments for County Administrator and County Attorney," adopted September 9, 2000; Policy No. 03-14, "Annual Evaluations and Pay Adjustments for County Administrator and County Attorney," adopted October 14, 2003; Policy No. 03-14, "Annual Evaluations and Pay Adjustments for County Administrator, County Attorney, and Executive Director, Tourist Development Council," adopted October 14, 2008; Policy No. 03-14, "Annual Evaluation and Pay Adjustment for the County Attorney," adopted September 20, 2011; revised January 29, 2013; July 11, 2017.~~.~~

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that:
Policy No. 03-14 "Annual Evaluation and Pay Adjustment for the County Attorney", revised ~~adopted~~ by the Board of County Commissioners on July 11, 2017~~anuary 29, 2013~~, is hereby further amended and a revised policy is adopted in its place, to wit:

There shall be an annual review and merit pay consideration for the County Attorney. A procedure shall be used to conduct such annual evaluation and to determine annual pay adjustments of the County Attorney.

1. By no later than October 1 of each year, the Human Resources will notify each Commissioner regarding the opening of the online evaluation tool for the County Attorney's evaluation. The performance evaluation is included as part of this policy.

2. By October 15 of each year, each Commissioner will meet individually with the County Attorney to discuss the results of their evaluations. At the conclusion of the evaluation conference, the Commissioner will provide the County Attorney with a copy of the completed and signed form. The County Attorney will forward a copy of the completed evaluation to the Chairman and to the Human Resources Director.

3. The Chairman will review all of the evaluation forms and by October 31 of each year approve an appropriate merit percentage increase in accordance with the contract of the County Attorney.

County Board of County Commissioners
Performance Evaluation

County Attorney

This online form shall be completed by each member of the Board to evaluate the County Attorney's performance in each of the areas noted below. Performance levels can be noted based on the following scale:

5 – Excellent (almost always exceeds expectations and performs at very high standard)
4 – Above average (generally exceeds performance expectations)
3 – Satisfactory (meets performance expectations)
2 – Below average (generally does not meet performance expectations)
1 – Unsatisfactory (almost always fails to meet minimum performance expectations).

Each member of the Board should sign the form and forward it to the Chairman.

EVALUATION PERIOD: _____ TO: _____

1.	**PROFESSIONAL SKILLS AND STATUS**	**5**	**4**	**3**	**2**	**1**
a.	Legal advice provided has proven to be accurate and technically correct.					
b.	Is respected within the legal profession.					
c.	Possesses an efficient and effective knowledge of the County's Code of Laws and regulations, state statutes, and federal laws.					
d.	Possesses an efficient and effective knowledge of case law and other government's regulations regarding local governments and issues facing the County.					

2.	**RELATIONS WITH BOARD OF COUNTY COMMISSIONERS**	**5**	**4**	**3**	**2**	**1**
a.	Communicates effectively with the Board, staff, and the community.					
b.	Responds in a timely manner to requests made by the Board.					
c.	Proactively anticipates and identifies potential legal consequences to proposed Board action.					
d.	Maintains the Board's and County staff's confidence in the					

	performance of his duties.					

3.	**LEGAL REPRESENTATION**	**5**	**4**	**3**	**2**	**1**
a.	Aggressively represents the County's interests as directed by the Board.					
b.	Approach is effective in achieving the best possible legal outcomes for the County's interests given the issues that arise.					
c.	Represents the County in a professional and ethical manner.					
d.	Impartially and objectively performs his duties and responsibilities.					
e.	Estimates of legal impacts are reasonably accurate on a regular basis.					
f.	Regularly provides the scope of legal expertise necessary to meet the County's needs on issues that arise, either himself, through his staff, or other available resources.					
g.	Maintains confidentiality with regard to all matters discussed with the Board and County staff.					

4.	**REPORTING**	**5**	**4**	**3**	**2**	**1**
a.	Provides the Board with reports concerning matters of importance to the County.					
b.	Reports are accurate, comprehensive, and produced in a timely manner.					

5.	**STAFFING**	**5**	**4**	**3**	**2**	**1**
a.	Recruits and retains competent personnel.					
b.	Accurately informed and concerned about employee relations.					
c.	Promotes training, pay equity and development opportunities for attorneys and staff.					

6.	**SUPERVISION**	**5**	**4**	**3**	**2**	**1**
a.	Encourages staff to make decisions within their own areas of responsibility and job descriptions, yet maintains general control of all legal operations.					
b.	Instills confidence and initiative in subordinates and emphasizes support rather than restrictive controls for the completion of their assignments.					
c.	Has developed a friendly and informal relationship with the work force as a whole, yet maintains the prestige and dignity of the County Attorney's office.					
d.	Evaluates personnel periodically and addresses any needed improvements, including pay equity as well as recognizes accomplishments.					
e.	Encourages teamwork, innovation, and effective problem-solving among the attorneys and staff.					

7.	**FISCAL MANAGEMENT**	**5**	**4**	**3**	**2**	**1**
a.	Prepares a balanced budget to provide services at a level directed by the Board.					
b.	Appropriately monitors and manages the fiscal activities of the County Attorney's Office.					

Total All Points: _____

Divide Total by: **27 (# of categories)**

Average: _____

8. What strengths has the County Attorney demonstrated (management skills, knowledge, abilities) which have been most helpful to you as a commissioner during this evaluation period (feel free to be general or include specific issues or projects which benefited from the County Attorney's leadership)?

_____

_____

_____

_____.

9. ~~—~~What performance areas, if any, would you identify as needing improvement? Why? What constructive, positive ideas can you offer the County Attorney to improve these areas?

_____

_____

_____

_____.

10. Other comments?

_____

_____

_____

_____

_____.

Signature: _____

Date: _____

~~*Revised July 11, 2017*~~

FY 2019-2021
Strategic Plan
for the
Leon County Division of Tourism/Visit Tallahassee

TDC APPROVED PLAN MAY 10, 2018 -
PENDING BOCC REVIEW/APPROVAL JUNE 19, 2018

Facilitated by
ZEITGEIST CONSULTING
DMO PROZ
DMOproz.com

Destination Vision and Organizational Mission

The Leon County Tourism Development Council (TDC) and the Leon County Division of Tourism/Visit Tallahassee, the County's official Destination Marketing Organization (DMO), exist to increase and enhance the region's visitor economy.

When TDC members met on the 9th of April, 2018, to discuss and ideate the future growth and direction for the destination and the Leon County Division of Tourism/Visit Tallahassee, they first reviewed the existing Vision and Mission statements to ensure they remained accurate and relevant. Thoughtful discussion and evaluation followed and the revised statements below are being presented for the TDC's consideration:

EXISTING Vision for the Destination:
The Tallahassee Region will be an innovative and sustainable year-round destination that is recognized as a place to visit for historic, nature-based and cultural tourism as well as a hub for meetings, conferences, film and sports related activities as a means to enhance the Region's economy and quality of life.

Proposed NEW Vision for the Destination:

The Tallahassee Region will be recognized and appreciated as one of the most diverse and vibrant destinations in the Southeast.

EXISTING Mission for the Destination:
To spearhead and coordinate the tourism related marketing and management of the Destination through the coordination of the hospitality industry, local governments and the business community to sustain and grow visitor spending and job creation in the Tallahassee Region.

Proposed NEW Mission of the Leon County Division of Tourism/Visit Tallahassee:

To enhance the region's economic growth and quality of life by collaboratively inspiring the vitality of Tallahassee's Visitor Economy.

The destination Vision is what Leon County aspires to be in the eyes of the TDC. The Mission statement identifies how the Division of Tourism/Visit Tallahassee works to achieve that Vision.

TDC Members have committed themselves to the three year goals and objectives in the FY 2019-2021 Tourism Strategic Plan in order to inspire innovative growth of the community and provide expert counsel to the Leon County Board of County Commissioners (BOCC). The goals align with Leon County priorities, economic goals, community desires and industry needs to create a synergistic plan to grow the region's visitor economy and enhance the quality of life for all residents of Leon County.

The goals and strategic initiatives on this page are included in the Leon County Board of County Commissioners (BOCC) FY 2017-2021 Strategic Plan. Each year, the County updates its Strategic Plan as the County continues to evolve, engage and execute the strategies.

Leon County BOCC 5-Year Tourism Target Goals

- Realize $5 billion in Visitor Spending between FY 2017 & FY 2021
- Attract 80 State, Regional or National Sports Championships between FY 2017 & FY 2021
- Host 100,000 attendees as part of the Amphitheater Concert Series between FY 2017 & FY 2021

Leon County BOCC Tourism Initiatives

Responsibility: **Leon County Division of Tourism/Visit Tallahassee**

- Host 2021 NCAA Cross-Country Championship
- Explore NFL Pre-Season and Other Events at Doak Campbell Stadium
- Enhance Competitiveness by Investing in Apalachee Regional Park
- Support Choose Tallahassee's Retirement Marketing

Responsibility: **Leon County TDC *(addressed in this Strategic Plan)***

- Work with FSU on the potential Convention Center development
- Work with stakeholders to revise State Statute 125.0104 to include Leon County in the High Tourism Impact Tax designation

FY 2019-2021 Strategic Plan

Executive Summary

The Strategic Planning Process

In developing the new three-year Strategic Plan, the Leon County Tourism Development Council (TDC) designed a collaborative process to gather a broad understanding of resident needs and expectations to ensure that its future work would increase visitor spending consistent with the County's priorities, economic goals, community desires and industry needs.

Working through DMOproz, the TDC reached out through online surveys, face-to-face interviews with community and governmental leaders and focus groups of industry stakeholders. Almost 300 points of view were registered in the intelligence gathering portion of the strategic planning process - more than 190 individuals responded to the online survey and over 100 interfaced directly with Mr. Bill Geist, president of DMOproz, the principle consultant on this project. This level of community input was invaluable in the TDC's ultimate decisions on its recommended path forward with this Strategic Plan

The TDC met on the 9th of April, 2018, to discuss and ideate the future growth and direction for the destination and the Leon County Division of Tourism/Visit Tallahassee. During their time together, TDC members considered research that identified the realities of the present and the visions for tomorrow, as they considered new ways to increase visitor spending throughout the county.

This document was developed after a substantive discussion of present environments, threats and opportunities that followed online surveys of industry partners and stakeholders, as well as individual conversations and focus groups with community and government leaders, to better understand the expectations of and opportunities before the Leon County Division of Tourism/Visit Tallahassee and the destination. The subsequent goals developed in this document are designed to power future discussions and actions of the TDC, community leaders and industry stakeholders to develop collaborative opportunities to enhance the impact of visitor spending in the region.

FY 2019-2021 Tourism Strategic Plan Contains Four Main Goals:

- Advocate for destination enhancing development
- Enhance the awareness, interest and support of Leon County's visitor economy
- Work to enhance the visitor experience throughout Leon County
- Analyze opportunities to increase the marketing budgetary resources of the Leon County Division of Tourism/Visit Tallahassee

Abbreviated Destination Assessment of Leon County

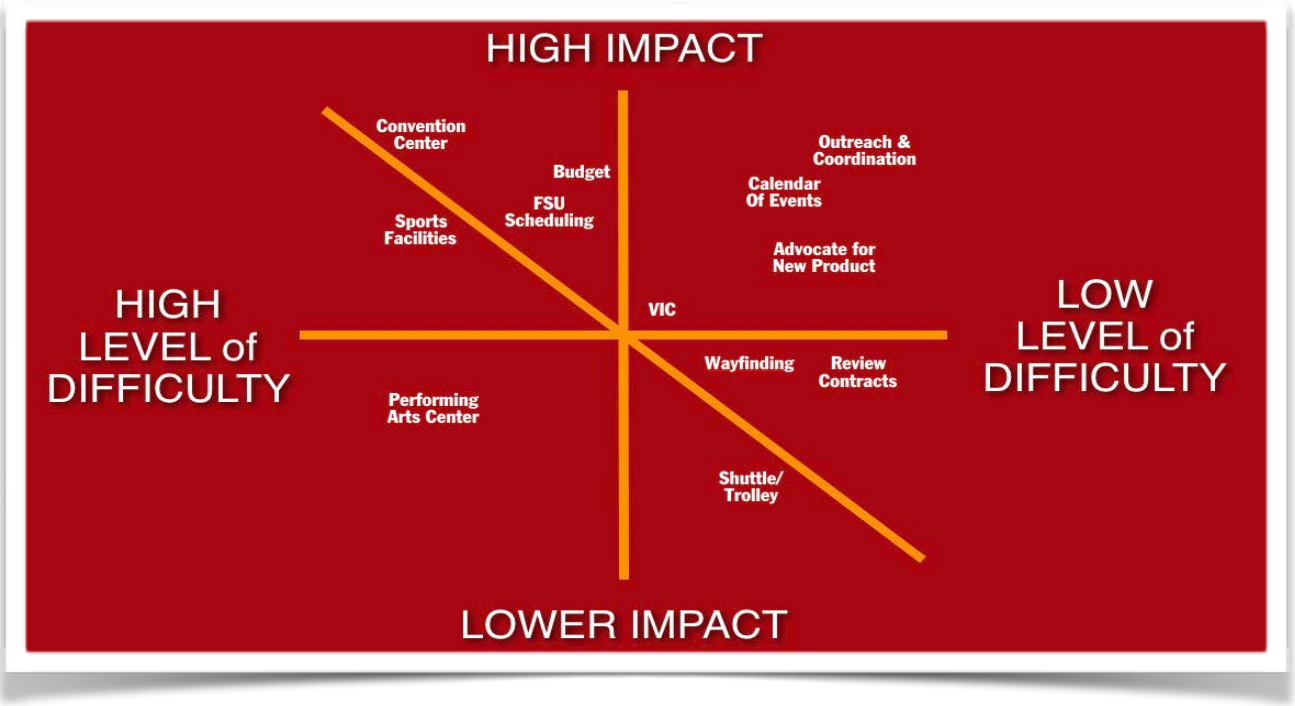
Lead consultant Bill Geist toured the area in April to better understand the changes in the destination from his previous visit to Leon County in 2009 as the consultant that developed Leon County's initial Tourism Strategic Plan. Significant enhancements to the destination have since occurred – with many new hotels and restaurants, and thriving new "districts" (i.e. Gaines Street/College Town, Midtown, Uptown, etc.) have been established providing enhanced entertainment and dining options throughout the community, each with unique qualities targeting different market segments. Success in the Sports marketing area continues to grow exponentially, especially hosting Cross Country championship events, and has elevated the destination profile. Additional hotel developments are currently planned, a Convention Center is again in discussion with $20 million in public funds committed, along with numerous enhancements to parks and outdoor amenities are in various stages of implementation. Further, extensive stakeholder feedback indicates the tourism industry, community organizations, and local leadership have a favorable view of the Leon County Division of Tourism/Visit Tallahassee as the Destination Marketing Organization (DMO) and illustrates a very effective transition from a non-profit DMO in 2009 to a successful government DMO. One comment received in the feedback fully encapsulated the overall thought of community stakeholders: **"We are at a Tipping Point. This is our Moment."**

TDC Review of Opportunities

TDC discussions during the first half of the Strategic Planning Workshop focused on potential opportunities expressed during the extensive intelligence gathering and were developed for further consideration in the list below in no particular order. This list of opportunities served as a guide for discussion with prioritization indicated on the following page.

- Convention Center
- Performing Arts Venue
- Shuttle/Trollies
- Increase Leon County Division of Tourism/Visit Tallahassee Marketing Budget
- Further develop the Destination's Calendar of Events
- Increase Outreach & Coordination with Tourism Industry and Residents
- National Tournament-Grade Sports Complex and developing emerging sports leagues
- Advocate for New Product Development
- Visitor Information Center on I-10 / Mobile Visitor Information Center
- Wayfinding Signage/Entryway Enhancement
- Work with FSU/ACC and FAMU/MEAC on Event Scheduling
- Review all vendor and grantee contracts for upgrades and ROI

Using a prioritization tool designed by Stanford researcher B.J. Fogg, the TDC then ranked each opportunity based upon impact and difficulty. After averaging the responses, the following visual representation was created.



The point of the exercise was to identify those opportunities that were deemed too difficult or not important enough (ideas that would fall to the left of the diagonal line) in order to focus on those things of more importance (those ideas to the right of the diagonal).

In this instance, one of the identified opportunities (Performing Arts Center) ended up to the left of the diagonal. While such a venue could significantly enhance the magnetism of the destination, TDC members collectively agreed that much like the Convention Center, the County did not have the resources to take the lead on this initiative. The TDC will encourage other interests to take the lead on enhancing Leon County's Arts and Cultural offerings.

The need for an additional National Tournament-Grade Sports Complex and supporting emerging sports was seen as very important by the TDC. However, the perceived level of difficulty at this point in time, given other priorities, resulted in the TDC choosing to explore various options rather than taking the initiative on as a goal and will defer to the Tallahassee Sports Council for recommended actions to move ahead.

HOW TO USE THIS DOCUMENT

This document is divided into three main sections. The first section is the Executive Summary of the TDC's Strategic Plan. This section can be shared to partners and stakeholders, as appropriate.

The second section, beginning on Page 7, contains the full Strategic Plan and identifies the program of work for the TDC and senior organizational management for its long-range future and includes suggested tactics. As some of these are competitively and politically sensitive, this section is not expressly intended to be actively distributed outside the organization.

The final section, beginning on page 14, contains a recap of the Board and Stakeholder surveys, community leader interviews, public meetings/focus groups and the discussions from the Strategic Planning Session, laying the groundwork for the Plan's Goals and Objectives. This section can be utilized for clarification or rationale for particular opportunities.

Once the TDC and BOCC has reviewed and adopted the final version of the Strategic Plan, the TDC may consider establishing a Work Group or Task Force for deeper analysis and implementation on any of the goals. This working document, reflecting the ideas and opportunities before the organization and the destination, can be used as a roadmap to guide the TDC's future work on behalf of Leon County.

FY 2019-2021 Strategic Plan

GOAL 1 - Advocate For Destination Enhancing Development

Objective A
Serve as the Voice of the Visitor and the Hospitality Industry in development discussions

Suggested Tactics:

- Regularly monitor and support progress on the region's Blueprint Intergovernmental Agency project plans
- Review consumer research for potential asset development opportunities that would make the destination more attractive to visitors
- Serve as the County's trusted expert on tourism and destination marketing
- Continue to serve the public as the voice of the region's hospitality industry, explaining the positive impacts of tourism on the county

Objective B
Serve as a Trusted Resource to potential developers of destination enhancing public assembly facilities

Suggested Tactics:

- Provide research and information about the Leon County visitor economy to assist developers to meet the needs of the destination, such as (but not limited to):
  - Meeting space that is required to effectively compete with other Florida or regional destinations
  - Sports facility design that qualifies for NCAA-level competition
- Advise FSU on their interest in Convention Center development

Objective C
Advocate for new and expanded Festivals and Events that position Tallahassee as the Event Capital of the Southeast

Suggested Tactics:

- Analyze the potential ROI of events that can effectively power visitation during shoulder seasons, such as (but not limited to):
  - America's First Christmas Event (not necessarily at the historic site) and the Site when it is ready
  - The city's upcoming Bicentennial (2024)
  - Others, as identified
- Continue to review and enhance the guidelines behind all Event grants funded by TDT to ensure the highest possible ROI

GOAL 2 - Enhance The Awareness, Interest and Support of Leon County's Visitor Economy

Objective A
Develop Messages that resonates with Policy Makers, the Business Community, Tourism Industry and Residents

Suggested Tactics:

- Promote the "traditional" impact statistics (e.g., jobs, taxes generated, spending totals)
- Identify other impacts made by tourism businesses
  - Connect visitation to the health of restaurants, nightspots, retail and attractions that residents enjoy
  - Communicate the property and sales taxes generated by tourism businesses (and what the residential tax burden would be without the Visitor Economy)
  - Communicate the percent of local residents that derive a paycheck from the Visitor Economy
  - Establish the relationship between destination image, visitation and corporate investment (utilize Longwoods International's "Halo Effect" Study)
  - Develop talking points for the TDC and Staff that translates the direct connection to the average citizen's quality of life
- Develop a series of videos to better explain the importance of the Visitor Economy and Visit Tallahassee's role in its maintenance and growth
  - Identify and utilize multiple distribution channels for the videos (Social Media, local Cable Channel, etc.)

Objective B
Work with area media outlets to tell the broader story of how the destination is evolving, highlight hidden gems, and the connection between the Visitor Economy, Economic Vitality and Quality of Life

Suggested Tactics:

- Schedule regular visits with Owners, Managers and Editors of local media outlets
  - Encourage an understanding of the community's need for media to be part of the solution in creating the kind of pride that will attract investors
- Build relationships with Social Media influencers in the community
- Share more impact and success stories through news conferences and media releases (more than just the announcements of "big wins")
- Use "real life" stories to connect the dots for local media, bloggers and businesses
- Continue to work with the local media (i.e. Tallahassee Democrat) to establish a regular column and/or coverage on destination products, the TDC and the Visitor Economy

Objective C
Utilize TDC Members and Leon County Division of Tourism/Visit Tallahassee Staff as Destination Brand and DMO Ambassadors to Communicate the Importance of the Visitor Economy

Suggested Tactics:

- Stage celebratory events for Visitor Industry workers and Economic Development leaders
  - Service Industry events
  - Breakfasts and Lunches for Community Leaders
- Look for opportunities to co-op events with other Community Development Organizations, including the Office of Economic Vitality and Chambers of Commerce.
- Encourage individual TDC Members to accompany staff when briefing elected officials, the media and others on the importance of the Visitor Economy

Objective D
Strengthen collaboration with other Community Development and Tourism Promotion agencies throughout the region

Suggested Tactics:

- Search for opportunities to build support and advocacy for each other's agendas
  - Be willing to take a stand for what is right for the region
- Build integrated local communications strategies for coordinating priority messages among partner agencies
- Identify ways that the Leon County Division of Tourism/Visit Tallahassee's marketing and sales efforts could complement the work of others
  - Continue to support the marketing efforts of Choose Tallahassee
  - Work with OEV to coordinate messaging in their target markets with the Leon County Division of Tourism / Visit Tallahassee convention sales targets
  - Work with FSU, FAMU and TCC to place students in hospitality industry work environments

Objective E
Enhance Networking with and between Industry Partners

Suggested Tactics:

- Consider staging meetings between Industry Partners and the TDC in months in which the TDC does not meet (e.g., Attractions in February, Hotels in April, Arts & Culture in June, etc.)
- Analyze opportunities to bring all partners together for a Tourism Summit in addition to the Annual Marketing Roll-out.

Objective F
Search for mutually beneficial Partnerships with education and businesses

Suggested Tactics:

- Identify messages and market segments in which local companies have a mutual interest (e.g., Healthcare companies and the support of a healthy lifestyle through marketing of Trailahassee.com)
- Work with FSU (and the ACC) and FAMU (and the MEAC) on the critical need for more collaborative scheduling
- Consider ways to partner with Business and Hospitality Schools

GOAL 3 - Work To Enhance The Visitor Experience Throughout Leon County

Objective A
Analyze the most effective ways to personally deliver Visitor Information

Suggested Tactics:

- Consider the future of Visitor Information Centers
  - Along I-10
  - At high traffic areas such as Cascade Park
  - A Mobile Visitor Center at events and on the road
  - Partnering with other organizations to provide service on the weekends
  - Evaluate highest and best use of current Tourism building
- Work to engage those that directly interact with visitors to be Destination Ambassadors and distribute Leon County Division of Tourism / Visit Tallahassee information
  - Hotel Front-Desk
  - Servers and Bartenders
  - Uber and Taxi Drivers
  - Airbnb Hosts
  - Others, as identified

Objective B
Enhance the comprehensive destination-wide Calendar of Events

Suggested Tactics:

- Build partnerships between entities that are currently producing online Calendars of Events to gain wider use for the calendar posted on VisitTallahassee.com
- Identify ways to enhance the Calendar for expanded use by consumers and benefit to businesses, events rights holders, etc.

Objective C
Suggest opportunities to enhance the region's infrastructure to better welcome visitors and investors

Suggested Tactics:

- Support efforts to develop the numerous Districts (i.e., Gaines Street, Midtown, Uptown, etc.) throughout the destination
- Advocate for more effective destination wayfinding signage
  - Destination Welcome Signs
  - Directions to Attractions, Major Parks/Greenways & Neighborhoods/Districts
  - Trailhead Signage
  - Parking Signage

Objective D
Work to enhance the Service Culture of the Destination

Suggested Tactics:

- Consider ways to offer Customer Service training to employees of industry partners
  - Analyze opportunities to develop partnerships with area Hospitality programs (FSU's Dedman School, Florida Restaurant & Lodging Association)
  - Investigate National Training programs
- Consider developing a video series for front-line staff to better educate them on all the attractions and experiences Tallahassee has to offer

GOAL 4 - Analyze Opportunities To Increase The Marketing Budgetary Resources

Objective A
Work to revise State Statutes to include Leon County in the High Tourism Impact Tax Legislation for the proposed Convention Center

Suggested Tactic:

- Work with the area's Legislative Delegation to support efforts to expand the Leon County Division of Tourism/Visit Tallahassee Budget

Objective B
Review new revenue streams being successfully utilized across the nation

Suggested Tactics:

- Consider developing programs for destination businesses to secure enhanced visibility
- Expand sponsorship opportunities, especially in the Sports Market
- Consider ways to monetize the Leon County Division of Tourism/Visit Tallahassee Website and Visitor Center

Objective C
Continue to ensure that TDT revenues are targeted toward the highest possible ROI

Suggested Tactics:

- Continue to review all facets of the uses of TDT
- Regularly review Grant guidelines for ROI
- Explore opportunities to achieve higher ROI through policy changes

SUMMARY OF TOPICS DISCUSSED AT THE PUBLIC MEETINGS

With almost 300 points of view registered in the preliminary intelligence gathering phase, two comments from the online survey stood out as the call to action for the TDC and Leon County:

"We are at a Tipping Point. This is our Moment."

"Tallahassee is Hungry to Win; Hungry to Love Itself; Hungry to Show Off."

Destination Opportunities:

- To develop a "Sense of Place" that is a source of pride for residents.
- Convention / Conference / Full-Service Hotel complex.
- More culinary and nightlife options.
- The Programming of Cascades could be so much more than it currently is.
- Encourage better Customer Service.
- Put a Visitor Center on I-10.
- Creation of a more comprehensive online Calendar of Events.
- Market our Neighborhoods / Districts as an asset.
- We need more pedestrian friendly areas; an Arts & Heritage District.
- Can we be the Festival Capital of the Southeast? Can we be America's First Christmas?
- Can we turn our 70,000 students into Brand Ambassadors.
- How to maximize 400,000 FSU Alumni. 500 Campus visits/day in Summer.
- How to get parents & graduates to return.
- Expand efforts to build a Tournament economy to Student-run and non-traditional sports events.

Destination Weaknesses:

- Lack of Airlift
- Transportation, Congestion and Parking in and around the county
- The trolley system is invisible to visitors and doesn't stop at several attractions.
- Lack of a Convention Center
- Destination Wayfinding and Welcome points are a huge issue.
- Lack of a higher concentration of Full-Service Hotels
- Blight (and a lack of zoning enforcement) along the major corridors into our city.
- A perceived lack of things to do to retain Young Professionals.
- A Downtown that is designed for business and not as a gathering place.
- A Downtown Visitor Information Center that is closed on weekends
- A Destination Website that doesn't tell the Tallahassee Story; doesn't inspire.
- The lack of growth in the Leon County Division of Tourism/Visit Tallahassee Budget while being faced with increasing expectations

Community Challenges:

- The community operates in a myriad of Silos, both relational and informational.
- We don't network well. We need to get the hospitality industry more unified
- We are a community that still struggles with Segregation and Diversity.
- We are socially and economically divided.
- We could be a hotbed for Music…but existing venues don't pay performers well enough.
- Lack of Performance venues. We are losing our top talent to other cities for lack of a place to perform.
- Local Media hurts our efforts. Hurts FSU's efforts. Hurts everybody. Our image impacts everyone.
- High rents are killing the entrepreneurial spirit here.
- Getting past our traditional attitude that everything here is "good enough."

The Leon County Division of Tourism/Visit Tallahassee:

- Needs a more robust budget and additional professional staff.
- Needs more local visibility. Locals don't have a clue as to the importance of its work.
- The Hospitality Industry needs and wants more interaction with Professional Staff.
- Hotels need more communication on Group Status, Lost Business, ROI, IDSS, etc.
- Needs better coordination with OEV.
- Needs to be more entrepreneurial.
- Needs to be included in all community development conversations.
- Needs to be more of a "story-teller" and less of a list of things to do.
- Needs to provide assistance to develop better hotel packaging.
- Needs to better highlight the region's Arts, Cultural and Heritage offerings.

The Sports Market:

- A concern that the destination is facing a capacity issues with hotels that may block further growth in this market
- A suggestion that the Leon County Division of Tourism/Visit Tallahassee should focus on emerging and non-traditional sports such as Disc-Golf, Mountain Biking and Student-run Tournaments are a huge opportunity.
- Could Leon County become the "Outdoor Sports Capital of Florida?"

Requests of the TDC:

- The TDC should be an Advocate for Destination Development
- Be more engaged in the current conversations surrounding branding but from a tourism destination perspective.
- Continue to review and update Event Grant rules and guidelines to achieve the highest ROI
- Fight harder against any use of the TDT that does not produce a higher ROI.

FISCAL YEAR 2017/2018
BUDGET AMENDMENT REQUEST

No: BAB18026
Date: 6/19/2018

Agenda Item No:
Agenda Item Date: 7/10/2018

County Administrator

Vincent S. Long

Deputy County Administrator

Alan Rosenzweig

Request Detail:

Revenues

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

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	*Org*	*Acct*	*Prog*	*Title*			
001	990	59900	599	General Fund Contingency	124,850	(16,626)	108,224
001	820	58200	519	Aids to Private Organizations	33,500	16,626	50,126
				Subtotal:		-	

Purpose of Request:

This budget amendment allocates $16,626 from the General Fund Contingency to *Be The Solution, Inc.* to assist the organization to cover the cost of spay and neuter community vouchers.

Group/Program Director

Budget Manager

Scott Ross, Director, Office of Financial Stewardship

Approved By: **Resolution** ☐ **Motion** ☒ **Administrator** ☐

BUDGET "OPERATING" CONTINGENCY RESERVES
CONTINGENCY FUND UPDATE (FY 2017/18)

			GENERAL FUND 001-990-59900-599	Beginning Balance: **$200,000.00**
No.	APPROVAL DATE	AGENDA DATE	AMENDMENT TITLE	BALANCE
1		14-Nov-17	Installation of a Historical Marker at the Leon County Fairgrounds	$1,100
2		12-Dec-17	Renaming of the Leon County Courthouse Annex in Honor of Retiring Circuit Judge Charles A. Francis	$9,000
3				
4		27-Feb-18	Cyber Security Monitoring for County Computer Network	$41,450
5		27-Feb-18	Commissioner Desloge Harvard Kennedy School Executive Edu.	$16,100
6		27-Mar-18	Over the Edge-Tallahassee	$2,500
7		19-Jun-18	Tallahassee-Leon County Housing Leadership Council	$5,000
8		***10-Jul-18***	***Be The Solution, Inc.***	***$16,626***
9		***10-Jul-18***	***Staffing Services for the Children's Services Council Planning Committee***	***$75,000***
10				
13				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

Bold, Italic items are pending Board Approval

USAGE TO DATE (TOTAL AMENDMENTS)	**$166,776.00**
ENDING BALANCE	**33,224.00**
END BALANCE AS % OF BEGIN BALANCE	**17%**
USAGE BALANCE AS % OF BEGIN BALANCE	**83%**

Leon County
Board of County Commissioners

Notes for Agenda Item #28

Leon County Board of County Commissioners

Agenda Item #28

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approve Appointments to the Miccosukee Citizens Working Group

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Benjamin H. Pingree, Director, Planning, Land Management, and Community Enhancement (PLACE)
Lead Staff/ Project Team:	Cherie Bryant, Director, Tallahassee-Leon County Planning Devan Leavins, Administrator of Special Projects Mary Smach, Agenda Coordinator

Statement of Issue:

This agenda item seeks the Board's approval of a slate of 10 volunteers to serve on the Miccosukee Citizens Working Group as described in the Enabling Resolution approved by the Board at its meeting on June 19th. The Working Group is tasked with the further development of the Miccosukee Rural Community Sense of Place Plan objectives and providing input to staff on the implementation and prioritization of funding priorities.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Approve the slate of 10 volunteers to the Miccosukee Citizens Working Group to provide input on the implementation of the Miccosukee Rural Community Sense of Place Plan:

a. Seven Miccosukee Community Members: Albert Green, Leonard Forbes, Frances Forbes, Patricia Herold, Jody Bonura, Cheryl Gratt and Dan Copelin. The appointment of Dan Copelin will thereby waive the conflicting employment or contractual relationship as disclosed in Disclosure Form 4A (Attachment #8).

b. One representative of the senior population in Miccosukee: David Hall

c. One representative of the Miccosukee Boys and Girls Club: Jake Hatcher

d. One representative of the Miccosukee Youth Foundation: Dr. Mary Young

Report and Discussion

Background:

At the FY 2019 Budget Workshop held on April 24, 2018, the Board accepted the Miccosukee Rural Community Sense of Place Plan, adopted a multiyear funding strategy to implement the plan, and directed staff to bring back an agenda item establishing the Miccosukee Citizens Working Group (Working Group) as a focus group. At the June 19th meeting, the Board approved the Enabling Resolution that established the Miccosukee Citizen Working Group to further develop and provide input to staff on the implementation of the plan objectives and prioritization.

This agenda item seeks the Board's approval of a slate of 10 volunteers to serve on the Miccosukee Citizens Working Group as described in Resolution No. 18-14 (Attachment #1). The first meeting of the Working Group is anticipated to be held no later than August 2018. The Working Group will dissolve as a focus group after 18 months, projecting a February 2020 transition of formal staff support to community-driven initiatives. Pursuant to the enabling resolution, given the swift duration of this focus group, the County Administrator will fill vacancies if needed.

Analysis:

The Miccosukee Rural Community is located in northeastern unincorporated Leon County at the intersections of Moccasin Gap Road (CR 151), Miccosukee Road, and Veterans Memorial Drive (CR 59). The Miccosukee Rural Community Sense of Place study seeks to identify goals and opportunities to help strengthen the connection between Leon County residents in the Miccosukee area with the small, historic community.

Purpose: Miccosukee Citizens Working Group functions as a Focus Group in accordance with Board Policy No. 03-15, "Board-Appointed Citizen Committees" for the purpose of facilitating citizen engagement while promoting the identity and history of the Miccosukee Rural Community. The Working Group will be facilitated by staff from the Tallahassee-Leon County Planning Department which worked with area residents in developing the Sense of Place Plan. Staff from the Leon County Office of Resource Stewardship will provide support as well from time to time as the County owns and maintains several community assets in the area that will be considered for future improvements under the Plan.

Composition: The Working Group is comprised of ten (10) community members recommended by the County Administrator and approved by the full Board as follows: seven (7) members who are residents of the Miccosukee Rural Community Area, one (1) member who is a representative of the senior population in Miccosukee, one (1) member who is a representative of the Miccosukee Boys and Girls Club, and one (1) member who is a representative of the Miccosukee Youth Foundation. See Table #1 for the recommended members.

The Working Group will be dissolved upon the completion of the responsibilities of the committee, to occur no later than 18 months from its first meeting. Vacancies will be filled by appointment as determined by the County Administrator for the remainder of the term.

Table #1: Miccosukee Citizens Working Group

Vacancies	Term Expiration	Application Attachment #	Eligible Applicants	Recommended Action
Seven - Miccosukee Community Members	2/28/2020	2. 3. 4. 5. 6. 7. 8.	Albert Green Leonard Forbes Frances Forbes Patricia Herold Jody Bonura Cheryl Gratt Dan Copelin	Full Board to ratify the appointment of **seven citizens** for 18-month terms expiring 2/29/2020.
One - representative of the senior population of Miccosukee	2/28/2020	9.	David Hall	Full Board to ratify the appointment of **one citizen** for an 18-month term expiring 2/29/2020.
One - representative of the Miccosukee Boys and Girls Club	2/28/2020	10.	Jake Hatcher	Full Board to ratify the appointment of **one citizen** for and 18-month term expiring 2/29/2020.
One - representative of the Miccosukee Youth Foundation	2/28/2020	11.	Dr. Mary Young	Full Board to ratify the appointment of **one citizen** for an 18-month term expiring 2/29/2020.

Options:

1. Approve the slate of 10 volunteers to the Miccosukee Citizens Working Group to provide input on the implementation of the Miccosukee Rural Community Sense of Place Plan:
    a. Seven Miccosukee Community Members: Albert Green, Leonard Forbes, Frances Forbes, Patricia Herold, Jody Bonura, Cheryl Gratt and Dan Copelin. The appointment of Dan Copelin will thereby waive the conflicting employment or contractual relationship as disclosed in Disclosure Form 4A (Attachment #8).
    b. One representative of the senior population in Miccosukee: David Hall
    c. One representative of the Miccosukee Boys and Girls Club: Jake Hatcher
    d. One representative of the Miccosukee Youth Foundation: Dr. Mary Young
2. Board direction.

Recommendation:

Options #1a-d.

Attachments:

1. Resolution 18-14
2. Albert Green application
3. Leonard Forbes application
4. Fran Forbes application
5. Pat Herold application
6. Jody Bonura application
7. Cheryl Gratt application
8. Dan Copelin application
9. David Hall application
10. Jake Hatcher application
11. Dr. Mary Young application

RESOLUTION NO. 2018-14

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, TO ESTABLISH AN ADVISORY COMMITTEE WHICH SHALL BE NAMED THE MICCOSUKEE CITIZENS WORKING GROUP AND WHICH SHALL OPERATE AND FUNCTION AS A FOCUS GROUP.

WHEREAS, the Board of County Commissioners of Leon County, Florida (the Board) recognizes and acknowledges the importance of public involvement and input in County government; and

WHEREAS, in order for the Board to consider the input of the public in the matter of the Miccosukee Rural Community Sense of Place Plan, it wishes to establish and appoint an advisory committee to function and operate in accordance with Board Policy No. 03-15, "Board-Appointed Advisory Committees."

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

1. The Board hereby establishes an advisory committee, to be named the Miccosukee Citizens Working Group, for the purpose of accomplishing the goals and objectives of the Miccosukee Rural Community Sense of Place Plan.

2. The Miccosukee Citizens Working Group shall function and operate as a Focus Group in accordance with Board Policy No. 03-15, "Board-Appointed Advisory Committees."

3. The Miccosukee Citizens Working Group shall have as its goal to facilitate citizen engagement while promoting the identity and history of the Miccosukee Rural Community.

4. The Miccosukee Citizens Working Group shall be charged with further developing and implementing objectives of the Miccosukee Rural Community Sense of Place Plan, and providing input to staff for crafting and prioritizing those objectives.

5. The Miccosukee Citizens Working Group shall have ten (10) members recommended by the County Administrator and appointed by the full Board of County Commissioners, as follows:

a) Seven (7) Workgroup members shall be residents and community leaders from within the Miccosukee Rural Community area, as defined by the residents who live and work in the community (boundaries include the Georgia State line to the north, Lake Miccosukee to the east, U.S. 90 [Mahan Drive] to the south, and Bradley's Pond at Old Centerville Road to the west) selected without regard to race, creed national origin, age, sex or the presence of a disability, and based upon their qualifications and willingness to serve.

b) One (1) Workgroup member from the Miccosukee Boys and Girls Club.

c) One (1) Workgroup member from the Miccosukee Youth Foundation.

d) One (1) Workgroup member from the senior population in Miccosukee.

6. The members of the Miccosukee Citizens Working Group shall not be subject to full and public disclosure of financial interests.

7. The Miccosukee Citizens Working Group shall be facilitated by staff of the Tallahassee-Leon County Planning Department and, due to the County's ownership and maintenance of several community assets considered for future improvements under the Plan, shall receive support from the Leon County Office of Resource Stewardship as needed.

8. The Miccosukee Citizens Working Group shall be dissolved upon the completion of the responsibilities of the committee, to occur no later eighteen (18) months from its first meeting. Vacancies shall be recommended by staff and appointed by the County Administrator, as needed, for the remainder of the Workgroup's term. The Workgroup may be extended for a finite period of time at the direction of the Board upon adoption of a new resolution.

9. This Resolution shall become effective immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this 19th day of June, 2018.

LEON COUNTY, FLORIDA

BY: _____
Nick Maddox, Chairman
Board of County Commissioners

ATTEST:
Gwendolyn Marshall, Clerk of the
Circuit Court & Comptroller
Leon County, Florida

BY: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

BY: _____ for
Herbert W. A. Thiele, Esq.
County Attorney

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
MICCOSUKEE CITIZENS WORKING GROUP

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Albert Green		Date: 7/2/2018 10:41:44AM
Home Phone: (850) 893-6775	Work Phone: ()-X	Email: n/a
Occupation: RETIRED STATE EMPOLYEE	Employer: RETIRED	

Preferred mailing location: Home Address
Work Address:

City/State/Zip: TALLAHASSEE,FL

Home Address: 14959 MICCOSUKEE RD

City/State/Zip: TALLAHASSEE,FL 32309

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 74 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? Yes
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: African American Sex: Male Age: 74.00
Disabled? No District: District 4

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

HIGH SCHOOL GRADUATE

References (you must provide at least one personal reference who is not a family member):

Name: JOHNNY LIVINGSTON Telephone: 0000000000
Address: 6845 VETERANS MEMORIAL DR

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Albert Green

This application was electronically sent: 7/2/2018 10:41:44AM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
MICCOSUKEE CITIZENS WORKING GROUP

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Leonard Forbes		Date: 6/28/2018 10:19:40PM
Home Phone: (850) 509-5424	Work Phone: (424)424-5424X	Email: lenspark50@hotmail.com
Occupation: RETIRED	Employer: RETIRED	

Preferred mailing location: Home Address
Work Address:

City/State/Zip: ,FL

Home Address: 6659 VET. MEMORIAL DR

City/State/Zip: TALLAHASSEE,FL 32309

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 36 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: African American Sex: Male Age: 66.00
Disabled? No District:

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

RETIRED MANUFACTURING/COST ACCOUNTANT. WORKED IN PRIVATE SECTOR FOR 38 YEARS PROJECTING MANUFACTURING COSTS, SHORT AND LONG RANGE FINANCIAL PLANNING, CAPITAL INVESTMENT PLANNING, PRODUCT PRICING, AND MANUFACTURING METHODS ANALYSIS. COMPETENT IN OFFICE APPS EG. EXCEL, PUBLISHER, POWERPOINT AND WORD. SERVED AS VOLUNTEER TEACHING BASIC COMPUTER SKILLS TO SENIORS IN THE MICCOSUKEE COMMUNITY. ALSO, HOST AN ANNUAL BACKYARD CAMPOUT FOR KIDS AND FAMILIES IN THE MICCOSUKEE AREA.

References (you must provide at least one personal reference who is not a family member):

Name: ALMANDO MULLINGS Telephone: 8503868148
Address: 2509 HILL LAKE PLACE, TALLAHASSEE, FL 32308

Name: ALBERT GREEN Telephone: 8508936775
Address: 14959 MICCOSUKEE RD, TALLAHASSEE, FL 32309

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form No
(Your application will only be considered for those committees/boards/authorities that do not require members to complete the Financial Disclosure Form 1.)

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Leonard J. Forbes

This application was electronically sent: 6/28/2018 10:19:40PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
MICCOSUKEE CITIZENS WORKING GROUP

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Frances Forbes		Date: 6/28/2018 11:48:19PM
Home Phone: (850) 556-9839	Work Phone: ()-X	Email: josie17020@gmail.com
Occupation: RETIRED GUIDANCE COUNSELOR/TEACHER	Employer: LEON COUNTY SCHOOLS	

Preferred mailing location: Home Address
Work Address:
6659 VETERANS MEMORIAL DR.
City/State/Zip: TALLAHASSEE,FL 32309

Home Address: 6659 VETERANS MEMORIAL DR.

City/State/Zip: TALLAHASSEE,FL 32309

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 36 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: African American Sex: Female Age:
Disabled? District: District 5

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

ALTHOUGH I AM NOW RETIRED FROM MY SECULAR JOB AS A GUIDANCE COUNSELOR/TEACHER FOR OVER 30 YEARS, I HAVE CONTINUED TO WORK WITH STUDENTS, PARENTS, AND PEOPLE OF ALL AGES BY RAISING THEIR EXPECTATION LEVEL THROUGH POSITIVE EXPERIENCES AND INCREASED AWARENESS. 4 YEARS AGO I WAS PRIVILEGED TO BE APPOINTED AS THE ASSISTANT PASTOR OF THE CHURCH OF GOD OF PROPHECY @MICCOSUKEE, FLA. MAJOR ACCOMPLISHMENTS INCLUDE BECOMING THE CHAIRPERSON FOR ALL DISTRICT DIRECTORS AND LEADING THEM THROUGH THE PROCESS OF DEVELOPING JOB TITLES AND DESCRIPTIONS FOR ALL LEADERS, INCLUDING SR. PASTORS. MORE RECENTLY, IN THE ABSENCE OF MY PASTOR, I REPRESENTED OUR CHURCH IN A COMMUNITY OUTREACH FOR THE NATIONAL DAY OF PRAYER HERE IN THE COMMUNITY OF MICCOSUKEE. PEOPLE OF VARIOUS RACES, CULTURES, AND RELIGIONS WERE PRESENT TO MAKE A COMMITMENT TO BECOME UNIFIED AS WE SPREAD THE GOSPEL AND MAKE OUR COMMUNITY SAFER. IT WILL BECOME AN ANNUAL EVENT!

References (you must provide at least one personal reference who is not a family member):

Name: ALMANDO MULLINGS Telephone: 850-386-8148
Address: 2509 HILL LAKE PLACE

Name: GWENDOLYN SINGLETON Telephone: 850- 321-4812
Address: 2951 KEMP STREET; HAVANA, FL.

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form No
(Your application will only be considered for those committees/boards/authorities that do not require members to complete the Financial Disclosure Form 1.)

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Frances Forbes

This application was electronically sent: 6/28/2018 11:48:19PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
MICCOSUKEE CITIZENS WORKING GROUP

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Patricia Herold		Date: 6/29/2018 1:59:36PM
Home Phone: (850) 893-2704	Work Phone: ()-X	Email: patherold@embarqmail.com
Occupation: RETIRED	Employer: NONE	

Preferred mailing location: Home Address
Work Address:

City/State/Zip: TALLAHASSEE,FL

Home Address: 9402 HEROLD HILL ROAD

City/State/Zip: TALLAHASSEE,FL 32309

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 70 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Female Age: 81.00
Disabled? No District: District 4

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

I HAVE BEEN IN MICCOSUKEE FOR YEAR AND WORKED TIRELESSLY TO PRESERVE AND PROMOTE THE RICH HISTORY OF MICCOSUKEE. I WAS POSTMISTRESS FOR THE POST OFFICE IN MICCOSUKEE UNTIL IT WAS SHUTTERED BY THE US GOVERNMENT. I HAVE EXTENSIVE KNOWLEDGE OF MICCOSUKEE HISTORY WITH MANY ARTIFACTS, LETTERS AND ARTICLES ABOUT ITS HISTORY. I BELIEVE I WOULD MAKE A VALUABLE CONTRIBUTION TO THIS COMMITTEE.

References (you must provide at least one personal reference who is not a family member):

Name: GARY GRATT Telephone: 850-591-0121
Address: 9086 VETERANS MEMORIAL DR TALLAHASSEE, FL 32309

Name: DOT TROTMAN Telephone: 850-893-2402
Address: 14035 GOLDBOLD ROAD TALLAHASSEE, FL 32309

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Patricia Herold

This application was electronically sent: 6/29/2018 1:59:36PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
MICCOSUKEE CITIZENS WORKING GROUP

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Jody Bonura		Date: 7/2/2018 1:04:46PM
Home Phone: (850) 251-4347	Work Phone: ()-X	Email: Jodeburger@netzero.com
Occupation: FIEL SALES MANAGER	Employer: PREMIUM RETAIL	

Preferred mailing location: Home Address
Work Address: D

City/State/Zip: TALLAHASSEE,FL

Home Address: 9340 TRAIN STATION ROAD

City/State/Zip: TALLAHASSEE,FL 32309

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 3 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Female Age: 50.00
Disabled? No District:

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: DEVAN LEAVINS Telephone: 8508916441
Address: 8508916441

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Jody Bonura

This application was electronically sent: 7/2/2018 1:04:46PM

Jody L. Bonura
9340 Train Station Road
Tallahassee, FL 32309
850-251-4347
Jodeburger@netzero.com

Work Experience:

Premium Retail Services

Field Sales Manager
Tallahassee, FL
September 2017 to present

Responsibilities:

Driving results within assigned Lowe's, Best Buy and Home Depot by aligning in-store activities with weekly business objectives

Leveraging key relationships in assigned stores to maximize sell-through of Samsung Home Appliance products, brand recommendation rates, and brand advocacy of Retail Sales Associates

Exciting Retail Sales Associates and Retail Leadership with compelling hands-on product demonstrations, persuasive in-aisle trainings, and dynamic group training events

Influencing & empowering Retail Sales Associates to leverage Samsung's competitive advantages to win over customers and to close sales

Ensuring all Samsung displays remain best-in-class by meeting brand standards, including planogram integrity, POP execution, and functionality

Actively growing your knowledge of Samsung product features, benefits, and competitive advantages

Discovering and articulating clear, concise, and compelling market insights to leadership to drive organizational understanding of obstacles and opportunities
Building & driving brand recommendation rates among Retail Sales Associates thru training, brand advocacy, and various in-store effort

Disrupting the status quo by generating & sharing innovative ideas with peers to develop more effective ways to drive in-store experiences that resonate with targeted audiences

Strategically leverage store visit cadence and in-store execution to drive the best results in assigned territory

PPG Industries

Territory Manager
Tallahassee, FL
March 2015 to August 2017

Responsibilities:
Partner with Lowe's management teams to develop, drive and achieve sales growth plans.
Engage all customers with their painting projects and PPG product support throughout the store, especially within the paint and contractor areas.
Work cross-functionally with all appropriate departments (Sales, Marketing, Distribution, Customer Service, etc.) to exceed sales goals.

Monitor and report on market and competitive activities, and provide relevant reports and information.
Meet with all store personnel weekly and District Manager once a month to review sales performance against target.
Plan and conduct weekend training events in Lowe's stores. Participate in all seasonal training events as scheduled.
Analyze territory sales performance reports and develop strategic territory business plans to support growth.
Aggressively identify in-store selling opportunities to secure wing stacks, bulk stacks, end caps, and stack outs to create impactful, cross merchandised, product displays.

Service 8 Lowe's in Florida and Georgia
Ensure automatic replenishment system is supplying sufficient product to support rate of sale, and on-hand inventory counts are accurate by suggesting cycle counts to store management.
Train and demo products to Lowe's associates during sales call activity.
Maintain color centers, sales aides and Point of Purchase (POP) materials for all PPG brands.

Scotts/Miracle Gro

Merchandising Counselor
Tallahassee, FL
February 2014 to January 2015

Responsibilities:
Service both Lowe's and Home Depot in assigned territory
Merchandise all Scotts/Miracle products
In-store selling & counseling to customers & store associates
Executing store sets & constructing promotional materials
Build promotional endcaps & displays
Ensure all Scotts products are priced and up to date
Utilize proper safety techniques & equipment
Work from virtual office to send e-mails and report hours

Coca Cola Refreshment

Merchandiser/Sales Representative
Tallahassee, FL
June 2014 to November 2014

Responsibilities:

Merchandiser June 2014 – Present
Merchandise product in various locations in accounts
Service various accounts such as Walmart, Target, Publix
Building various types of displays for maximum sales
Rotate and check for out of date products
Repackage product where applicable
Manage backroom stock
In store selling to customers
Place coupons and promotional POP where applicable
Educate store personnel on new items & promotions

Fifo Wireless

Territory Manager
March 2013 to November 2013
Tallahassee, FL

Responsibilities:

Generated brand awareness and increase product sales for Fifo Wireless
Service Walgreen's, Winn Dixie & Convenient stores in assigned territory
Merchandise products to increase visibility and sales
Maintain set integrity and controlled inventory by correcting out of stocks and
Work from virtual office to communicate with manager and corporate office
Report retail activities using hand-held computer
Educated store personnel on new items and promotions
Ensured all prices are displayed and current
Manage expenses and timesheets according to deadlines
Communicate with store management to achieve all retail objectives

Advantage Sales & Marketing

April 2011 to October 2012
Tallahassee, FL

Responsibilities:

Work for a division of Pepsico
Generate brand awareness and increase product sales for Gatorade, Tropicana and Quaker products
Service Walmart, Publix & Winn Dixie stores in assigned territory
Merchandise products to increase visibility and sales
Maintain set integrity
Control inventory by correcting out of stocks and phantom inventory
Work from virtual office to communicate with manager and corporate office

Report retail activities using hand-held computer
Educate store personnel on new items and promotions
Ensure all prices are displayed and current
Manage expenses and timesheets according to deadlines on Oracle website
Communicate with store management to achieve all retail objectives

Revlon

Part Time Merchandiser
Tallahassee, FL
January 2010 to March 2011

Responsibilities:
Maintain set integrity for the Revlon and Almay brands
Maximize sales by maintaining space, location and inventory
Perform resets and remodels at assigned accounts within territory
Once a Quarter, service assigned stores in district
Merchandise, clean, restock and maintain planogram at assigned stores
Work with management to correct counts and order product
Work from virtual office
Manage expenses, mileage and surveys through the Revlon website

L'Oreal USA

Part Time Merchandiser
Tallahassee, FL

October 2009 to March 2011

Responsibilities:
Service stores within the assigned territory
Assist others in the district when needed or to meet project deadlines
Perform resets/remodel activity as assigned by account projects for special brands
Perform impact calls as directed in project plans
Work from virtual office to communicate with manager and corporate office
Report retail activities using hand-held computer or IVR system
Work with store management using the store replenishment system
Communicate with store management to achieve all retail objectives
Educate store personnel on new items and promotions
Monitor planograms to ensure correct merchandising and pricing compliance
Ensure all prices are displayed and current
Clean and replace all fixtures and POP
Responds to special requests to correct in-store issues, surveys and promotions
Manage expenses and timesheets according to deadlines

Black and Decker

Retail Specialist
Tallahassee, FL
June 2005 to April 2009

Responsibilities:
Maintain merchandising fundamental best practices throughout territory
Execute monthly store objectives and implement promotional initiatives
Drive business at store level using merchandising and selling skills
Build strong relationships with key decision makers to ensure complete and timely execution of merchandising initiatives
Enhance the image of Black and Decker brands at store level
Educate store personnel and consumers on various products
Analyze sales data to gain, keep or increase the visual presence of Black and Decker brands
Daily use of handheld computer for store calls, pictures and surveys
Work from virtual office at home and on the road
Service Home Depots in Florida and Georgia

Nintendo of America

Retail Representative
Tallahassee, FL
July 1997 to January 2005

Responsibilties:
Maximized Nintendo's sales at assigned accounts
Ensured visual prominence and accessibility of Nintendo products
Repaired and maintained electronic displays
Distributed point of purchase materials
Reset product displays using Plano grams
Educated store personnel and consumers on latest and upcoming releases
Daily use of handheld computers for store calls, orders, monthly calendar, imputing mileage and hours.
Worked from a virtual office at home and on the road
Serviced assigned accounts in a 2,500 mile radius which includes Florida, Alabama and Georgia

Education:

Athletic Training
University of Florida
Gainesville, FL
1989 to 1991

Associate of Arts in Liberal Arts
Broward Community College
1989

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
MICCOSUKEE CITIZENS WORKING GROUP

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Cheryl Gratt		Date: 6/21/2018 8:55:58PM
Home Phone: (850) 591-0121	Work Phone: (850)591-0121X	Email: cgratt@aol.com
Occupation: REALTOR& BOOKKEEPING COMPANY OWNTER	Employer: SELF	

Preferred mailing location: Home Address
Work Address: 9086 VETERANS MEMORIAL DR

City/State/Zip: TALLAHASSEE,FL 32309

Home Address: 9086 VETERANS MEMORIAL DR

City/State/Zip: TALLAHASSEE,FL 32309

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 14 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Age:
Disabled? No District:

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

I AM A BOARD MEMBER OF FRIENDS OF MACLAY GARDENS, A CSO ORGANIZATION (CITIZENS SUPPORT ORGANIZATION). I HAVE LIVED IN MICCOSUKEE FOR 13 YEARS AND HAVE DILIGENTLY WORKED WITH THE COMMUNITY AND PLANNED AND ORGANIZED AN ALL CANDIDATE FORUM ONE YEAR, AND OTHER COMMUNITY ACTIVITIES. I HAVE EXTENSIVE KNOWLEDGE REGARDING HISTORY OUT HERE AND ISSUES THAT EFFECT THIS COMMUNITY. I HAVE PLANNED A FESTIVAL WITH THE BOYS AND GIRLS CLUB THAT RAISED SEVERAL THOUSAND DOLLARS FOR THE IMPROVEMENT OF THE BOYS AND GIRLS CLUB BUILDING.

References (you must provide at least one personal reference who is not a family member):

Name: CHERYL Telephone: 850-893-2704
Address: 9402 HEROLD HILL , TALLAHASSEE, FL 32309

Name: REV. RON CICHON Telephone: 8501-997-0314
Address: 1540 LIVE OAK RD, MONTICELLO, FL

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Cheryl Gratt

This application was electronically sent: 6/21/2018 8:55:58PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
MICCOSUKEE CITIZENS WORKING GROUP

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Dan Copelin | Date: 6/29/2018 6:56:11AM

Home Phone: [redacted] | Work Phone: ()850-509X6886 | Email: dan.copelin@talgov.com

Occupation: POLICE OFFICER | Employer: CITY OF TALLAHASSEE

Preferred mailing location: Home Address
Work Address: [redacted]

City/State/Zip: [redacted]
Home Address: [redacted]

City/State/Zip: [redacted]

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 45 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Male Age: 45.00
Disabled? Yes District: District 4

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: MATTHEW DUFEK Telephone: 8505085860
Address: 1632 CHADWICK WAY TALLAHASSEE FL 32312

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form No
(Your application will only be considered for those committees/boards/authorities that do not require members to complete the Financial Disclosure Form 1.)

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? Yes
If yes, please explain. MY EMPLOYER IS THE CITY OF TALLAHASSEE

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Dan Copelin

This application was electronically sent: 6/29/2018 6:56:11AM

Florida Commission on Ethics

Public Records Exemption Request

Florida law provides that an agency shall treat social security numbers, bank account numbers, and debit, charge, and credit card numbers as automatically exempt from public disclosure. In addition, Florida law allows ***eligible persons*** to request in writing that a non-employing agency maintain as exempt from public disclosure certain identification and/or location information contained in records within the agency's custody.

The person entitled to the additional exemptions ***must*** submit a written request ***directly*** to this agency to maintain the exemption to the records in our custody. § 119.071(4)(d)3., F.S. You are not required to use this form; however doing so will help us in keeping your information confidential. Please return this completed form ***or*** a written request to: *Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709.*

If you or your spouse qualify; or if you are the child of someone who qualifies; you are eligible to receive additional public records exemptions. Please check the box for any of the following that apply:

Active or Former:

- ☒ Sworn or civilian law enforcement personnel, including correctional and correctional probation officers.
- ☐ Department of Children and Families personnel whose duties include investigating abuse, neglect, exploitation, fraud, theft, or other criminal activities.
- ☐ Department of Health personnel whose duties are to support the investigation of child abuse or neglect.
- ☐ Department of Revenue or local government personnel whose responsibilities include revenue collection and enforcement or child support enforcement.

Current or Active:

- ☐ Firefighter certified in compliance with s. 633.408, F.S.
- ☐ General magistrate, special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support enforcement hearing officer.*
- ☐ County Tax Collector.*

Current or Former:

- ☐ Department of Financial Services nonsworn investigative personnel whose duties include investigating fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations.
- ☐ Supreme Court Justice, or judge of district court of appeal, circuit court, or county court.
- ☐ State attorney, assistant state attorney, statewide prosecutor, or assistant statewide prosecutor.
- ☐ Public defender, assistant public defender, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel.
- ☐ Human resource, labor relations, or employee relations director, assistant director, manger, or assistant manager of any local government agency or water management district whose duties include hiring/firing employees, labor contract negotiation, administration, or other personnel-related duties.
- ☐ Code Enforcement Officer.
- ☐ Guardian ad litem, as defined in s. 39.820, F.S.*
- ☐ Juvenile probation officer, juvenile probation supervisor, detention superintendent, assistant detention superintendent, juvenile justice detention officers I and II, juvenile justice detention officer supervisor, juvenile justice residential officer, juvenile justice residential officer supervisors I and II, juvenile justice counselor, juvenile justice counselor supervisor, human services counselor administrator, senior human services counselor administrator, rehabilitation therapist, or social services counselor of the Department of Juvenile Justice.
- ☐ Department of Business and Professional Regulation investigator or inspector.*
- ☐ Department of Health personnel whose duties include, or result in, determining or adjudicating eligibility for social security disability benefits, investigating or prosecuting complaints filed against health care practitioners, or inspecting health care practitioners or health care facilities licensed by the Department of Health.*
- ☐ Impaired practitioner consultant retained by an agency, or employees of such a consultant, whose duties result in determining a person's skill and safety to practice a licensed profession.*
- ☐ Emergency medical technician or paramedic certified under chapter 401, F.S.*
- ☐ Personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline.*
- ☐ U.S. Attorney or Assistant U.S. Attorney, U.S. Courts of Appeal judge, U.S. district judge, or U.S. magistrate.*
- ☐ Member of the U.S. Armed Forces, a reserve component of the U.S. Armed Forces, or the National Guard, **who served after September 11, 2001.***
- ☐ Victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence **(if applicable, must attach official verification that crime occurred; exemption applies only to individual victim of specified crime, not to the spouse or child of the victim).****

☒ **Yes, I qualify** ☐ **Yes, my spouse qualifies** ☐ **Yes, my parent qualifies**

Printed Name: DANIEL "DAN" COPELIN Phone Number: 850-509-6886

The residence address(es) you wish us to maintain as confidential: [redacted]

Signature of Requestor: [signature] Date: 6-29-18

** – If this category is selected, person also certifies, by signing this form, that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public.*

*** – Exemption valid for 5 years from date of request.*

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL	OFFICE / POSITION HELD
COPELIN, DANIEL "DAN"	POLICE OFFICER
[redacted]	AGENCY OR ADVISORY BOARD TALLASSEE POLICE DEPT.
[redacted]	[redacted]

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- **Fill out** Part A or Part B, as applicable.
- **Sign** and date the form on the reverse side.
- **File Part A** with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- **File Part B** with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to waive these requirements in a *particular instance* provided: (a) waiver by the appointing body must be upon a two-thirds affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; *and* (c) in either case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by Subsections (3) of (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable* to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:

   (X) The reporting person;

   ( ) The spouse of the reporting person, whose name is _____; or

   ( ) A child of the reporting person, whose name is _____.

2. The particular transaction or relationship for which this waiver is sought involves [check applicable space]:

   (X) Supplying the following realty, goods, and/or services: VARIOUS COMMUNITY SERVICES.

   ( ) Regulation of the business entity by the governmental agency served by the advisory board member.

3. The following business entity is doing business with or regulated by the governmental agency:

   CITY OF TALLAHASSEE HAS CONTRACTUAL RELATIONSHIPS WITH LEON COUNTY.

4. The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
   ( ) Officer; ( ) Partner; ( ) Associate; ( ) Sole proprietor; ( ) Stockholder; ( ) Director; ( ) Owner of in excess of 5% of the assets of capital stock in such business entity; (X) Employee; ( ) Contractual relationship with the business entity; ( ) Other, please describe:

CE FORM 4A – REV. 1-98

[CONTINUED ON REVERSE SIDE]

PART B - DISCLOSURE OF INTEREST IN SOLE SOURCE OF SUPPLY

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain employment and business relationships on the part of public officers and employees. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12)(e), Florida Statutes, provides an exemption from the above-mentioned restrictions in the event that the business entity involved is the only source of supply within the political subdivision of the officer or employee. In such cases the officer's or employee's interest in the business entity must be fully disclosed to the governing body of the political subdivision. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable.*

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:

   ( ) The reporting person;

   ( ) The spouse of the reporting person, whose name is _____; or

   ( ) A child of the reporting person, whose name is _____.

2. The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

   _____.

3. The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:

   _____
   (NAME OF ENTITY) (ADDRESS OF ENTITY)

4. The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:
   ( ) Officer; ( ) Partner; ( ) Associate; ( ) Sole proprietor; ( ) Stockholder; ( ) Director; ( ) Owner of in excess of 5% of the assets or capital stock in such business entity; ( ) Employee; ( ) Contractual relationship with the business entity; ( ) Other, please describe:

SIGNATURE

SIGNATURE	DATE SIGNED	DATE FILED
	6-29-18	

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES s. 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10.000.

CE FORM 4A – REV. 1-98

[CONTINUED FROM FIRST SIDE]

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
MICCOSUKEE CITIZENS WORKING GROUP

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Hall David		Date: 6/29/2018 1:20:50PM
Home Phone: (850) 894-4064	Work Phone: (850)933-0499X	Email: halldg12700@aol.com
Occupation: RETIRED	Employer: N/A	

Preferred mailing location: Home Address
Work Address: N/A

City/State/Zip: TALLAHASSEE,FL

Home Address: 12700 MICCOSUKEE RD

City/State/Zip: TALLAHASSEE,FL 32309

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 66 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? Yes
If yes, on what Committee(s) are you a member? MICCOSUKEE COMMUNITY ADVISORY COUNCIL

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: African American Sex: Male Age: 67.00
Disabled? No District: District 4

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: VIVIAN HOBBS Telephone: 850-385-9900
Address: ..

Name: .. Telephone: ..
Address: ..

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form No
(Your application will only be considered for those committees/boards/authorities that do not require members to complete the Financial Disclosure Form 1.)

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: DAVID HALL

This application was electronically sent: 6/29/2018 1:20:50PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
MICCOSUKEE CITIZENS WORKING GROUP

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: George (Jake) Hatcher		Date: 6/29/2018 1:28:54PM
Home Phone: (850) 322-7853	Work Phone: (850)656-8100X	Email: jhatcher@bgcbb.org
Occupation: AREA DIRECTOR	Employer: BOYS & GIRLS CLUBS OF THE BIG BEND	

Preferred mailing location: Work Address
Work Address: P.O. BOX 7141

City/State/Zip: TALLAHASSEE,FL 32314

Home Address: 524 HAMPTON BROOKE DRIVE

City/State/Zip: TALLAHASSEE,FL 32311

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? No If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 28 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Sex: Age:
Disabled? District:

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: DANAE JOHNSON Telephone: 850-321-9593
Address: 524 HAMPTON BROOKE DRIVE, TALLAHASSEE, FL 32311

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? Yes
If yes, please explain. MICCOSUKEE BOYS & GIRLS CLUB - NOT FOR PROFIT

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: George (Jake) Hatcher

This application was electronically sent: 6/29/2018 1:28:54PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
MICCOSUKEE CITIZENS WORKING GROUP

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Mary Young		Date: 6/27/2018 9:54:30PM
Home Phone: (850) 893-5241	Work Phone: ()850-264X5477	Email: myef02@aol.com
Occupation: ADMINISTRATOR/EDUCATOR	Employer: MICCOSUKEE YOUTH EDUCATION FOUNDATION, INC.	

Preferred mailing location: Home Address
Work Address:

City/State/Zip: ,FL

Home Address: 9538 W W BELL TERRACE

City/State/Zip: TALLAHASSEE,FL 32309

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 33 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? Yes
If yes, on what Committee(s) are you a member? MICCOSUKEE COMMUNITY CENTER BOARD OF DIRECTORS

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: African American Sex: Female Age:
Disabled? No District: District 4

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: SENATOR BILL MONTFORD Telephone: (850) 577-5784
Address: SENATE OFFICE BLDG., 404 SOUTH MONROE ST. 32399

Name: CARRIE S. HERRING Telephone: (850) 933-9629
Address: 3603 HOOD COURT, TALLAHASSEE 32311

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Mary Young

This application was electronically sent: 6/27/2018 9:54:30PM

VITAE′

Mary L. Young, Ph.D.
P. O. Box 5452
Tallahassee, FL 32314
Home Phone: (850) 893-5241
Cell Phone: (850) 264-5477

EDUCATION

Florida State University, Tallahassee, Florida: August, 1995 graduate with Ph.D. in Educational Administration and Supervision. Additional coursework was taken in Vocational Education and Higher Education Administration.

Florida State University, Tallahassee, Florida: December, 1981 graduate with master's degree in Educational Administration and Supervision.

Florida Agricultural and Mechanical University, Tallahassee, Florida: June, 1975 graduate majoring in Business Education. In addition to shorthand (120), typewriting (90 wpm), studied accounting, business law, economics, and management.

Lincoln High School, Tallahassee, Florida: 1968 graduate.

EXTRACURRICULAR ACTIVITIES

Florida A&M University: Volunteer 4-H Leader, Florida A&M University Extension Program, Youth and Family At Risk Project, 2009-2012.

Community: June, 2002—Founder and Director of Saturday School Program for children in the Miccosukee (Leon County) and surrounding areas. Program is a non-profit organization under the name: Miccosukee Youth Education Foundation, Inc. The program provides academic enhancement skills and training for students in Grades K-12.

Community: June, 1996—Organized Black History Brain Bowl team for youth, Grades 7-12. Competitions are held in December and February of each year.

Florida A&M University: Advisor of PHI BETA LAMBDA student organization, 1994-2006.

Florida A&M University: Member of PI OMEGA PI Honor Society, 1975-Present.

PAGE 2, VITAE′, MARY L. YOUNG

School: Advisory Council Member, Deerlake Middle School, 1991-92 and 1992-93 Treasurer of Killearn Lakes Elementary PTO, 1988-89; President of Advisory Council, Concord Elementary School, 1982-83; Vice-President of the Advisory Council, Concord Elementary School, 1981-82; Secretary of Parent-Teacher Organization, Concord Elementary, 1975-76 and 1979-80.

Community: Miccosukee Youth Education Foundation--Founder and Executive Director, 2002-present; **Board Member**--Miccosukee Parks and Recreation Council; **Board Member**--Miccosukee Community Center.

Membership: The National Business Education Association, Florida Technology Education Association, National Education Association, and Delta Pi Epsilon National Honorary Professional Graduate Society in Business Education.

Church: Secretary-Treasurer for Shiloh African Methodist Episcopal Church, 1964-1991. Treasurer: 2001-Present.

AWARDS AND RECOGNITIONS

Received **Annual Heritage Day Program Recognition Award**, Presented by Bethel Missionary Baptist Church, February 22, 2015.

Featured in the **2012 Cherry Hall Alexander African-American History Calendar**. Presented by Tallahassee Community College.

Received ***Community Service Award*** in appreciation of outstanding service on the Miccosukee Community Center Focus Group, 2002-2010. Presented by Leon County Board of County Commissioners.

Received ***Certificate of Appreciation*** from Tallahassee Area Coalition Center of Excellence for dedicated service to the College of Education Advisory Board, **2007-2008**.

Received ***Outstanding Performance Award*** in recognition of Leadership as Team Coach for the Miccosukee Youth Education Foundation in the Tallahassee Coalition Center of Excellence, **2004-2005** Black History Brain Bowl Competition.

Received **Board of County Commissioners Community Service Award** in appreciation of outstanding community service, **2002-2004**.

Received ***Proclamation*** from the Leon County Board of County Commissioners for excellence in District and Regional Brain Bowl participation, **January 25, 2003**.

PAGE 3, VITAE′, MARY L. YOUNG

Received ***Outstanding Service Award***, for continued leadership as District Director and support and encouragement for all students of Phi Beta Lambda, Tampa, Florida, **March, 2000.**

Received ***Outstanding Service Award*** for continued leadership as District Director and support and encouragement for all students of Phi Beta Lambda, Tampa, Florida, **March 13, 1999.**

Received the **1997-98** ***District I Award*** from Florida Chapter of Phi Beta Lambda, Tampa, Florida, **March 13, 1999**.

Received ***Special School Volunteer Award*** for providing more than 100 hours of volunteer service to benefit the children of Leon County Schools, **May 1, 1997**.

Received ***Certificate of Recognition*** for serving on the Editorial Advisory Board for review and evaluation of **Electronic Keyboarding, October 8, 1996**.

Received ***Certification of Appreciation*** in support of the Black History Brain Bowl Team, Lincoln High School, Tallahassee, Florida, **February 1, 1996**.

Received ***Certificate of Completion*** for actively participating in and satisfactorily completing the workshop entitled, "Teaching through Interactive Television," **May 2, 1992.**

Received ***Teacher of Year Award*** for Outstanding Leadership and Significant Contributions to Higher Education. Presented by the College of Education, Florida A&M University, **April 19, 1991**.

EXPERIENCE

June 2002 to present: Executive Director, Miccosukee Youth Education Foundation, Inc. Duties include hiring and supervising teachers and staff, budgeting, recruiting partners and board members, responding to various reports, assessing student progress through pre- and post-testing, grant writing and overall program operation.

August 2004 to May 2006: Assistant Professor of Business Education, Florida A&M University, Department of Business and Technology Education. Duties included teaching business subjects, advising, serving on college and university-wide committees and serving as advisor for Future Business Leaders of America/Phi Beta Lambda student organization.

January 1999 to August 2004: Assistant Professor and Chairperson, Department of Business and Technology Education. In addition to teaching two classes per semester,

performed administrative tasks, served on college and university-wide committees, and performed other duties as assigned by the Dean.

August 1992 to December 1998: Assistant Professor of Business Education, Florida A&M University, Tallahassee, Florida. Taught business related courses; some of which included: Methods of Teaching Business Subjects, Principles of Business Education, Shorthand, Typewriting, Word Processing, Records Management, and Business Communications.

October 1990 to August 1992: Assistant Professor and Chairman, Florida A&M University, Department of Industrial Arts and Vocational Education. In addition to teaching two classes per semester, performed administrative tasks, served on college and university-wide committees, and performed other duties as assigned by the Dean.

August 1988 to October 1990: Assistant Professor of Business Education, Florida A&M University, Tallahassee, Florida. Taught business related courses; some of which included: Methods of Teaching Business Subjects; Typewriting, Shorthand, and Leadership Development.

August 1983 to July 1988: Business Education Instructor, Florida A&M University, Tallahassee, Florida. Taught business-related courses, such as Typing I, Shorthand I and II, Filing and Office Practice, and Human Relations in Business.

October 1982 to August 1983: Secretary IV and Research Associate, President's Office, Florida A&M University, Tallahassee, Florida. Duties included: letter and memo composition, preparation of travel reimbursements, shorthand transcription, and the performance of other general office procedures. In addition, provided administrative assistance to the President of the University.

October 1976 to September 1982: Business Education Instructor, FAMU-CETA Training Project, Tallahassee, Florida. Taught typewriting, secretarial office procedures, shorthand, bookkeeping, and office machines. Also prepared students' progress reports; assisted in student scheduling; and made periodic visits to students holding clerical positions for the State of Florida.

March 1978 to June 1978: Business Education Instructor, Florida A&M University, Department of Vocational/Technical and Adult Education, Tallahassee, Florida. Taught Office Management and Beginning Typewriting.

September 1976 to April 1977: Business Education Teacher, Leon County Adult Education Program, Godby High School, Tallahassee, Florida. Taught bookkeeping two evenings per week.

PAGE 5, VITAE′, MARY L. YOUNG

April 1976 to June 30, 1983: Business Education teacher, Leon County Adult Education Program, Concord Elementary School. Taught Typewriting, Shorthand, Business English and Accounting.

July 1975 to October 1976: Departmental Secretary for the Department of Philosophy, Florida State University, Tallahassee, Florida. Responsibilities consisted of the following: supervisor of clerk-typist, preparation of general office correspondence, and preparation of appointment papers for faculty and graduate assistants. Duties also included: preparation of monthly budget reports, travel arrangements, operation of various office machines, and the development of an organized filing system.

WORKSHOPS AND SHORT COURSES

February 9, 2017: Tallahassee, Florida. American Red Cross. Attended Community Human Service Partnership Budget Workshop, Part II.

February 3, 2017: Tallahassee, Florida. American Red Cross. Attended Program Evaluation and Outcome Measurement Workshop. Sponsored by Community Human Service Partnership.

January 13, 2017: Tallahassee, Florida. American Red Cross. Attended CHSP Budget Workshop, Part I.

January 12, 2017: Tallahassee, Florida. American Red Cross. Attended FY 2017/18 CHSP Application Workshop.

May 8, 2012: Tallahassee Community College. Attended the 21st Century Community Learning Center Grant workshop. Presented by Lani Lingo, Florida State Department of Education.

February 25, 2010: Gainesville, Florida, University of Florida. Attended the University of Florida 4-H Youth Development Council charter meeting.

March 5, 2009: Tallahassee, Florida, Florida Department of Education. Attended *2009-2010 21st Century Community Learning Center* Request for Proposal Workshop. Presented by the University of Florida 21st CCLC Leadership Team.

January 15, 2009: Orlando, Florida. Attended the No Child Left Behind Supplemental Educational Services Technical Assistance Meeting.

PAGE 6, VITAE′, MARY L. YOUNG

March 28-29, 2003: Tallahassee, Florida. Attended the Florida Association of Colleges for Teacher Education Workshop. Discussion topics included Teacher Employment and Turnover, Just Read Florida Program, PreK-20 Partnerships, and K-12 Reading Endorsement.

February 24, 2003: Tallahassee, Florida, State Department of Education. Attended a Regional Workshop entitled, "Designing Standards-Based Tasks and Assessment Systems."

September 25-27, 1996: Auburn University, Auburn, Alabama. Attended and participated in the National Issues Public Policy Forum.

August 22, 1996: Florida A&M University. Presented a Proofreading Skills Workshop for employees of the Statewide Interagency Training Program.

July 29, 1992: Florida A&M University. Hosted a one-half day workshop on Updating Office Procedures and Practices.

July 2, 1992: Florida A&M University and the University of Central Florida. Coordinated and presented a live teleconference on Technical Updating for Vocational Teachers Through Distance Learning: How to Integrate Computers into Accounting Courses.

June 23, 1992: Florida A&M University and the University of Central Florida. Coordinated and presented a live teleconference on Technical Updating for Vocational Teachers Through Distance Learning: Computer Software Update.

July 23-27, 1991: Florida A&M University. Hosted a one-week workshop on Championship Typewriting. The workshop was designed to introduce business educators to the completely structured, multi-faceted, scientifically-based keyboarding methodology.

October 20-21, 1988: Florida A&M University. Hosted a two-day workshop on Championship Typewriting. Workshop was designed to enhance teaching methodology.

September/October 1986: Department of Professional Regulations, Tallahassee, Florida. Taught six-week course in beginning typewriting. Emphasis on keyboarding, letter writing, and manuscript typing. Emphasis was also placed on developing skills necessary for increased speed and accuracy.

September 22, 1986: Department of Human Resource Development, Tallahassee, Florida. Conducted workshop on techniques and mannerisms appropriate for effective telephone communication.

PAGE 7, VITAE′, MARY L. YOUNG

September 24, 1986: Center for Creative Employment, Tallahassee, Florida. Conducted two-hour workshop entitled, "Preparing for Work—Telephone Communications."

November 4-December 11, 1986: Department of State, Division of Licensing, Tallahassee, Florida. Taught a 24-hour course in Basic English and Grammar. This course was designed to improve employees' proficiency in subject-verb agreement, sentence structure, pronoun case, parallel structure and word distinctions. Emphasis was also placed on the correct use of punctuation marks.

COMMITTEE ASSIGNMENTS

2009-12 Volunteer 4-H Leader, FAMU Extension Program, Youth and Family At Risk
2007-Present, Member, Associated Industries of Florida (AIF)
2006 Editorial Coordinator, NCATE Committee on Candidate Knowledge, Skills
2005 NCATE Committee on Candidate Knowledge, Skills and Dispositions
2002-2006 Engineering and Related Technology Advisory Committee, Tallahassee CC*
2002- Miccosukee Youth Education Foundation, Inc. Board of Directors
2002-2010 Miccosukee Community Center Board of Directors
2001-2010 Miccosukee Sports and Recreation Council Board Member
1999-04 NCATE Committee on Program Assessment and Unit Planning
1999-04 College of Education Leadership Team
1999-04 Inter-Area Council Committee
1999-00: Melvene Hardee Scholarship Committee
1999-00: Mr. and Miss College of Education Selection Committee
1998-99: Mr. and Miss College of Education Selection Committee
1998-99: Student Evaluation Rating Review Committee
1998-99: Teaching Incentive Program (TIP) Committee
1998-99: College of Education Teacher Incentive Program (TIP) Committee
1998-99: Melvene Hardee Scholarship Committee
1998-99: Committee on Institutional Purpose and Effectiveness
1996-97: Committee on Institutional Purpose and Effectiveness
1993-94: Curriculum Committee, College of Education
1992-93 and 1991-92: NCATE Self-Study Steering Committee
1992-93 and 1991-92: Executive Council, College of Education
1992-93 and 1991-92: Inter-Area Council, College of Education
1992-93 and 1991-92: Research Committee, College of education
1991-92: Promotion and Tenure Committee, College of Education
1991-92: Sabbatical Leave Committee, University-Wide
1991-92: Committee on Students, NCATE

PAGE 8, VITAE′, MARY L. YOUNG

SPECIAL PROJECTS AND GRANTWRITING

2015-2016 Received $35,000 grant from Leon County Community Human Service Partnership (CHSP). The grant provides for reading and math tutorial services for children in Grades K-12.

2014-2015 Received $35,000 grant from Leon County Community Human Service Partnership (CHSP). The grant provides for reading and math tutorial services for children in Grades K-12.

2015 Received $1,000 from Capital City Bank Foundation, Tallahassee, Florida. This grant provides for continued tutorial services for the Miccosukee Youth Education Foundation's Academic Achievement Program.

2013-2014 Received $37,000 grant from Leon County Community Human Service Partnership (CHSP). The grant provides for reading and math tutorial services for children in Grades K-12.

2012-2013 Received $50,000 grant from Leon County Community Human Service Partnership (CHSP). The grant provides for reading and math tutorial services for children in Grades K-12.

2011-2012 Received $30,000 from Leon County Community Human Service Partnership grant. This grant provides for tutorial services for children in Grades K-12.

2010-2011 Received $27,962 from Leon County Community Human Service Partnership grant. This grant provides for tutorial services for children in Grades K-12.

2010 Received $2,600 from Tallahassee Kiwanis Club. This grant provided funding for a special project by the Miccosukee Youth Education Foundation's Academic Achievement Program.

2009-2010 Community Human Service Partnership Grant. Sponsored by Leon County Board of County Commissioners, Tallahassee, Florida. This grant provides for tutorial services for children in Grades K-12. Amount: $5,199.

2009 Received $1,000 from Sam's Club, Tallahassee, Florida. This grant provided funding tutorial instruction in reading, math, FCAT preparation and computer literacy skills for the Miccosukee Youth Education Foundation's Academic Achievement Program.

2008-09 Community Human Service Partnership Grant. Sponsored by Leon County Board of County Commissioners, Tallahassee, Florida. This grant provides tutorial

PAGE 9, VITAE′, MARY L. YOUNG

services for children in Grades K-12 with specific emphasis on reading comprehension, mathematics, and Language Arts: Amount: $5,200.

2009 Received $1,500 from Capital City Bank Foundation, Tallahassee, Florida. This grant provided for continued tutorial services for the Miccosukee Youth Education Foundation's Academic Achievement Program.

2008 Received $1,000 from Capital City Bank Foundation, Tallahassee, Florida. This grant provided for continued tutorial services for the Miccosukee Youth Education Foundation's Academic Achievement Program.

2007-08 Community Human Service Partnership Grant. Sponsored by Leon County Board of County Commissioners, Tallahassee, Florida. This grant provided tutorial services for children in Grades K-12 with specific emphasis on reading comprehension, mathematics, and Language Arts. Amount: $5,200.

2007 Received $4,700 grant from Capital City Bank Foundation, Tallahassee, Florida. This grant provided for continued tutorial services for the Miccosukee Youth Education Foundation's Academic Achievement Program.

2007-08: Ounce of Prevention Fund of Florida. This organization provided matching dollars in support of the Community Human Services Partnership Grant in the amount of $26,500.00.

2007-08: Ounce of Prevention Fund of Florida. This organization provided funds for tutorial services provided by the Miccosukee Youth Education Foundation in the amount of $59,689.

2006-07 2006 National Business Education Association Annual Convention, April 12-15, 2006. Tampa, Florida. Served as Assistant Coordinator for Session 3: "Business Etiquette."

2006-07 Community Human Services Partnership Grant. Sponsored by Leon County, Tallahassee, Florida. This grant provided tutorial services for children in Grades K-12 with specific emphasis on reading comprehension, mathematics, and Language Arts. Presentation of Proposal: April 27, 2006.

2006 Received a $1,500.00 grant from Publix Super Markets Charities, Inc. for the purpose of enhancing reading comprehension and mathematical skills among children in Grades K-12 who live in the Miccosukee (Leon County) and surrounding areas.

2005 Received $7,500 from Capital City Bank Foundation. This grant provided program support for the Miccosukee Youth Education Foundation's Academic Achievement Program.

PAGE 10, VITAE′, MARY L. YOUNG

2005-06 National Business Education Association, Reston, Virginia. Reviewed two proposals submitted for acceptance for the 2006 NBEA Convention, Tampa, Florida.

2004-05: Community Human Services Partnership Grant. Sponsored by Leon County, Tallahassee, Florida. This grant provided funds for tutorial services for children in Grades K-12 with specific emphasis on reading comprehension, mathematics, and Language Arts. Amount: $16,437.00.

2004-05: Ounce of Prevention Fund, Tallahassee, Florida. This organization provided matching dollars in support of the Community Human Services Partnership Grant in the amount of $15,000.00.

2003-04: Received a $2,500.00 grant from Publix Super Markets Charities, Inc. for the purpose of enhancing reading comprehension and mathematical skills among children in Grades K-12 who live in the Miccosukee (Leon County) and surrounding areas.

2003-04: Ounce of Prevention, Tallahassee, Florida. Received a $2,500 match in support of the Publix Super Markets Charities, Inc. grant.

2003-04: Florida Department of Education and Florida Division of Colleges and Universities. Prepared report for the National Council for Accreditation of Teacher Education Board of Examiners for Continuing Accreditation to Florida Agricultural and Mechanical University.

2003-04: Florida Agricultural and Mechanical University, Tallahassee, Florida. Prepared and submitted to the Department of Education the following document: "The Substantive Change Prospectus for Technology Teacher Education.

2003-04: Submitted proposal to the National Science Foundation for a "Teacher Institute for the 21st Century." Amount: $5,000,000 for five years.

2002-03: Submitted proposal to the National Science Foundation for "Implementing Value-added Student Recruitment and Retention Activities in an Articulated Technology Education Program. Amount: $143,148 for three years.

2001-02: Submitted proposal to the National Science Foundation for "Collaborative Efforts of Colleges, Schools and Industries to Prepare Highly Qualified Technicians and Technology Instructors. Amount: $185,000 for three years.

1996-97: Florida Department of Education and the University of Florida. Served as Content Reviewer for the Florida Teacher Certification Examination in Business Teacher Education.

PAGE 11, VITAE′, MARY L. YOUNG

1995-96: Collegiate Press, Alta Loma, California. Served on the Editorial Board to evaluate the current edition of Electronic Keyboarding.

1992-93: Florida Department of Education. Vocational-Technical Skills Updating Through Distance Learning Grant.

1991-92: Florida Department of Education. Technical Training Grant.

1991-92: Florida A&M University. Cortez Peters Championship Typewriting Methodology Workshop.

1990-91: Florida Department of Education. Vocational Student Achievement Testing Grant.

PRESENTATIONS

Community Human Service Partnership Grant, **2007-2015.** *Presented Academic Achievement Program for Grades K-12* grant to United Way, City of Tallahassee, and Leon County Citizens' Review Team.

Community Human Service Partnership Grant, **April 27, 2006**. Presented *Academic Achievement Program for Grades K-12* grant to United Way, City of Tallahassee, and Leon County Proposal Review Team.

National Business Education Association Annual Convention, **April 12-15, 2006**, Tampa Convention Center. Served as Assistant Coordinator for workshop entitled, "Business Etiquette—Avoid Workplace Faux Pas."

Presented College of Education graduates from the Department of Business and Technology Education during "Pinning Ceremony," **April, 2004**.

Presented Community Human Service Partnership Grant to members of the Proposal Review Committee of United Way, City of Tallahassee, and Leon County, **April 22, 2004.**

Presented College of Education graduates from the Department of Business and Technology Education during "Pinning Ceremony," **December, 2003.**

Presented Certificate of Appreciation to Dr. Jerrlyne Jackson during Retirement Ceremony for 40 years of service to Florida A&M University. Tallahassee, Florida: Doubletree Hotel, **June 21, 2003.**

PAGE 12, VITAE′, MARY L. YOUNG

Presented Certificates of Achievement to Black History Brain Bowl Participants for District and Regional winnings, Awards Banquet, Miccosukee Community Center, **January 25, 2003**.

Presented to **Tallahassee Housing Authority participants** workshop on "Opening the Lines of Communication between Parents and Teachers," **August 29, 2002**.

Presented Certificate of Achievement to children who participated in ***Saturday Summer School.*** Sponsored by the Miccosukee Youth Education Foundation, **August 10, 2002**.

Presented an honorary Plaque to Dr. Herbert C. Beacham for 42.5 years of service to Florida A&M University during his retirement ceremony. Tallahassee, Florida: Chez Pierre Restaurant and Banquet, **December 31, 2001**.

Keynote Speaker, Concord School First Class Reunion**,** Holiday Inn Select, Tallahassee, Florida, **July, 1999**.

PUBLICATIONS

Young, Mary L. (2008). Biography of William Henry Holtzclaw. *African American National Biography*, Vol. 4. New York: Oxford University Press, 289-90.

Young, Mary L. (2008). Biography of Charles Spencer Smith. *African American National Biography*, Vol. 7. New York: Oxford University Press, 258-59.

Johnson, Jack E., Cotton, Delores Sykes, & Judith, Chiri-Mulkey (2007). *Glencoe Keyboarding with Computer Applications, Teacher Wraparound Edition.* **Contributing Author: Dr. Mary L. Young**. Glencoe/McGraw-Hill Publishers.

Bowman, Joel P. and Branchaw, Bernadine P. (2004). *Professional Report Writing*, First Edition. Revised by **Dr. Mary L. Young.** Thomson: South-Western Publishing Company.

Bowman, Joel P. and Branchaw, Bernadine P. (2004). *English and Grammar Skills Review for Business*, First Edition. **Edited with Selections by Dr. Mary L. Young**. Thomson: South-Western Publishing.

Young, Mary L. (2004). *Historical development of business education.* Florida Agricultural and Mechanical University: Negro Educational Review, Unpublished.

PAGE 13, VITAE′, MARY L. YOUNG

Young, Mary L. (1998). Improved business communication skills: A must for the 21st century. Florida Technology in Education Quarterly, 9(4). 1-3.

Frazier, Rhonda & Young, Mary L. (1998). Future directions of business education. Florida Technology in Education Quarterly, 9(4). 19-21.

Wheatley, Sandy & Young, Mary L. (1998). Technology and its influence on business education curriculum. Florida Technology in Education Quarterly, 9(4). 22-25.

RESEARCH (MASTER THESIS COMMITTEES)

Chaudhuri, Supti **(2003)**. An Interative Learning Environment for an Undergraduate Computer Science Course. Florida A&M University: Department of Computer and Information Systems.

Davis, Martina M. **(2003)**. Using Machine Learning to Automatically Construct Spoken Language Dialogue Models. Florida A&M University: Department of Computer and Information Systems.

Shah, Deven **(2003).** Object Oriented Reverse Engineering, A Case Study: Documentation of Java Speech Builder (JSBB). Florida A&M University: Department of Computer and Information Systems.

Stitt, Pamela **(2002).** Performance Prediction for the MIPS Processor. Florida A&M University: Department of Computer and Information Systems.

Wang, Qian **(2002).** A Graphic User Interface for a Software Timing Tool. Florida A&M University: Department of Computer and Information Systems.

PAGE 14, VITAE′, MARY L. YOUNG

REFERENCES

Senator Bill Montford
Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399
(850) 577-5784

Dr. Fred Gainous, Director
Center for Agricultural Research (Retired)
Florida A&M University
Tallahassee, FL 32307
(850) 459-4726

Mrs. Carrie S. Herring
3603 Hood Court
Tallahassee, Florida 32311
(850) 933-9629

Leon County
Board of County Commissioners

Notes for Agenda Item #29

Leon County Board of County Commissioners

Agenda Item #29

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Full Board Appointments to the Big Bend Health Council, the CareerSource Capital Region Board and the Leon County Educational Facilities Authority

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Mary Smach, Agenda Coordinator

Statement of Issue:

This agenda item seeks the Board's approval to appoint four citizens to the Big Bend Health Council, one citizen to the CareerSource Capital Region Board and one citizen to the Leon County Educational Facilities Authority

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: The full Board to consider the appointment of four citizens to the Big Bend Health Council for two-year terms ending July 31, 2020. Eligible applicants are: William McCort, Stephen Rollin, Mandy Bianchi, Paul Horn, Kristie Kennedy and Nathanial Myers.

Option #2: The full Board to consider the appointment of one citizen, Benjamin Boyd, to the CareerSource Capital Region Board for a three-year term ending June 30, 2021.

Option #3: The full Board to consider the appointment of one citizen to the Leon County Educational Facilities Authority for a five-year term ending on July 31, 2023. The eligible applicants are: Grace Fletcher, Reginald Ellis, Sameer Kapileshwari and Anthony Miller.

Report and Discussion

Background:

Pursuant to Policy No. 03-15, "Board-Appointed Citizen Committees", a General Business item is presented to fill vacancies for full Board appointments of citizens to Authorities, Boards, Committees, and Councils.

Analysis:

Big Bend Health Council (BBHC)

Purpose: Provides for local representation in planning and evaluating health needs of a regional 14-county service district.

Composition: 21 members from 14 counties: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and Washington. Members serve two-year terms, ending July 31. Leon County has four appointments; one health care provider, two health care purchasers and one non-governmental health care consumer. One of the four should represent the elderly.

Vacancies: All four seats representing Leon County have terms expiring on July 31, 2018. April Moore and June Wiaz (health care provider seats) are not seeking reappointment. William McCort and Stephen Rollin (health care purchaser seats) are both seeking reappointment (Attachment #1) and the Council indicates that they are active members with good attendance. Eligible applicants are listed in Table #1.

Table #1 – Big Bend Health Council

Vacancies	Term Expiration	Application Attachment #	Eligible Applicants	Recommended Action
William McCort *Seeking reappointment, has served one term* Stephen Rollin *Seeking reappointment, has served one term* April Moore *Not seeking reappointment* June Wiaz *Not seeking reappointment*	7/31/2018 7/31/2018 7/31/2018 7/31/2018	2. 3. 4. 5. 6. 7.	William McCort Stephen Rollin Mandy Bianchi Paul Horn Kristie Kennedy Nathanial Myers	Full Board to make **four citizen** appointments for two-year terms expiring 7/31/2020.

CareerSource Capital Region Board (CSCR)

Purpose: CareerSource Capital Region connects employers with qualified, skilled talent and Floridians with employment and career development opportunities to achieve economic prosperity in Gadsden, Leon and Wakulla counties. The CSCR Board develops the region's strategic workforce development plan; identify occupations for which there is a demand in the area and selecting training institutions that may provide training; solicit the input and participation of the local business community in the provision of services for the residents of the region; provide policy guidance and procedures for programs established by CareerSource Capital Region; and, provides oversight and monitoring activities.

Composition: The CSCR Board has seven private sector representative members appointed by the full Board. Nominations for the private sector seats are submitted by local business organizations including local chambers of commerce, downtown merchants associations, area business associations, etc., and must be compliant with the Workforce Innovation and Opportunity Act (WIOA) and Florida Statutes. Nominees are representative of the business community in optimal business leadership positions, such as CEO's, VP's of HR, General Managers, Presidents and C Suite executives of firms that require a large workforce to maintain their business. The members serve a three-year term, and vacancies are filled for the remainder of the unexpired term.

Vacancies: The term of Board-appointed member, Sandra Bucklew, expires on June 30, 2018 and she is not seeking reappointment (Attachment #8). Eligible applicant Benjamin Boyd has been nominated by the Greater Tallahassee Chamber of Commerce and recommended by CareerSource Capital Region (Attachment #9). See Table #2.

Table #2: CareerSource Capital Region

Vacancies	Term Expiration	Application Attachment #	Eligible Applicants	Recommended Action
Sandra Bucklew *Not seeking reappointment*	6/30/2018	9.	Benjamin Boyd	Full Board to make one citizen appointment for a three-year term ending 6/30/2021

Educational Facilities Authority (EFA)

Purpose: The purpose of the Authority shall be to assist institutions for higher education in the construction, financing, and refinancing of projects.

Composition: There are seven members appointed by the full Board, with each member serving a term of five years. All members must be residents of Leon County. At least one must be a trustee, director, officer, or employee of an institution for higher education. Currently, Commissioner Lindley serves as the Board liaison on the EFA.

Vacancies: The term of member Grace Fletcher expires on July 31, 2018. Ms. Fletcher is an active member with an outstanding attendance record and is seeking reappointment (Attachment #10). See Table #3.

Table #3: Educational Facilities Authority

Vacancies	Term Expiration	Application Attachment #	Eligible Applicants	Recommended Action
Grace Fletcher *Seeking reappointment, has served one partial term*	7/31/2018	11. 12. 13. 14.	Grace Fletcher Reginald Ellis Sameer Kapileshwari Anthony Miller	Full Board to make **one** appointment for a five-year term ending 7/31/2023.

Options:

1. The full Board to consider the appointment of four citizens to the Big Bend Health Council for two-year terms ending July 31, 2020. Eligible applicants are: William McCort, Stephen Rollin, Mandy Bianchi, Paul Horn, Kristie Kennedy and Nathanial Myers.
2. The full Board to consider the appointment of one citizen, Benjamin Boyd, to the CareerSource Capital Region Board for a three-year term ending June 30, 2021.
3. The full Board to consider the appointment of one citizen to the Leon County Educational Facilities Authority for a five-year term ending on July 31, 2023. The eligible applicants are: Grace Fletcher, Reginald Ellis, Sameer Kapileshwari and Anthony Miller.
4. Board direction.

Recommendation:

Options #1, #2 and #3.

Attachments:

1. McCort & Rollin emails
2. McCort application
3. Rollin application
4. Horn application
5. Kennedy application
6. Myers application
7. Bianchi application
8. Bucklew email
9. Boyd application & nomination

10. Fletcher email
11. Fletcher application
12. Ellis application
13. Kapileshwari application
14. Miller application

From: w mccort <w.mccort@gmail.com>
To: Mary Smach <SmachM@leoncountyfl.gov>
Date: 6/8/2018 1:00 PM
Subject: Re: Big Bend Health Council

Ms. Smach,
I will be pleased to serve another two year term on the Big Bend Health Council.
I will submit a revised application as indicated in your message.
William McCort

On Thu, Jun 7, 2018 at 3:30 PM, Mary Smach <SmachM@leoncountyfl.gov> wrote:

> Dear Mr. William McCort,
>
> On behalf of the Board of County Commissioners, I want to thank you for
> serving as one of the Leon County appointees to the Big Bend Health
> Council <http://www2.leoncountyfl.gov/committees/detail.asp?id=5>. Your
> current term expires July 31, 2018, and we would appreciate knowing if you
> are interested in serving another two-year term.
>
> Please let us know as soon as possible so that we may include your
> reappointment on the agenda for the July 10th Board of County Commissioners
> meeting.
>
> We ask that you please complete a new application, as the one we have on
> file is more than two years old. Please visit our web page to complete the
> online application:
>
> http://www2.leoncountyfl.gov/committees/list.asp
>
> If I may be of any further assistance, please do not hesitate to contact
> me.
>
> Regards,
>
>
> <https://maps.google.com/?q=301+S.+Monroe+St.+Suite+502+%0A+Tallahassee,+FL+32301&entry=gmail&source=g>
> Mary Smach
> Agenda Coordinator
> Leon County Administration
> 301 S. Monroe St. Suite 502
> <https://maps.google.com/?q=301+S.+Monroe+St.+Suite+502+%0A+Tallahassee,+FL+32301&entry=gmail&source=g>
> Tallahassee, FL
> <https://maps.google.com/?q=301+S.+Monroe+St.+Suite+502+%0A+Tallahassee,+FL+32301&entry=gmail&source=g>
> 32301
> <https://maps.google.com/?q=301+S.+Monroe+St.+Suite+502+%0A+Tallahassee,+FL+32301&entry=gmail&source=g>
> 850-606-5311
>
> www.leoncountyfl.gov
>
> "People Focused. Performance Driven"
>
> Thank you for your email. Please note that under Florida's Public
> Records laws, most written communications to or from county staff or
> officials regarding county business are public records available to the
> public and media upon request. Your e-mail communications may therefore be
> subject to public disclosure.
>
>

From: Mary Smach
To: srollin34@gmail.com
Date: 6/14/2018 3:28 PM
Subject: Fwd: Big Bend Health Council

Hi Mr. Rollin,

It was a pleasure speaking with you today. Please complete a new online application so that I may submit your name for reappointment to the Big Bend Health Council.

http://www2.leoncountyfl.gov/committees/list.asp

Thank you,

Mary Smach
Agenda Coordinator
Leon County Administration
301 S. Monroe St. Suite 502
Tallahassee, FL 32301
850-606-5311

www.leoncountyfl.gov

"People Focused. Performance Driven"

Thank you for your email. Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

>>> Mary Smach 6/7/2018 3:45 PM >>>
Dear Mr. Stephen Rollin,

On behalf of the Board of County Commissioners, I want to thank you for serving as one of the Leon County appointees to the Big Bend Health Council
. Your current term expires July 31, 2018, and we would appreciate knowing if you are interested in serving another two-year term.

Please let us know as soon as possible so that we may include your reappointment on the agenda for the July 10th Board of County Commissioners meeting.

We ask that you please complete a new application, as the one we have on file is more than two years old. Please visit our web page to complete the online application:

http://www2.leoncountyfl.gov/committees/list.asp

If I may be of any further assistance, please do not hesitate to contact me.

Regards,

Mary Smach
Agenda Coordinator
Leon County Administration
301 S. Monroe St. Suite 502
Tallahassee, FL 32301
850-606-5311

www.leoncountyfl.gov

"People Focused. Performance Driven"

Thank you for your email. Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
BIG BEND HEALTH COUNCIL, INC.

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: William McCort		Date: 6/25/2018 10:14:52AM
Home Phone: (850) 509-4969	Work Phone: ()509-4969X	Email: w.mccort@gmail.com
Occupation: RETIRED - GOVERNMENT OPERATIONS CONSULTANT	Employer: FORMERLY -AGENCY FOR HEALTH CARE ADMINISTRATION	

Preferred mailing location: Home Address
Work Address: 10051 NEAMATHLA TRAIL

City/State/Zip: TALLAHASSEE,FL 32312

Home Address: 10051 NEAMATHLA TRAIL

City/State/Zip: TALLAHASSEE,FL 32312

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 33 years

Are you currently serving on a County Advisory Committee? ~~No~~ Yes
If yes, on what Committee(s) are you a member? Big Bend Health Council

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Male Age: 72.00
Disabled? No District: District 4

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: ALAN MENDELSON Telephone: 850.339.4687
Address: 1308 OLDFIELD DRIVE, TALLAHASSEE, FL 32308

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: William M. McCort

This application was electronically sent: 6/25/2018 10:14:52AM

William M. McCort

10051 Neamathla Trail
Tallahassee, FL 32312

Email: w.mccort@gmail.com
Phone: 850.509.4969

PROFESSIONAL EXPERIENCE

Agency for Health Care Administration - Tallahassee, Florida

Senior Management Analyst — July 2003 - June 2012

Revised and developed administrative rules related to regulation of health care facilities

Reviewed and analyzed legislation and proposed legislative revisions to agency responsibilities

Consulted with agency staff on health care facility licensure and regulatory issues

Program Administrator — December 1991 - July 2003

Supervised activities of regulatory unit responsible for licensure and Medicare/Medicaid certification of health care facilities and provider organizations

Florida State Hospital - Chattahoochee, Florida

Assistant Hospital Administrator — January 1991 - December 1991

Administered Program Development and Monitoring functions, including Quality Assurance, Staff Development, Program Planning, Risk Management, and MIS

Director, Program Planning and Development — August 1985 - January 1991

Supervised oversight of Psychology, Nursing and Social Work Services at the Hospital

Community Resource Group, Inc. - Springdale, Arkansas

Transportation Director — March 1983 - August 1985

Developed and managed a consolidated transportation system serving general public and human services clientele insuring compliance with regulations of state and federal regulations

Office of Human Concern, Inc. - Rogers, Arkansas

Director, Aging Services Program

Administered area program for the elderly incorporating Older Americans Act and Social Security Act, local and contracted funding

Wiregrass Mental Health Center - Dothan, Alabama

Director, Barbour County Satellite Office

Established and staffed satellite mental health service program in coordination with local officials and community leaders, providing initial evaluation and follow up services

Archbold Mental Health Center - Thomasville, Georgia

Mental Health Associate

Administered intake diagnostic and intellectual evaluations of clients on the inpatient unit and served on team that established the outreach and day treatment center in Colquitt County

EDUCATION

Masters of Social Work **March 1977**

Florida State University

Bachelor of Arts - Psychology **December 1972**

Florida State University

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
BIG BEND HEALTH COUNCIL, INC.

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Stephen A. Rollin		Date: 6/19/2018 1:43:17PM
Home Phone: (850) 386-7985	Work Phone: (850)567-5676X	Email: srollin34@gmail.com
Occupation: RETIRED PROFESSOR	Employer: FSU	

Preferred mailing location: Home Address
Work Address:

City/State/Zip: TALLAHASSEE,FL

Home Address: 864 MADERIA CIRCLE

City/State/Zip: TALLAHASSEE,FL 32312

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 47 years

Are you currently serving on a County Advisory Committee? Yes
If yes, on what Committee(s) are you a member? BIG BEND HEALTH COUNCIL

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Male Age: 77.00
Disabled? No District:

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

I WAS A PROFESSOR AT FSU FOR 33 YEARS. IN THOSE YEARS I WAS A DEPARTMENT HEAD AND ASSOCIATE DEAN. I WAS A LICENSED PSYCHOLOGIST AND HAD A PRACTICE FOR 10 YEARS. I AM A FELLOW OF BOTH THE AMERICAN PSYCHOLOGICAL ASSOCIATION. I HAVE BEEN PRESIDENT OF CCYS, PRESIDENT OF TA AND A TRUSTEE OF CORNERSTONE SCHOOL.

References (you must provide at least one personal reference who is not a family member):

Name: ART COOPER Telephone: 510 210 2441
Address: 3814 LEANE DRIVE

Name: GARY PETERSON Telephone: 386 1677
Address: 305 ANTON DRIVE

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Stephen A Rollin

This application was electronically sent: 6/19/2018 1:43:17PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
BIG BEND HEALTH COUNCIL, INC.

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Paul Horn		Date: 6/5/2018 4:46:23PM
Home Phone: (615) 944-6510	Work Phone: (615)944-6510X	Email: pahorn@att.net
Occupation: RETIRED HEALTHCARE ADMINISTRATOR & US ARMY	Employer: SELF	

Preferred mailing location: Home Address
Work Address:

City/State/Zip: TALLAHASSEE,FL

Home Address: 9215 SHOAL CREEK DRIVE

City/State/Zip: TALLAHASSEE,FL 32312

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 1 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Sex: Male Age: 67.00
Disabled? No District: District 4

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: FRED MACK Telephone: 815-651-1172
Address: 48 KINGSBURY CIRCLE, CROSSVILLE, TN 38558

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Paul Alton Horn

This application was electronically sent: 6/5/2018 4:46:23PM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
BIG BEND HEALTH COUNCIL, INC.

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: kristie kennedy | Date: 6/18/2018 7:06:48PM

Home Phone: (850) 576-2997 | Work Phone: ()556-X | Email: kristiekennedy09@gmail.com

Occupation: EXECUTIVE IMAGE CONSULTANT | Employer: SELF EMPLOYED

Preferred mailing location: Home Address
Work Address: 2238 KEITH STREET

City/State/Zip: TALLAHASSEE,FL 32310

Home Address: 2238 KEITH STREET

City/State/Zip: TALLHASSEE,FL 32310

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 16 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: African American Sex: Female Age: 44.00
Disabled? No District:

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: JENNIFER DONALD Telephone: 8508785818
Address: TALLAHASSEE FL

Name: DAWNETTE BANKS Telephone: 8502849058
Address: MARYLAND

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: kristie kennedy

This application was electronically sent: 6/18/2018 7:06:48PM

KRISTIE KENNEDY

info@kristiekennedy.com
www.kristiekennedy.com
(850) 576-2997

Kristie Kennedy, visionary leader, who serves as a women's beauty, business, brilliance and body image speaker that operates in a multiplicity of gifts with a passion for empowering individuals to live magnificently in the face of adversity. Kristie is a contributing writer for a wide range of online publications including, Black Life Coaches, Identity Magazine, Self-Growth, Ezine Expert Author, beauty columnist for Amoize women's magazine and Publishing Editor of Magnificent Living Magazine. In May 2012 appointed as the Tallahassee Ambassador for Heal a Woman, Heal a Nation, Inc. Served as 2012 Ms. Tallahassee, Fl. for Ms. Corporate America. She was crowned in September 2010 as the 2010 American Image National Woman. She is a Licensed Esthetician/Beauty Advisor (Graduate of Aveda Beauty Institute), Professional Makeup Artist/Educator for Motives Cosmetics and Extreme Lash Stylist. Ms. Kennedy is a Notary Public and has written four books to date: Upon the Tables, Follow Your Dreams, Hope for a Heavy Heart and Aim for Greatness. Her industry experience ranges from Larinem Cosmetics, Fashion Fair Cosmetics, Birmingham Premiere Beauty Expo Make up Educator, Orlando Premiere Beauty Expo Eye Lash Extensionist and Former Makeup Artist/Educator for Mirabella Cosmetics and Borghese Cosmetics Songwriter, Poetess, Recording Artist, Author, Jewelry Designer, Public Notary, Fashion Model, National Spokes model for Fibroid Tumors, Modeling Instructor and beauty pageant judge. She is currently a beauty educator for Ehow.com. Kristie is a daring woman who is unafraid to take calculated risks. Her gift of inspiration brings a pure delight to anyone she meets. Ms. Kennedy believes it is essential to remain steadfast, unmovable and always abounding in the work that is set before you in order to achieve lasting success.

Public Speaking History:

- Hugs for Women, Keynote Speaker "A Woman of Distinction" Chicago, Illinois
- Women's Well-Being Health Expo, Keynote Speaker, "Self-Empowerment for a Healthier, More Fulfilling Life"
- Black Chamber of Commerce, Keynote Speaker, "Soaring to Heights Unseen in 2014" Corpus Christie, TX
- Sitting Pretty Wealthy Business Seminar, Alpha Kappa Alpha Sorority, Inc. Florida A & M University, Tallahassee, FL
- New Life Women's Department Presents Mind, Body and Soul Retreat, Motivational Speaker, Tallahassee, FL

- Business Professional Women, Motivational Speaker, “Act Now” Tallahassee, FL
- W.O.A.M.T.E.C. Business Networking Event, Motivational Speaker, Tallahassee, FL
- L.O.V.E. Women Conference, Guest Presenter, Tallahassee, FL
- A Called Woman Conference, Motivational Speaker, Kennesaw, GA
- Dare to Dream Young Girls Retreat, Guest Presenter, Tallahassee, FL
- 2012 Ms. Tallahassee, 1st Runner Up Ms. Corporate America Pageant, Orlando, FL
- CNLT Youth Program, Keynote Speaker, Tallahassee, FL
- Healthy Families Leon, Graduation Keynote Speaker, Tallahassee, FL
- Center for Disability Access and Resources, Motivational Speaker, Born to Lead in Extraordinary Ways, Florida A & M University, Tallahassee, FL
- Women of Promise, Guest Presenter, Tallahassee, FL
- Island Women Foundation, Annual Women’s Empowerment Banquet, Tallahassee, FL
- Beat the Odds Organization, Mistress of Ceremony, “A Date with a Model” Thomasville, GA
- Favor Christian Academy, Black History Program, Mistress of Ceremony, Thomasville, GA
- Leon County Health Department, Women’s Empowerment Entertainer, National Natural Hair Meet up Day, Tallahassee, FL
- Women of Excellence Program, Keynote Speaker, Tallahassee, FL
- Syracuse University, School of Journalism, Guest Presenter on the Art of Communication, Syracuse, NY
- Florida A & M University, School of Business, Guest Presenter, Tallahassee, FL
- Leon County Health Department, Women Wear Red Annual Health Event, Beauty and Wellness Educator, Tallahassee, FL
- NBCC Dreamers Conference, Three Day Workshop Facilitator, Quincy, FL
- On Broken Pieces Theatrical Stage Play, Mistress of Ceremony, Thomasville, GA

- Women's Breast Cancer Awareness Breakfast, Guest Speaker, Tallahassee, FL
- Rhema Women's Conference, Guest Speaker, The Art of Commanding Presence, Tallahassee, FL
- You Can Women in Business, Guest Speaker, Dress for Success, Tallahassee, FL
- A Lady's Extravaganza, Guest Panelist on Entrepreneurship and the Beauty Industry, Tallahassee, FL
- Women's Leadership Cruise, Celebrating the Win Within, Keynote Speaker, Tampa, FL
- Sister Connected, Annual Retreat, "Survivors" Keynote Speaker, Tampa, FL
- Designing Women Boutique, Salon Series, Guest Speaker, Styling and Inspiring All Ages, Sarasota, FL
- The Liberty Community Center Grand Opening, Women's Empowerment Speaker, Health and Beauty, Chattahoochee, FL
- Delta Sigma Theta Women's Community Health, National Spokes model for Fibroid Tumors, Tallahassee, FL
- Leon County Department of Health Women's Empowerment for Low Income Families, Motivational Speaker, Tallahassee, FL
- Florida State University, Student Government Association Women's Worth Banquet, Keynote Speaker, Tallahassee, FL
- National Hook-up of Black Women, Inc. Annual Women of the Year, Ladies Wellness Consortium, Workshop Faciliator, "The Importance of Self Care" Quincy, FL
- 2010 American Image National Pageant Queen, Women's Division: Platform Fighting Fibroid Tumors, Charleston, SC
- Capital Area Community Action Agency, Motivational Speaker, Entrepreneur Empowerment, Tallahassee, FL
- Women's Seven Up Event, Guest Speaker, "Wise Up" Tallahassee, FL
- Leon County Department of Health, Women's Health Symposium, "All Work, No Play" Tallahassee, FL
- Marietta College, Women in Leadership Conference, "Wise Women Rise", Marietta, OH

- Delta Sigma Theta, “Path to a Healthier You”, Health Fair, Tallahassee, FL
- Department of Health, National Women and Girls Health Fair, Tallahassee, FL
- Leon County Department of Health, National Women and Girls HIV/AIDS Awareness, Tallahassee, FL
- Godby High School, Motivational Speaker, MDCG Teen Entrepreneurship Seminar, Tallahassee, FL
- CNLT Women’s Retreat, Keynote Speaker, Panama City Beach, FL
- Women’s Shoe Rally, Inspirational Speaker, Tallahassee, FL
- Six Annual Parent and Student Conference, Motivational Speaker, Thomasville, GA
- Barbizon Modeling Institute, Personal Development Instructor, Tallahassee, FL
- Turnabout, Inc. Success and Self Esteem, Motivational Speaker, Tallahassee, FL
- Alpha Kappa Alpha, Annual Women’s Tea, Keynote Speaker, Tallahassee, FL
- Life Deliverance Youth Leadership Conference, Keynote Speaker, Tallahassee, FL
- Agape Fellowship Women’s Conference, Keynote Speaker, Tallahassee, FL
- The Foundation of Pembroke Pines, Keynote Speaker, Pembroke Pines, FL
- Spelman Women of Color Leadership Conference, Seminar Presenter, Atlanta, GA
- Tomorrow People Women in Leadership Conference, Bangkok, Thailand
- Riley Elementary After School Program, Workshop Presenter, Tallahassee, FL
- Jobs for Florida Graduates Youth Leadership Conference, Workshop Presenter, Tallahassee, FL
- Girl Scout Council of the Apalachee Bend, Keynote Speaker, Tallahassee, FL
- Bedford, Louis and Elliot Professional Development, Seminar Presenter, “The Power of a Positive Attitude”, Tallahassee, FL
- Leon County Juvenile Justice Center, Motivational Speaker, Tallahassee, FL

Writing History:

- Thrive Global, Contributing Wellness Writer
- Huffington Post, Contributing Wellness Writer
- Expert Author, Ezines
- Hub Pages, Contributing Writer
- Self-published literary work, *Upon the Tables*
- Self-published literary work, *Follow Your Dreams*
- Self-published literary work, *Aim for Greatness*
- National Association of Women on the Rise, Contributing Writer
- National Association of Female Black Entrepreneurs, Contributing Writer
- Identity Magazine, Contributing Writer
- Showcasing Women Magazine
- Black Life Coaches, Contributing Writer
- The Guardian Express, Contributing Writer
- TallyConnect, Expert Author
- Stiletto Woman, Contributing Writer
- TimBookTu, Featured Poet
- Embracing My Journey, Guest Writer
- Money for Lunch, Contributing Writer
- Blackberry Magazine, Featured Poet
- Woman Around Town, Contributing Writer
- Enliven Magazine, Contributing Writer
- The Sentient Newspaper, Contributing Writer
- Heal A Woman, Heal A Nation, Contributing Writer
- Makers of Memories Foundation, Blog Corresponder
- Steel Stiletto, Contributing Writer
- Fashion Frenzy Magazine, Contributing Writer
- Midwest Black Hair Magazine, Contributing Writer
- Sunshine Slate, Columnist
- WomenNewsMagazine.com, Contributing Writer
- MyChicMommy, Contributing Blog Writer
- OverallBeauty, Contributing Blog Writer
- Pink Magazine, Contributing Blog Writer, Strength Revealed in Weakness
- Divine Caroline, Contributing Writer, A Portrait of Greatness, Through The Eyes of Love
- Florida A & M University FAMUAN, Contributing Writer
- Florida State University Florida Flambeau, Contributing Writer

- Bellaonline, Women's Unemployment Editor
- The Examiner, Women's Business Advisor/Women's Fashion
- The Suite 101, Contributing Business Writer
- Sistah Talk National Women's Magazine, Featured Guest Story
- The Chronicle, Tallahassee Florida, Featured Guest Story
- The Capital Outlook, Tallahassee Florida, Person of the Week
- Tallahassee Woman Magazine, Featured Guest Story
- Makeup Artist Jobs, Contributing Writer
- K4S Entertainment, Contributing Writer
- Ezines, Contributing Writer
- Express Magazine, Contributing Writer
- Aspire-Canada, Contributing Writer/Advisor

Promotional Modeling/ Spokes Modeling/Fashion Modeling

- Ameri Bar Legal Education, Spokes Model
- Mom's Night Out, Fashion Stylist
- Clear Ultra Shea Hair Care Product Educator
- Dove Body Care Promo, Annual Self Esteem Weekend, Lead Brand Ambassador
- GGP Fashion Rules Style Event, Lead Style Host
- GGP Kid's Fest, Promotional Model
- Zumba Convention, Orlando Florida, Brand Ambassador
- MobileSpa, Brand Ambassador, Team Leader
- Corporate Greeter, TSE Promotions and Staffing
- Ehow.com, Style and Beauty Presenter
- Flair Event Models Brand Ambassador
- Sunflower Staffing Brand Ambassador
- Network Promotions and Events Brand Ambassador
- TCN Promotions Brand Ambassador
- Production Plus Brand Ambassador
- Mybana Spokes Model
- Wahi Media Spokes Model
- Mind Streams Spokes Model
- Tallahassee Bridal Expo, Fashion Model
- Charity Fashion Show, St. Petersburg Florida
- Catalogue Model for Los Angeles Hodges Collection
- Barbizon USA, Modeling/Acting Instructor

Education/Certification:

- Exoteric Entrepreneurship Trainer, 2016
- Personal Fitness Trainer, AAFP October 2016
- Marshawn Evans Speaker Boot Camp 4 Day Certification April 2014
- Impact Coaching Academy, Certified Impact Coach, September 2014
- Xtreme Lashes Certification, March 2014
- JTS Advisors Coach Certification Training, Orlando, Fl. September 2013
- Life Coach Institute of Orange County, Certified Professional Coach, July 2013
- Center for Teacher Effectiveness, Education Trainer Certification July 2013
- Integrative Health Studies, Certified Health and Nutrition Specialist 2012
- Aveda Institute Tallahassee, Fl. 2008 Licensed Esthetician
- Florida State University, Tallahassee, Fl. 1997 B.S. Criminology

Makeup Artistry:

- Nya Nya Couture 13th Annual Fashion Show, Featured MUA
- Motives Cosmetics, Pro Makeup Artist
- Honeez Dance Group, Makeup Artist
- Smashbox Cosmetics, Freelance Makeup Artist
- Orlando Premiere Beauty Expo, Lash Extensionist and Brow Expert for Lashes and Cosmetics
- Tyra Banks, TypeF.com, Guest Makeup Artist Educator
- Fashion Fair, Special Events Freelance Makeup Artist
- Aveda NowBrow Makeup and Brow Artist
- Color by Cynde Watson Celebrity Artist, Freelance MUA
- Borghese Cosmetics Costco Signature Brand, Freelance MUA
- Kumiko Ming Fashion Accessories, Freelance MUA
- M.A.C. Makeup Artistry Course
- Oil of Olay Pro-X Certified Product Educator
- Mirabella Cosmetics, Makeup Artist/Product Educator
- Larenim Cosmetics, Makeup Artist/Product Educator
- Dove Beauty Product Educator
- Deluvia Skin Care and Demure Mineral Makeup Product Educator
- Sweet Dreams Entertainment, Rhinestone Artist

Television Appearances:

- Pink Empowerment Live Broadcast TV 21
- Life in the Now TV with Nicky Collins, Tallahassee, FL
- At His Feet with Dr. OS Lamar, Tallahassee, FL
- Live at 45 with Elliot Shepherd, Tallahassee, FL
- The Vera McIntyre Show, Tallahassee, FL
- ABC Black Almanac with Ed James, Sarasota, FL

Radio Appearances:

- The Terry Levine Show, Terry Levine
- Reach Your Next Level of Greatness, Stacie Walker
- Love, Liberty and Lip Gloss, Lisa Tarves
- Success 4 You, Anary Bellamy
- Faith to Conquer Fear, Christy Demetrakis
- Temple Fit, Dr. Asha Brewer
- Coffee and Coaching with Caryn, Caryn Fitzgerald
- Get it Together Girl, Karyn Beach
- Aroma House Tele-Summit, Kim Nicole
- The Tekneshia Day Show, Tekneshia Day
- Live Out Loud, LaRussia Cain
- Today's Small Business Magazine, Deirdra Baker
- Living and Thriving, Rustie MacDonald
- Million Dollar Party Girl, Lynn Cusack Bardowski
- The Ms. Reason Show, Marrie Summers
- Ignite Your Productivity, Cathy Sexton
- Women in Leadership, Stacie Walker
- Diva Talk Radio Show, Passion and Purpose
- Inspiration by Loretta, Be Powerful or Powerless!
- Source of Wealth Radio Show, Magnificent Journey to Success
- Living with Hope, Hostess Trudy Thomas
- Live11 with Dean Brown, Tallahassee, FL
- FSU Radio Reading for the visually impaired
- Interview with Lee Felicia, Tallahassee, FL
- Interview with Vincent Edwards, Tallahassee, FL
- Interview with Dr. Tina Pipkin, Tallahassee, FL
- Guest on The Blog Snobs, New York, New York

Pageantry/Awards:

- 2014 Top Ranked US Executives, National Council of American Executives
- 2014 Jewelry Designer of the Year
- Ms. Corporate America Pageant, 1st runner up as Ms. Tallahassee, Fl. 2012
- American Image National Pageant, 1st Place Winner 2010
- Ebony Woman Scholarship Pageant, 1st runner up, Most Positive 1992
- Manatee/Sarasota Cotillion Pageant, 1st runner up Debutante 1991
- 2012 Dandi Awards Nominee for Entrepreneurial Excellence

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
BIG BEND HEALTH COUNCIL, INC.

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Nathanial Myers		Date: 4/24/2018 11:05:33AM
Home Phone: (850) 405-6669	Work Phone: (850)431-4946X	Email: myers.nathanial@gmail.com
Occupation: DIRECTOR, STRATEGY & BUSINESS PLANNING	Employer: TALLAHASSEE MEMORIAL HEALTHCARE	

Preferred mailing location: Home Address
Work Address: 1326 EAST SIXTH AVENUE

City/State/Zip: TALLAHASSEE,FL 32308

Home Address: 647 CHANCEY LN

City/State/Zip: TALLAHASSEE,FL 32308

Do you live in Leon County? Yes If yes, do you live within the City limits? Yes
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes
For how many years have you lived in and/or owned property in Leon County? 8 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Male Age: 34.00
Disabled? No District: District 5

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: JOHN DAILEY Telephone: (850) 491-7384
Address: 703 LIVE OAK PLANTATION ROAD

Name: CINDY BLAIR Telephone: (850) 431-2136
Address: 1310 MAGNOLIA DRIVE

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? Yes
If yes, please explain. TMH HAS CONTRACTS WITH LEON COUNTY FOR EMS AND OTHER SERVICES.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Nathanial Myers

This application was electronically sent: 4/24/2018 11:05:33AM

NATHANIAL MYERS

647 Chancey Lane | Tallahassee, FL 32308
(850) 405-6669 | myers.nathanial@gmail.com

STRATEGIC BUSINESS MANAGER

Healthcare | Analytics | Service

Top performing, results-driven and goal-oriented Management Professional with extensive experience in Healthcare, Human Services Management, Policy Development, and Compliance. A well-traveled and dedicated humanitarian with a talent for learning foreign languages and connecting with a wide variety of cultures. Outstanding communication skills, capable of building and leading cross-functional teams, interacting with clients and stakeholders, and collaborating across all organizational levels. A passionate community service provider with a history of creating and leading advocacy and fundraising programs, currently seeking to use new technologies and strategies to develop affordable privately-funded business and healthcare solutions.

Technical Proficiencies: *SAS, Stata, SPSS, R, ArcGIS, SharePoint, Excel.*

- Strategic Planning
- Program Evaluations
- Research & Analysis
- Process & Policy Improvements
- Change Management
- Business Development
- Fundraising & Profit Generation
- Technology Solutions
- Problem & Conflict Resolution

PROFESSIONAL EXPERIENCE

TALLAHASSEE MEMORIAL HEALTHCARE, Tallahassee, FL 2017 – Present
Director, Strategy & Business Planning – Organizational Improvement & Planning, *2017 – Present*

Serve as a resource to both the hospital and medical group components of an integrated healthcare delivery system for strategic and operational planning, market research, decision support analysis, strategic performance monitoring and reporting and evaluation business opportunities, including acquisitions and selected process or practice improvement initiatives.

- Currently writing and providing staff support for 2018 TMH Strategic and Financial Plan, reporting to TMH Board of Trustees' Planning Committee.
- Facilitate development of divisional, departmental, and programmatic strategic plans.
- Facilitate the development of quarterly business performance metric scorecards for programs and services.
- Perform market data analytics and develop comprehensive market insight reports for organizational service lines, providing historical trends, growth projections, competitor insights and strategic recommendations for program growth.
- Provide internal consultation for business plan development; facilitate a Business Plan Council which provides data analytic and capacity/flow study support and education for TMH colleagues developing new business plans.

DEPARTMENT OF ELDER AFFAIRS, Tallahassee, FL 2011 – 2017
Chief of Planning & Evaluation – Office of Strategic Initiatives, *2015 – Present*

Deliver strategic policy and operational leadership over $300M+ public long-term care system, overseeing a 15-member cross-functional team with responsibilities including Planning & Grant Development, Research & Program Evaluation, and Strategic Planning Call Center Operations.

- Research, develop and publish a high volume of documentation on Florida's aging network, including:
  - State Plan on Aging, Long-Range Program Plan, Area Plan Template & Instructions, Consumer Resource Guide, Summary of Programs and Services, and Elder Needs Assessment.
- Provide critical assistance to 11 non-profit agencies to develop impactful strategies, facilitate targeting services, assess client needs, and evaluate performance, submitting National Aging Program Information System (NAPIS) reports to the President and Congress.
- Develop innovative methodologies and technology tools to effectively identify and target at-risk members of the elder population utilizing Geographic Information Systems and local population data.

NATHANIAL MYERS

***Government Operations Consultant III (Contract Manager) – Statewide Community-Based Services**, 2015*

Provided technical assistance regarding $53M in Older Americans Act Services, State General Revenue Home and Community-Based Services, and statewide Medicaid Managed Care Long-Term Care Program Services.

- Ensured accuracy and compliance through the review and approval of contractor plans, expenditures, reports, deliverables, and payments. Monitored services, provided on-site training and quality assurance.

***Government Analyst II (Compliance Analyst) – Monitoring & Quality Assurance Unit**, 2013 – 2015*

Utilized data mining techniques to ensure quality of assessment, enrollment, prioritization, performance outcome measures and database analysis of Client Information & Registration Tracking System (CIRTS). Drafted and presented trend reports to stakeholders, including the Florida Legislature and Executive Office of the Governor.

- Interviewed and assessed non-profit agency staff and leadership, making key recommendations regarding process improvements and change management strategies.

***Government Analyst II (Research Analyst) – Bureau of Planning & Evaluation**, 2011 – 2012*

Coordinated census of long-term care workforce to accurately measure labor volume, compensation, and stability, reporting to State and Federal stakeholders. Updated elder/long-term care demographic and economic projections.

- Implemented descriptive statistics to enhance reporting of 2010 Elder Needs Assessment.

EMORY PREVENTION RESEARCH CENTER, Atlanta, GA 2010 – 2012
Research Specialist

Oversaw tracking of health improvements in a major university-funded cancer prevention study, and reported quantitative and qualitative data in Research Electronic Data Capture.

- Consistently ensured proper maintenance of research protocols and patient confidentiality.

EDUCATION & CREDENTIALS

Master of Science, Demography (2010)
Thesis: Development in Brazil: Mortality as Indicator of Progress and Inequality
Senator and Judiciary Committee Member, 62nd Student Government Association
Bachelor of Science, Economics (2013)
Bachelor of Arts, International Affairs (2007)
Certificate in Urban Planning Studies
Member, Phi Sigma Theta National Honor Society & La Società Italiana
Recipient, Florida Bright Futures Scholarship
FLORIDA STATE UNIVERSITY, Tallahassee, FL

COMMUNITY SERVICE

NEW LEADERS COUNCIL TALLAHASSEE, Tallahassee, FL 2017- Present
Finance Chair, Chapter/Fellow, Class IV

Received training in strategic communications, fundraising, and policy from elected officials and business leaders.

- Manage fundraising, grants and in-kind contribution solicitations for the NLC chapter. Member of national Finance Committee.

SOUTHEAST EVALUATION ASSOCIATION, Tallahassee, FL 2014 – 2017
President of the Executive Board

Provide leadership and fiscal oversight of non-profit professional association for public program evaluators.

- Independently produced 2016 Annual Conference by recruiting presenters and attendees from major universities and Centers for Disease Control; secured keynote speaker from Pew Charitable Trusts.

THEATRE TALLAHASSEE, Tallahassee, FL 2014 – 2017
Secretary of the Board of Trustees / Chair of Strategic Planning Committee

Continually improve revenue streams of non-profit performing arts center by tracking and soliciting major donors and patrons. Successfully prioritize short- and long-term expenditures and fundraising efforts.

Posted July 2, 2018

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
BIG BEND HEALTH COUNCIL, INC.

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Mandy Bianchi		Date: 5/2/2017 2:09:07PM
Home Phone: (850) 322-7221	Work Phone: (850)222-1777X	Email: mandy@eabb.org
Occupation: EXECUTIVE DIRECTOR	Employer: EPILEPSY ASSOCIATION OF THE BIG BEND	

Preferred mailing location: Work Address
Work Address: 1302 E. SIXTH AVE.

City/State/Zip: TALLAHASSEE,FL 32303

Home Address: 912 PARKVIEW DRIVE
FLORIDA
City/State/Zip: TALLAHASSEE,FL 32311

Do you live in Leon County? Yes If yes, do you live within the City limits? Yes
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes
For how many years have you lived in and/or owned property in Leon County? 35 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Female Age: 39.00
Disabled? No District: District 5

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: KAREN THURSTON Telephone: 850 443-2984
Address: 1833 HALSTEAD BLVD. #1205, TALLAHASSEE, FL 32309

Name: MARTHINE WOODWARD Telephone: 850 656 6926
Address: 1209 MAPLE DRIVE, TALLAHASSEE, FL 32301

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currenty have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority?
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Mandy Stark Bianchi

This application was electronically sent: 5/2/2017 2:09:07PM

Mandy Stark Bianchi

Executive Director, Epilepsy Association of the Big Bend

mandy@eabb.org

Summary

Mandy Stark Bianchi, an industry-recognized veteran communications professional, has more than 19 years of combined experience in small and large newsrooms, state associations, a small public relations agency, local non profits and as a self-employed freelance writer, editor and marketing expert. She has served on the Board of Directors for the Florida Public Relations Association Capital Chapter and the Tallahassee Society of Association Executives. Mandy is currently the Executive Director of the Epilepsy Association of the Big Bend and wrote a weekly health and wellness column that was published in the Tallahassee Democrat for a year.

Mandy is a 1997 graduate of Tallahassee Community College, a 2000 graduate of Florida A&M University's School of Media, Journalism and Graphic Design and a 2013 graduate of Liberty University's Master of Business Management and Leadership Program. She is a 2010 graduate of the Tallahassee Society of Association Executive Professional Association Leadership six-month training program and has been recognized in 2008, 2012 and 2014 as one of Tallahassee Woman Magazine's "Women to Watch."

She has dedicated more than 1,100 hours of her time to charities such as Meals on Wheels, The Southeastern Community Blood Center and the Leon County Schools Lunch Mentor Program and has an 11 year history volunteering for the Ride for Hope, three of which she directed the entire bike-riding, family fun, cancer awareness event to raise money for the Tallahassee Memorial Healthcare Cancer Center. In 2006, the event attracted 87 cyclists and in 2015, hosted more than 736 cyclists.

Known for having a positive attitude, being intuitive, highly creative and active in the Tallahassee community, Mandy has superior written, verbal and relationship-building skills along with strong digital, social media, web and office abilities. She also enjoys live music, beach trips, girls nights, Pinterest projects, home renovations and hosting parties and events.

Experience

Executive Director/CEO

October 2013 - Present

The Epilepsy Association of the Big Bend, a certified United Way Agency, provides various services to children and adults who have epilepsy and live in the Big Bend region of Florida. Services include sponsoring medical care, emergency medicine, case management, and educational community programs.

- Oversees and administers the organization's mission and financial objectives

- Coordinates and develops fundraising programs/events
- Plans and organizes monthly Epilepsy Support Group
- Advocates for epilepsys services and funding year round in the Florida Legislature
- Provides presentations about epilepsy and seizure first aid to community
- Directs the organization's long-range strategy
- Provides leadership in developing program, organizational and financial plans with the Board of Directors and staff, and carries out plans and policies
- Promotes active and broad participation by volunteers in all areas of the organization's work
- Maintains official records and documents, and ensure compliance with federal, state and local regulations
- Maintains a working knowledge of significant developments and trends about epilepsy and seizure disorders
- Sees that the board is kept fully informed on the condition of the organization and all important factors influencing it
- Publicizes the activities of the organization, its programs and goals
- Establishes sound working relationships and cooperative arrangements with community groups and organizations
- Represents the programs and point of view of the organization to agencies, organizations, and the general public
- Serves as liaison to Florida Department of Health, other government entities within service area, and other providers of the Epilepsy Services Program
- Coordinates and participates in the administration of client services and epilepsy prevention and education activities
- Prepares required and produces reports relating to the Epilepsy Services Program

Exhibits Coordinator at Florida Dental Association

January 2013 - June 2013 (5 months)

- Was responsible for securing exhibitor revenue, sponsorship revenue and advertising revenue and met a targeted budget of more than $850,000+ for the 2013 Florida National Dental Convention
- Provided assistance and customer service to more than 300 exhibitors/vendors
- Managed onsite logistics for exhibits and sponsors at the event
- Served as an exhibitor scout at the 2013 Hinman Dental Meeting
- Managed an onsite temporary staff of 10 and registration/software staff of 7
- Managed the onsite exhibitor registration desk
- Was responsible for developing a complete marketing plan for the convention that includes weekly email blasts, postcards/flyers, social media campaigns, video, registration incentives and website initiatives
- Provided content for various programs, brochures and web sites

Senior Account Manager at RB Oppenheim Associates

July 2012 - December 2012 (5 months)

- Coordinated and implemented public relations, advertising, marketing and new-media services for an array of clients including Florida Healthy Kids, Funeral Services Inc., the Florida Developmental Disabilities Council, Disability Rights Florida and the Florida Assisted Living Association
- Handled media relations, copywriting and editing, special event planning and execution, production coordination, strategic planning, digital marketing, social media engagement/networking and client counseling
- Provided social media updates, client counseling and marketing onsite at a client's 2012 annual conference
- Wrote storyboards and organized the filming of three videos for Disability Rights Florida: "Matthew's Story," "Victor's Story" and "A Legacy of Protection and Advocacy" with award-winning film producer Charlie Belvin
- Provided social media training to a variety of clients
- Represented RB Oppenheim Associates at the Florida State University College of Communication & Information semi-annual career day on October 8, 2012
- Represented RB Oppenheim Associates at the Tallahassee Society of Association Executives Annual Education Day on October 17, 2012
- Managed and coordinated the scheduling, day-to-day activities and workload of the firm's account coordinators
- Served on the 2012 Florida Public Relations Association Annual Conference Blog Team, representing RB Oppenheim Associates

Communications Specialist - Communications and Political Initiatives Department at Florida League of Cities

December 2003 - July 2012 (8 years 7 months)

Social media

- Monitored and managed the League’s social media platforms including Facebook and Twitter, and shared League photos, articles and information

Web Posting using Tribune Web Publishing Software

- Posted to website’s home page, including creating wording and securing graphics for various sections. Posted to the publications and events and training pages and provided backup for other staff members’ pages

League’s News Media Contact

- Initial contact for news media requests while ensuring the reporter’s deadline was met. Tracked articles, compiled monthly reporter inquiry spreadsheet. Monitored reporters/media through social media and more

Daily News Clips

- Compiled and tracked Florida League of Cities/policy/local government/state news clips

Staff Writer

• Wrote and compiled various Quality Cities magazine departments including News Briefs; Festival Listings; Did You Know?; Employee Profile and Question of the Month
• Wrote feature articles for Quality Cities
• Wrote press releases for various League departments, wrote op-ed columns and speeches

FLC E-News
• Compiled and edited articles for the FLC E-News digital newsletter

Legislative Bulletin
• Created e-newsletter each Friday during session and one pre- and post-session bulletin

Advertising
• Coordinated advertising for both Quality Cities and the Membership Directory

City Public Information Officer Outreach
• City Public Information Officer liaison

Accomplishments:
Created and conceptualized the idea and logo for the FLC E-News - the League's first-ever digital newsletter
Coordinated the 2004 - 2009 Cities of Excellence Awards Program
Organized 2009 Youth Council Program
Created the Professional Development Forum - a company-wide group that offered learning opportunities for employees
Wrote more than 150 articles for Quality Cities magazine and 50 press releases
Guest speaker at April 2012 Tallahassee Society of Association Executives Meeting Planner Roundtable

Freelance Business Reporter
2003 - 2004 (1 year)
As a freelancer working remote, wrote more than 40 articles about business, economic development, retail, health and nonprofits for The Dothan Eagle, a daily newspaper serving the City of Dothan and surrounding cities and counties.

Staff Business Reporter at Triad Business Journal (formerly Triad Business News)
2000 - 2002 (2 years)
• Wrote more than 350 articles over two years focusing on economic development, downtown redevelopment, tobacco, real estate, technology, start-ups, IPOs, business trends, retail, small businesses in rural communities, telecommunications, education, health and business-related news for weekly, regional newspaper covering High Point, Winston-Salem, Greensboro and surrounding cities and counties.

- Specialized in investigative news stories and breaking news, writing personality profiles about local professionals and covering bank takeovers.

- Wrote about the effects of the September 11, 2001 tragedy on local and national businesses.

- Extensively covered businesses, organizations and events such as BB&T, Wachovia, SunTrust, Walter Robbs Callahan & Pierce Architects, P.A., The Triad Business and Innovation Expo, The Bloom Agency, The Winston-Salem Chamber of Commerce, The Furniture Market, Children's Museum of Winston-Salem, Visit Winston-Salem, Krispy Kreme Headquarters, The Quixote Group and much, much more.

- Provided presentations for various organizations such as the Winston-Salem Chamber of Commerce and the Downtown Redevelopment Authority about working effectively with the media

Intern/Freelance Writer at Tallahassee Democrat

1998 - 2000 (2 years)

- Interned at the Tallahassee Democrat in 1999 as part of the Florida A&M University School of Media, Journalism and Graphic Design pre-graduation program. Wrote articles for various sections of the newspaper including news, features, Limelight, local community and much more

- Shadowed reporters in the news, features, sports, entertainment and editorial departments

- Worked as a freelance writer from 1998 - 2000 and wrote news, features and editorial articles for various sections. Articles highlighted local retail, business, community happenings and much more

- Coordinated with photographers to arrange artwork for various articles

- Handled proofreading and editing for various articles

Communications Clerk at Florida Dental Association

1997 - 1999 (2 years)

- Wrote more than 30 articles for features and news sections of Today's FDA, a publication with more than 7,000 readers, targeting dentists in Florida

- Organized several public and media events promoting dental health including Children's Dental Health Month, Senior Dental Health Awareness Week and Dentists Day on the Hill

- Handled photography for articles and onsite at various events

- Worked at conference registration at the 1997 Florida National Dental Convention

- Assisted Communications Department members with various duties such as editing, proofreading, advertising, administrative tasks and public outreach

Education

Liberty University

Master's degree, Management and Leadership (Emphasis on Business), 2011 - 2012

Florida Agricultural and Mechanical University

Bachelor's of Science in Magazine Journalism, Journalism, Minor in Sociology, 1997 - 2000

Activities and Societies: Writer for Journey magazine Columnist/Writer for The Famuan

Honors and Awards

2014 Association Professional of the Year

Mandy Stark Bianchi

Executive Director, Epilepsy Association of the Big Bend

mandy@eabb.org

Contact Mandy Stark on LinkedIn

From: Caitlin Carrin <Caitlin.Carrin@careersourcecapitalregion.com>
To: Mary Smach <SmachM@leoncountyfl.gov>
Date: 5/2/2018 11:10 AM
Subject: RE: CareerSource Board Appointment

Mary,

Thank you so much for all of your help!! :)

And per our conversation, Sandra Bucklew is NOT seeking reappointment, and Holly Henderson IS seeking reappointment.

Thanks again!

Caitlin Carrin
Administrative & Accounting Specialist
CareerSource Capital Region
325 John Knox Road
Atrium Building, Suite 102
Tallahassee, FL 32303
Office: (850) 617-4558
Cell: (850) 228-6240
Toll Free: 1 (844) CAREER1
www.careersourcecapitalregion.com<http://www.careersourcecapitalregion.com/>
[5 CareerSource Capital Region_Full Color]
Solutions that work for you
[cid:image002.png@01D1D6ED.4A4F4FC0]

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
CAREERSOURCE CAPITAL REGION BOARD

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Benjamin Boyd		Date: 6/15/2018 5:40:41AM
Home Phone: (706) 340-7243	Work Phone: ()-X	Email: benjaminboyd@wafflehouse.com
Occupation: RESTAURANT OPERATIONS	Employer: WAFFLE HOUSE	

Preferred mailing location: Home Address
Work Address: 4012 SHADY VIEW LN.

City/State/Zip: TALLAHASSEE,FL 32311

Home Address: 4012 SHADY VIEW LN.

City/State/Zip: TALLAHASSEE,FL 32311

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? No If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 1 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Caucasian Sex: Male Age: 32.00
Disabled? No District: District 5

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: BILLY FRANCIS Telephone: 8504910024
Address: 3750 BOBBIN MILL RD

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?) No

If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Benjamin Boyd

This application was electronically sent: 6/15/2018 5:40:41AM

THE CHAMBER

GREATER TALLAHASSEE CHAMBER OF COMMERCE

June 20, 2018

Honorable Nick Maddox
Chairman
Leon County Board of County Commissioners
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301

Dear Chairman Maddox:

Based on the requirement that the Greater Tallahassee Chamber of Commerce must generate nomination requests for individuals to serve on the CareerSource Capital Region Board of Directors, we would ask that you consider Benjamin Boyd, the Area Director for Waffle House to serve on the Board. If approved, his term will begin on July 1, 2018 and continue through June 30, 2021.

We appreciate your thoughtful consideration. If you have any further questions, please feel free to contact me.

Sincerely,

Sue Dick
President/CEO

EXECUTIVE COMMITTEE:

Heidi Otway
Chair

Mark O'Bryant
Chair-Elect

Reggie Bouthillier
Immediate Past Chair

Canita Gunter Peterson
Treasurer

Sue Dick
President/CEO

Elaine Bryant

Rob Clarke

Jeremy Cohen

Beth Corum

Lauren Helm

Kenneth Pratt

Jay Smith

CareerSource CAPITAL REGION

Toll Free: 1 (844) CAREER1
careersourcecapitalregion.com

June 11, 2018

Chair Nick Maddox
Leon County Board of County Commissioners
301 South Monroe Street, 5th Floor
Tallahassee Florida 32301

Dear Chair Maddox:

CareerSource Capital Region is please to support the appointment of the following board member for a three year term to begin on July 1, 2018:

Benjamin Boyd

Mr. Boyd is the Area Director for Waffle House and would be an outstanding addition to the CareerSource Capital Region Board of Directors. Our Executive Committee voted to approve Mr. Boyd's nomination at their meeting on Thursday, June 7, 2018.

Should you have any questions, please do not hesitate to contact me at (850) 617-4601.

Sincerely,

James H. McShane, III

Chief Executive Officer

CareerSource Capital Region

Administration/Executive Center
325 John Knox Road
Atrium Building, Suite 102
Tallahassee, FL 32303
P: (850) 414-6085
F: (850) 410-2595

Gadsden County
Career Center
1140 West Clark Street
Quincy, FL 32351
P: (850) 875-4040
F: (850) 875-3324

Leon County
Career Center
2525 South Monroe St. Suite 3A
Tallahassee, FL 32301
P: (850) 922-0023
F: (850) 921-8295

Wakulla County
Career Center
2932 Crawfordville Hwy.
Crawfordville, FL 32327
P: (850) 926-0980
F: (850) 926-0984

From: Bob Kellam <lcefa9@gmail.com>
To: Mary Smach <SmachM@leoncountyfl.gov>
Date: 6/12/2018 4:07 PM
Subject: Fwd: EFA Appointment of Grace Fletcher

Mary,

Grace has been an active and productive member of the LCEFA with an outstanding attendance record.

Bob Kellam
Executive Director
LCEFA

---------- Forwarded message ---------
From: Bob Kellam <lcefa9@gmail.com>
Date: Tue, Jun 12, 2018, 4:02 PM
Subject: Re: EFA Appointment of Grace Fletcher
To: Mary Smach <SmachM@leoncountyfl.gov>

Mary,
I spoke with Grace yesterday and she is going to re-apply.
Bob Kellam

On Tue, Jun 12, 2018, 1:52 PM Mary Smach <SmachM@leoncountyfl.gov> wrote:

> Hi Bob,
> Need your help on this one.
> Mary

> >>> Mary Smach 6/5/2018 8:25 AM >>>
> Hi Bob,
> The term of the following member expires on July 31, 2018. She is eligible for reappointment. Please let me know if she is an active member with good attendance. If so, please let me know if she is seeking reappointment.
> ---
> Fletcher, Grace
> Begin Term: 10/25/2016
> End Term: 7/31/2018
> Type: unexpired term
> Original Date: 10/25/2016
> ---
> Appointed by:
> Board of County Commissioners

> If she is a member in good standing and is seeking reappoint she will need to complete a new application, since their original application is more than two years old. She can do that on our website at:
> http://www2.leoncountyfl.gov/committees/
>
> Regards,
> Mary Smach
> Agenda Coordinator
> Leon County Administration
> 301 S. Monroe St. Suite 502
> Tallahassee, FL 32301
> 850-606-5311
> www.leoncountyfl.gov

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
LEON COUNTY EDUCATIONAL FACILITIES AUTHORITY

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Grace Fletcher		Date: 6/22/2018 10:19:28AM
Home Phone: (786) 553-4823	Work Phone: ()-X	Email: gfletcher91@gmail.com
Occupation: FINANCIAL SPECIALIST	Employer: DEPARTMENT OF MANAGEMENT SERVICES	

Preferred mailing location: Home Address
Work Address: 4050 ESPLANADE WAY

City/State/Zip: TALLAHASSEE,FL 32399

Home Address: 3249 SAWTOOTH DRIVE

City/State/Zip: TALLAHASSEE,FL 32303

Do you live in Leon County? Yes If yes, do you live within the City limits? Yes
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes
For how many years have you lived in and/or owned property in Leon County? 7 years

Are you currently serving on a County Advisory Committee? Yes
If yes, on what Committee(s) are you a member? LEON COUNTY EDUCATIONAL FACILITIES AUTHOR

Have you served on any previous Leon County committees? Yes
If yes, on what Committee(s) are you a member? LEON COUNTY EDUCATIONAL FACILITIES AUTHORITY

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Other Sex: Age: 27.00
Disabled? No District: District 3

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

References (you must provide at least one personal reference who is not a family member):

Name: KYLE COSTON Telephone: 8505103897
Address: 1307 N MONROE ST

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Grace Fletcher

This application was electronically sent: 6/22/2018 10:19:28AM

Grace A. Fletcher

2929 Alexis Lane, Tallahassee, FL 32308
(786) 553 - 4823
Gfletcher91@gmail.com

Summary

- Demonstrated achiever with practical and foundational knowledge of GAAP, GASB best practices, public and non-profit financial management, capital budgeting, line-item budgeting, Quickbooks account balancing, business revenue and expense reports, Spanish, administrative law, business law, criminal law, and social security disability law.
- Exceptional knowledge of statistical and quantitative analysis, procurement and contract management, grant evaluation and scope of work writing, policy analysis and program evaluation, contemporary and comparative government systems, and legal research and writing, as it relates to product liability law, personal injury law, antitrust law, class action litigation.
- Strong administrative, customer service, and sales background.
- Experienced at implementing new concepts at an exceptionally quick pace, working well under pressure, multi-tasking workload, functioning as a team player, and communicating ideas clearly and effectually.
- Extensive computer training, including an above average proficiency in Microsoft Office Excel, Word and Powerpoint, Quickbooks and SPSS.
- Dual Citizenship in the United States and Singapore.
- Florida Commissioned Notary Public.
- Florida Certified Contract Manager (FCCM)
- FEMA IS-00100.b Introduction to the Incident Command System (ICS) and IS-00700.a National Incident Management System (NIMS) Certification.
- Exceptional writing and 2D/studio art design background (writing and design samples available upon request).

Education

Master's in Public Administration **2016**
Florida State University Askew School of Public Administration, *Tallahassee FL*
Concentration in Public Financial Management
Askew Educational Endowment Fund Recipient
4.0 Graduate G.P.A.

Dual B.A. and B.S. degree in International Affairs & Political Science **2013**
Florida State University*, Tallahassee, FL*
Minor in Political Philosophy; Concentration in History; Graduated Magna Cum Laude with a 3.85 G.P.A. (Combined College GPA of 3.93)

A.A. in International Relations **2011**
The Honors College of Miami Dade*, Miami, FL*
Graduated with Highest Honors with a 4.0 G.P.A

High School Diploma **2009**
Felix Varela Senior High School*, Miami, FL*
Graduated Suma Cum Laude with a 5.256 G.P.A.

Career History

Regulatory Analyst IV, **2015-Present**
Agency for Health Care Administration, Florida Center for Health Information and Policy Analysis
- Performs data abstracting and analysis in conjunction with the Agency's health information transparency website, FloridaHealthFinder.gov, and existing data systems

within the Agency and other agencies relating to comprehensive data sets on health care topics.
- Facilitates in contract agreement development for RFA 001-15/16, Community and Primary Care Services, grant recipients, as it relates to the scope of service and the budgetary cost analysis.
- Manages state contracts for RFA 001-15/16 grants—for a total of 14 cost-reimbursement agreements. Contract management duties include, but are not limited to, clarifying goals with all interested parties, evaluating the needs of customers and clients, managing invoices from generation to payment, monitoring contract budgets and forecasts, leading complex contractual negotiations, overseeing and signing off on departmental invoices, and regularly monitoring the performance of contracted services to ensure the effectiveness of services being performance.
- Performs research tasks, report analysis and preparation, bill analysis assistance, and technical assistance in conjunction with the advisory council, boards or other additional meetings.
- Communicates evaluation findings, outcome measures, and consumer information in an easily understandable format through Bureau publications and web content.
- Outlines and conducts health service research, quality assurance, compiles and analyzes statistical data, writes findings on health care issues and other additional projects.
- Maintains a working knowledge of various health databases and applicable data query and manipulation tools including inpatient, outpatient, emergency department, licensure, and hospital financial databases.
- Provides technical and professional advice and assistance in efforts to improve the efficiency of data dissemination activities through technological improvements and periodic review of data dissemination procedures.
- Retrieves, interprets and reports data and information as requested by individuals, public and private entities and agency staff.
- Assists in developing new approaches to community outreach which includes conducting webinars, attending benefit fairs and open enrollment, to educate the public on how to use FloridaHealthFinder.gov and how the website can assist in making health care decisions.
- Reviews feedback regarding the FloridaHealthFinder website from the public, website surveys, etc. to identify opportunities to improve, enhance, and promote the website.
- Works with the Advisory Council and any technical workgroups, as needed, particularly with communication issues.
- Maintains detailed knowledge of relevant health care statutes, rules and policies as it pertains to the Florida Center.

Operations Analyst II, *Florida Department of Health, Division of Medical Quality Assurance* **2014-2015**
- This is independent work analyzing, developing and assisting in the Operational Support Services section, within the Division of Medical Quality Assurance (MQA), regarding the public record requests process.
- Serve as team leader in receiving and responding to public record requests for MQA. Retrieve and manage workflow, through the web-based public records management system, GovQA. Utilize the GovQA system to assign, escalate, manage and track requests, deadlines and fees.
- Perform quality assurance checks, using a standardized methodology, of the responses to public records requests and prepare reports for management documenting the quality assurance findings, analyses and provide recommendation.
- Collect, analyze and prepare reports documenting trend data regarding the public records requests for MQA and prepare reports for management on the findings, analyses and provide recommendations.
- Assist in responding to complex public records requests involving investigatory files and/or disciplinary files for MQA in the event the workload meets the threshold for the Regulatory Specialist II. Ensure public records requests are fulfilled in accordance with all laws and regulations set forth in chapter 119, Florida Statutes.
- Assists management in the data conversion effort of the microfiche/microfilm to ensure production schedules are met and target dates for completion are met. Answer and respond to incoming telephone calls, retrieve and respond to voicemail messages.

Senior Paralegal/Staff Supervisor, *Howard & Associates P.A.* **2013-2014**

- Litigation assistance on Deepwater Horizon Economic Claims/ British Petroleum Claims resulting from April 20, 2010 Oil Spill.
- Financial analysis for Business Economic Loss Claims in terms of tax return to checkbook revenue and expense reconciliations, financial report preparation through the collection, analysis and summary of account information, trends and financial forecast in compliance with federal, state, and local financial requirements.
- Drafting Memorandums, Motions, Complaints, Notices, Appeals and Press Releases for British Petroleum Claims, Engle Progeny Tobacco Cases, Goldman Sachs Antitrust Class Action Lawsuit, Cast Iron Soil Pipe & Fitting Antitrust Class Action Lawsuit, OxyElite Product Liability Case, Maidenform Product Liability Case, Vouge International (dba Todd Christopher International) Product Liability Suit, Johnson & Johnson Product Liability and FUDPTA Suits, Walgreens Glucosamine FDUPTA Suit, Walmart Stores Equate FDUPTA Suite, Coca-Cola Product Liability Suit, Target Data Breach Suit, and U.N. Haitian Cholera Endemic Class Action Lawsuit.
- Practical experience in handling sensitive and confidential client documents in accordance to state and federal rules and regulations (HIPAA, attorney client confidentiality, etc.)
- Proficiency in electronic court filing (CM/ECF & PACER) for all Federal Courts and Florida state court.
- Direct client communication regarding claims and litigation process, review, and guidance of financial documentation (i.e. Tax Returns, Lodging Tax Returns, Bank Statements, Profit and Loss Statements, etc.)
- Case Researching via Lexis Nexus, Law360, and Google Alerts.
- Knowledgeable in QuickBooks

Legal Intern, *Law Office of Matthew Liebenhaut* **2013**

- Worked directly with Attorney Matthew Liebenhaut and clients in regard to Social Security Disability legal cases.
- Researching and writing Social Security Administration Disability Cases, reports concerning case files and legal briefs.
- Played key role in the preparation of legal documents (through research and writing of legal blog posts).

Senior Sales/Customer Service Representative, *Event Photography Group* **2012-2013**

- Held key responsibility in customer relations and photography online product/sales.
- Held direct accesses to millions of client accounts, and interacted with clients to fulfill their
- business needs.
- Handled direct product quality control for customers
- Facilitated in the training and support of newly hired sales/customer service representatives.

Front Desk Associate, *The Cheesecake Factory* **2011**

Text Book Clerk/ Warehouse Associate, *Follett Book Store* **2009-2010**

Pool Technician, *Dadeland Pool* **2007-2010**

Server & Bartender, *Jamaican Cuisine* **2009-2010**

Service Work & Accomplishments

Mural Design Fundraiser for the American Cancer Society, *Burrito Boarder* **2014**

- Designed mural for local restaurant in Tallahassee
- Donated 100% proceeds from design to the American Cancer Society
- Planning and preparation for American Cancer Society fundraiser hosted by local restaurant

Volunteer within the Geriatrics Community, *Westminster Oaks* **2013-Present**

- Overseeing care to women with Dementia and Alzheimer's
- Assisted in the extracurricular functions and activities of geriatric women
- Assuring the fulfillment and happiness of women with memory loss through attentive communication and listening.

Service Learning Math Tutor, *Miami Dade Kendall Campus Math Lab* **2010-2011**

- Assisted students in developing the concepts necessary to complete academic goal
- Encourages and built student esteem, by showing respect to all students regardless of level of knowledge or course level.
- Facilitated student learning, by assisting students if determining the correct answer, and not just providing the answers.

Alumni Networking/Fundraising Chair, *Phi Alpha Delta Florida State University* **2012**

- Strategy development through the review and evaluation of current fund-raising strategies, and presenting ideas to the executive board for feedback and approval.
- Organizing meetings and networking opportunities with alumni and outside organizations for the purpose of acquiring monetary donations and support.
- Raised $5,000 for Fall Semester through the collective efforts of: Alumni Outreach, Concession Sales, Sales of Goods, and PayPal Donation Account.

4th Place in the American Statistics Association, National Statistics Competition **2009**

- Nominated to compete as a high school student in the ASA National Competition, taking 4th place Nationwide.

Memberships & Affiliations

- *Leadership Board Member, Alternative Student Representative,* Public Administration Graduate Association **2015-2016**
- *Member,* The Southeastern Evaluation **2015-2016**
- *Member,* The American Society for Public Administration **2015-2016**
- *Member,* Phi Beta Kappa Honor Society **2013**
- *Member,* Phi Kappa Phi Honor Society **2013**
- *Member,* Circle K International Community Service Society **2012-2013**
- *Member,* Golden Key Honor Society **2013**
- *Member,* Pi Gamma Mu Social Science Honor Society **2012-2013**
- *Leadership Board Member, Alumni Networking Chair,* Phi Alpha Delta Pre-law Fraternity **2012-2013**
- *Member,* Phi Beta Lambda Business Honors Society **2010-2011**
- *Member,* Phi Theta Kappa Honor Society **2009-2011**
- *Member,* National Society of High School Scholars **2007-2009**

References

1. **Eitheria Sherrie Goosby**
   Coordinator to the Asst. VP of Financial Aid
   Florida State University
   (850)664-1993
   (850)345-6544
   Relationship: **Professional Advisor**

2. **Matthew Liebenhaut**
   Social Security Disability Attorney
   Law Office of Matt Liebenhaut
   (850) 270-1197
   Matt@Liebenhautlaw.com
   Relationship: **Attorney/Former Supervisor**

3.	**Antraneise Jackson** Customer Service Manager Event Photography Group (800)628-4509 Ext. 3582 ajackson@eventphotographygroup.com	Relationship: **Manager/Former Supervisor**
4.	**Rebecca Cash** Senior Management Analyst II Florida Department of Health (850) 245 - 4192	Relationship: **Former Supervisor**
5.	**Arthur Green** Dentist/Retired Naval Officer Meadville Dental Center (619)309-6627 Arthur.green@yahoo.com	Relationship: **Personal**

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
LEON COUNTY EDUCATIONAL FACILITIES AUTHORITY

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Reginald Ellis		Date: 9/23/2017 11:09:26AM
Home Phone: (901) 233-0212	Work Phone: (850)412-5544X	Email: reginald.ellis@famu.edu
Occupation: ASSOCIATE PROFESSOR	Employer: FLORIDA A&M UNIVERSITY	

Preferred mailing location: Home Address
Work Address: 515 ORR DIVE
408 TUCKER HALL
City/State/Zip: TALLAHASSEE,FL 32307

Home Address 2002 TRESCOTT DRIVE

City/State/Zip: TALLAHASSEE,FL 32307

Do you live in Leon County? Yes If yes, do you live within the City limits? Yes
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes
For how many years have you lived in and/or owned property in Leon County? 9 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: African American Sex: Male Age: 37.00
Disabled? No District: District 4

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

PLEASE FIND ATTACHED MY CURRICULUM VITAE.

References (you must provide at least one personal reference who is not a family member):

Name: DR. DAVID H. JACKSON, JR. Telephone: 850-322-2856
Address: 515 ORR DRIVE, 469 TUCKER HALL, TALLAHASSEE FL 32307

Name: BARBARA BOONE Telephone: 850-512-3112
Address: PO BOX 1639, TALLAHASSEE FL 32302

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currenty have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority?
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Dr. Reginald K. Ellis

This application was electronically sent: 9/23/2017 11:09:26AM

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
LEON COUNTY EDUCATIONAL FACILITIES AUTHORITY

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Sameer Kapileshwari		Date: 4/11/2018 2:56:24PM
Home Phone: (713) 742-3069	Work Phone: ()850-599X8033	Email: sakapileshwari@gmail.com
Occupation: SENIOR ADMINISTRATOR	Employer: FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY	

Preferred mailing location: Home Address
Work Address: 2400 WAHNISH WAY, SUITE 100C

City/State/Zip: TALLAHASSEE,FL 32307

Home Address: 576 RHODEN COVE ROAD

City/State/Zip: TALLAHASSEE,FL 32312

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? Yes
For how many years have you lived in and/or owned property in Leon County? 3 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: Asian Sex: Male Age: 45.00
Disabled? No District:

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

PREVIOUS EXPERIENCE ON OTHER COMMITTEES:
1. BOARD OF DIRECTORS FOR THE SCHOOLS OF ARTS AND SCIENCES, TALLAHASSEE, FLORIDA (JULY 2015 – PRESENT)
2. REPRESENTED FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY BY SERVING ON TALLAHASSEE INTERNATIONAL AIRPORT TECHNICAL ADVISORY COMMITTEE FOR CITY OF TALLAHASSEE AND LEON COUNTY
3. COMMISSIONER ON BUILDING STANDARDS COMMISSION FOR CITY OF SUGAR LAND, SUGAR LAND, TEXAS (2009-2015)

EDUCATIONAL BACKGROUND:
1. MASTER OF SCIENCE IN MECHANICAL ENGINEERING, THE UNIVERSITY OF TEXAS AT AUSTIN, AUSTIN, TX (1997)
2. BACHELOR OF ENGINEERING IN MECHANICAL ENGINEERING, UNIVERSITY OF PUNE, PUNE, INDIA (1994)

SKILLS AND EXPERIENCE YOU COULD CONTRIBUTE TO A COMMITTEE:
EXPERIENCED LEADER WITH TECHNICAL AND BUSINESS TRAINING AND HAVING WORKED IN BOTH PRIVATE AND PUBLIC SECTORS (SEE RESUME FOR DETAILS).

PROFESSIONAL LICENSES AND/OR DESIGNATIONS:
1. LICENSED PROFESSIONAL ENGINEER P.E. IN STATE OF TEXAS (2002-PRESENT)
2. U.S. GREEN BUILDING COUNCIL LEED ACCREDITED PROFESSIONAL (SINCE 2005)
3. CERTIFIED FACILITIES MANAGEMENT PROFESSIONAL (FMP) - INTERNATIONAL FACILITIES MANAGEMENT ASSOCIATION (IFMA) (SINCE 2013)
4. CERTIFIED SUSTAINABILITY FACILITY PROFESSIONAL (SFP) - INTERNATIONAL FACILITIES MANAGEMENT ASSOCIATION (IFMA) (SINCE 2013)
5. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) SAFETY CERTIFICATION (2014)
6. U. S. ENVIRONMENTAL PROTECTION AGENCY (EPA) CERTIFIED LIGHTING SURVEYOR ALLY (1997)
7. COMPLETED COURSES IN FEMA'S NATIONAL INCIDENT MANAGEMENT SYSTEMS (NIMS)

REASONS FOR YOUR CHOICE OF THE COMMITTEE:
WITH MY TRAINING AND LEADERSHIP EXPERIENCE IN ALL ASPECTS OF ENGINEERING, FACILITIES MANAGEMENT, AND CONSTRUCTION, I BELIEVE I CAN POSITIVELY CONTRIBUTE DIRECTLY TO BOTH THESE COMMITTEES.

References (you must provide at least one personal reference who is not a family member):

Name: MELISSA HOPKINS Telephone: 618-980-0248
Address: 4 SIGNAL HILL BLVD., BELLEVILLE, IL 62223

Name: Telephone:
Address:

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp

1) Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?
Yes

2.) Are you willing to complete a financial disclosure form Yes

3.) Do you know of any circumstances that would result in you having to abstain from voting on a Committee/Board/Authority due to voting conflicts? (Not applicable to Focus Groups) No
If yes, please explain.

4.) Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County? No
If yes, please explain.

5.) Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority? No

6.) Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)
No
If yes, please explain.

All statements and information provided in this application are true to the best of my knowledge.

Signature: Sameer Kapileshwari

This application was electronically sent: 4/11/2018 2:56:24PM

Sameer Kapileshwari, P.E. LEED AP FMP SFP
576 Rhoden Cove Rd., Tallahassee, FL 32312
Phone: (713) 742-3069
E-mail: sakapileshwari@gmail.com

Summary of Qualifications

A dynamic leader who pursues broad visions with the attention to detail needed to fulfill them. Values staff and creates loyalty establishing a better team to respond and collaborate with stakeholders to create a responsible, efficient, and more sustainable campus. Experienced in all areas of facilities considering multiple processes and implications to improve planning, construction, and operations.

Professional Experience

Florida A&M University
Associate Vice President Facilities, Planning, Construction, and Safety February 2015 - Present

Provide strategic leadership for implementation of policies and procedures supporting the university's academic mission and programs through the institutional functions of Facilities Planning and Construction, Plant Operations and Maintenance, Venue Management, Environmental Health and Safety, and Business Affairs. Responsible for all capital and renovation project management, planning, utilities, facilities operations, maintenance, and safety of 450 acres of Tallahassee campus and all associated University component campuses and remote sites. Also responsible for assisting University Board and President's leadership team in developing action plans for the University Strategic Plan and as a lead writer for some of the reaccreditation standards.

Demonstrated achievements included:

- Developed five year Capital Improvement Plan (CIP) and updated university master plan based on collaboration with campus partners from academic, research, student affairs, alumni, student government, and operations team along with external stakeholders/host community partners
- Co-chaired University's strategic planning action plan sub-committee for Priority #2 - Excellent and Renowned Faculty while developing strategies for state-of-art facilities to support academic enterprise and research effectiveness. Also developed actions plans for University Strategic Plan Priority #1 – Exceptional Student Experience, and Priority #4 – Transformative Alumni, Community, and Business Engagement
- Successfully served as a lead writer with no findings for four University reaffirmation standards required for accreditation through Southern Association for Colleges and Schools Commission on Colleges (SACSCOC)
- Developed plans for university's Public-Private-Partnership (P3) for housing, mixed use, retail town center, and athletic programs
- Programmed and developed conceptual plans for new housing facilities and refinancing of existing housing debts, a $140M program proposed for financing through U.S. Department of Education's Historically Black Colleges and Universities (HBCU) capital financing program
- Collaborated to win the Home Depot grant to build an hands on outdoor learning eco-classroom and lab
- Oversaw project activities for construction and development of College of Engineering capital project, Pharmacy, and Center for Access and Student Success buildings
- Established Campus Facilities space planning and master planning steering committees for campus stakeholder engagement, fiscal oversight, and shared governance
- Developed several operational programs (i.e. building inspections, planned maintenance events, trainings, vehicle pooling) to incorporate technology and enhance efficiencies

- Established campus safety committee and campus safety recognition programs to create campus safety culture, provide accident investigations, and identify and address eminent safety concerns
- Established relations for ongoing collaboration with City, County, Florida Board of Governors, Department of Bond Finance, and the State University System partners

University of Houston
Interim Executive Director June 2013-October 2014**/Sr. Director Facilities Management** Jan 2007 – April 2015

Strategic and operational leadership of the university's physical environment including master planning, project management, custodial, maintenance, grounds, technical trades, skilled trades, utilities, central plant operations, energy management, sustainability, labor and central services.
Responsible for project management and delivery up to $4M and facilities operations for 600 acre main campus in Houston that includes over 125 buildings, 12M GSF, 450 employees, and combined operational budget of over $40M during UH's transition to Tier One status.
Demonstrated achievements included:

- Leader when UH named to Profascinate's Most Beautiful Campus list and earned the Keep Houston Beautiful Mayor's Proud Partner Award
- Developed 1st consolidated deferred maintenance plan for the university
- Advanced and implemented a 7-step project delivery program for minor and planned projects
- Directed $45M central plant expansion since conception, including acquiring $150K grant for first installation of solar panels on campus
- Restructured and centralized five distinct facilities groups into one high performing cohesive team within a period of 12 months
- Contracted custodial services for auxiliary areas without layoffs, creating reassignments and job opportunities for 55 FTEs
- Increased campus stakeholder engagements by creating successful collaboration programs to address emergency, compliance, service, and sustainability initiatives
- Initiated and established UH's energy and sustainability long-term plans and benchmarks
- Led utility master planning efforts and facility condition audits, results of which were used in development of 5-year rolling Capital plans
- Retro commissioned over 3M GSF and reduced energy utilization index over 25% (2005 base year to present)
- Recovered $1.35M in gas overcharges

University of Houston System, Facilities Planning and Construction
Sr. Project Manager & UH System Engineer Apr 2002 – Jan 2007

Provided management of new and renovation projects including planning, programming, scheduling, budget development, procurement of design and construction service, construction management, commissioning, activation, training, and transition. Design, technical submittal, and construction review of all Capital projects up to $100M.
Demonstrated achievements included:

- Provided the only in-house engineering support for 6 campuses
- Developed and maintained technical, utility, energy, and sustainability sections of campus design guidelines and master specifications
- Began collaboration with operations team to accomplish strategic initiatives of the institution

- Started in house retro commissioning program and enrolled University in local utility sponsored energy and demand management programs thereby saving the university over $3M in annual utility expenses/cost avoidance
- Secured over $900,000 in grants for energy conservation and sustainability programs
- Coordinated utility components of the master plan for UH Main campus and developed long term strategies for infrastructure needs

ACR Engineering Inc., Engineer June 1997 – Apr 2002

Designed and consulted for building MEP and HVAC systems including estimating project cost, preparing construction documents, assisting in bid evaluations, construction administration, commissioning, and training supervision.
Demonstrated achievements included:

- Designed and analyzed building and campus MEP and HVAC systems for school districts, community colleges, city, county, and state facilities
- Conducted energy/lighting audits and analyses for evaluation of energy conservation measures and potential for renewable energy use for federal facilities using Federal Energy Management Plan guidelines and Building Life Cycle Costing methods

J.J.P.R.C., The University of Texas at Austin
Graduate Research Assistant Sept.1995 - Aug. 1997

Served as a research assistant in Center for Energy Studies – Building Energy systems division.
Demonstrated achievements included:

- Developed a statistical model to represent energy use characteristics in State of Texas Office buildings. This involved gathering and analyzing building energy use data on daily, monthly, and annual levels
- Developed and maintained State Agency Natural Resource End-Use Database (SANRED). This involved gathering monthly electric, gas, water and other fuel use and cost data for all State of Texas Owned facilities
- Developed a revised version of Texas Renewable Energy Evaluation Software (TREES)

Kirloskar Pneumatic Company Ltd., Pune, India, R&D Engineer June 1994 - July 1995

Provided engineering design of mobile and stationary refrigeration and air conditioning systems. Designed mobile refrigeration units for transportation vehicles. Provided equipment selection for all components involved in refrigeration and air-conditioning systems.

Education

Master of Science in Mechanical Engineering, **The University of Texas at Austin**, *Austin, TX* 1997
Bachelor of Engineering in Mechanical Engineering, **University of Pune**, *Pune, India* 1994

Licenses and Training

Licensed Professional Engineer P.E. in State of Texas
U.S. Green Building Council LEED Accredited Professional

Certified Facilities Management Professional (FMP) - International Facilities Management Association (IFMA)
Certified Sustainability Facility Professional (SFP) - International Facilities Management Association (IFMA)
Occupational Safety and Health Administration (OSHA) Safety certification
U. S. Environmental Protection Agency (EPA) certified lighting surveyor ally
Completed courses in FEMA's National Incident Management Systems (NIMS)
Completed courses in Business Law for Managers, Business Writing, Project Management, Accounting, Business Management Institute, and Executive Leadership

Presentations

- "Grassroots approach to sustainability", Sustainable You, Tallahassee, FL – March 2016
- "Leadership – Envisioning the facilities of tomorrow", IFMA World Workplace conference Denver CO – October 2015
- "Project Delivery – A seven step process", IFMA World Workplace conference, Denver CO – October 2015
- "Sustainability – A collaborative transformation", Gulf Coast Green conference, Houston, TX – June 2014
- "Leadership – Innovation and collaboration in higher education facilities management", IFMA Facility Fusion conference, Washington DC -- April 2014
- "Sustainability makes financial sen$e", IFMA - FMCC (Facility Management Consultants Council) Webinar – February 2014
- "Sustainability makes financial sen$e", FMA Progressive Manufacturing and Sustainability Summit, San Antonio, TX – December 2013
- "Greening higher education facilities", Society for College and University Planners (SCUP) conference, Houston, TX – April 2010
- "Big Dreams Tight budgets", Gulf Coast Green conference, Houston, TX – April 2010,
- "Energy efficiency solutions for existing buildings", Clean air through energy efficiency (CATEE) conference, Houston, TX-- October 2009

Other

- Board of Directors for the Schools of Arts and Sciences, Tallahassee, Florida (July 2015 – Present)
- Serving on Tallahassee International Airport technical advisory committee for City of Tallahassee and Leon County
- Commissioner on Building Standards Commission for City of Sugar Land, Sugar Land, Texas (2009-2015)
- Conducted an external review and administrative report in 2017 for Facilities Management division at the University of Missouri, St. Louis campus (UMSL)
- Consulted and developed a project delivery program in 2014-15 for Washington University School of Medicine in St. Louis, MO
- University of Houston President's award recipient (2006) for energy conservation work

ADVISORY COMMITTEE APPLICATION FOR BOARD APPOINTMENT
EDUCATIONAL FACILITIES AUTHORITY

It is the applicant's responsibility to keep this information current.
To advise the County of any changes please contact Mary Smach
by telephone at 606-5300 or by e-mail at SmachM@leoncountyfl.gov

Applications will be discarded if no appointment is made after two years.

Name: Anthony Miller		Date: 10/12/2016 12:09:03PM
Home Phone: (850) 671-5039	Work Phone: (850)487-7724X	Email: abmilleresquire@hotmail.com
Occupation: ATTORNEY	Employer: STATE OF FLORIDA	

Preferred mailing location: Home Address
Work Address: 250 MARRIOTT DRIVE

City/State/Zip: TALLAHASSEE,FL 32301

Home Address 2322 COBB DRIVE

City/State/Zip: TALLAHASSEE,FL 32312

Do you live in Leon County? Yes If yes, do you live within the City limits? No
Do you own property in Leon County? Yes If yes, is it located within the City limits? No
For how many years have you lived in and/or owned property in Leon County? 24 years

Are you currently serving on a County Advisory Committee? No
If yes, on what Committee(s) are you a member?

Have you served on any previous Leon County committees? No
If yes, on what Committee(s) are you a member?

If you are appointed to a Committee, you are expected to attend regular meetings.

How many days permonth would you be willing to commit for Committee work? 2 to 3
And for how many months would you be willing to commit that amount of time? 6 or more
What time of day would be best for you to attend Committee meetings? Day, Night

(OPTIONAL) Leon County strives to meet its goals, and those contained in various federal and state laws, of maintaining a membership in its Advisory Committees that reflects the diversity of the community. Although strictly optional for Applicant, the following information is needed to meet reporting requirements and attain those goals.

Race: African American Sex: Male Age: 46.00
Disabled? No District: District 2

In the space below briefly describe or list the following: any previous experience on other Committees; your educational background; your skills and experience you could contribute to a Committee; any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Leon County; any charitable or community activities in which you participate; and reasons for your choice of the Committee indicated on this Application.

LICENSED TO PRACTICE LAW FOR THE PAST 16 YEARS; FAMILIAR WITH DIVERSE AREAS OF THE LAW, INCLUDING REAL PROPERTY MANAGEMENT, INSURANCE REGULATION, CONSUMER PROTECTION, CONTRACTS, RULES, BYLAWS, BOARD GOVERNANCE, REGULATORY ENFORCEMENT AND POLICY; CURRENTLY SERVES AS A COMMISSIONER ON THE STATE RETIREMENT COMMISSION; OBTAINED ASSOCIATE IN GENERAL INSURANCE DESIGNATION IN 2013; TALLAHASSEE NORTHSIDE KIWANIS CLUB MEMBER; CAPITAL CITY CHURCH OF CHRIST MEMBER; HOPE WORLDWIDE VOLUNTEER; TALLAHASSEE BAR ASSOCIATION MEMBER; ARISE VOLUNTEER; LIFE CONNECTORS COLLEGE STUDENT MENTOR. SERVED AS ASSISTANT DIRECTOR FOR THE BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES (DEPARTMENT OF FINANCIAL SERVICES); I CHOSE THE EDUCATIONAL FACILITIES AUTHORITY AS MY FIRST CHOICE MY LEGAL EXPERIENCE CAN ASSIST THE AUTHORITY WITH THE CONDUCTION, FINANCING AND REFINANCING OF PROJECTS. I CHOSE MINORITY, WOMEN & SMALL BUSINESS ENTERPRISE CITIZENS ADVISORY COMMITTEE AS MY SECOND CHOICES BECAUSE OF THE POSITIVE IMPACT SMALL BUSINESSES HAVE IN THE LOCAL COMMUNITY.

References (you must provide at least one personal reference who is not a family member):

Name: JOHN HALE Telephone: 850-509-4812
Address: 5531 PEDRICK PLANTATION CIRCLE, TALLAHASSEE, FL 32307

Name: LISA RALEIGH Telephone: 850-212-3334
Address: 2799 ARMISTEAD ROAD, TALLAHASSEE, FL 32308

IMPORTANT LEGAL REQUIREMENTS FOR ADVISORY COMMITTEE MEMBERSHIP

AS A MEMBER OF AN ADVISORY COMMITTEE, YOU WILL BE OBLIGATED TO FOLLOW ANY APPLICABLE LAWS REGARDING GOVERNMENT-IN-THE-SUNSHINE, CODE OF ETHICS FOR PUBLIC OFFICERS, AND PUBLIC RECORDS DISCLOSURE. THE CONSEQUENCES OF VIOLATING THESE APPLICABLE LAWS INCLUDE CRIMINAL PENALTIES, CIVIL FINES, AND THE VOIDING OF ANY COMMITTEE ACTION AND OF ANY SUBSEQUENT ACTION BY THE BOARD OF COUNTY COMMISSIONERS. IN ORDER TO BE FAMILIAR WITH THESE LAWS AND TO ASSIST YOU IN ANSWERING THE FOLLOWING QUESTIONS, YOU MUST COMPLETE THE ORIENTATION PUBLICATION www.leoncountyfl.gov/bcc/committees/training.asp BEFORE YOUR APPLICATION IS DEEMED COMPLETE.

Have you completed the Orientation? Yes
Are you willing to complete a financial disclosure form and/or a background check, if applicable? Yes

Will you be receiving any compensation that is expected to influence your vote, action, or participation on a Committee? No
If yes, from whom?
Do you anticipate that you would be a stakeholder with regard to your participation on a Committee? No

Do you know of any circumstances that would result in you having to abstain from voting on a Committee due to voting conflicts? No
If yes, please explain.

Do you or your employer, or your spouse or child or their employers, do business with Leon County? No
If yes, please explain.

Do you have any employment or contractual relationship with Leon County that would create a continuing or frequently recurring conflict with regard to your participation on a Committee? No
If yes, please explain.
All statements and information provided in this application are true to the best of my knowledge.

Signature: Anthony Miller

This application was electronically sent: 10/12/2016 12:09:03PM

ANTHONY B. MILLER

2322 Cobb Drive, Tallahassee, Florida 32312 · (850) 671-5039 · abmilleresquire@hotmail.com

EDUCATION

LAW SCHOOL — Florida State University College of Law, Tallahassee, Florida
Juris Doctor, May 2000

COLLEGE — Florida Agricultural and Mechanical University, Tallahassee, Florida
B.A. degree, Political Science May 1995; *Magna Cum Laude*

DESIGNATION — Associate in General Insurance, The Institutes, 2013

PROFESSIONAL EXPERIENCE

Department of the Lottery, Office of General Counsel
Deputy General Counsel and Chief Ethics Officer: August 2014 – present; *Acting General Counsel*: April – May 2015
Assists the General Counsel in planning, directing, and implementing goals and objectives for work unit; prepares drafts of major contracts and agreements; manages agency's public records; provides advice related to personnel issues, contracts, procurement, ethics, and other legal issues affecting the agency; and reviews and develops administrative policies, rules and procedures; provides investigation training to Division of Security staff; and provides agency wide training in public records and ethics

Florida State Retirement Commission
Commissioner: July 2015-present; appointed by Governor Rick Scott; Confirmed by the State Senate
The Commission conducts hearing appeals regarding members of the Florida State System that file a written appeal of final decisions of the Department of Management Services' Division of Retirement; reviews appeals related to applications of disability retirement, reexamination of retired members receiving disability benefits, applications for special risk membership, and reexamination of special risk members.

Department of Financial Services, Division of Funeral, Cemetery and Consumer Services
*Assistant Director and In-House Counsel***:** May 2008 – August 2014
Assisted the Director in the day to day operations of the Division; assisted the Director in the review of information presented to the Board of Funeral, Cemetery and Consumer Services for recommended licensure approval or denial; served as liaison for the administrative prosecution or settlement of cases; participated in the rulemaking process; and served as contract manager for Information Technology contracts and other agreements.

Department of Financial Services, Division of Workers' Compensation
Assistant General Counsel: October 2007-May 2008
Represented the agency in the administrative prosecutions against employers that failed to secure workers' compensation coverage requirements under Chapter 440, Florida Statutes.

Department of Corrections, Office of General Counsel
Deputy General Counsel: May 2006-September 2007; *Acting General Counsel*: January 2007
Represented agency before the Public Employers Relations Commission, the Division of Administrative Hearings, and circuit courts; obtained legal opinion from the Florida Commission on Ethics; responsible for the overview of the General Counsel's Contracts Section.

Department of Management Services, Office of General Counsel
Assistant General Counsel: September 2004 – April 2006
Lead counsel and advisor for the Division of Real Estate Development and Management, represented the agency in bid protests, contract disputes and other matters in administrative proceedings; defended breach of contract circuit civil case involving dispute between the agency and an outside vendor regarding allegations of mold contamination; drafted and reviewed contract and other agreements.

Department of Financial Services, Office of Insurance Regulation,
Assistant General Counsel: February 2000 – August 2004
Served as law clerk prior; represented the agency in multiple administrative, circuit and appellate court actions, informal, formal administrative hearings against insurance agents and insurance companies.

PROFESSIONAL ASSOCIATIONS

Member of the Florida Bar (in good standing), admitted October 2000; Member of the U.S. Northern District of Florida, admitted April 2005; Member of the U.S. Middle District of Florida, admitted January 2016; Executive Council Member, Florida Bar Government Lawyer Section; and Member, Florida Bar Administrative Law Section.

Leon County
Board of County Commissioners

Notes for Agenda Item #30

Leon County Board of County Commissioners

Agenda Item #30

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Herbert W.A. Thiele, County Attorney

Title: First and Only Public Hearing to Consider Adoption of Proposed Ordinance Amending Chapter 11, Article XXIII of the Code of Laws of Leon County to Establish a Prohibition on Simulated Gambling Devices

Review and Approval:	Herbert W.A. Thiele, County Attorney
Lead Staff/ Project Team:	LaShawn D. Riggans, Deputy County Attorney

Statement of Issue:

This item requests the Board to conduct the first and only public hearing to consider the adoption of a proposed ordinance amending Chapter 11, Article XXIII of the Code of Laws of Leon County, to establish a prohibition on simulated gambling devices.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Conduct first and only public hearing and adopt proposed Ordinance amending Chapter 11, Article XXIII of the Code of Laws of Leon County, to establish a prohibition on simulated gambling devices.

Report and Discussion

Background:

On June 14, 2011, and in response to growing concerns regarding the proliferation of simulated gambling devices at so-called "internet cafés" in Leon County, the Board of County Commissioners adopted Ordinance No. 2011-13, which provided for the regulation of simulated gambling devices and facilities in the County. Ordinance No. 2011-13 was codified at Chapter 11, Article XXIII, of the Code of Laws of Leon County, Florida, entitled "Regulation of Simulated Gambling Devices."

In 2013 the Florida Legislature took action on the proliferation of simulated gambling devices by adopting House Bill 155, which clarified that electronic gambling devices were prohibited under Chapter 849, Florida Statutes. The legislation clarified the existing laws concerning slot machine, charitable drawings, game promotions, and amusement machines. For example, the definition of "slot machine or device" was expanded to include systems or networks of devices that are adapted for use in such a way that they simulate a game of chance, require "pay to play", and award something of value. Further, there is now a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if it used to simulate casino-style games in schemes involving consideration and prizes. In response to House Bill 155, "internet cafés" closed down across the State.

However, it has come to the County's attention that similar operations have opened in recent months throughout the State, including Leon County. At the Board's meeting of June 19, 2018, the Board approved scheduling the first and only public hearing for July 10, 2018, to consider the adoption of a proposed Ordinance amending Chapter 11, Article XXIII of the Code of Laws of Leon County, to establish a prohibition on simulated gambling devices.

Analysis:

Chapter 11, Article XXIII of the Leon County Code of Laws presently regulates simulated gambling devices. The proposed Ordinance (Attachment #1) would amend several provisions of Chapter 11, Article XXIII of the Code of Laws, and establish that simulated gambling devices are prohibited. The proposed Ordinance will specifically provide the following.

- The title of Article XXIII will be changed from "Regulation of Simulated Gambling Devices" to "Simulated Gambling Devices."

- Sections 11-800 (authorization and intent) and 11-803 (general prohibition) will be amended to specifically establish the prohibition on simulated gambling devices. For example, Section 11-803 will state that it is unlawful in Leon County for any person to manage, supervise, maintain, provide, produce, possess, or use one or multiple simulated gambling devices.

- Unnecessary definitions will be removed from Section 11-801, Definitions. In addition, the term "slot machine" is amended to be "slot machine or device" as defined in Section 849.16, Florida Statutes.

- As the County will be prohibiting simulated gambling devices, the provisions in Article XXIII that regulate simulated gambling devices are no longer required and will be repealed, including: Section 11-804 (permitting and fees); Section 11-805 (location of facilities); Section 11-806 (inspections); Section 11-806 (signage requirements); Section 11-808 (limitations on operations); Section 11-807 (security requirements); and Section 11-810 (gambling addiction information).

- Various amendments of an editorial nature will also be made throughout Article XXIII.

Pursuant to Section 125.66, Florida Statutes, the Board must conduct one public hearing to consider and adopt the proposed Ordinance. Notice of the public hearing (Attachment #2) has been published as provided by law.

Options:

1. Conduct first and only public hearing and adopt proposed ordinance amending Chapter 11, Article XXIII of the Code of Laws of Leon County, to establish a prohibition on simulated gambling devices.
2. Conduct first and only public hearing and do not adopt proposed ordinance amending Chapter 11, Article XXIII of the Code of Laws of Leon County, to establish a prohibition on simulated gambling devices.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed ordinance
2. Notice of public hearing

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 11, ARTICLE XXIII OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "REGULATION OF SIMULATED GAMBLING DEVICES"; ESTABLISHING A PROHIBITION ON SIMULATED GAMBLING DEVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 14, 2011, and in response to growing concerns regarding the proliferation of simulated gambling devices at so-called "internet cafés" in Leon County, the Board of County Commissioners adopted Ordinance No. 2011-13, which provided for the regulation of simulated gambling devices and facilities; and

WHEREAS, the provisions of Ordinance No. 2011-13 were codified at Chapter 11, Article XXIII, of the Code of Laws of Leon County, Florida, entitled "Regulation of Simulated Gambling Devices"; and

WHEREAS, in 2013 the Florida Legislature took action on the proliferation of simulated gambling devices by adopting House Bill 155, which clarified that electronic gambling devices were prohibited under Chapter 849, Florida Statutes; and

WHEREAS, the Board wishes to amend Article XXIII of Chapter 11 of the Code of Laws of Leon County, Florida, to establish that simulated gambling devices are prohibited in Leon County;

BE IT ORDAINED by the Board of County Commissioners of the Leon County, Florida, as follows, that:

Section 1. Article XXIII of Chapter 11 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

ARTICLE XXIII. ~~REGULATION OF~~ SIMULATED GAMBLING DEVICES

Sec. 11-800. Legislative authorization; intent.

(a) This article is enacted in the interest of the public health, peace, safety, morals and general welfare of the citizens and inhabitants of Leon County, Florida, pursuant to Article VIII, Section 1(g), Florida Constitution and F.S. § 125.01, and the Charter of Leon County, Florida.

(b) This article ~~It~~ is established to prohibit ~~regulate~~ the possession or use of simulated gambling devices to effect giveaways through drawings by chance, sweepstakes, or game promotions in violation of ~~that do not otherwise violate~~ Florida law.

Sec. 11-801. Definitions.

The following definitions apply to this Chapter 11, Article XXIII:

~~*Applicant* means the operator for whom a permit application is submitted and in the name of whom, if the permit is granted, the drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotion shall be conducted.~~

~~*Conviction* means a determination of guilt in a criminal case by a court of competent jurisdiction, regardless of whether the defendant pled guilty, no contest, or nolo contendere, or was found guilty by a judge or jury.~~

~~*County administrator* shall mean the Leon County Administrator or his or her designee.~~

~~*De minimis activity facility* means a facility operated by an organization exempt from federal taxation under Section 501(c) of the Internal Revenue Code and with five or fewer electronic or mechanical devices that are used to conduct a drawing by chance, sweepstakes or game promotion utilizing those electronic or mechanical devices, all of which devices were in operation before the passage of this article at that facility.~~

~~*Minor* means any individual under the age of 18 years.~~

~~*Operating* as used in this article means to manage and run a simulated gambling facility by doing those things necessary to run a business which may include but are not limited to obtaining a business permit, obtaining a business tax certificate, executing a lease agreement or purchasing contract, leasing or purchasing of simulated gambling devices, hiring employees, or selling a legal consumer product or service.~~

Operator means any person in whose name a drawing by chance is being conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotion that utilizes electronic equipment.

~~*Permit holder* means the operator in whose name the county administrator has issued a permit under this article.~~

Person means an individual, association, partnership, joint venture, corporation, or any other type of organization, whether conducted for profit or not for profit, or a director, executive, officer or manager of an association, partnership, joint venture, corporation or other organization.

~~*Rules* means the restrictions and covenants governing the operation of the drawing by chance, sweepstakes, or game promotion.~~

~~*Security personnel* includes any person whose lawful jurisdiction includes Leon County and who either is a sheriff, deputy sheriff, marshal, deputy marshal, or a police officer or any other person authorized by law who holds a Class "G" license issued by the Florida Department of Agriculture and Consumer Services and who is hired to provide security for the simulated gambling facility.~~

~~*Senior citizen's center* means any public or private center, that is organized and operated exclusively to provide recreational or social services for persons who are 55 years of age or older.~~

Simulated gambling device means any device that, upon connection with an object, is available to play or operate a computer simulation of any game, and which may deliver or entitle the person or persons playing or operating the device to a payoff; or any electronic device that is used or adapted for use to conduct and/or reveal the results of a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotions that display results by simulating a game or games ordinarily played on a slot machine or device. The following rules of construction apply to this definition of "simulated gambling device":

(1) The term "device" means any mechanical or electrical contrivance, computer, terminal, video or other equipment that may or may not be capable of downloading games from a central server system, machine, computer or other device or equipment. The term "device" also includes any associated equipment necessary to conduct the operation of the device.

(2) The term "upon connection with" means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device.

(3) The term "object" means a coin, bill, ticket, token, card or similar object, obtained as a bonus or supplement to another transaction involving the payment of consideration.

(4) The terms "play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.

(5) The term "computer simulation" includes simulation by means of a computer, computer system, video display, video system or any other form of electronic video presentation.

(6) The term "game" includes slot machines, poker, bingo, craps, keno, any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, drawing, contest or other promotion, lotto, sweepstakes, and any other game associated with gambling or which could be associated with gambling, but the term "game" does not necessarily imply gambling as that term may be defined elsewhere.

(7) The term "payoff" means cash, monetary or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually.

(8) The use of the word "gambling" in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this article is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.

~~*Simulated gambling facility* means the house, building, edifice, or location, along with its grounds in which simulated gambling devices are used, operated, or stored.~~

Slot machine <u>*or device*</u> has the same meaning as specified in F.S. § <u>849.16</u> ~~551.102~~, or as amended from time to time.

Sec. 11-802. Area of enforcement.

The board is acting herein as the governing body for Leon County, Florida, and this article ~~part~~ shall be effective within the boundaries of Leon County, Florida.

Sec. 11-803. General prohibition.

It is unlawful in Leon County for any person to manage, supervise, maintain, provide, produce, possess, or use one or multiple simulated gambling devices. Except as expressly ~~regulated and~~ permitted by this article, no person~~, other than a De Minimis Activity Facility as defined herein,~~ shall conduct or operate a drawing by chance pursuant to F.S. § 849.0935, sweepstakes, or game promotion pursuant to F.S. § 849.094, or any other game of chance on any simulated gambling device provided by an operator of the game of chance which displays the result by simulating a game or games ordinarily played on a slot machine or device.

~~**Sec. 11-804. Permitting and fees.**~~

~~(a) *Permit required.* No person shall conduct or operate a simulated gambling facility (facility) in Leon County without having first obtained a permit from the county administrator for each facility. Each permit is valid only for the operator and the facility named in the permit. Each permit is valid for one year. No permit shall be assignable or transferable, either as to person, operator, facility, or location.~~

~~(b) *Initial permits.* Within 60 days of enactment of this article, all current operators who have been operating a simulated gambling facility on or before June 15, 2011, and which are subject to this article, and which apply for, facially qualify for, and pay required fees for a permit, shall be granted a permit for the facility as provided for in this section. Each such operator shall, in addition to the requirements set forth herein as part of the application, provide proof satisfactory to the county administrator that the operator was lawfully operating a simulated gambling facility, as of June 15, 2011, which such evidence may include a current and~~

~~valid lease, rental agreement, purchase and sale contract, bill of sale or receipt indicating the purchase, lease or use of simulated gambling devices for that particular facility, or other certificates, permits, licenses, receipts or filings issued by the federal, state or local government indicating proof of the uses contemplated by this article.~~

~~(c) *Permits limited.* Unless greater than ten permits have been issued as provided for in subsection (b) above, the county administrator shall limit the total number of permits issued pursuant to this section to ten. After the permits authorized by subsection (b) are issued, no permits for new businesses shall be issued unless the issuance of the permit will not cause the total number of permits issued to exceed ten permits. All qualifying operators who receive an initial permit as provided for in subsection (b) shall be entitled to renew their permit if they otherwise qualify and pay required fees.~~

~~(d) Application materials required for permit.~~

~~(1) Applicant shall file with the county administrator the following materials:~~

~~(i) A copy of applicant's proposed rules governing the drawing by chance, sweepstakes or game promotion which includes the odds of winning and the prize table;~~

~~(ii) For a sweepstakes or game promotion operating pursuant to F.S. § 849.094, a copy of applicant's certification of a bond or trust account provided to the Florida Department of Agriculture and Consumer Services, regardless of aggregate prize amount; non-profit organizations operating pursuant to F.S. § 849.0935, are exempt from this provision.~~

~~(iii) A copy of each simulated gambling facility's surety bond or statement of trust account in an amount equal to the total announced value of prizes offered or $50,000.00, whichever is less. Non profit organizations shall not be exempt under this subsection.~~

~~A. A statement of trust account must be printed on the official letterhead of the acknowledging financial institution and contain the following information:~~

~~1. Account number and date account was opened.~~

~~2. Name, location, and phone number of the financial institution.~~

~~3. Name of the game promotion and commencement date.~~

~~4. Dollar amount held in trust account.~~

~~5. Provision that prohibits the money from being withdrawn from the trust account except for verified payments to winners of the listed game promotion.~~

~~B. The surety bond must have Leon County as the obligee on the bond.~~

~~(iv) A complete list of all products and services offered and the prices charged therefor;~~

~~(v) For every principal, officer, shareholder, and director of the operator, a fingerprint card and a letter certifying the results of a national, Level 2 criminal background check; and~~

~~(vi) A copy of the certification report issued by an independent testing laboratory verifying that the computer software that is used by the operator to conduct a drawing by chance or game promotion has been tested and is not a slot machine as defined by Florida law. The certification report must be provided to the county administrator directly from the independent testing laboratory; and~~

~~(vii) A copy of the certification report issued by an independent testing laboratory that describes and verifies the manner in which the software that is used by the operator to conduct a drawing by chance or game promotion works. The certification report must be provided to the county administrator directly from the independent testing laboratory.~~

~~(2) Applicant shall provide a sworn affidavit containing the following:~~

~~(i) The identity of the applicant and if the applicant is:~~

~~A. An individual, his name, residence address, and date of birth;~~

~~B. An unincorporated organization, the names, dates of birth, and residence addresses of its principals; or~~

~~C. A corporation, the corporate name, state of incorporation and the names, dates of birth, and residence addresses of its principal officers, directors, and shareholders; or~~

~~D. A limited liability company, the company name, state of incorporation and the names, dates of birth, and residence addresses of its members and managers;~~

~~(ii) A description, including the number of simulated gambling devices;~~

~~(iii) A statement of whether any of the individuals listed has, within the five year period immediately preceding the date of the application, been convicted of any felony under the laws of Florida, the United States, or any other state, and, if so, the particular criminal act involved and the place of conviction;~~

~~(iv) The street address of the simulated gambling facility;~~

~~(v) If the applicant is a branch, chapter, lodge, or other local unit of a charitable organization or corporation, the name of the primary organization and the street address of its principal office; and~~

~~(vi) The name and address of an individual in Leon County who is authorized to receive notices from the county;~~

~~(vii) A statement certifying that all information on the application and any attachments thereto is true and that the applicant understands that any misstatement of material fact in the application may result in the denial of the permit or, if it has been issued, in the suspension or revocation of the permit.~~

~~(e) *Application fee.* Each applicant shall remit a non-refundable application fee of $500.00.~~

~~(f) Review of application.~~

~~(1) Duration of review. Within 60 days of receipt of an applicant's completed permit application, the county administrator or a designee shall grant or deny the application. If any principal, officer, shareholder or director of the operator has a pending criminal case for an enumerated crime the county administrator may delay its grant or denial of the permit until 60 days after the final judgment.~~

~~(2) An application may be denied if, during the course of its review, the county administrator determines that:~~

~~(i) Within five years of the date of the application, applicant has been convicted of any felony under the laws of Florida, the United States, or any other state unless said violation would not constitute a crime in Florida;~~

~~(ii) Within three years of the date of the application, has had a permit under this article revoked or been convicted for a violation of this article;~~

~~(iii) The prices to be charged for the product(s) or service(s) offered, as listed on the permit application, do not constitute a reasonable market value; or~~

~~(iv) The application materials are incomplete or contain a misstatement of material fact.~~

~~(g) *Denial of permit.* An applicant whose permit application is denied may reapply within 30 days by completing all steps of the application procedure, including payment of a new application fee.~~

~~(h) *Permit fees.* The permit fee for simulated gambling facility shall be in accordance with the following schedule:~~

~~(1) 1 to 20 devices $2,500.00~~

~~(2) 21 to 40 devices $5,000.00~~

~~(3) 41 to 60 devices $7,500.00~~

~~(4) 61 to 80 devices $10,000.00~~

~~(5) 81 to 100 devices $12,500.00~~

~~(i) *Inspection fee.* Fifty dollars per simulated gambling device will be assessed annually.~~

~~(j) *Renewal of existing permit.* Existing permits shall be renewed upon compliance with this article, notwithstanding the total number of permits issued. The permit holder shall apply for the renewal permit no later than 60 days and no sooner than 120 days before the expiration of the current permit. The renewal permit application shall include all the materials and the application fee required for the issuance of an original permit, and shall include evidence of current lawfully existing operations consistent with the requirements of this article. Renewal permit applications shall be processed using the same procedure and standards as required for review of an original permit application but shall be processed within 30 days. Upon approval, renewal permit applicants shall pay the same fees as set forth in subsection (h) above and said renewals shall be deemed denied if an eligible applicant fails to pay these fees on or before the thirtieth day after approval, availability, and notice of the permit authorization.~~

~~(k) *Lost or destroyed permit.* The fee for a replacement permit shall be $50.00.~~

~~(l) *Revocation of permit.* The county administrator or a designee may revoke a permit for violation of any provision of this article, or if it is determined that the application~~

~~contained a misstatement of material fact, or due to a permit holder's cessation of the use of simulated gambling devices during its normal business hours for at least 14 consecutive days. Prior to revocation, the county administrator shall provide to the permit holder, through their individual in Leon County authorized to accept notices from the county, the following:~~

~~(1) A written notice of intent to revoke the permit;~~

~~(2) A 14 calendar day opportunity to cure the alleged violation; and~~

~~(3) An opportunity to be heard prior to revocation.~~

~~Revocation shall not take place before 30 days after receipt of a notice of revocation is delivered to the permit holder and opportunities to cure and to be heard are provided. The decision to revoke a permit shall be considered non final agency action subject to appellate review by the board of adjustment and appeals ("BOAA"). The decision of the BOAA shall constitute final agency action subject to judicial review. Any appeal of a revocation decision shall be made within 30 calendar days of receipt of a notice of revocation by filing a written notice of appeal with the board of adjustment and appeals, along with an appeal fee of $960.00. Failure to file written notice of appeal and appeal fee within the prescribed time period constitutes a waiver of the right to appeal.~~

~~Sec. 11-805. Location.~~

~~All simulated gambling facilities shall be located in appropriate commercial zoning districts, but in no event may such a simulated gambling facility be located within 500 feet of any real property comprising a child care facility as defined in F.S. § 402.302 or as may be amended from time to time, or a public or private elementary, middle, secondary school, or any private or public college, university, or other post secondary educational institution, or within 500 feet of real property comprising a church, a county park, a community center, a senior~~

~~citizen center, or publicly owned recreational facility, nor may such a simulated gambling facility be closer than 5,000 feet from another such simulated gambling facility. The distance measurements shall be from the point of edge of property to the next closest edge of property.~~

~~**Sec. 11-806. Inspections.**~~

~~During business hours, the county administrator, the Leon County Sheriff's Office, or their agents may enter the facility without any warrant for purposes of inspecting all areas of the facility, to ensure compliance with the provisions of this article or any other ordinances within their authority, including but not limited to the right to enter the facility and to select and remove any simulated gambling device to inspect, test and/or have tested to determine compliance with this article.~~

~~**Sec. 11-807. Signage requirements.**~~

~~(a) *Exterior of facility*. Exterior signage shall be limited to the advertisement of the consumer product and/or service sold at the facility. No signs shall be posted on the exterior of any simulated gambling facility that suggest gambling takes place or display any image commonly associated with slot machines. All signage shall be further subject to all applicable Leon County Code regulations regarding signs.~~

~~(b) *Interior of facility*. The permit holder shall conspicuously post the name of the permit holder, a description of all products and services sold, and the complete rules for all sweepstakes or game promotions at the main counter. Rules for all promotions shall include the following language in at least 26 point font: "State and local law prohibits this establishment from requiring an entry fee, payment, or proof of purchase as a condition of participating. No donation or contribution is required. You may obtain free entries upon request from any employee on the premises." The permit holder shall also post a sign which shall include the~~

following language in at least 26 point type: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries." The permit holder shall affix signage that shall include the following language in at least ten point type on each simulated gambling device: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries." A complete copy of the rules, prize tables, and odds of winning shall be made available on request without cost. Any consumer product or service offered for sale shall be identified by description and price by conspicuous posting. A copy of the permit shall be posted conspicuously at the main counter or at the entrance.

Sec. 11-808. Limitations on operation of business.

(a) *Alcoholic beverages.* Permit holders shall not sell or permit any individual to consume or possess any alcoholic beverages within any simulated gambling facility.

(b) *Minors.* Minors are prohibited from entering any simulated gambling facility. It is the responsibility of the owner and employees of the facility to ensure no minors are present within the facility. A person's ignorance of minor's age, a minor's misrepresentation of his or her age, a bona fide belief of minor's age may not be raised as a defense for violation of this section.

(c) *Limitation on simulated gambling devices.* Permit holders shall not operate more than 100 simulated gambling devices except that permit holders operating on or before June 15, 2011, in Leon County may not operate more simulated gambling devices than were in operation on June 15, 2011, and any reduction following the enactment of this article in devices by such permit holders shall be permanent. Replacing an existing simulated gambling device due to a defect or upgrade shall not be deemed a reduction pursuant to this subsection, provided that such replacement occurs within 30 days.

~~(d) *Hours of operation.* No simulated gambling facility shall be open for business between the hours of 2:00 a.m. and 7:00 a.m.~~

~~(e) *Additional restrictions.* No simulated gambling facility shall:~~

~~(1) Design, engage in, promote, or conduct a game wherein the winner may be predetermined or the game may be manipulated or rigged;~~

~~(2) Arbitrarily remove, disqualify, disallow or reject any entry;~~

~~(3) Fail to award any prize offered;~~

~~(4) Print, publish, or circulate literature or advertising material which is false, deceptive or misleading;~~

~~(5) Require an entry fee, payment or proof of purchase as a condition of entering any sweepstakes or game promotion.~~

~~(f) *Additional requirements.* An operator of a simulated gambling facility shall:~~

~~(1) Maintain a list of the names and addresses of all persons who have won prizes which have a value of more than $25.00, the value of such prizes, and the dates when the prizes were won and keep the list at the facility for one year;~~

~~(2) Display at the point of sale contact information related to gambling addiction treatment.~~

~~(g) *Felony convictions.* No person who has at any time in the previous five years been convicted of, or is currently under indictment or information for, any felony, shall be eligible to operate or manage a simulated gambling facility.~~

~~**Sec. 11-809. Safety and security requirements.**~~

~~The permit holder shall maintain the following security devices and standards:~~

~~(a) Video surveillance. All such simulated gambling facilities shall install a video surveillance system for both the entrance and parking area to the facility and for the cashier area of the simulated gambling facility as well as the interior of the simulated gambling facility. The video surveillance system shall be maintained and kept in working order at all times. The video surveillance system recordings, whether by film or digital, shall be kept for a period no less than 14 days and shall be open and accessible to representatives of Leon County, including the Leon County Sheriff's Office, at all times upon reasonable notice. a security camera system capable of recording and retrieving an identifiable image;~~

~~(b) A drop safe or cash management device for restricted access to cash receipts;~~

~~(c) At all public entrances to the facility, a conspicuous notice stating cash register contains a limited amount of cash;~~

~~(d) A cash management policy limiting cash on hand;~~

~~(e) A silent alarm system capable of notifying law enforcement;~~

~~(f) Monday thru Friday during the hours of 5:00 p.m. to close and during the entire business day on Saturday and Sunday, maintain at least one armed security person, as defined in section 11-801 of this article; and~~

~~(g) Permit holder must maintain reasonable safety standards, including but not limited to, lighted parking areas.~~

~~(h) May not cover facility windows with opaque or reflective window tinting, posters, flyers, or anything else that obstructs the exterior view into the interior of the facility.~~

~~(i) Ultraviolet (UV) windows, factory tinted windows and privacy windows are acceptable, provided that the interior of the facility is visible at all times from the exterior of the facility to include the curtilage.~~

~~**Sec. 11-810. Addiction information.**~~

~~All simulated gambling facilities shall be required to have displayed in a conspicuous location near cashier, flyers, pamphlets or leaflets that contain a current list of the names, addresses, and phone numbers of local gambling anonymous facilities and treatment centers.~~

Sec. 11-80~~411~~. Exemptions.

(a) This article ~~part~~ does not prohibit an individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of a device which could be construed to be a simulated gambling device.

(b) This article ~~part~~ does not prohibit the ownership, possession, play, operation or use of any device expressly permitted by the Florida Statutes and not otherwise prohibited by the Florida Constitution, except that devices permitted by Article X, Section 23 of the Florida Constitution and F.S. ch. 551, in Broward and Miami-Dade County only are not permitted by this article~~part~~.

(c) This article ~~part~~ does not prohibit a religious or charitable organization from conducting a fund raising activity involving gaming, provided the religious or charitable organization does not conduct the activity more than twice in one calendar year, the organization provides advance written notice to the Leon County Sheriff of the date, time, place, and nature of such activity and who will be conducting it, and the activity is not otherwise unlawful.

Sec. 11-80~~512~~. Conflict with state law.

Nothing in this article ~~part~~ is intended to conflict with the provisions of the Florida Constitution or F.S. ch. 849, concerning gambling. In the event of a direct and express conflict between this article ~~part~~ and either the Florida Constitution or F.S. ch. 849, then the provisions of the Florida Constitution or F.S. ch. 849, as applicable, control.

Sec. 11-80~~613~~. Applicability to municipalities.

The provisions of this article ~~part~~ are to be applied and enforced within all unincorporated areas of Leon County as well as within all incorporated areas of Leon County to the extent that there are no conflicting municipal regulations. In the event a municipal regulation conflicts with this article ~~part~~ then the municipal regulation will prevail within the jurisdiction of that municipality.

Sec. 11-80~~714~~. Enforcement; penalties.

(a) Any person who violates this article shall be punished as provided in section 1-9 of the Leon County Code of Laws. Each day the violation exists shall constitute a separate violation for the purposes of this article and shall be punishable as such.

(b) The Leon County Attorney's Office is authorized to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in courts of competent jurisdiction to cure, remove, or end any activity which violates this article.

Secs. 11-80~~815~~ – 11-825. Reserved.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. Severability. If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall have effect upon becoming law.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida this 10th day of July, 2018.

LEON COUNTY, FLORIDA

By:_____
Nick Maddox, Chairman
Board of County Commissioners

ATTESTED BY:
GWENDOLYN MARSHALL, CLERK
OF THE COURT & COMPTROLLER
LEON COUNTY, FLORIDA

By:_____

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

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

F10-00043

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, July 10, 2018, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider adoption of an ordinance entitled to wit:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 11, ARTICLE XXIII OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "REGULATION OF SIMULATED GAMBLING DEVICES"; ESTABLISHING A PROHIBITION ON SIMULATED GAMBLING DEVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

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

Leon County Courthouse
301 S. Monroe St., 5th Floor Reception Desk
Tallahassee, Florida 32301

and

Leon County Clerk's Office
315 S. Calhoun Street, Room 750
Tallahassee, Florida 32301

Advertise: June 29, 2018

F10-00043

Leon County
Board of County Commissioners

Notes for Agenda Item #31

Leon County Board of County Commissioners

Agenda Item #31

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Herbert W.A. Thiele, County Attorney

Title: First and Only Public Hearing to Consider a Proposed Resolution Renouncing and Disclaiming any Right of the County in a Portion of the Unimproved Alley Abutting Lots 51, 52, 53, and 54 per the Plat of the Plantation of the Florida Pecan Endowment Company

Review and Approval:	Vincent S. Long, County Administrator Herbert W.A. Thiele, County Attorney
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Tony Park, P.E., Director of Public Works Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Dan Rigo, Assistant County Attorney Mitzi M. McGhin, Real Estate Specialist

Statement of Issue:

As requested by the property owner in order to provide clear title to their property, and per Florida Statute, this public hearing seeks the Board's adoption of a Resolution to disclaim any right of ownership for a portion of an unimproved alley generally located on the west side of Capital Circle Northwest north of West Tharpe Street. The platted alley has never been accepted for use or maintenance by the County, nor has it ever been otherwise used for roadway purposes.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Conduct the first and only public hearing and adopt the Resolution renouncing and disclaiming any right of the County in a portion of an unimproved alley abutting Lots 51, 52, 53, and 54 per the plat of the Plantation of the Florida Pecan Endowment Company (Attachment #1).

Report and Discussion

Background:

At the June 19th meeting, staff recommended and the Board approved the scheduling of this public hearing adopting a resolution which renounces and disclaims any right of the County in a portion of the unimproved alley abutting Lots 51, 52, 53, and 54 as shown in the plat of the Plantation of the Florida Pecan Endowment Company. The platted alley has never been accepted for use or maintenance by the County, nor has it ever been otherwise used for roadway purposes. The subject property encumbered by the platted alley was owned for decades by the Steele family and was recently sold by family members as part of an estate settlement. In order to provide clear title to the subject property and satisfy one of the title requirements at closing, the seller's attorney submitted a request for the County to renounce and disclaim any rights in the unimproved alley.

The property involved in this request for renunciation and disclaimer (the "Subject Property") is located on the west side of Capital Circle Northwest approximately 290 feet north of West Tharpe Street (Attachment #2). It is identified by the Leon County Property Appraiser as Parcel ID 2119510511111. The Subject Property lies within the plat identified as the Plantation of the Florida Pecan Endowment Company, and contains lots 51, 52, 53, and 54 as shown on the plat (Attachment #3). Most of the lots shown on the plat abut one of the numerous alleys delineated throughout the plat, many of which have never been used or maintained for ingress and egress to the lots. Despite never being improved or otherwise used for roadway purposes, the unimproved alleys have remained in the official record and continue to be shown on surveys and are included in title work as an encumbrance of the properties throughout northwest Leon County. The Subject Property is encumbered with one such alley delineated on the plat as abutting lots 51 through 54 (the "Platted Alley") (Attachment #4).

The Subject Property was owned for decades by the Steele family and was the residence of various family members through the years. As part of the settlement of a probate matter, it was recently sold by family members and is proposed for future development. In order to provide clear title to the Subject Property and satisfy one of the title requirements at closing, a request was submitted by the seller's attorney, Martin Friedman, for the County to renounce and disclaim any rights in the Platted Alley (Attachment #5). The Platted Alley has never been accepted for use or maintenance by the County, nor has it ever been otherwise used for roadway purposes.

Upon the seller's request, Real Estate staff solicited comments from appropriate County and City agencies and addressed any other items of concern. The responses from the agencies indicated there were no objections to the renunciation and disclaimer of the Platted Alley, and confirmed that it would not result in any landlocked parcels.

Analysis:

Florida Statutes, Sections 336.09 and 336.10, authorizes the Board, on its own motion or upon the request of any person or persons, to renounce and disclaim any right of the County and the public in and to land delineated on any recorded plat as a street, alleyway, or road. In order to accomplish this, the Board is required to hold a public hearing with a notice published at least two weeks prior to the date of the public hearing. After conducting the public hearing, any action of the Board regarding the renunciation and disclaimer must be evidenced with the adoption of a Resolution. The Resolution as adopted must then be recorded in the official records of Leon County. Any ownership rights of the County or the public in platted alley will thereafter be extinguished.

Section 336.10, Florida Statutes, requires that a notice of the public hearing be published in a local paper one time at least two weeks prior to the date of the public hearing. In accordance with the Statute, the notice for this public hearing was timely published in the Tallahassee Democrat (Attachment #6).

Options:

1. Conduct the first and only public hearing and adopt the Resolution renouncing and disclaiming any right of the County in a portion of an unimproved alley abutting Lots 51, 52, 53, and 54 per the plat of the Plantation of the Florida Pecan Endowment Company.
2. Conduct the first and only public hearing and do not approve the proposed Resolution renouncing and disclaiming any right of the County in a portion of an unimproved alley abutting Lots 51, 52, 53, and 54 per the plat of the Plantation of the Florida Pecan Endowment Company.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Resolution
2. Subject Property Location Map
3. Plat of Plantation of the Florida Pecan Endowment Company
4. Subject Property Boundary Survey
5. Request for Disclaimer from Martin Friedman
6. Notice of Public Hearing

RESOLUTION: 18-____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA RENOUNCING AND DISCLAIMING ANY RIGHT OF THE COUNTY IN A PORTION OF THE UNIMPROVED ALLEYWAY ABUTTING LOTS 51, 52, 53, AND 54 AS DELINEATED ON THE PLAT OF THE PLANTATION OF THE FLORIDA PECAN ENDOWMENT COMPANY

WHEREAS, on the 25th day of June, 2018, the Board of County Commissioners of Leon County, Florida (hereinafter the "Board") published a notice of public hearing to take place on July 10, 2018 at which the Board would consider the renunciation and disclaimer of any right or interest of Leon County in and to the use of a portion of the unimproved alleyway extending through the property located on the west side of Capital Circle Northwest approximately 290 feet north of West Tharpe Street, identified by the Leon County Property Appraiser as Parcel ID 2119510511111, and as depicted in Exhibit "A" attached hereto (hereinafter the "Subject Property") . The alleyway abuts Lots 51, 52, 53, and 54 as delineated on the Plat of the Plantation of the Florida Pecan Endowment Company in unincorporated Leon County, Florida, as depicted on Composite Exhibit "B" attached hereto (hereinafter the "Platted Alleyway"); and

WHEREAS, said notice of public hearing is evidenced by the Proof of Publication attached hereto as Exhibit "C", which reflects the advertisement of said notice of public hearing in the Tallahassee Democrat, a newspaper of general circulation in Leon County, Florida; and

WHEREAS, pursuant to said notice of public hearing and Chapter 336, Florida Statutes, the Board conducted said public hearing on July 10, 2018 in the Commission Chambers of the Leon County Courthouse, during which the Board received public comment from each and every person so requesting.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

1. The Board hereby finds that the Platted Alleyway is delineated on the Plat of the Plantation of the Florida Pecan Endowment Company recorded in Plat Book 1, Page 1, Official Records of Leon County, Florida, and hereby renounces and disclaims any right or interest of Leon County or the public in the Platted Alleyway.

2. The Clerk of the Board is hereby directed to publish notice of the adoption of this Resolution, within thirty (30) days following its adoption, in one issue of a newspaper of general publication in Leon County, Florida, and that the Clerk thereafter record in the official records of Leon County, Florida the Proof of Publication of notice of public hearing, this Resolution as adopted, and the Proof of Publication of the notice of the adoption of this Resolution.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this the 10th day of July, 2018.

LEON COUNTY, FLORIDA

BY: _____
Nick Maddox, Chairman
Board of County Commissioners

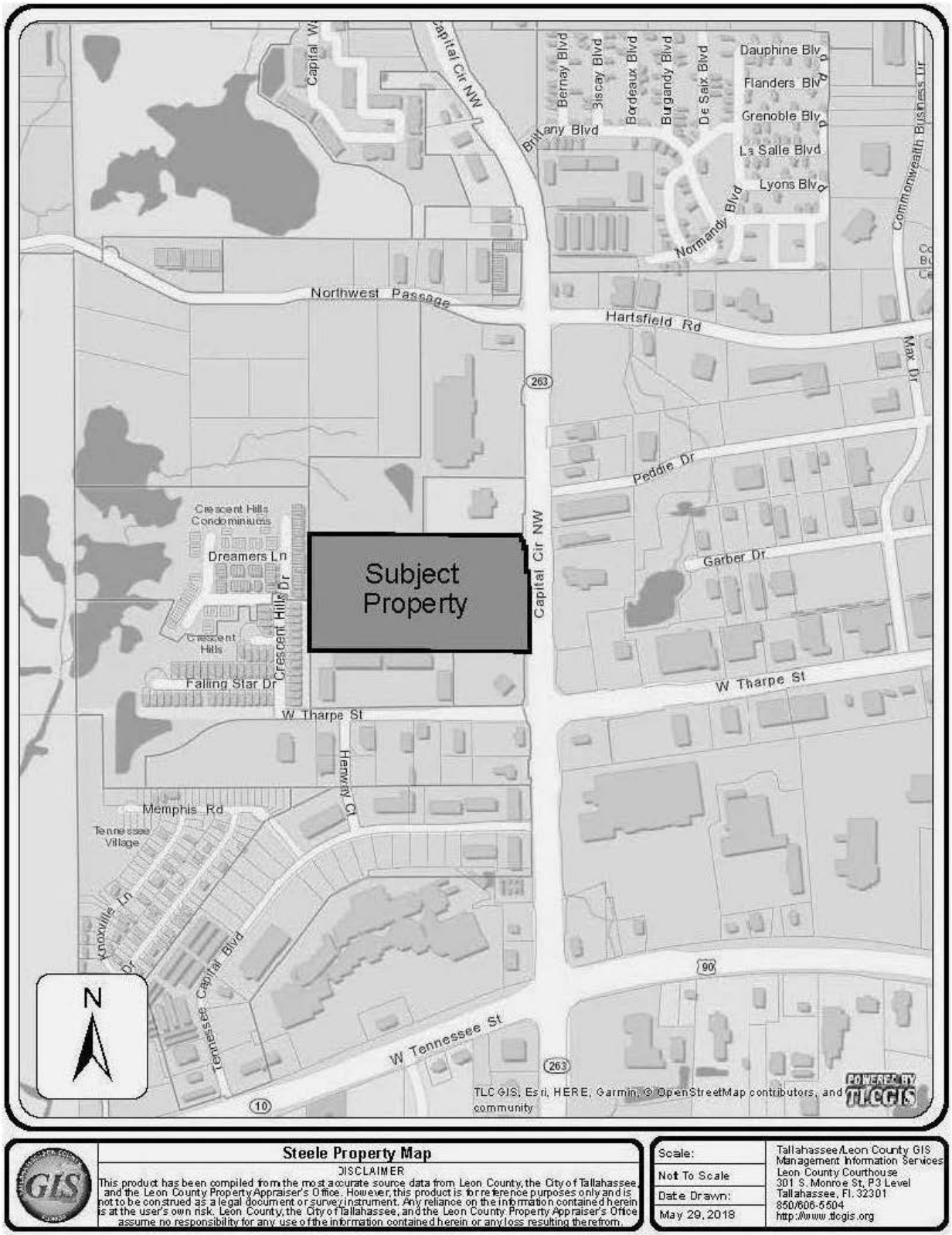
ATTESTED BY:
Gwendolyn Marshall, Clerk of Court &
Comptroller, Leon County, Florida

BY:_____

APPROVED AS TO FORM:
Leon County Attorney's Office

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

Exhibit "A"
Subject Property



Steele Property Map

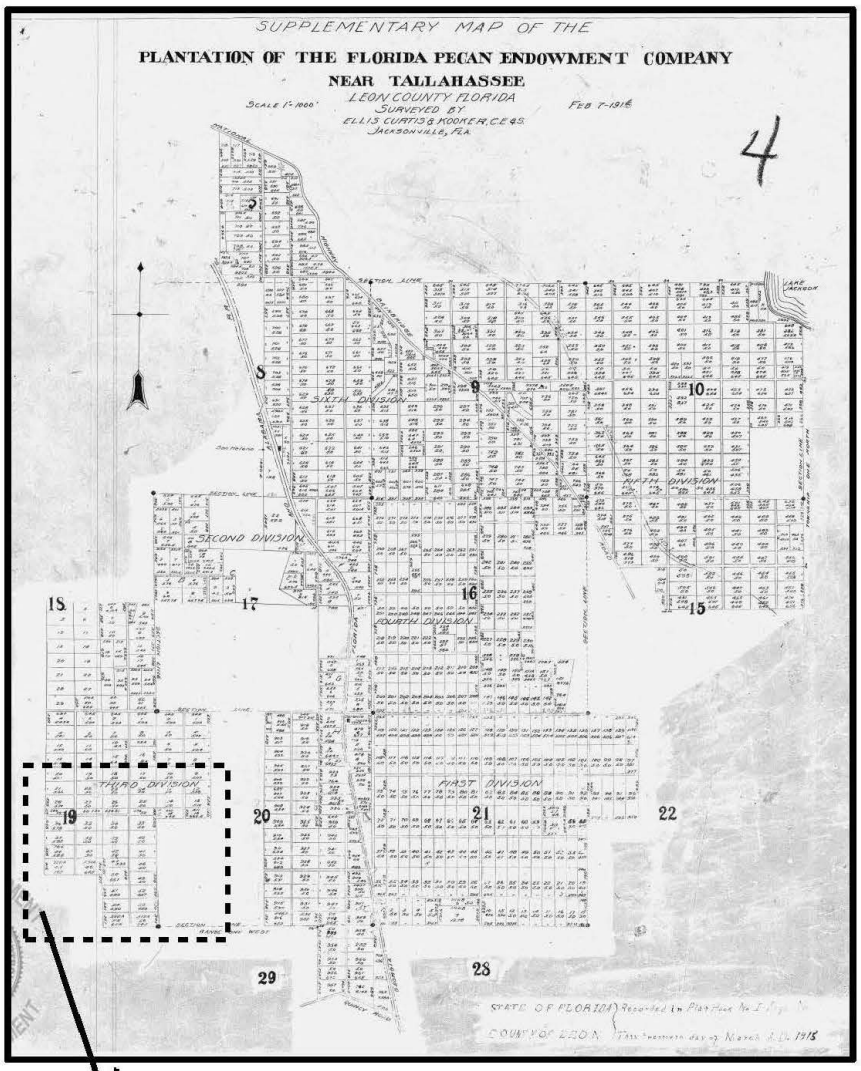
DISCLAIMER

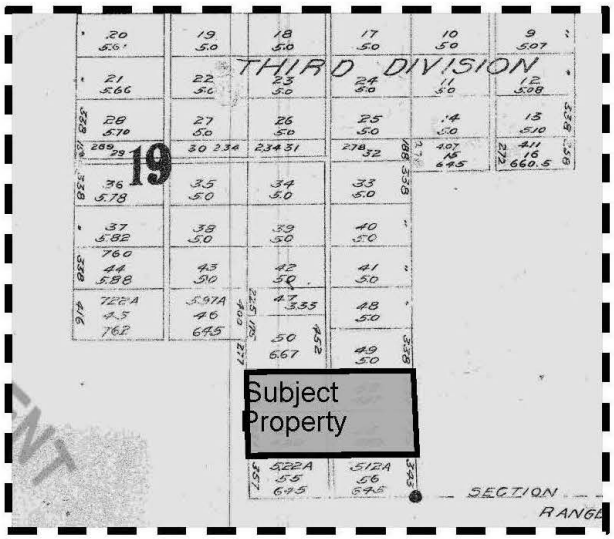
This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

Scale:	Not To Scale
Date Drawn:	May 29, 2018

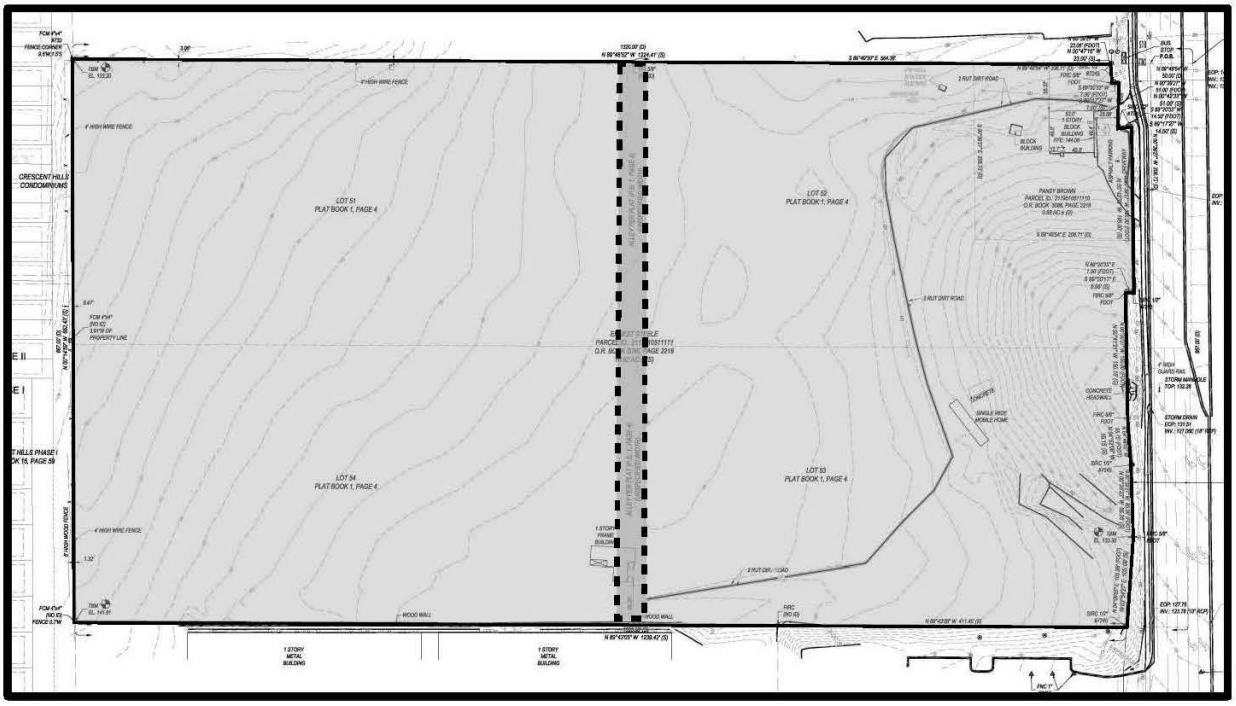
Tallahassee/Leon County GIS
Management Information Services
Leon County Courthouse
301 S. Monroe St, P3 Level
Tallahassee, Fl. 32301
850/606-5504
http://www.tlcgis.org

Composite Exhibit "B"
Platted Alleyway





Enlargement of Platted Alleyway



Subject Property

Platted Alleyway

Exhibit "C"

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to Section 336.10, Florida Statutes, that the Board of County Commissioners of Leon County, Florida (the "Board") will conduct a public hearing on Tuesday, July 10, 2018, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider the adoption of a resolution renouncing and disclaiming any right or interest of the County in and to the use of a portion of the unimproved alley abutting Lots 51, 52, 53, and 54 per the Plat of the Plantation of the Florida Pecan Endowment Company in unincorporated Leon County, Florida. The subject property is located on the west side of Capital Circle Northwest approximately 290 feet north of West Tharpe Street and is identified by the Leon County Property Appraiser as Parcel ID 21195105111111.

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

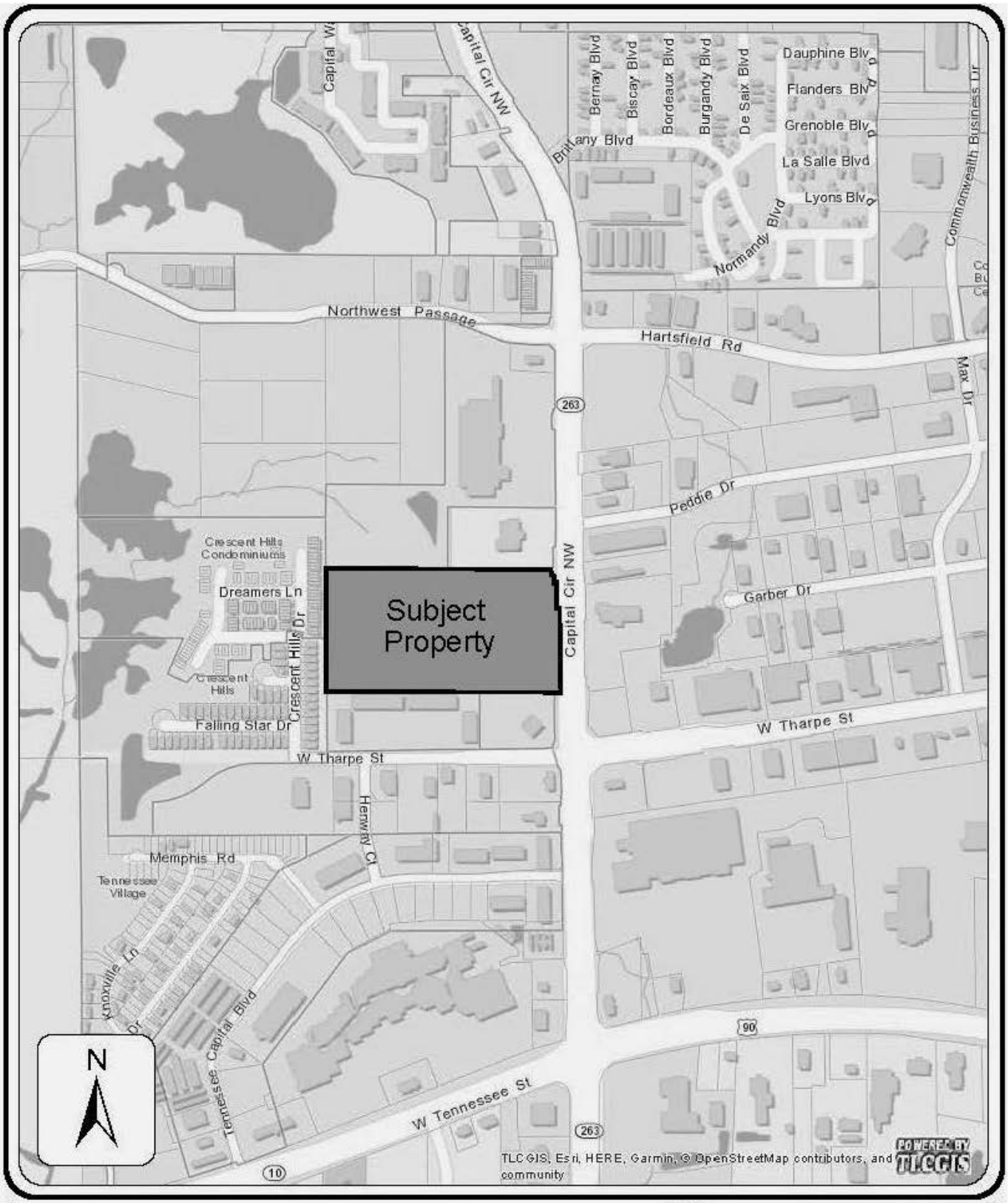
Copies of the documents may be inspected at the following locations during regular business hours:

Leon County Courthouse
301 S. Monroe St., 5th Floor Reception Desk
Tallahassee, Florida 32301

and

Leon County Clerk's Office
315 S. Calhoun Street, Room 750
Tallahassee, Florida 32301

Advertise: June 25, 2018



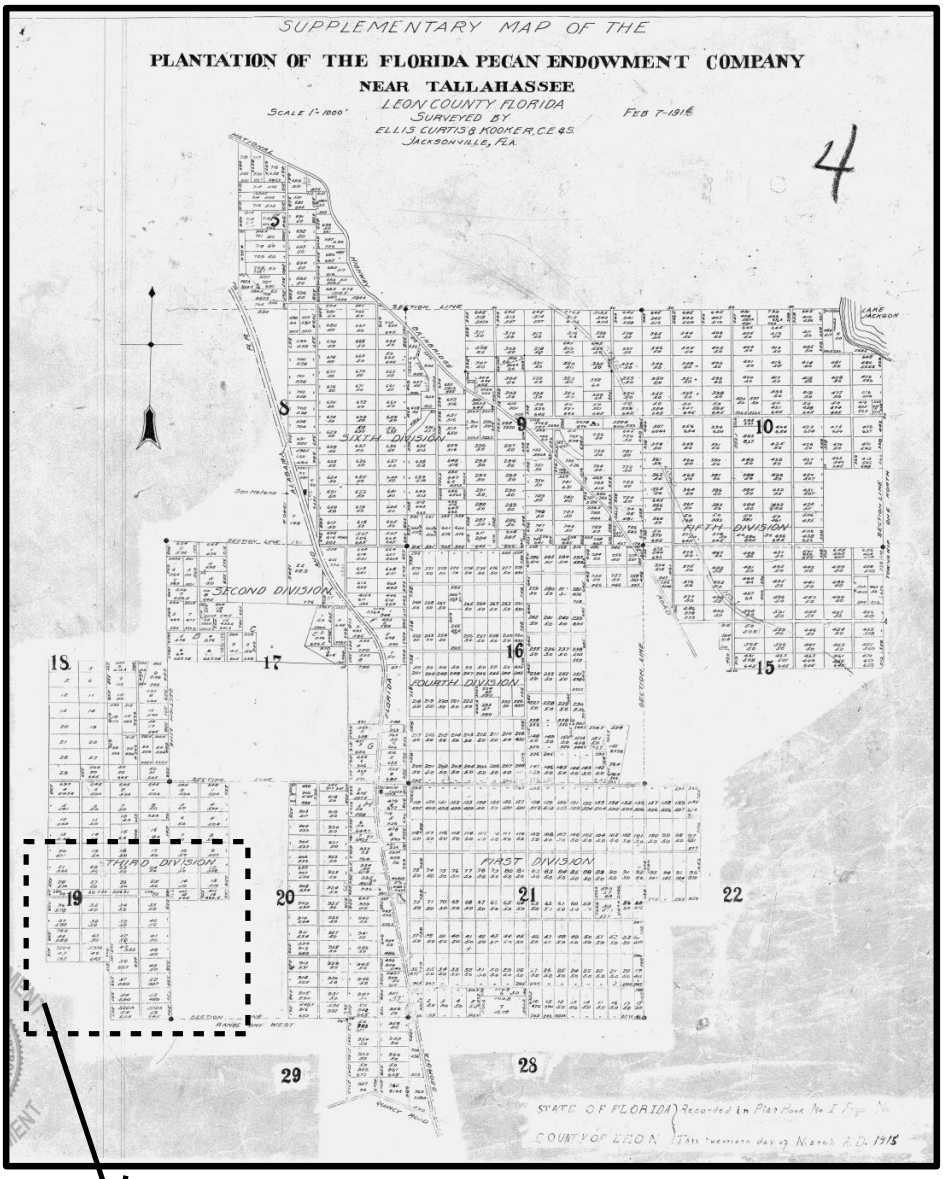
Steele Property Map

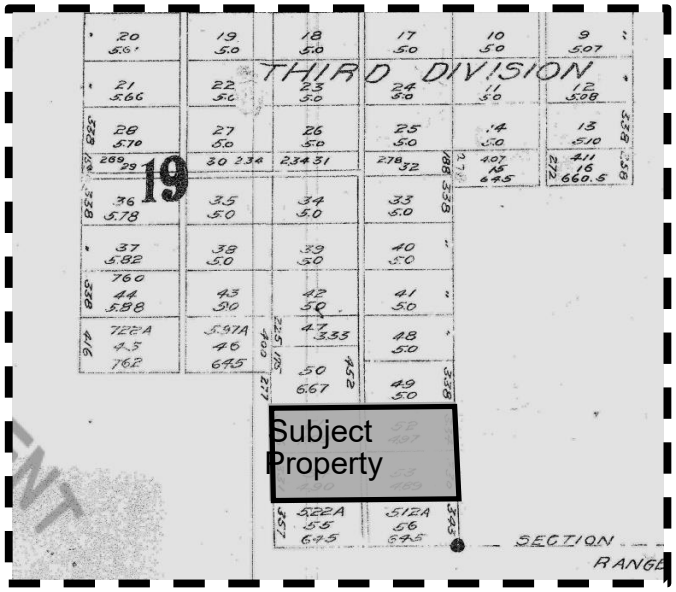
DISCLAIMER

This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

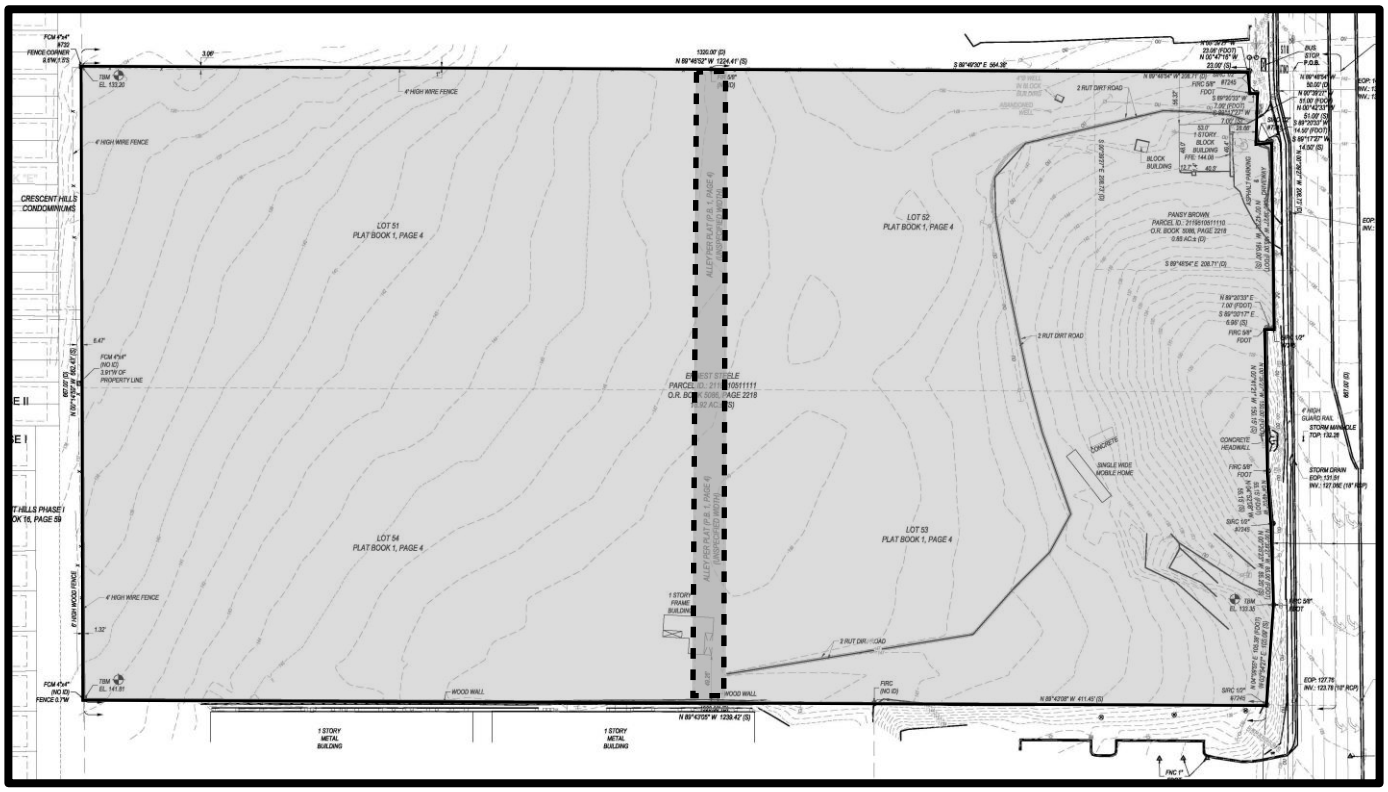
Scale:	Not To Scale
Date Drawn:	May 29, 2018

Tallahassee/Leon County GIS
Management Information Services
Leon County Courthouse
301 S. Monroe St, P3 Level
Tallahassee, Fl. 32301
850/606-5504
http://www.tlcgis.org


SUPPLEMENTARY MAP OF THE
PLANTATION OF THE FLORIDA PECAN ENDOWMENT COMPANY
NEAR TALLAHASSEE
LEON COUNTY FLORIDA
SURVEYED BY
ELLIS CURTIS & KOOKER, C.E.&S.
JACKSONVILLE, FLA.
SCALE 1"=1000'
FEB 7-1916
4
SIXTH DIVISION
FIFTH DIVISION
SECOND DIVISION
FOURTH DIVISION
THIRD DIVISION
FIRST DIVISION
LAKE JACKSON
STATE OF FLORIDA
COUNTY OF LEON
Recorded in Plat Book No. I Page No.
This twentieth day of March A.D. 1915


THIRD DIVISION
19
Subject Property
SECTION
RANGE

BOUNDRY SURVEY OF SUBJECT PROPERTY



Subject Property

Platted Alley

Daniel Rigo - FW: Steele property [HWHLAW-FirmLive.FID1297531]

From: "Martin S. Friedman" <mfriedman@ff-attorneys.com>
To: "mcghinm@LeonCountyFL.gov" <mcghinm@LeonCountyFL.gov>, Daniel Rigo <Rigo...
Date: 1/12/18 6:07 PM
Subject: FW: Steele property [HWHLAW-FirmLive.FID1297531]
Cc: "Jerilyn H. Reed" <Jerilyn.Reed@hwhlaw.com>, "Andy E. Peluso" <Andy.Pelu...
Attachments: H35.004-BNDRY TOPO 1-12-18.pdf

Mitzi & Dan,

Attached is the revised survey with the language referencing the alley. Please let me know if that is not sufficient. Also let me know if you need anything else from me to get the disclaimer from the County.

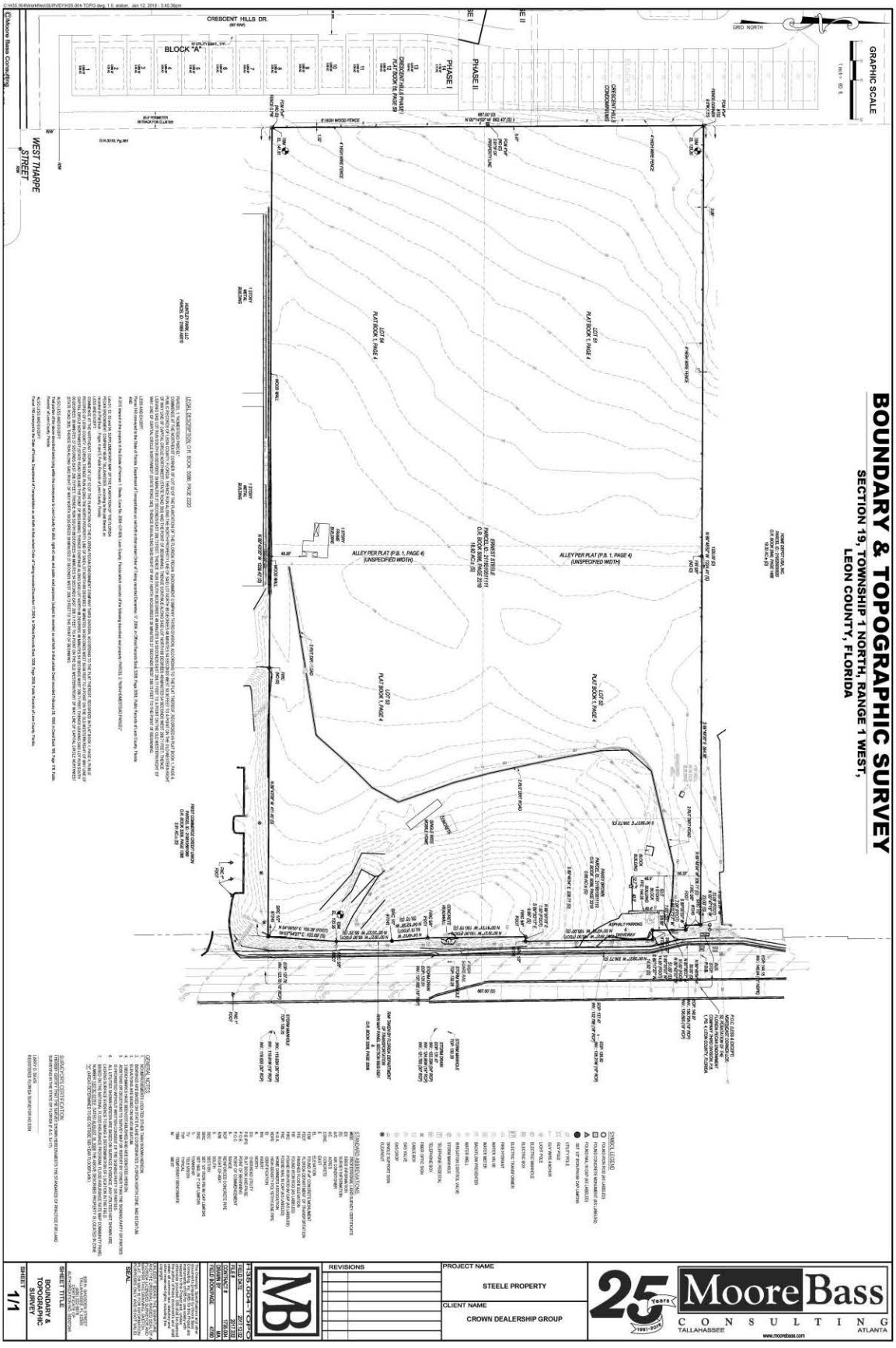
Thanks again for your help on this. Regards, Marty

MARTIN S. FRIEDMAN, ESQ.
Shareholder

friedman & friedman P.A.
ATTORNEYS AT LAW

766 North Sun Drive
Suite 4030
Lake Mary, FL 32746
T: 407.830.6331
F: 407.878.2178
C: 407.310.2077
mfriedman@ff-attorneys.com
Facebook | ff-attorneys.com

Notice: This email message, and any attachments hereto, contains confidential information that is legally privileged. If you are not the intended recipient, you must not review, transmit, convert to hard copy, copy, use or disseminate this email or any attachments to it. If you have received this email in error, please notify us immediately by return mail or by telephone at (407) 830-6331 and delete the original and all copies of this transmission, including any attachments. Thank you.


BOUNDARY & TOPOGRAPHIC SURVEY
SECTION 19, TOWNSHIP 1 NORTH, RANGE 1 WEST,
LEON COUNTY, FLORIDA
CRESCENT HILLS DR.
BLOCK "A"
PHASE I
PHASE II
WEST THARPE STREET
GRAPHIC SCALE
GRID NORTH
ALLEY PER PLAT (P.B. 1, PAGE 4) (UNSPECIFIED WIDTH)
LOT 51 PLAT BOOK 1, PAGE 4
LOT 52 PLAT BOOK 1, PAGE 4
LOT 53 PLAT BOOK 1, PAGE 4
LEGAL DESCRIPTION: O.R. BOOK 386, PAGE 220
GENERAL NOTES:
SURVEYOR'S CERTIFICATION:
SEAL
SHEET TITLE:
BOUNDARY & TOPOGRAPHIC SURVEY
SHEET
1/1
REVISIONS
PROJECT NAME
STEELE PROPERTY
CLIENT NAME
CROWN DEALERSHIP GROUP
MooreBass
CONSULTING
TALLAHASSEE
ATLANTA
www.moorebass.com

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to Section 336.10, Florida Statutes, that the Board of County Commissioners of Leon County, Florida (the "Board") will conduct a public hearing on Tuesday, July 10, 2018, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider the adoption of a resolution renouncing and disclaiming any right or interest of the County in and to the use of a portion of the unimproved alley abutting Lots 51, 52, 53, and 54 per the Plat of the Plantation of the Florida Pecan Endowment Company in unincorporated Leon County, Florida. The subject property is located on the west side of Capital Circle Northwest approximately 290 feet north of West Tharpe Street and is identified by the Leon County Property Appraiser as Parcel ID 2119510511111.

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

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

Leon County Courthouse
301 S. Monroe St., 5th Floor Reception Desk
Tallahassee, Florida 32301

and

Leon County Clerk's Office
315 S. Calhoun Street, Room 750
Tallahassee, Florida 32301

Advertise: June 25, 2018

A18-0362

Leon County
Board of County Commissioners

Notes for Agenda Item #32

Leon County Board of County Commissioners

Agenda Item #32

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Second and Final Public Hearing to Approve the Submittal of a Small Cities Community Development Block Grant Application

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator
Lead Staff/ Project Team:	Shington Lamy, Director, Human Services and Community Partnerships Andrew Johnson, Assistant to the County Administrator

Statement of Issue:

This agenda item seeks Board approval to submit an application for a Small Cities Community Development Block Grant in the amount of $750,000. If awarded, these funds will be utilized for renovations to the Concord School in the Miccosukee community.

Fiscal Impact:

This item has a fiscal impact and has been budgeted. As part of the grant application, the County will pledge $250,000 in matching funds for the project. Adequate funding is available and included as part of the adopted FY 2018 – FY 2022 Capital Improvement Program. If awarded, a grant agreement will be brought back to the Board for approval prior to the commencement of construction.

Staff Recommendation:

Option #1: Conduct the second and final public hearing and approve the submission of a $750,000 Federal FY 2017 Small Cities Community Development Block Grant application in the Neighborhood Revitalization category for renovations to the Concord School (Attachment #1).

Report and Discussion

Background:

Pursuant to the CDBG application process, this agenda recommends the Board conduct the second and final public hearing to approve the County submitting a $750,000 grant application to make renovations to the Concord School in support of the Miccosukee Sense of Place Initiative.

The Florida Department of Economic Opportunity Small Cities CDBG application process requires the local government to advertise and conduct two public hearings, with one being conducted by the governing body. The public hearing being conduct pursuant to this agenda item fulfills the local government requirement. The first public hearing was conducted by the CDBG Citizens Advisory Task Force (CATF) on June 6, 2018. The CATF is recommending the County apply for a $750,000 grant to make renovations to the Concord School in support of the Miccosukee Sense of Place Initiative.

On June 1, 2017, staff received notification that the Florida Department of Economic Opportunity (DEO) opened the Federal Fiscal Year 2017 Florida Small Cities Community Development Block Grant (CDBG) application process with an application deadline of August 13, 2018. The CDBG program provides funding to eligible local governments for housing, community and economic development, and neighborhood revitalization activities. Most recently, in 2014 the County was awarded a CDBG grant in the amount of $750,000 for housing rehabilitation. The County closed out this CDBG grant in April 2018.

At the January 23, 2018 meeting, the Board adopted a resolution to reauthorize the CDBG Citizens Advisory Task Force (CATF) to improve the competitiveness of the County's application for CDBG funding. Additional points on the grant application are provided to local governments that that establish a CATF to make recommendations on community needs prior to drafting an application. The CATF met on May 15, 2018 to receive an overview of the CDBG program and to discuss community needs. Subsequently, the CATF held a public hearing on June 6, 2018 at which it recommended the filing of a CDBG grant application in the Neighborhood Revitalization category in support of renovations to the Concord School in the Miccosukee community. The task force's decision was based upon the need for community facilities in Miccosukee as identified in the County's ongoing Miccosukee Sense of Place initiative, the County's recent acquisition of the Concord School from the Leon County School Board, and renovation needs at the facility.

Analysis:

Consistent with the recommendation of the CATF at its June 6, 2018 public hearing, staff proposes to apply for $750,000 in CDBG funding to renovate the Concord School in Miccosukee. The Concord School is a historically significant facility in the Miccosukee community. The original schoolhouse was constructed in 1897, during the Reconstruction era, to serve African-American students in the Miccosukee community. Following integration, the school was combined with the Miccosukee School, which operated until the 1980s. The historic

Concord Schoolhouse structure was relocated to the Tallahassee Museum and is now a part of the "Old Florida" exhibit. The current Concord (old Miccosukee) School, constructed in 1940, and Community Park serves as a combined educational facility and recreation area with a playground and ball fields. Today, the building houses the Miccosukee Boys and Girls Club, and is owned and maintained by Leon County as of January 2018. This building is nearly 78 years old and is currently in need of major renovations to continue operating as a community amenity. If awarded CDBG funding, this project will allow the County to make needed renovations to the Concord School building, enabling the County to consolidate the nearby Miccosukee Community Center with the amenities at the Concord School site. This objective was included in the recent Miccosukee Sense of Place Study, which the Board accepted at the April 24, 2018 Budget Workshop.

The Small Cities CDBG application process requires the local government to advertise and conduct two public hearings, with one being conducted by the governing body. As indicated above, the first public hearing was conducted by the CATF on June 6, 2018 (Attachment #2) to obtain public input and to recommend a project to the Board for a potential CDBG application. The meeting notice for the second and final public hearing is included as Attachment #3.

Options:

1. Conduct the second and final public hearing and approve the submission of a $750,000 Federal FY 2017 Small Cities Community Development Block Grant application in the Neighborhood Revitalization category for renovations to the Concord School.
2. Conduct the second and final public hearing and do not approve the submission of the Community Development Block Grant application.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Draft 2017 Small Cities Community Development Block Grant application
2. Meeting notice and materials for the June 6, 2018 CATF public hearing
3. Meeting notice for the July 10 public hearing

Form SC-60, Effective February, 2018

Florida Small Cities Community Development Block Grant (CDBG)

Application for Funding

Applicant: Leon County, Florida
(Name of Local Government)

☐ Commercial Revitalization ☒ Housing Rehabilitation

☒ Neighborhood Revitalization ☐ Economic Development

Federal Fiscal Year 2017

Application Due Date: August 13, 2018

Mailing Address: Department of Economic Opportunity
Bureau of Community Revitalization
107 East Madison Street – MSC 400
Tallahassee, Florida 32399-6508

Telephone: (850) 717-8405
Fax: (850) 922-5609
Web: http://www.floridajobs.org/SmallCitiesCDBG

DRAFT

Contents

Left click on the appropriate check boxes to indicate which parts of the application form are included in this application package.

- ☒ **Part 1 – General Information**
- ☒ **Part 2 – Application Profile and General Scoring Criteria (Required)**
- ☒ **Part 3 – Sources and Uses of Non-CDBG Funds**
- ☐ **Part 4 – Commercial Revitalization**
- ☐ **Part 5 – Economic Development**
- ☐ **Part 6 – Housing Rehabilitation**
- ☒ **Part 7 – Neighborhood Revitalization**
- ☒ **Part 8 – Certification and Score Summary (Required)**
- ☒ **Part 9 –Supporting Documentation (Required)**
  - ☒ **Appendix A: Maps (Required)**
  - ☒ **Appendix B: Local Governing Body's Resolutions for Signature Delegation and Application Submission (Required)**
  - ☒ **Appendix C: Comprehensive Plan Documents (Required)**
  - ☒ **Appendix D: Public Hearing/CATF Meeting Documentation (Required)**
  - ☒ **Appendix E: Leverage Documentation**
  - ☐ **Appendix F: Grant Application Preparation Cost Documentation**
  - ☒ **Appendix G: Readiness to Proceed Documentation**
  - ☒ **Appendix H: VLI/LMI Worksheets and Survey Documentation or Census Data and Maps**
  - ☐ **Appendix I: Documentation Related to Health and Safety Impact Score**
  - ☐ **Appendix J: Joint Agreements/Contingency Funding Documentation/Interlocal Agreements**
  - ☐ **Appendix K: Housing Assistance Plan (Required for all Housing Rehabilitation Applications)**
  - ☒ **Appendix L: Historic Preservation Documents**
  - ☐ **Appendix M: Special Designation Documentation**
  - ☐ **Appendix N: Documentation for Economic Development Applications**
  - ☐ **Appendix O: Documentation for Other Community Development Activities Score (Commercial Revitalization)**
  - ☐ **Appendix P: Documentation for Demolition of Vacant Dilapidated Structures (Commercial Revitalization)**
  - ☒ **Appendix Q: Local Government Minority Contracting and Fair Housing Score Documentation**
  - ☐ **Appendix R:**

DRAFT

Part 1 – General Information

DRAFT

Introduction

In 1974, Congress passed the Housing and Community Development Act, Title I, and created the Community Development Block Grant (CDBG) program. The CDBG program, funded by the U.S. Department of Housing and Urban Development (HUD), consists of an *entitlement program* that provides funds to urban areas and a *non-entitlement program* that provides funds to the states to award to smaller, mostly rural communities.

The Florida's Small Cities CDBG Program is administered by the Florida Department of Economic Opportunity (Department). Funding is awarded on a competitive basis. The scoring criteria are contained in this application form.

Cities with a population under 50,000, and counties with an unincorporated population under 200,000, are eligible to participate in the Florida Small Cities CDBG Program, unless they have accepted *special entitlement status* or have opted to join an *urban entitlement program*. A list of eligible communities is posted to the Department's website annually. Categories of funding include:

- Commercial Revitalization (CR)
- Economic Development (ED)
- Housing Rehabilitation (HR)
- Neighborhood Revitalization (NR)

Overall, at least 70% of the state's funding must benefit low- and moderate-income persons. Activities undertaken with CDBG funds must meet one of the following national objectives and each annual action plan developed by the Department will identify which national objective(s) will be funded from the annual federal allocation:

- Benefit low- and moderate-income persons
- Aid in the prevention or elimination of slum or blight
- Meet urgent community development needs

Pre-Application Activities
Local governments should review the Small Cities CDBG Program's administrative rule, Chapter 73C-23, Florida Administrative Code, and this application form to understand what activities must take place prior to the submission of an application and the scoring criteria for the application. For example, local governments must conduct two public hearings prior to submitting applications and may need to conduct surveys to document that at least 51% of the proposed beneficiaries are low- and moderate-income persons.

DRAFT

Notice of Application Cycle and Deadline for Submission

The Department publishes a Notice of Funding Availability (NOFA) in the Florida Administrative Register. The notice is published at least 30 days prior to the opening of the application cycle and is posted to the Department's website at http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/florida-small-cities-community-development-block-grant-program. The notice states the start and end dates of the application cycle.

Two copies of each application (at least one of which must have original signatures) must be received by the Department by 5:00 p.m., Eastern Time on the deadline date stated in the NOFA. The second copy of the application can be submitted as an electronic file. Applications shall be submitted to:

Florida Small Cities CDBG Program
Department of Economic Opportunity
107 East Madison Street – MSC 400
Tallahassee, Florida 32399-6508

Applications can be hand-delivered to the CDBG Office – Caldwell Building, 107 East Madison Street, Tallahassee, Florida. The applications must be received and date stamped by 5:00 p.m. Eastern time on the deadline date stated in the NOFA.

By the application deadline, one copy of the materials listed below must be sent to the Regional Planning Council that serves the applicant.

1. Part 2 - Application Profile and General Scoring Criteria
2. Part 9 - Forms and Supporting Documentation – Appendix A: Maps

Application Format and Application Submission

The application is divided into nine parts. A local government must complete the parts of the application that relate to the activities for which it is requesting funds. Do not submit the entire application. Submit only those parts required for all applications and the part specifically related to the category (Commercial Revitalization, Economic Development, Housing Rehabilitation, or Neighborhood Revitalization) for which funds are being requested.

- All applicants must complete the cover section and Parts 2, 8, and 9. Only the relevant appendices from Part 9 should be submitted with the application.
- Part 3 must be submitted by all applicants that are requesting points for non-CDBG funds that will be used on the project.
- Parts 4, 5, 6, and 7 pertain to individual funding categories. Submit the appropriate part for the category of funds being requested.

DRAFT

Part 2 – Application Profile and General Scoring Criteria

DRAFT

Application Profile
Table G-1

Local Government Contact Information:

Local Government Name: Leon County, Florida		
Street Address: 301 S. Monroe Street		
Mailing Address (if different):		
City: Tallahassee	Zip Code: 32301	County: Leon
Main Telephone: 850-606-5300	Main Facsimile: 850-606-5301	Federal ID Number: 59-6000708
DUNS Number: 193730645	Local Government's Name in DUNS: Leon, County of	

Chief Elected Official: Nick Maddox	Title: Chairman
Telephone: 850-606-5300	Facsimile: 850-606-5301
E-mail Address: MaddoxN@LeonCountyFL.gov	

Local Government Financial Officer: Scott Ross	Title: Director, Office of Financial Stewardship
Telephone: 850-606-5100	Facsimile: 850-606-5101
E-mail Address: RossS@LeonCountyFL.gov	

Local Government Project Contact: Andy Johnson	Title: Assistant to the County Administrator
Street Address: 301 S. Monroe Street	
City: Tallahassee	Zip Code: 32301
Direct Telephone: 850-606-5383	Facsimile: 850-606-5301
E-mail Address: JohnsonAn@LeonCountyFL.gov	

DRAFT

Application Profile – Table G-1 (Continued)

Application Preparer Information		
Preparer's Name: Andy Johnson	Organization Preparing Application: ☒ Local Government ☐ Private Company ☐ RPC	
Street Address: 301 S. Monroe Street		
City: Tallahassee	State: FL	Zip Code: 32301
Telephone: 850-606-5383	Facsimile: 850-606-5301	
E-mail Address: JohnsonAn@LeonCountyFL.gov		

Consultant Information		
Consultant's Name:		☐ Private Company ☐ RPC
Street Address:		
City:	State:	Zip Code:
Telephone:	E-mail Address:	

Demographics		
U.S. Congressional District Number: FL-5	Florida Senate District Number: 3	Florida House District Number: 9
Service Area Census Tract(s) and Block Group(s): Census Tract 25.08, Block Groups 1 and 3		

Application Type: Indicate the application category. A completed application must include the appropriate section as listed below.	
☐ Commercial Revitalization (Part 4)	☐ Economic Development (Part 5)
☐ Housing Rehabilitation (Part 6)	☒ Neighborhood Revitalization (Part 7)

DRAFT

Application Profile – Table G-1 (Continued)

Citizen Participation – Public Hearings Documentation of the citizen participation activities must be included in Appendix D of Part 9.	
List the date that the public notice for the first public hearing was published: 6/4/2018	List the date when the first public hearing was held: 6/6/2018
List the date that the public notice for the second public hearing was published: 6/26/2018	List the date when the second public hearing was held: 7/10/2018

Subgrant Funding Request:
The maximum funding request for Neighborhood Revitalization, Commercial Revitalization and Housing Rehabilitation subgrants is based on the jurisdiction's LMI population as determined by HUD. Please see the table below. The maximum subgrant funding request for Economic Development subgrants is $1,500,000, and the cost per job created must be less than $35,000. At the bottom of the left column, enter the actual LMI population. (Data available on CDBG website.) At the bottom of the right column, enter the actual subgrant amount being requested.

LMI Population	**Maximum Subgrant Request**
1 – 499	$600,000.00
500 – 1,249	$650,000.00
1,250 – 3,999	$700,000.00
4,000 – and above	$750,000.00
Local Government's LMI Population: 26,520	Subgrant Funds Being Requested: $ 750,000

DRAFT

Application Profile
Table G-1 (Continued)

Answer the following questions by clicking on the correct check box.		
Historic Preservation Will the project impact a building, public improvement or planned open space that is 50 or more years old? If yes, documentation must be provided in Appendix L of Part 9. (See instructions.)	☒ Yes	☐ No
Interlocal Agreement Will project activities require an interlocal agreement? If ***yes***, the interlocal agreement(s) must be provided in Appendix J of Part 9. (See instructions.)	☐ Yes	☒ No
State of Financial Emergency Is the local government currently identified as being in a State of Financial Emergency pursuant to Section 218.50 – 218.504, Florida Statutes? Check at http://www.leg.state.fl.us/cgi-bin/View_Page.pl?File=financial-emergencies.cfm&Directory=committees/joint/Jcla/&Tab=committees	☐ Yes	☒ No
Grant Preparation Costs The applicant may request subgrant funds for the cost of application preparation. See instructions if funds are requested. Does the applicant wish to request subgrant funds for the cost of application preparation? If yes, documentation must be included in Appendix F of Part 9. Amount: $_____	☐ Yes	☒ No
National Flood Insurance Program Is the applicant currently participating in the National Flood Insurance Program?	☒ Yes	☐ No

DRAFT

Project Narrative — G-2

Describe the proposed project using the guidelines in the instructions. Specific directions for Commercial Revitalization and Economic Development application narratives can be found in the instructions. Use additional pages as needed.

Leon County proposes to renovate the Concord School building in the Miccosukee rural community, which is located in northeastern Leon County. The building was acquired by Leon County in January 2018 and is in need of extensive renovations to continue operating as a community amenity. Through this project, Leon County will make exterior and interior renovations to the building such as roof repairs, space reconfiguration, windows and doors, plumbing, electrical, and other work.

The Concord School building and Miccosukee Community Park is a combined educational facility and recreation area with a playground and ball fields. The school building and associated recreation facilities once served as a community school that was closed in the 1980s, and today, the building houses the Miccosukee Boys and Girls Club. The facility serves a small rural community that is located in a remote area of the county. Leon County recently conducted a Sense of Place Study for the Miccosukee Community which identified an opportunity to consolidate the nearby Miccosukee Community Center with the amenities at the Concord School site once renovated. This would provide an opportunity to make enhancements to both the Concord School building and and the park grounds to serve community needs, based on input gathered from the Miccosukee Community during the Sense of Place Study. Following initial renovations to the building, future project phases will create opportunities to provide mobile connectivity and internet access in the Miccosukee rural community, utilize the Concord School as an emergency "comfort station" following hurricanes and tropical storms, and potentially to establish library services on site.

As indicated above, Leon County acquired the Concord School building in January 2018. In acquiring the building, the County budgeted $250,000 to make initial repairs; however, upon a thorough assessment of the condition of the building, staff identified additional renovation needs far exceeding available funds. Accordingly, Leon County is seeking grant funding through the Small Cities CDBG program to assist with needed repairs and to ensure that the facility can continue to serve as a community amenity in rural Miccosukee. Because this project will help to preserve and revitalize a declining, primarily residential, low- and moderate-income service area neighborhood by addressing the major infrastructure problems contributing to such decline, the project meets the Low-Moderate Income national objective. Leon County is conducting a survey of households within the service area in July 2018 to validate the 51% LMI benefit national objective.

The initial project phase will total $900,000, which includes $750,000 in CDBG funding and a $150,000 local match. If awarded funding, construction will begin in early 2019 and will be completed within approximately 6 months. Leon County participates in the National Flood Insurance Program, and the Concord School is not located within a flood-prone area (see Part 9, Appendix A to this application).

DRAFT

General Scoring Criteria — Table G-3

1. Community-Wide Needs Score (CWNS) The CWNS for each non-entitlement local government is posted on the Department's website at: http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/florida-small-cities-community-development-block-grant-program/downloads-and-information-for-applicants **(Transfer this score to line 1. of the Application Scoring Summary page – Part 8, page 4.)**	**Score:** 91.48
2. Special Designation Score Check all applicable designations below and enter a score of 20 points if all CDBG activities will be conducted within any of the boundaries of the special designation areas checked. Documentation must be included in Appendix M of Part 9. (See instructions.) **(Transfer this score to line 3a. of the Application Scoring Summary page.)**	**Score:** 0
☐ Rural Area of Opportunity (RAO)	☐ Rural Community as defined by §288.0656, F.S.
☐ Area of Critical State Concern pursuant to §380.05, F.S.	☐ Florida Enterprise Zone pursuant to §290.0065, F.S.
3. Grant History Score: If the applicant has not had an open CDBG contract in the NR, CR, or HR categories within five years of application deadline, claim 100 points. **(Transfer this score to line 3b. of the Application Scoring Summary page.)**	**Score:** 0
4. CATF Score: The applicant can score a maximum of 10 points if it has appointed a Citizen Advisory Task Force (CATF) to provide input on all phases of the Small Cities CDBG Program process and the CATF met to discuss community needs and make recommendations to the local governing body before the application was drafted. The task force must be comprised of residents of the applying jurisdiction, and at least 51% of the members must be from LMI households. None of the members can be an elected official of the jurisdiction, and only one member can be an employee of the applicant. The CATF shall have at least five members, and at least 51% members must participate in the meeting to claim CATF points. Documentation must be included in Appendix D of Part 9. (See instructions.)	
4a. If the CATF met before the first public hearing was conducted and before a draft application was developed to discuss community needs and make recommendations to the local governing body as to the program area and activities that should be considered when drafting a Small Cities CDBG application, **score 10 points, or** **4b.** If the CATF met before the notice for the second public hearing was published and before a draft application was finalized to make recommendations to the local governing body as to the program area and activities that should be included in its Small Cities CDBG application, **score 5 points.** **(Transfer this score to line 3c. of the Application Scoring Summary page.)**	**Score: 10**
If applicable, list the date that the public notice for the CATF meeting was published: 5/8/2018	If applicable, list the date when the CATF meeting was held: 5/15/2018

DRAFT

General Scoring Criteria — Table G-3 (Continued)

5. Outstanding Performance in Equal Employment Opportunity (EEO)

M/WBE Contracting: The applicant may claim up to 20 points for achievement in Minority-/Women-Owned Business Enterprises (M/WBE) contracting in the most recent Small Cities CDBG subgrant that was administratively closed not more than four years before application deadline date. Review the M/WBE reports submitted to DEO for that subgrant and enter a score based on the achievement reported.

Most Recent Administratively Closed Small Cities CDBG Contract Number:	15DB-OJ-02-47-01-H-14

$419,656.40 Amount Awarded to M/WBE firms	÷	$746,177.07 Total Prime Contracts Amount	X 100 =	56.24 M/WBE %

M/WBE %	**Points**
0.0 – 4.99%	0
5.0 – 14.99%	5
15.0 – 19.99%	10
20.0 – 24.99%	15
25.00%+	20

If the applicant has not administratively closed a Small Cities CDBG subgrant within four years of the application deadline date, score 5 points.

5a. M/WBE Contracting Score:

20
(Maximum 20 points)

Local Government Minority Employment: The applicant may claim up to 60 points for meeting minority employment goals. Complete the table below to calculate the applicant's percentage of minority employees. See instructions for calculations.

Number of Permanent Full-time Equivalent Minority Applicant Employees	÷	Number of Permanent Full-time Equivalent Applicant Employees	=	Applicant's Percentage of Minority Employees
249.5		725.1		34.4%

Enter percentage of minorities in the applicant's county: 37.0%

If the "Prorated 60 Points Score" is claimed, complete the following equation:

Applicant's Percentage of Minority Employees	÷	Percentage of Minorities in Applicant's County	=	Applicant's Percentage of Minority Employees	X 60 =	Points Claimed
34.4		37.0		.9297		55.78

DRAFT

If the applicant has three or less employees, 40 points may be claimed.	
5b. Local Government Minority Employment Score (60 Points Maximum):	55.78

6. Outstanding Performance in Fair Housing

The applicant may claim five points for adopting a Fair Housing Ordinance prior to the application deadline and five points for conducting a Fair Housing workshop in the 12 months prior to the application deadline**.** See instructions for guidelines and documentation requirements.

	Date	**Score**
6a. Date Fair Housing Ordinance Adopted:	5/11/2010	5
6b. Date of Fair Housing Workshop:		5
6c. Total Fair Housing (6a+6b) Score (10 Points Maximum):	10	

Outstanding Performance in EEO and Fair Housing (5a+5b+6c) Score: 85.78
(Transfer this score to line 2. on the Application Scoring Summary page – Part 8, page 4.)
(90 points maximum)

DRAFT

Part 2 – Application Profile and General Scoring Criteria

Instructions

DRAFT

Application Profile (Table G-1)
The application profile must reflect the requested information about the applicant, including demographics; the person who prepared the application; and the type of application. The applicant's name as it appears in the DUNS system must be included in the appropriate box on page 2.

Citizen Participation
1. The Applicant may appoint a Citizens Advisory Task Force (CATF) to make recommendations on community needs prior to drafting an Application for Funding and to provide input during the implementation of any subgrants that the Applicant receives. An Applicant can claim up to 10 points on its Application for Funding if it has an active CATF. To claim points for having CATF participation in the application process, the following conditions must be met:

(a) The task force shall be comprised of at least five residents of the Applicant's jurisdiction, and at least 51% of the members must be from low- to moderate-income households.

(b) No more than one employee of the Applicant can serve on the CATF, and no elected officials of the Applicant can serve as members of the task force.

(c) The CATF shall conduct at least one meeting prior to an Application for Funding being drafted and prior to the notice for the second public hearing being published to discuss community needs and to provide recommendations to the local governing body. The meeting shall be advertised in accordance with subsection 73C-23.0031(27), F.A.C. A minimum of 51% of the members must participate in the meeting.

(d) If the Applicant is claiming points for having an active CATF, copies of the public notice, affidavit of publication, meeting minutes and sign-in sheet shall be included in Part 9, Appendix D, of the Application for Funding, Form SC-60, which is further described in paragraph (6)(a) below. If the affidavit is not available by the application deadline, it must be provided by the end of the "completeness period" to retain the points.

2. Local governments must conduct two public hearings in accordance with subsection 73C-23.0041(1) prior to submitting their applications for funding. The hearings shall be advertised in accordance with subsection 73C-23.0031(27). Documentation of the citizen participation activities must be included in Appendix D of Part 9. The following documents shall be included:

- Copies of the required public hearing notices and affidavits of publication;
- Certified copies of the minutes from the public hearings.

Historic Preservation
Answer "Yes" if any project activity will result in one of the following:
- Direct physical changes to a structure 50 or more years old, such as demolition (partial or complete), rehabilitation, restoration, remodeling, renovation, expansion, or relocation
- Direct physical changes to public improvements 50 or more years old, such as stone curbs or brick streets
- Direct physical changes to a planned open space 50 or more years old, such as a park or plaza
- Project activities occurring within 100 feet of a structure, public improvement, or planned open space 50 or more years old
- Project activities occurring in a Historic District listed on the National Register of Historic Places.

DRAFT

If this question is answered "Yes," proceed as follows:

- Contact the State Historic Preservation Office (SHPO) during the application planning process. Properties listed, or eligible for listing, in the National Register of Historic Places must be designed in accordance with the recommended approaches in the ***Secretary of the Interior's Standards or Rehabilitation Guidelines for Rehabilitating Historic Buildings*** (U.S. Department of the Interior, National Park Service). This publication and technical assistance may be obtained from the SHPO, 500 South Bronough Street, Tallahassee, Florida 32399-0250.
- Provide original photographs to SHPO that can be used to determine the historical/architectural significance of the property. Photographs must show each side of the structure and general views of the property in its surroundings; they should be identified by street address and keyed to the service area map. If potentially significant historic properties are identified, SHPO will recommend the appropriate approach.
- Provide the following documentation in Appendix L of Part 9:
  - The location/address;
  - The construction date;
  - The activity affecting the historic property; and
  - The results of any pre-application discussions with SHPO regarding the potential impact of the proposed project on historic properties

Interlocal Agreements

Indicate whether or not activities will require an interlocal agreement. If activities will take place, or services will be extended or provided, outside of the applicant's jurisdiction, include in Appendix J an interlocal agreement signed by the chief elected officials, or legally designated individuals of the jurisdictions, that specifies:

- The units of local government (parties involved)
- The purpose of the interlocal agreement
- A delineation of the cooperation between the parties involved
- A description of the activities and the service area(s)
- The amount of funds being committed (and associated terms)
- A statement that the project is not inconsistent with the local comprehensive plans of all involved jurisdictions

1. Prior to application submission, a written interlocal agreement shall be executed by all local governments in whose jurisdictions the CDBG activities will be undertaken. The interlocal agreement must authorize the applying local government to undertake the activities outside its jurisdiction, giving the concurrence of the other local government(s) with the activity and committing resources by one or more local governments, or some other entity which has provided written assurance, to maintain the activity. Such an interlocal agreement must be submitted with the Application for Funding.

2. Each local government signing an interlocal agreement shall affirm that all activities, project areas, service areas, and job creation locations are not inconsistent with its comprehensive plan.

3. The application shall contain excerpts of the comprehensive plans of all local governments in whose jurisdiction activities will take place. The excerpts must document that the activities, project areas, service areas, and job creation locations are not inconsistent with the local government's comprehensive land use plan.

DRAFT

4. An eligible Applicant's activities can extend beyond its jurisdiction, provided the areas outside its jurisdiction are eligible. The Applicant must have legal authority to provide such services or undertake such activities and be supported by a signed interlocal agreement executed by both eligible local governments. Except for Economic Development projects, no more than 25 percent of the service area beneficiaries may reside outside the Applicant's jurisdiction unless all CDBG funded work is taking place within the Applicant's jurisdiction or on property owned by the Applicant. When all work will take place within the Applicant's jurisdiction or on property owned by the Applicant, up to 50 percent of the beneficiaries may reside outside the Applicant's jurisdiction.

5. Pursuant to 24 CFR 570.486(b), an eligible individual Applicant may apply to undertake a portion of an eligible Neighborhood Revitalization activity in an otherwise eligible location outside its jurisdiction or service area, if it can provide written documentation that the activity is required by an engineer or by a state or federal agency having regulatory authority over the activities. Any benefit to persons outside the jurisdiction or service area must not be a Direct Benefit and may only be incidental to the activity undertaken within the jurisdiction or service area.

Subgrant Application Preparation Costs

If subgrant application preparation costs are to be paid from the subgrant, the grant writer must have been procured pursuant to 2 CFR sections 200.317-.326. Include the following in Appendix F of Part 9:

Include the following in Appendix F of Part 9:

- A copy of the Request for Proposal advertisement
- The ranking sheets
- Minutes of the meeting where the grant writer was selected
- A copy of the invoice from the grant writer
- A copy of the contract between the local government and the grant writer

If the Department determines that the procurement or contracting process did not meet program requirements, or that an expense is ineligible, the associated expense(s) will be disallowed.

If the local government prepared the application using local government staff or the staff of another governmental agency selected pursuant to Chapter 287, F.S., the local government may seek payment only for direct costs incurred as part of the application preparation. In order to be eligible for payment, documentation of direct costs must be provided with the application.

National Flood Insurance Program

Please indicate whether the local government is a current participant in the National Flood Insurance Program.

Project Narrative (G-2)

The information below must be included in the project narrative:

1. Applications proposing more than one activity or service area must include a narrative for each activity and/or service area.
2. Applications presenting both addressed and unaddressed needs must include a separate project narrative for each.
3. For addressed and unaddressed needs, a narrative description of each proposed activity must include the following information:

DRAFT

- Activity description, including the need being met
- Explanation of the need for CDBG funding
- Proposed construction start and completion dates
- Quantity and location of activity within the service area
- Cost of the activity
- How the activity meets a national objective
- Purpose of the activity (if not readily apparent)
- Beneficiaries (Total, VLI and LMI) of the activities.

4. Describe all activities to be undertaken and the projected cost, without regard to the funding source or whether such funding will be counted for leverage.
5. Describe any activities in which a portion of the construction will occur outside of the applicant's jurisdiction.
6. Describe any impact that proposed DOT or county road construction will have on the proposed CDBG funded activity.
7. Specify whether any portion of the project area is located in a flood-prone area and whether the local government participates in the National Flood Insurance Program.
8. If complementary activities are being undertaken, explain how they relate to the project.
9. If funds from other sources are being "leveraged," describe how the funds will be used (what they will pay for, etc.).
10. If the removal of public building architectural barriers to handicapped persons is being paid for with CDBG funds, identify:
    - The location and function of each building
    - The barriers to be removed in each building
    - How the expenditure of CDBG funds will resolve the problem
11. If using a survey that was completed for a previous CDBG project, state the subgrant number and year the survey was conducted.
12. The narrative for Economic Development applications must also include a statement regarding, or description of, the following:
    - The roles of all Participating Parties, local governments, agencies, and other parties whose actions or participation are necessary for the project's success
    - The number and types of jobs to be created and/or retained
    - Additional development, spin-off jobs, and the need for additional goods and services which are likely to be stimulated by the proposed project
    - Any increases to the tax base that will occur, including property, sales, and other taxes
    - Anticipated training needs of LMI persons who may apply for the created jobs; and how and who will provide the training
    - That the cost per job to be created and/or retained by each Participating Party as a direct result of the CDBG assisted activity is $34,999 or less in CDBG funds.

DRAFT

13. The narrative for Commercial Revitalization applications must also include a statement regarding, or description of, the following:

If acquisition or demolition other than for an easement is proposed as part of the project, provide the following documentation with the application:

- The purpose of the proposed acquisition or demolition
- A list of the sites proposed for acquisition or demolition
- The ownership of each site
- Current zoning and land use of the proposed site
- Estimated value of each site
- Current zoning for each site

For activities addressing the Slum and Blight National Objective, include a description of the slum or blight conditions being addressed by the activity and documentation that the activity is eligible under CDBG regulations.

General Scoring Criteria (Table G-3)

1. Enter the **Community Wide Needs Score** provided by the Department. This document is posted to the Department's website at: http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/florida-small-cities-community-development-block-grant-program/downloads-and-information-for-applicants
2. If the local government has one or more special designations, enter 20 points for the **Special Designation Score**. Points cannot be claimed unless all activities occur within the boundaries of the special designation. The service area or project area map and the jurisdiction map must show the boundaries of the designated area(s) if the designation does not encompass the entire jurisdiction.
3. If the applicant has not had an open CDBG subgrant in the NR, HR, or CR categories within five years of application deadline, claim 100 points for the **Grant History Score**.

Outstanding Performance in Equal Employment Opportunity

1. Achievement in M/WBE Contracting
   - Enter the appropriate score based on achievement reported in Minority-/Women-Owned Business Enterprises (M/WBE) reports to the Department from the most recently administratively closed subgrant. The percentage is calculated by dividing the total amount of funds reported as awarded to M/WBE contractors or subcontractors by the total amount of all prime contracts awarded.
   - If the applicant has no administratively closed CDBG subgrant within four years of the application deadline date, score 5 points.
2. Local Government Minority Employment

   When determining the local government minority employment score:

   - "Permanent full-time employment" includes full-time and part-time employees who are eligible to receive benefits, but not elected officials. County applicants shall count only the staff employed by the Board of County Commissioners, and not any constitutional officers. Only one payroll within 45 days of the application deadline shall be used for establishing total full-time employees and total full-

DRAFT

time minority employees.

- The number of part-time employees, who meet the definition of permanent full-time employees because they are eligible to receive benefits, must be converted to full-time equivalents (FTE) based upon the number of hours worked in an average week, with 40 hours per week setting the standard for full-time employment.
- Minority population percentages are provided by the Department. For the local government employment score calculations, "within the County" includes the sum of incorporated and unincorporated areas.
- The applicant may claim:
- 60 points if the percentage of permanent full-time and full-time equivalent minority employees equals or exceeds the percentage of minorities within the County, or
- 40 points if the local government has three or fewer employees without regard to full-time or part-time status, or
- A prorated portion of 60 points if the percentage of full-time and full-time equivalent minority employees is less than the percentage of minorities within the county.

Outstanding Performance in Fair Housing

The applicant may claim:

1. Five points if, before the application deadline, the local government adopted a Fair Housing Ordinance that covers all federally protected classes (race, color, familial status, handicap, national origin, religion, and sex)**.**
2. Five points if the local government conducted a Fair Housing workshop within 12 months before the application deadline date that meets all the following conditions:
   - Public notice was provided pursuant to 73C-23.0031(27), F.A.C.,
   - The workshop was conducted by the local government, and the information presented during the workshop was designed for the public, property owners, housing professionals and local elected officials**,**
   - An agenda and training materials covering both the state and federal Fair Housing laws were provided to all participants, and
   - A sign-in sheet was maintained.

Someone must attend the workshop to claim the points for conducting the workshop.

EEO/Fair Housing Summary

Up to 90 points can be claimed for Outstanding Performance in Equal Employment Opportunity and Outstanding Performance in Fair Housing:

- 20 points for Achievement in M/WBE contracting
- 60 points for Local Government Minority Employment
- 10 points for Outstanding Performance in Fair Housing

DRAFT

Part 3 – Sources and Uses of Non-CDBG Funds

DRAFT

Sources and Uses of Non-CDBG Funds
Private, Participating Party, Public Leverage from Non-Local and Local Funding Sources
Table L-1

Activity #	Source	Amount Claimed for Scoring	Amount Not Claimed for Scoring	Type (Participating Party, Loan, Grant, Local Government Funds, Donated Land, or Other Leverage)
03E	Leon County Government	$150,000	$	Local government funds
		$	$	
		$	$	
		$	$	
		$	$	
		$	$	
Totals		$150,000	$	
Total Funds Claimed for Leverage Scoring		$150,000		

Use the preceding totals to compute the number of points you are claiming for leverage scoring on the next page.

DRAFT

Leverage Score Summary

Leverage Points Calculation for NR, CR, and HR

Communities with a LMI Population of 1,249 or Less

$ _____ ÷ $1,000 = _____ Points

(25 Points Maximum)

Leverage Points Calculation for NR, CR, and HR

Communities with a LMI Population of 1,250 or More

$150,000 ÷ $2,000 = 75 Points

(25 Points Maximum)

Leverage Points Calculation for ED

$ _____ ÷ $10,000 = _____ Points

(125 Points Maximum)

Leverage Score: 25

(Transfer this score to line 3d. on the Application Scoring Summary page in Part 8. 25 Points Maximum for NR, HR, and CR. 125 Points Maximum for ED.)

DRAFT

Part 3 – Sources and Uses of Non-CDBG Funds

Instructions

DRAFT

Leverage

Leverage includes local government funds, grants and loans to the local government, funds expended by other entities for the project, including a Participating Party in an Economic Development project, fee waivers, or land required for the project which is donated by the local government or any other entity or private individual (i.e., an easement). Special CDBG allocations awarded separately from the annual allocation, such as disaster recovery funding, may be used as leverage. Leverage funds must be spent on activities that are eligible for CDBG reimbursement in the program category that is being funded to receive leverage points for the respective application. Funds expended incidentally in a service area by other entities, on activities which the local government is not legally responsible for, and which would occur regardless of the CDBG activity (such as FDOT paving of a state highway), may not be claimed for leverage.

Points can be claimed for documented leveraged funds that were committed to the project by resolution or vote of the local governing body prior to the application deadline. A copy of the resolution or certified meeting minutes must be included with the application (Appendix E) that reflects the commitment. List by activity all leverage funding; indicate the source and amount of funds that will be claimed for scoring.

In addition to the resolution or certified minutes, documentation of leverage provided by non-local sources must be submitted to the Department with the application to qualify for points.

- For Commercial Revitalization, Housing Rehabilitation and Neighborhood Revitalization applications in communities with fewer than 1,250 LMI residents, claim one point for each $1,000 of non-CDBG funds contributed to the project as leverage. (25 Points Maximum)
- For Commercial Revitalization, Housing Rehabilitation and Neighborhood Revitalization applications in communities with 1,250 LMI residents or more, claim one point for each $2,000 of non-CDBG funds contributed to the project as leverage. (25 Points Maximum)
- For Economic Development applications, claim one point for each $10,000 of non-CDBG funds contributed to the project as leverage. List all funds to be contributed.

The following requirements relate to the use of leveraged funds claimed for application score points:

a. Except for grant application preparation costs, leverage must be expended after the date of application site visit and prior to submission of the administrative closeout

b. Leveraged funds must be expended proportionately and concurrently with CDBG funds to the extent feasible.

c. Except for fee waivers and donation of land, leverage must be cash expenditures.

d. Impact, permit and other fees which the local government would normally collect due to the CDBG project, but which the local government waives, qualifies as local government leverage. (If the fee would have been collected by another entity and that entity waives the fee, it qualifies as “non-local” leverage.)

e. Except for administrative and engineering costs, leverage funds shall only be expended on eligible activities for the program category that is

DRAFT

being funded to qualify for scoring. The leveraged activities must meet the LMI national objective. For NR and CR projects, the leveraged activities shall take place in the designated service areas.

f. Funds for jurisdiction-wide or large area-wide activities (i.e., sewer or water treatment plant, water tank, etc.) shall not be counted unless the CDBG project is for the same activity or the leveraged funds are for a new or expanded water or sewer plant and the CDBG project is for the associated water or sewer lines or hook-ups.

   The proportion to be counted shall be based on a pro-rata share of service to the project's beneficiaries. If beneficiary information is not available, households may be used for calculating the proportion. (For example, leveraging a new sewer plant with a CDBG grant for 50 of 200 total hookups will allow the proportion to be calculated using total and CDBG beneficiaries, if these are known; if total beneficiaries are unknown, use the proportion of CDBG hook-ups to total hook-ups [25%].)

g. Grant or loan funds, which the local government will expend as leverage, must be under contract or awarded to the local government when the application is submitted. All documents necessary to complete the award, loan or grant must be fully executed by all parties before the application deadline date.

h. Funds not yet awarded by EDA may be claimed for leverage if the local government can document that it received a written formal notification that their EDA application has been received, reviewed and found to warrant further consideration within the 12 months before the application deadline.

i. Grants or loans from the Florida Communities Trust, pursuant to Chapter 380.501-.515, F.S., may be counted if the parcel is included in a grant awarded prior to application deadline and the parcel will be part of a CDBG activity.

j. State Housing Initiatives Partnership (SHIP) funds can only be used for leverage on Housing Rehabilitation projects.

k. For grants and loans in NR, for each $5 of construction leverage expended on an activity, there must be at least $1 of CDBG funds expended on the same activity.

   To meet this requirement, the following activities listed separately in the application shall be considered one activity:
   - Water plant, new or replacement water lines and water hook-ups
   - Sewer plant, new or replacement sewer lines and sewer hook-ups
   - New roads and resurfacing existing road

l. Land acquisition, including easements, required for any activity shall be considered part of that activityFunds which will be expended on the project by another entity must be officially committed to the project on the application deadline by a letter signed by an authorized individual representing that entity. The letter must state the amount, source and use of the entity's funds and, except for SHIP funds, must indicate that the funds are currently available. The applicant is responsible for ensuring that the person signing the letter is authorized to commit the funds.

DRAFT

Donated Land

m. To be counted for leverage, land must already be owned by the local government, be the subject of a purchase agreement or purchase option, or be the subject of a donation agreement (contingent on only the local government obtaining the grant and completing the project).

n. Donation of land qualifies as leverage only if the property is not already being used for the CDBG activity requiring the land and the donation allows the local government to avoid a purchase of land for the project. If the land is already in use and the CDBG activity allows continuation of the existing use, leverage cannot be claimed (i.e., land being used as a park will not qualify as leverage for a new park; land not used as a park, but donated for that use will qualify as leverage; a golf course which will also be used as a wastewater spray field will not qualify as leverage.)

o. The value of donated land shall be based on one of the following:
   - The most recent value established by the County property appraiser.
   - An appraisal based on proposed use by a state licensed appraiser.
   - The most recent sale price if sale was within 12 months of application deadline; or, for property valued at less than $10,000, a statement of value from someone knowledgeable about property values.
   - For easements, a proportional value, based on the size of the easement to the value of the total property's size, is acceptable.

Economic Development/Participating Party Leverage

In addition to the overall leverage requirements, leverage funds provided by a Participating Party must be reflected in the Participating Party's letter of commitment. For scoring purposes, a Participating Party may claim a leverage amount that is less than the total amount reflected on Table E-2.

To qualify for points, funds must be:

- In the form of available cash, new equity or debt funds.
- Spent on activities at the job creation location or on activities directly in support of grant-related activities at the job creation location.
- Expended on initial startup costs.

Funds cannot be for ongoing costs of operation, such as payroll, rent, lease expense, inventory purchases, non-capitalized equipment, maintenance, or other like expenses may not be counted.

DRAFT

Public Leverage from Local Funding Sources
Leverage contributions provided by the local government must be reflected on Table L-1 and in the local government's letter of commitment.

To be claimed for points, funds:

- Must be from the applying local government.
- Must be used for CDBG eligible activities that directly enhance or expand the scope of the CDBG activities or project, are in direct support of the job creating entities, or are necessary for the completion of the proposed CDBG funded activities.
- May include funds from General Revenue, Program Income from a prior CDBG project, waiver or payment of permitting fees, funds expended which will not be reimbursed by a CDBG grant.
- Cannot be grants from any governmental or private agency, in-kind services, normal recurring governmental services or expenses, forgiven or deferred taxes, donations, or expenses that are maintenance in nature.
- Can be provided by a loan; however, the loan must be fully approved, subject only to the receipt of CDBG or other federal funding.
- Can be administrative costs for CDBG application preparation paid by the local government, which will not be reimbursed by the subgrant.

Public Leverage from Non-Local Government Sources
Leverage funds provided by non-local government sources must be reflected on Table L-1 and in the Participating Party's letter of commitment.

To claim points, funds must be:

- From a source other than CDBG, the applying local government (applicant), or a political subdivision of the applicant.
- Used for CDBG eligible activities that directly enhance or expand the scope of the CDBG activities or project, are in direct support of the job creating entities, or are necessary for the completion of the proposed CDBG funded activities.
- Fully approved and ready to be sold, if provided by the sale of bonds.
- Fully approved, subject only to the receipt of CDBG or other federal funding, if provided by a loan.
- An amount that is not less than the amount reflected on Table L-1.

DRAFT

Other Funds Needed for the Project (Not Claimed for Leverage)

Identify (by activity, amount and source) in the appropriate column of the Sources and Uses of Non-CDBG Funds spreadsheet any funds not claimed for leverage, but which are required for the project. For Neighborhood Revitalization, Commercial Revitalization and Housing Rehabilitation projects, documentation of the availability of these funds will be requested at the site visit. Funds are "available" if the local government can document (e.g., executed funding document or letter of funds award) that the funds are guaranteed. For the application to remain fundable, this documentation must be received by the Department no later than the end of the completeness period.

For Economic Development projects, documentation of the availability of all funds necessary for the completion of a project must be provided by the end of the 60-day offer to contract period.

DRAFT

Part 7 – Neighborhood Revitalization

DRAFT

CDBG Funds and Activity Goals — Table N-1

A		B	C	D	E	F
1. Activity Number and Name (*Same points in the activity supported.)		Appropriate RUS Engineering Table	Enter CDBG Activity Funds	% of CDBG Project Cost (Col. C ÷ Total of Col. C)	Goal Points	Activity Goal Score (D x E)
01	Acquisition (in support of)*	NA	$		*	
03J	Fire Hydrants [16**]	Table II	$		75	
03J	Fire Protection [1]	Table II	$		75	
03I	Flood and Drainage [2]	Table II	$		90	
03I	Hazard Mitigation Activities [3]	Table II	$		50	
14A	Housing Rehabilitation – Plumbing [4]	NA	$		60	
03F	Parks, Playgrounds [5]	Table II	$		65	
03L	Pedestrian Malls/Sidewalks [6]	Table II	$		80	
03E	Recreation/Neighborhood Center	Table II	$750,000	1.000	70	70
08	Relocation	NA	$		35	
10	Removal of Architectural Barriers [7]	Table II	$		50	
03A	Senior Center	Table II	$		70	
03C	Temporary Shelters[11]	Table II	$		70	
03J	New Sewage Treatment Plant	Table I	$		110	
03J	Sewage Treatment Plant Upgrades	Table I	$		85	
03J	New Sewer Lines & Components [8]	Table I	$		110	
03J	Sewer Line Replacement [9]	Table I	$		85	
03J	Sewer Hookups [10]	Table I	$		110	
03J	Solid Waste Disposal	Table II	$		25	
03K	Street Improvements – New Paving [12]	Table II	$		85	
03K	Street Improvements – Repaving [13]	Table II	$		70	

*Same points as the activity it supports. **The numbered activity footnotes are located on page 22 of the Neighborhood Revitalization Instructions.

DRAFT

CDBG Funds and Activity Goals – Table N-1 (Continued)

A		B	C	D	E	F
1. Activity Number and Name (*Same points in the activity supported.)		Appropriate RUS Engineering Table	Enter CDBG Activity Funds	% of CDBG Project Cost (Col. C ÷ Total CDBG Project Cost)	Goal Points	Activity Goal Score (D x E)
03J	Water Hookups [14]	Table II	$		110	
03J	Water Lines, New – Potable [15]	Table II	$		110	
03J	Water Line Replacement [9]	Table II	$		85	
03J	New Water Tank/Well/Treatment Plant [6]	Table I	$		110	
03J	Water Tank/Well/Treatment Plant Improvements [6]	Table I	$		85	
03M	Child Care Center	Table II	$		70	
03P	Health Facility	Table II	$		70	
			$		25	
			$		25	
2. Add Column C (from both pages) to get the Total CDBG Project Cost:			$750,000			

3. Add the Activity Goal Scores in Column F (from both pages) to get the Total Activity Goal Score: 70

(110 Point Maximum)

4. Indicate the Appropriate RUS Used and Enter Engineering Funds:		RUS Table Used: ☐ I ☐ II ☐ Both Prorated	
4a. Basic Fee	$N/A		
4b. Resident Inspection Fee	$N/A		
4c. Preliminary Engineering Fee	$N/A		
4d. Additional Engineering Services:	$N/A		
5. Total the CDBG Engineering Fees (4a+4b+4c+4d_):		$0	
6. Enter CDBG Administrative Cost:		$0	
7. Total the CDBG Funds Requested (2+5+6):		$750,000	

DRAFT

Addressed Needs – CDBG Activities and Beneficiaries
Table N-2a

Census or survey data must be compiled to complete this and the remainder of the application forms.

A		B	C	D	E	F
Activity Number and Name		Enter # of Addressed CDBG Units	Enter # of VLI Beneficiaries ≤ 30% AMI	Enter # of LI Beneficiaries 30.01-50% AMI	Enter # of MI Beneficiaries 50.01-80% AMI	Enter # of Total CDBG Beneficiaries
01	Acquisition (in support of)					
03J	Fire Hydrants					
03J	Fire Protection					
03I	Flood and Drainage					
03I	Hazard Mitigation Activities					
14A	Housing Rehabilitation – Plumbing					
03F	Parks, Playgrounds					
03L	Pedestrian Malls/Sidewalks					
03E	Recreation/Neighborhood Center	TBD	TBD	TBD	TBD	TBD
08	Relocation					
14E	Removal of Architectural Barriers					
03A	Senior Center					
03C	Temporary Shelters[11]					
03J	Sewage Treatment Plant					
03J	New Sewer Lines & Components					

(Use the following units of measure in Column B: Barriers, Buildings, Homes, Hydrants, Lift Stations (LS), Linear Feet (LF), Plants, Sites, Tanks, Wells, and Units.)

DRAFT

Addressed Needs – Activities and Beneficiaries
Table N-2a (Continued)

A		B	C	D	E	F
Activity Number and Name		Enter # of Addressed CDBG Units	Enter # of VLI Beneficiaries ≤ 30% AMI	Enter # of LI Beneficiaries 30.01-50% AMI	Enter # of MI Beneficiaries 50.01-80% AMI	Enter # of Total CDBG Beneficiaries
03J	Sewer Line Replacement					
03J	Sewer Hookups [10] (Beneficiaries calculated by Households)					
03J	Solid Waste Disposal					
03K	Street Improvements – New Paving [12]					
03K	Street Improvements – Repaving [13]					
03	Utility Hookups – Other (Beneficiaries calculated by Households)					
03J	Water Hookups [14] (Beneficiaries calculated by Households)					
03J	Water Lines, New – Potable [15]					
03J	Water Line Replacement [9]					
03J	New Water Tank/Well/Treatment Plant [6]					
03J	Water Tank/Well/Treatment Plant Improvements [6]					
03M	Child Care Center					
03P	Health Facility					

DRAFT

Unaddressed Needs – Activities and Beneficiaries
Table N-2b

Census or survey data must be compiled to complete this and the remainder of the application forms.

A		B	C	D	E	F
Activity Number and Name		Enter # of Unaddressed CDBG Units	Enter # of VLI Beneficiaries ≤ 30% AMI	Enter # of LI Beneficiaries 30.01-50% AMI	Enter # of MI Beneficiaries 50.01-80% AMI	Enter # of Total CDBG Beneficiaries
01	Acquisition (in support of)					
03J	Fire Hydrants					
03J	Fire Protection					
03I	Flood and Drainage					
03I	Hazard Mitigation Activities					
14A	Housing Rehabilitation – Plumbing					
03F	Parks, Playgrounds					
03L	Pedestrian Malls/Sidewalks					
03E	Recreation/Neighborhood Center	TBD	TBD	TBD	TBD	TBD
08	Relocation					
14E	Removal of Architectural Barriers					
03A	Senior Center					
03C	Temporary Shelters[11]					
03J	Sewage Treatment Plant					
03J	Sewer Lines & Components					

(Use the following units of measure in Column B: Barriers, Buildings, Homes, Hydrants, Lift Stations (LS), Linear Feet (LF), Plants, Sites, Tanks, Wells, and Units.)

DRAFT

Table N-2b (Continued)

A		B	C	D	E	F
Activity Number and Name		Enter # of Unaddressed CDBG Units	Enter # of VLI Beneficiaries ≤ 30% AMI	Enter # of LI Beneficiaries 30.01-50% AMI	Enter # of MI Beneficiaries 50.01-80% AMI	Enter # of Total CDBG Beneficiaries
03J	Sewer Line Replacement					
03J	Sewer Hookups [10] (Beneficiaries calculated by Households)					
03J	Solid Waste Disposal					
03K	Street Improvements [12]					
03K	Street Improvements – Repaving [13]					
03	Utility Hookups – Other (Beneficiaries calculated by Households)					
03J	Water Hookups [14] (Beneficiaries calculated by Households)					
03J	Water Lines, New – Potable [15]					
03J	Water Line Replacement [9]					
03J	New Water Tank/Well Treatment Plant [6]					
03J	Water Tank/Well/Treatment Plant Improvements [6]					
03M	Child Care Center					
03P	Health Facility					

DRAFT

Beneficiary Verification Summary by Service Area
Table N-3

A	B	C	D	E	F	G	H	I	J
Enter Service Area # / Benefit Survey Method*	Enter Activities to be Completed in Each Service Area (Use More than One Line for Multiple Activities)	Enter Total # of Households (HH in the Service Area (Universe-Col. H)	Enter Total # of Responses Required	Enter Total # of Households Responding to the Survey	Enter Total # of VLI Beneficiaries	Enter Total # of LMI Beneficiaries	Enter Total # of All Beneficiaries	Calculate Percent of VLI Benefit (F ÷ H)	Calculate Percent of LMI Benefit (G ÷ H)
A	Rec./Neighborhood Ctr.	TBD	TBD	TBD	TBD	TBD	TBD	TBD%	TBD%
								%	%
								%	%
								%	%
								%	%
								%	%
								%	%
								%	%
								%	%
								%	%
								%	%
								%	%
								%	%
								%	%
								%	%
								%	%
								%	%

DRAFT

* A= Random Sample, B=Small Service Area, C=Census, D= Survey from previous application, not more than five years old, where the service area is identical to the one in the previously submitted application. If a random survey was conducted, include as an appendix a description of the methodology which describes the basis of the universe, the confidence interval selected, and the procedures used to contact the initial sample before surveying an alternate. The sample and alternates must be selected from a random number generator website (such as random.org) and a print out of those numbers included in the appendix.

Beneficiaries Scores — Table N-4

For scoring purposes, the beneficiaries of a jurisdiction-wide activity, including a water or sewage treatment plant, on which less than 10 5% of total CDBG funds are budgeted shall not be used when calculating the unduplicated beneficiary scores in this table.		1.(a) Enter the total funds requested (total CDBG request)	$750,000
1.(b) Enter the total number of grant unduplicated VLI beneficiaries:	TBD	1.(c) Enter the total number of grant unduplicated LMI beneficiaries:	TBD
1.(d) Enter the total number of grant unduplicated beneficiaries:	TBD	1.(e) Enter the total number of unduplicated LMI households:	TBD

a. **VLI Beneficiary Impact Score:** Calculate the Unduplicated VLI Beneficiary Percentage: 1.(b) divided by 1. (d) = TBD% Based on the result, designate with an X the score that is appropriate.	Unduplicated VLI Beneficiary Percentage	**Score**
	30.00% or More	☐ 30
	20.00% to 29.99%	☐ 20
	10.00% to 19.99%	☐ 10
	Less than 10.00%	☐ 0
b. **LMI Beneficiary Impact Score:** Calculate the Unduplicated LMI Beneficiary Percentage: 1.(c) divided by 1. (d) = TBD% Based on the result, designate with an X the score that is appropriate.	Unduplicated LMI Beneficiary Percentage	**Score**
	70.00% and above	☐ 125
	66.00% to 69.99%	☐ 110
	61.00% to 65.99%	☐ 90
	56.00% to 60.99%	☐ 70
	51.01% to 55.99%	☐ 50
c. **Average Cost per Unduplicated LMI Beneficiary Score:** Calculate the Average Cost per Unduplicated LMI Beneficiary: 1.(a) divided by 1. (c) = $TBD Based on the result, designate with an X the score that is appropriate.	Cost per Unduplicated LMI Beneficiary	**Score**
	$11,000 or More	☐ 0
	$10,000 to $10,999	☐ 10
	$9,000 to $9,999	☐ 20
	Less than $9,000	☐ 30
d. **Average Cost per Unduplicated LMI Household Score:** Calculate the Average Cost per Unduplicated LMI Household: 1.(a) divided by 1. (e) = $TBD Based on the result, designate with an X the score that is appropriate.	Cost per Unduplicated LMI Household	**Score**
	$20,000 or More	☐ -100
	$16,000 to $19,999	☐ -50
	$13,000 to $15,999	☐ 20
	$11,000 to $12,999	☐ 40
	$9,000 to $10,999	☐ 60
	Less than $9,000	☐ 85

DRAFT

Readiness to Proceed Score

If biddable construction plans and specifications for all "addressed need" activities have been completed, and permit applications for all infrastructure activities have been submitted to the applicable permitting agencies no later than application deadline, the applicant can claim 50 points. Otherwise, score zero points.

The following documentation must be included in Appendix G of the application when it is submitted to the Department:

1)A letter from the engineer or architect who prepared the construction plans and specifications, addressed to the chief elected officer of the applicant,-certifying the following:

- that the signed, sealed and dated plans and specifications are complete,
- that the bid documentation, including the plans and specifications, provided with the application contains all of the information that a contractor would need to bid on the project, except for the Davis-Bacon wage decision(s) and the CDGB Supplemental Conditions, and
- that applications have been submitted for all permits that are required to begin construction on the infrastructure activities included in the application. (If the only permitting agency is the applicant local government, the engineer shall certify that the applicant is the only agency from which a permit is required. If no permits are required for the project, the engineer shall certify to that effect.)

2)A signed and sealed copy of the plans and specifications, plus all necessary bid documents, except for the Davis-Bacon wage decision(s); the local government's list of minority/women business enterprises, and the CDBG Supplemental Conditions;

3)Documentation that all required infrastructure permit applications were submitted to the appropriate agency(ies). (Receipts from UPS or the U.S. Postal Service, email or letter from permitting agency(ies) saying that the permit applications had been received.)

4) Deficiencies in these submissions identified during DEO's review of the application can be cured. However, the local government must provide curing documentation no later than the end of the "completeness period" that verifies that the plans and specifications were completed prior to the application deadline and that all required applications for permitting were submitted to the appropriate permitting agencies prior to the application deadline or the points claimed here will be reduced to zero.

Readiness to Proceed Score: 50 (50 Points Maximum)

DRAFT

Health and Safety Score — Table N-5

Enter the appropriate Health and Safety Impact score. Documentation for points claimed must be included in Part 9, Appendix I. Scoring options are as follows:

Option A: A total of 75 points can be claimed if the local government can document all of the following:

- The proposed activity will be in one or more of the service areas. Activities outside a service area may only count for scoring pursuant to Chapter 73C-23, F.A.C., and
- The activity to be paid for with CDBG funds will correct the deficiencies specified in an existing enforcement action (administrative order, consent order, judicial proceeding or order by a state or federal agency). Activities conducted in lieu of fines do not qualify.

All CDBG-funded construction activities must meet the requirements of this option to claim the full 75 points.

Option B: A total of 65 points can be claimed if the activity will provide first-time sewer or drinking water service to a service area, that a state or local agency says could have health and safety issues associated with septic tanks or other contamination sources. All CDBG-funded construction activities must meet the requirements of this option to claim the full 65 points.

Option C: A total of 35 points can be claimed if the local government can document all of the following:

- An activity proposed to be addressed with CDBG funds has been the subject of a Federal Emergency Management Agency (FEMA) Damage Survey Report (DSR) or Project Worksheet prepared for and submitted to FEMA for review and approval and was prepared at least 30 days but no more than 30 months before the application deadline, and
- The FEMA Damage Survey Report, Data Sheet or Project Worksheet was prepared in response to a federally declared natural disaster, declared before the application deadline. An engineer's written statement that the proposed CDBG activity will prevent the recurrence of the damage specified in the FEMA Damage Survey Report, Data Sheet or Project Worksheet must be provided.

All CDBG-funded construction activities must meet the requirements of this option to claim the full ~~25~~ 35 points

Option D: A total of 45 points can be claimed if the local government can document all of the following:

1. An activity to be addressed with CDBG funds was cited, in writing, by a State or Federal Regulatory Agency, before the application deadline;
2. The citation states a violation of state or federal statutes, rules, or regulations that affect the health and/or safety of the local government's citizenry; and
3. The citation was issued to the local government and includes the following:
   - the statutory or regulatory basis for the citation,
   - a description or reference to the corrective action that the regulatory agency requires, and
   - if a specific citation form, document, or process exists by State Rule or Federal Regulation, that form, document or process must be used.

All CDBG-funded construction activities must meet the requirements of this option to claim the full 45 points.
This option shall be used for work required by a regulatory agency's inspection report that meets 1-3 above, but has not risen to the level of enforcement action described in Option A.

DRAFT

Health and Safety Score — Table N-5 (Continued)

Option E: A portion of the 75, 65, 35 or 45 points can be claimed if the local government documents that some activities meet the above criteria. If this option is selected, use the formula to calculate proportional points.

e. If CDBG funds will be expended for activities that meet the criteria for more than one option, points shall be prorated for each option and then totaled together, but the total score claimed shall not exceed 50 points.

Please note that CDBG funds cannot be used to pay fines or civil penalties related to enforcement actions. Also, Health and Safety points cannot be claimed for a project that is being undertaken in lieu of fines and penalties related to enforcement actions. Health and Safety Points cannot be claimed to address the same deficiency/citation that was used to obtain funding in a previous CDBG subgrant.

If Option E was selected, complete the following equation:

Enter the cost of activities subject to A, B, C, or D		Enter the CDBG Project Cost (not including Engineering or Admin. Costs)		Enter the result (%) as a four-digit decimal		Enter the Appropriate Multiplier (75, 65, 35 or 45)		Option E Score
$	÷	$	=		x		=	

Check the Health and Safety Score being claimed.

☐ Option A. (75 Points) ☐ Option B. (65 Points) ☐ Option C. (35 Points) ☐ Option D. (45 Points) ☐ Option E. (Prorated) ☒ N/A

Enter the Health and Safety Score: 0
(75 Points Maximum)

DRAFT

Calculating the Category Summary Score		
Scores	Type of Score	
70		Total Activity Goal Score (from page 3)
TBD	+	Unduplicated VLI Beneficiary Percentage Score (from page 9)
TBD	+	Unduplicated LMI Beneficiary Percentage Score (from page 9)
TBD	+	Cost per Unduplicated LMI Beneficiary Score (from page 9)
TBD	+	Cost per Unduplicated LMI Household Score (from page 9)
50	+	Readiness to Proceed Score (from page 10)
0	+	Health and Safety Score (from page 12)
TBD	=	Category Summary Score (505 Points Maximum)

DRAFT

Category Summary Score: TBD

(505 Points Maximum)

(Transfer this score to line 3e. in the NR column on the Application Scoring Summary page – Part 8, page 4.)

Part 7 - Neighborhood Revitalization

Instructions

DRAFT

Program Requirements for Neighborhood Revitalization

Neighborhood Revitalization (NR) grants assist communities with basic community development needs, including infrastructure, for low income citizens in residential neighborhoods. The following guidelines are applicable to all activities undertaken in this funding category.

(a) The primary objective of the Neighborhood Revitalization category is to preserve and revitalize declining, primarily residential, low- and moderate-income service area neighborhoods by addressing the major infrastructure problems contributing to such decline.

(b) Measurement of Program Impact. Specific criteria used to calculate the total 660 points for Program Impact are found in the Neighborhood Revitalization section of the application.

(c) Service Area Requirements.

1. An activity conducted in a primarily residential service area will be considered to benefit low-and moderate-income persons when at least 51 percent of the residents of that service area are low- and moderate-income persons. Such a service area must contain all households that will benefit from the activity. All activities shall meet the national objective of LMI benefit as specified in 24 CFR 570.483(b), as incorporated in Rule 73C-23.0030, F.A.C.

2. Any survey of the beneficiaries of a service area must correspond to the requirements established in paragraph 73C-23.0051(9)(b)2, F.A.C.

3. Sewer and water hookups shall only be provided in a service area where new or replacement sewer or water lines are being installed. Eligibility for a hookup shall be based on LMI certification of household income and sources not more than one year before the hookup is provided. If requested, LMIs shall provide verification of the household income. Hookup beneficiaries are reported by household.

4. CDBG funded activities may not extend beyond the location of the last LMI beneficiary except where it is required for sound engineering, operation, or design as certified by a licensed engineer.

(d)Additional Completeness Review Items for Neighborhood Revitalization Applications.

During the completeness review period, the Department shall review applications that propose land assembly or site preparation for new housing construction for low- and moderate-income persons to determine whether documentation is provided to show:

1. An executed agreement between the developer and the Applicant that requires the developer to provide the applicant with a construction performance bond equal to the amount of the funding request prior to a subgrant being executed between the applicant and the Department;

2. Documentation of ownership or an option on the land to control the sale to or ensure use by low- and moderate-income persons; and,

3. Documentation that the proposed site is properly zoned.

DRAFT

(f) An Applicant for a Neighborhood Revitalization subgrant, which is available in Part 7 of the Application for Funding, Form SC-60, shall meet a national objective by demonstrating that its activities will be carried out in distinct service areas characterized by the concentration of persons of low- or moderate-income.

Activities Location
All activities must take place in, or benefit, a service area that is predominately residential. If activities, or benefits, take place in a service area, or a portion of a service area that is not predominately residential, the cost of the activities in that portion of the service area shall be funded from non-CDBG funds and shall be excluded from the eligible construction costs for calculating CDBG allowable engineering fees.

A service area's boundaries must include all homes that benefit from the activity, regardless of whether any work is taking place in front of the home. If more than one activity is proposed in a service area, all activities must benefit all homes. Otherwise, additional service areas must be created for an activity that benefits only a portion of the initial service area. **Each service area must meet the 51% LMI benefit national objective**.

CDBG funds cannot be used for construction beyond the last LMI home unless such construction is required to provide benefit to an LMI home, except where it is required for sound engineering, operation, or design as certified by a licensed engineer. If a non-LMI home benefits from the activity, it must be included in the service area for scoring and national objective determination purposes even if it is located beyond the last LMI home.

Special Assessments for LMI Households
No special assessments may be charged to very low, low or moderate-income households.

Complementary Activities
Complementary activities are eligible activities required by the primary activity or project scored in the CDBG application for which grant funds are being requested. The use of CDBG funds for complementary activities shall not exceed 35 percent of the CDBG funds requested for the primary activity in NR; otherwise the complementary activity shall be treated as a primary activity and scored appropriately. For NR grants, eligible complementary activities on a housing unit are limited to rehabilitation of units to construct bathrooms where no bathrooms exist or to make plumbing repairs to meet local code prior to being hooked up to a sewer or water system funded by the NR project or another funding source.

Meeting the LMI National Objective
To complete several of the forms in this section, you will need to enter the number of low and moderate income (LMI) persons as well as the number of very low income (VLI) persons. The following definitions relate to LMI and VLI:

1. "LMI household" means a household whose annual income does not exceed 80 percent of the median income for the area as most recently determined by HUD.
2. "LMI person" means a member of LMI households.
3. A VLI household is one whose annual income does not exceed 30 percent of the median income for the area as most recently determined by

DRAFT

HUD. This information can be found in the HUD adjusted census data in the elements titled FAMVLOW and NFAMVLOW.

4. "VLI person" means a member of a VLI household. This information can be found in the HUD adjusted census data in the element titled PVLOW.

The NR Category Score Section requires applicants to specify project activities, outline the project budget, document VLI and LMI benefit, and identify "addressed" and "unaddressed" needs. The applicant must provide supporting documentation with the application as indicated. The information provided in the application is required to calculate the following scores. A maximum of 505 points may be claimed.

- Activity Goal Score
- Very-Low Income (VLI) Beneficiary Impact Score
- Low-to-Moderate Income (LMI) Beneficiary Impact Score
- Average Cost Per Unduplicated LMI Beneficiary Score
- Average Cost Per Unduplicated VLI Household Score
- Readiness to Proceed Score
- Health and Safety Impact Score

Provide the proposed CDBG budget by activity; determine the goal scores and the total project activity goal score.

Enter the proposed CDBG budget, excluding administrative and engineering costs, in Column C for each planned activity. Typical eligible NR activities are listed in Column A.

The Cost Standard Used to estimate costs must be available at the local government for review during the site visit. Department staff will review the standard for cost reasonableness and may request justification of the cost reasonableness of any budgetary item. If the local government cannot justify a cost, the Department will reduce the line item budget at the time of contracting.

CDBG Funds and Activity Goals Score (Table N-1)

1. To complete the CDBG Funds and Activity Goals Score, total Column C (CDBG Project Cost). Engineering and administrative costs are not included in the CDBG Project Cost.
2. Enter the percentage of each activity's cost relative to the CDBG Project Cost (Column D) and enter the corresponding activity goal score for each activity (Column F).
   - To determine each activity's percentage of the CDBG Project Cost, divide activity cost by the CDBG Project Cost. Enter this percentage as a four-digit decimal number (e.g., 100% = 1.000, 9.87%= .0987, and 35.12% = .3512).
   - To determine each activity's goal score, multiply the percentage entered in Column D by the goal points in Column E. This score cannot exceed 50 points.
3. Indicate the appropriate Rural Utilities Service (RUS) Table used to establish the maximum amount of basic and inspection engineering fees which can be paid with CDBG funds and enter proposed CDBG engineering fees as outlined in Column B. Please see the RUS Charts in the Appendices for information concerning these costs. Preliminary engineering may not exceed 0.5% of estimated construction cost. "Additional engineering" is limited to those services defined as such in Chapter 73C-23, F.A.C.

DRAFT

4. Enter the CDBG Engineering Fees in Column B; total the engineering fees provided in Column C, line 5.
5. In Column C, line 6, enter the total CDBG administrative funds requested. Administrative costs to be paid with CDBG funds for Neighborhood Revitalization cannot exceed 8% of the total CDBG funds requested.
6. Add the CDBG Project Cost (2C), the total CDBG engineering fees (5C), and the CDBG Administrative Funds (6C) to arrive at the total funds requested. This figure must equal the amount requested in the Application Profile.

Divide the administrative funds requested (6C) by the total funds requested (7C) to determine the percentage of CDBG administrative funds to be requested. This amount cannot exceed 8% of the total CDBG funds requested.

DRAFT

Neighborhood Revitalization Activity Notes

Activity	Activity Notes
Fire Hydrants [16]	Adding fire hydrants to an existing water line.
Fire Protection [1]	Water lines for fire protection only or other fire protection facilities, such as fire stations. May include household reconnects but no new household hookups. Includes Fire Hydrants.
Flood and Drainage [2]	Not part of another activity.
Hazard Mitigation Activities [3]	In a service area included in a federally declared disaster.
Housing Rehabilitation – Plumbing [4]	Plumbing work needed as part of a hookup activity to connect a home to the system.
Parks, Playgrounds [5]	Includes open-space recreational facilities and equipment (no enclosed buildings).
Pedestrian Malls/Sidewalks [6]	Includes accouterments.
Removal of Architectural Barriers [7]	In a public building.
Sewage Treatment Plant	Includes accouterments.
Sewer Lines & Components [8]	No prior central sewage treatment service to beneficiaries and hooking up LMI beneficiaries.
Sewer Line Replacement [9]	Replacement or rehabilitation of existing lines with only reconnects, including other service components.
Sewer Hookups [10]	Sewer hookups with abandonment of septic or other system.
Temporary Shelters[11]	Can be shelters for victims of domestic violence, transitional facilities for the homeless and itinerant farm workers, group homes for the developmentally disabled, and shelters for disaster victims.
Street Improvements [12]	Not previously hard surfaced (i.e., asphalt, concrete, brick, etc.)
Street Improvements – Repaving [13]	Previously hard surfaced.
Water Hookups [14]	Water hookups with the disconnection of the well to the housing unit
Water Lines, New – Potable [15]	New potable water lines, where potable water service to beneficiaries did not previously exist, with LMI beneficiary hookups. Includes fire hydrants.
Water Line Replacement [9]	Replacement, including enlargement, or rehabilitation of existing lines with only reconnects, including other service components.
Water Tank/Well Treatment Plant [6]	Includes accouterments.

DRAFT

Needs – Activities and Beneficiaries (Tables N-2a and N-2b)

These tables do not include engineering or administrative activities. Summarize all project Addressed Needs activities as a whole and all Unaddressed Needs activities as a whole. Do not summarize the activities by service area on these tables. This information, as well as the remainder of the application, cannot be completed until the surveys and worksheets have been completed, if applicable.

1. Column A lists scored eligible CDBG activities. Use the blank spaces for any unlisted eligible activities**, which receive 25 goal points**.
2. For Table N-2a, enter the number of "Addressed Need" activity units for all service areas in Column B. The units to be addressed that are identified in Column B will serve as the minimum number of required accomplishments for the applicant's CDBG-funded activities. The number of units entered must adhere to unit of measure for each activity as outlined below.
3. For Table N-2b, enter the number of "Unaddressed Need" activity units for all service areas in Column B. Requests to modify the subgrant agreement to undertake additional activities will be limited to those activities identified as "Unaddressed Needs" on Table N-2b. A modification to add "Unaddressed Needs" to the subgrant agreement budget shall not be approved until all "Addressed Need" activities that will are to be reimbursed with CDBG funds have been procured. However, if an "Addressed Need" activity cannot be undertaken because a state or federal regulatory agency refuses to issue a required permit or the affected residents of the community decide that they do not want the activity, the Department will consider a waiver request.

If the Recipient locates non-CDBG funds that can be used to complete a subgrant activity, a modification can be submitted to use any remaining CDBG funds to fund "Unaddressed Needs" activities.

Modifications to the number of units needed to complete an activity (i.e., square feet or linear feet) based solely on final engineering is not an amendment rejection issue as long as the same scope of the activity is to be constructed (i.e., Point A to Point B, as reflected on the service area map) and the same beneficiaries are to be served.

If any inconsistencies exist between the location of needs stated in the narrative and the location reflected on the service area map, the service area map will be the determining document.

At the site visit, the Department will review documentation of the number of units needed.

4. Enter the number of VLI beneficiaries in Column C. (VLI Household Income $\leq$ 30% Area Median Income (AMI))
5. Enter the number of LI beneficiaries in Column D. (LI Household Income = 30.01-50% AMI)
6. Enter the number of MI beneficiaries in Column E. (MI Household Income = 50.01-80% AMI)
7. Enter the total number of beneficiaries in Column F. (Total Beneficiaries = VLI + LI+ MI + Over Income ($\geq$80.01% AMI))

Note 1: Where VLI or LMI benefit requires water or sewer hookups, the number of beneficiaries enter in Column D and Column E based on the LMI and VLI homes to be hooked up as "addressed need." Unless the specific homes to be hooked up have been identified, use the average number of persons per LMI or VLI home from the survey results or census to calculate VLI and LMI beneficiaries. (Hookup beneficiaries are reported by household.)

Note 2: Where VLI or LMI benefit requires water or sewer hookups, total beneficiaries shall be calculated using all homes, including those which could be hooked up, including above income homes, unless no CDBG funds are used for the water or sewer plant or lines.

Note 3: Do not use decimals for any beneficiary total. Round up or down based on the worksheet totals.

DRAFT

Beneficiary Verification Summary by Service Area (Table N-3)

This form requires the applicant to summarize beneficiary data by service area and identify the source of beneficiary data.

1. Enter the service area number and the methodology used to verify beneficiaries in Column A. Each service area must be numbered in the application narrative. Please use the following codes to indicate the beneficiary verification survey methodology utilized:

   A = HUD-adjusted Census Data

   B = Random Sample Survey

   C = Small Service Area Survey

   D = Prior Grant Survey

   Census Data Note:

   When using census data, the following fields in the HUD adjusted census data shall be used:

   1) Number of LMI persons: FAMPMOD plus NFAMPMOD (or PMOD)
   2) Number of VLI persons: PVLOW
   3) Number of LMI households: FAMMOD plus NFAMMOD (or HHMOD)

   Random Sample Notes:

   For each random survey include, as an appendix, a description of the methodology which describes the basis of the universe, the confidence interval selected, and the procedures used to contact the initial sample before surveying an alternate. The sample and alternates must be selected from a random number generator (such as random.org) and a print out of those numbers included in the Appendix.

   Unless there is a logical explanation for another procedure, numbering of homes in each service area map for surveying purposes shall begin at one corner of the service area and proceed horizontally or vertically along each street and then on to an adjacent street until the opposite end of the service area is reached.

   General Note:

   When a service area includes both an area for which census information is available and an area for which census information is not available, it is acceptable to conduct a survey of the area for which no census information is available and combine the survey results with the census information to establish the beneficiary information for the entire service area. (Reference: HUD State CDBG Program Guide, page 3-11)

2. Enter each activity to be undertaken in the corresponding service area in Column B.

   A single service area may have more than one activity to be undertaken. Please refer to the CDBG Funds and Activity Goals Score form (Table N-1) to ensure that the activities reflected accurately.

DRAFT

3. Enter the total number of households in each service area (the universe) in Column C. Enter this number and all other numbers relating to the service areas.
4. Enter the minimum number of responses required per HUD survey guidelines (Notice CPD-05-06 issued July 26, 2005, Suggested Survey Methodology) in Column D. The number of responses will be based on the universe size identified in Column C. If using a Small Service Area survey, enter the total number of households in the service area.
5. Enter the total number of households responding to the survey in Column E. These responses must be obtained by application deadline. Please verify that the number of responses received meets the minimum number of responses required based upon the size of the service area universe.
6. Enter the total number of VLI beneficiaries (Column F), the total number of LMI beneficiaries (Column G), and the total number of all beneficiaries (Column H). Round up the nearest whole number.
7. In Column I, enter the percentage of VLI benefit by dividing Column F by Column H. Round the percentage to two decimals.
8. In Column J, enter the percent of LMI benefit by dividing Column G by Column H. Round the percentage to two decimals.

If a random survey was conducted, include a description of the methodology in Appendix H, which describes the basis of the universe, how the sample was selected, if any alternate were the confidence interval selected, and the procedures used to contact the initial sample before surveying an alternate. **The initial sample and alternates must be selected from a random number generator website (such as random.org) and a print out of those numbers included in Appendix H.**

If only HUD census data is used, complete only Columns A, B, C, G, H and J.

Beneficiaries Score (Table N-4)

The form requires the applicant to summarize information for all service areas and calculate project beneficiary scores. Unless census data is used, the information for this section will be calculated using the Random Sample Survey worksheet which must be included as Appendix H. For scoring purposes, the beneficiaries of a jurisdiction-wide activity, including activities at a water or sewage treatment plant that serves all residents of the jurisdiction that are connected it, on which less than 5% of total CDBG funds are expended shall not be used when calculating the unduplicated beneficiary scores in this table.

1. Enter the requested information on lines 1(a) to 1(e). This section requests data for unduplicated beneficiaries. Because activity and/or service area overlapping is possible, some beneficiaries may be duplicated in one or more service areas. Make the appropriate adjustment for duplication by counting the beneficiaries and households only once. Department staff will confirm beneficiary overlap during the site visit. Be sure that the maps reflect overlaps.
2. Enter the percentage of VLI Beneficiaries served by the project and the appropriate score. (Note: less than 51% LMI benefit is a rejection issue.)
3. Enter the percentage of LMI Beneficiaries served by the project and the appropriate score.
4. Enter the average cost per unduplicated LMI beneficiary and indicate the appropriate score.
5. Enter the average cost per unduplicated LMI household and indicate the appropriate score.

DRAFT

Readiness to Proceed Score

Points for "Readiness to Proceed" can be claimed for Neighborhood Revitalization projects if the following are completed and submitted with the Application for Funding before 5:00 p.m. on the final day of the application cycle:

1. Biddable construction plans and specifications for all addressed needs The plans must be signed, dated and sealed by the engineer responsible for developing them;

2. Documentation that all required permit applications for infrastructure activities were submitted to the applicable agencies prior to the CDBG application deadline. If the only agency that must issue permits for the activities is the Applicant, then documentation to that effect must be included in the application If permits are required from an agency other than the local government, include a copy of the page(s) reflecting the permitting agency name and project description and third-party proof of mailing, such as certified mail receipt, to the permitting agencies; and

3. A written certification from the engineer or architect who prepared the plans and specifications to the Chief Elected Official of the Applicant. The certification must list the date that the biddable construction documents were completed, that the plans and specifications contain all of the information that a contractor would need to submit a bid, except for the wage decision, the local government's list of minority/women business enterprises, and CDBG Supplemental Conditions and state that all required permit applications for all infrastructure activities have been submitted to the applicable agencies or that no permits are required for the project except from the applying local government.

Include documentation for two and three above in Appendix G

Deficiencies with the readiness to proceed documentation can be cured after the application deadline for the purpose of getting the points. However, the local government must provide curing documentation for minor deficiencies no later than the end of the "completeness period" that verifies that the plans and specifications were completed prior to the application deadline and that all required applications for permitting were submitted to the appropriate permitting agencies prior to the application deadline.

The Department will review the plans and specifications for completeness during the application review process, but the plans and specifications cannot be accepted by the Department until the Applicant has been issued the environmental release of funds for the project.

A signed and sealed copy of the completed construction plans and specifications must be included with the application to get the points.

Health and Safety Score — Table N-5

Follow the instructions in the table to determine if the local government is entitled to claim Health and Safety points.

An administrative order, citation, consent order, FEMA report, judicial proceeding, order by a state or federal agency or a notice of violation cannot be used to claim health and safety points if it has been previously used to claim points in an application that was awarded funding.

DRAFT

Part 8 – Certification and Score Summary

DRAFT

I, the undersigned chief elected official or authorized representative of the Applicant, certify that, to the best of my knowledge, this Florida Small Cities Community Development Block Grant Application for Funding was prepared in accordance with state and federal rules and regulations, contains information that is true and correct, and has been approved by the local governing body.

I also certify that the Applicant:

Has met all citizen participation requirements contained in Chapter 73C-23, Florida Administrative Code:

Following public notice, hearings were conducted by a member of the local governing body or a duly authorized employee;

- The first public hearing was conducted to obtain citizen views about community development needs and potential uses of CDBG funding;
- The notice for the second public hearing was published following the first public hearing. The notice included a summary of the activities that would be conducted with CDBG funds, the specific locations where those activities would take place, a line item budget, and the time and place where a copy of the draft application would be available for review; and
- A second public hearing was conducted to obtain citizen comments on the CDBG application prior to submission.

2. Has properly conducted surveys of service areas to document LMI benefit, if applicable.
3. Will not attempt to recover, through special assessments, capital costs of public improvements funded in whole or in part with CDBG funds.
4. Will ensure that upon completion of housing structures addressed with CDBG funds, each housing structure will meet the local housing code.
5. Will administer the subgrant in conformity with the Civil Rights Act of 1964 and the Fair Housing Act.
6. Will affirmatively further fair housing and undertake one fair housing activity each quarter.
7. Has adopted or will adopt a Community Development Plan or has adopted the Local Comprehensive Plan as its Community Development Plan.
8. Will adopt an Anti-Displacement and Relocation Policy and will minimize the displacement of persons.
9. Has presented accurate information and has documentation on file and readily accessible to the Department of Economic Opportunity.
10. Has authorized the submission of this application by vote of the local governing body.
11. Will adopt a CDBG Procurement Policy that conforms to 2 CFR 200.317 – 200.326, Sections 255.0525 and 287.055, Florida Statutes, and Rule 73C-23.0051(4), Florida Administrative Code.
12. Has implemented a financial management system that complies with Section 218.33, Florida Statutes, and 2 CFR 200.302.

DRAFT

13. Will complete a self-evaluation of its facilities related to the Americans with Disabilities Act and adopt a Transition Plan, if applicable.
14. Will meet a National Objective for each funded activity other than administration and engineering prior to the administrative closeout of the subgrant.

Signature of Chief Elected Official or Designee
Signature: _____
Typed Name and Title:
Date:
If signed by a person other than the chief elected official, a copy of the resolution authorizing the person to sign the application must be included in Appendix B.

Signature of Application Preparer if not an employee of the Local Government
Signature: _____
Typed Name and Title:
Name of Firm or Agency:

DRAFT

Application Scoring Summary

This form is the Applicant's evaluation of the application score. Use the "scores" identified in the application to complete this form when you have finished filling out the application. Enter the scores or other information in the appropriate columns. When all of the scores have been transferred to this form, add the scores and enter the total.

Applicant Name: Leon County, Florida | (For DEO Use Only) Application Number: _____

Enter Type of Application:
☐ **Commercial Revitalization** ☐ **Economic Development**
☐ **Housing Rehabilitation** ☒ **Neighborhood Revitalization**

Title/Score	Part	Page	CR	ED	HR	NR
1. Community-Wide Needs Score (250 Points Maximum)	2	7				91.48
2. Outstanding Performance in Equal Employment Opportunity and Fair Housing (90 points maximum)	2	9				85.78
3. Program Impact:						
3a. Special Designation Score (20 Points Maximum)	2	7				0
3b. Grant History Score (100 Points Maximum)	2	7				0
3c. CATF Score (10 Points Maximum)	2	7				10
3d. Leverage (25 Points Maximum for CR, NR and HR) (125 Points Maximum for ED)	3	3				25
3e. Category Summary Score	7	13				TBD
3f. Total Program Impact Score (3a+3b+3c+3d+3e) (660 Points Maximum)	8	4				TBD
4. **Total Application Score** (1+2+3f) (1000 Points Maximum)	8	4				TBD
Less Penalties Assessed (For DEO Use Only)						
Final Score (For DEO Use Only)						

DRAFT

Part 9 –Supporting Documentation

DRAFT

Place all supporting documentation in this section. Separate the documents with a titled tab or titled colored paper. Include only those appendices that are required for the application.

Appendix	Title
A	Maps (Required)
B	Local Governing Body's Resolutions for Signature Delegation and Application Submission (Required)
C	Comprehensive Plan Documents (Required)
D	Public Hearing/CATF Documentation (Required)
E	Leverage Documentation
F	Grant Application Preparation Cost Documentation
G	Readiness to Proceed Documentation
H	VLI/LMI Worksheets and Survey Documentation or Census Data and Maps
I	Documentation Related to Health and Safety Impact Score
J	Joint Agreements, Contingency Funding Documentation and/or Interlocal Agreements
K	Housing Assistance Plan (Required for all Housing Rehabilitation Applications)
L	Historic Preservation Documents
M	Special Designation Documentation
N	Documentation for Economic Development Applications
O	Documentation for Other Community Development Activities Score (Commercial Revitalization)
P	Documentation for Demolition of Vacant Dilapidated Structures (Commercial Revitalization)
Q	Local Government Minority Contracting and Fair Housing Score Documentation
R	Commercial Rehabilitation Policy (Required for all Commercial Revitalization Applications that will utilize CDBG funds to rehabilitate commercial buildings)
S	

DRAFT

Appendix A: Maps (Required)

Failure to submit a required map with the application will result in a 250-point reduction to the Total Application Score. Please review the requirements for the maps carefully. If the Department requests revisions to any of the maps and the revisions are not provided timely within the completeness period as defined by 73C-23.0031(12), F.A.C., then 250 points will be deducted from the Total Application Score. The maps must be legible. A list of maps that must be included with the application by program category follows:

Commercial Revitalization

If the application is using the LMI National Objective, a jurisdiction map, service area map and flood prone area map must be included. If the project is jurisdiction wide, the service area map must show the borders of the project area or a separate project area map must be included with the application. If the project is not jurisdiction wide, the applicant must include documentation to justify why the project impacts a limited portion of the community, and the Department must approve the justification.

If the application is using the Slum and Blight National Objective, a jurisdiction map, project area map and flood prone area map must be included in Appendix A.

Economic Development

The application must include a jurisdiction map, project area map and flood prone area map. Applications that propose to meet the public benefit standard by providing services to low- and moderate-income residents must also have a service area map.

Housing Rehabilitation

The application must include a jurisdiction map and flood prone area map. There is no service area or project area map because housing rehabilitation projects provide direct benefit to low- and moderate-income residents who typically have not been identified at the time of application. For counties, the jurisdiction map should indicate the boundaries of all incorporated areas of the county, and only homes in the unincorporated area of the county are eligible for rehabilitation.

Neighborhood Revitalization

The application must include a jurisdiction map, flood prone area map and one or more service area maps.

Jurisdiction Map

- A scale;
- A north arrow;
- The boundaries of the locality;
- The boundaries of the service area(s) where the activities will be conducted;
- The boundaries of a special designation area being claimed for points if smaller than the jurisdiction's boundaries;
- The City Hall or the County administration building; and
- The location of the CDBG program office, if other than at the City Hall or County administration building.

DRAFT

Service Area Map(s) – a map for each service area (a properly marked jurisdiction map will suffice for a city-wide activity)

- A scale;
- A north arrow;
- The boundaries of the service area reflecting project beneficiaries;
- A visual representation of all proposed service area activities (roads being paved or resurfaced, drainage features, lines being installed or replaced, fire stations and hydrants, lift stations, water and sewer plants, parks and community centers, and other CDBG-funded activities);
- The boundaries of a special designation area being claimed for points if smaller than the jurisdiction's boundaries;
- A visual representation of all the housing units and, for surveyed homes, color or other coding indicating whether the home is LMI, VLI, vacant, or exceeds the income limits for these categories;
- A method of reference from the housing unit displayed on the map to a Household Income Survey Form;
- The names, streets, route numbers or easily identifiable landmarks where all service area activities are located;
- The location of all "number of units to be addressed" and all "number of units needed" for each activity in the service area and the major components of those activities;
- All affected Historic structures, planned open spaces, or public improvements; and
- If applicable, duplicated housing units if any service areas overlap.

Project Area Map – a map showing where the project activities will take place for an economic development subgrant or a commercial revitalization project that is jurisdiction wide.

- A scale;
- A north arrow;
- The boundaries of the project area;
- The location of all businesses being impacted by the project (commercial revitalization) or the location of all Participating Parties (economic development);
- The boundaries of a special designation area being claimed for points if smaller than the jurisdiction's boundaries;
- The names, streets, route numbers or easily identifiable landmarks where all service area activities are located;
- A visual representation of all proposed CDBG-funded activities (street improvements and parking, pedestrian malls and parks, drainage features, utility improvements, façade renovation, fire hydrants, lift stations, water and sewer plants, elimination of blight, and other CDBG-funded activities);
- The location of all designated wetlands; and
- All non-CDBG funded activities necessary for the project.

100-Year Flood Prone Area Map (Unless the U.S. Federal Emergency Management Agency has not issued an official flood map covering the location of the service area or project area.)

- The boundaries of the service area where the activities will be concentrated; and
- An enlarged portion or portions of the flood prone area if any activities are located in whole or in part in the flood prone areas.

DRAFT

Appendix B: Local Governing Body's Resolutions for Signature Delegation and Application Submission (Required)

Attach a copy(ies) of the signed resolution(s) designating who can sign the CDBG application (and other documents if the resolution includes signature authority for contracts, modifications and other CDBG documents) and approving the submission of the CDBG application.

Appendix C: Comprehensive Plan Documents (Required)

Attach relevant portions/excerpts to document that the activities proposed in the application are not inconsistent with the adopted plan. Include the relevant data and analysis portions supporting the plan. If the adopted plan is silent on the activities requested, the local government must provide a statement to this effect on local government letterhead.

Appendix D: Public Hearing/Citizen Advisory Task Force (CATF) Documentation (Required)

The following items shall be included:

- Copies of the public hearing notices and CATF meeting notice with affidavits of publication from the newspaper;
- Copies of the sign-in sheets for the public hearings and CATF meeting;
- A list of CATF members if the Applicant has appointed a task force; and
- Copies of the certified minutes from the public hearings and the minutes from the CATF meeting shall be included in the application.

If certified copies of the public hearing minutes are not available by the application deadline, the agenda and available notes shall be included in the application, and certified copies must be provided by the end of the "completeness period" or the application shall be rejected.

If an affidavit of publication for one of the public hearings is not available at the time the application is submitted, a tear sheet from the newspaper with the notice must be included in the application. The affidavit must be provided to the grant manager by the end of the "completeness period" or the application shall be rejected. If an affidavit of publication for the CATF meeting is not available at the time the application is submitted, a tear sheet from the newspaper with the notice must be included in the application. The affidavit must be provided to the grant manager by the end of the "completeness period" to retain the points.

Appendix E: Leverage Documentation

Points can be claimed for documented leveraged funds that were committed to the project by the local governing body prior to the application deadline. Documentation must be included with the application that reflects the commitment – a resolution passed by the governing body committing the funds or a copy of certified minutes showing that the governing body voted to commit the funds. If the leverage is being provided by an outside party, a letter of commitment from a person with the authority to commit the funds must be included.

Appendix F: Grant Application Preparation Cost Documentation

If pre-award application preparation costs are to be reimbursed from the subgrant budget as allowed by 24 CFR 570.489(b), the grant writer must have been procured pursuant to 24 CFR 85.36. Include the following in the Supporting Documentation Section:

- A copy of the Request for Proposal advertisement and affidavit of publication
- The ranking sheets

DRAFT

- Minutes of the meeting where the grant writer was selected
- A copy of the invoice from the grant writer
- A copy of the contract between the local government and the grant writer

If the Department determines that the procurement or contracting process did not meet program requirements, or that an expense is ineligible, the associated expense(s) will be disallowed.

If the local government prepared the application using local government staff or the staff of another governmental agency selected pursuant to Chapter 287, F.S., the local government may seek payment only for direct costs incurred as part of grant application preparation. In order to be eligible for payment, documentation of direct costs must be provided with the application.

Appendix G:Readiness to Proceed Documentation

All required Readiness to Proceed documentation must be submitted with the application or the applicant cannot claim the 100 points. The required documentation includes biddable construction plans and specifications, sealed by an engineer or architect, for all "addressed need" activities in the application that require plans and specifications. To claim the points, the application must also include a letter from the engineer or architect who prepared the plans certifying that the plans are complete and ready for bid and that all infrastructure permits have been applied for except for those that would be granted by the applicant agency.

The required documents include the following:

1. A letter from the engineer or architect who prepared the construction plans and specifications to the chief elected official of the applicant certifying the following:
   - that the sealed and dated plans and specifications are complete,
   - that the bid documentation, including the plans and specifications, provided with the application contains all of the information that a contractor would need to bid on the project, except for the Davis-Bacon wage decision(s) and the CDGB Supplemental Conditions, and
   - that applications have been submitted for all permits that are required to begin construction on the infrastructure activities included in the application. (If the only permitting agency is the applicant local government, the engineer shall certify that the applicant is the only agency from which a permit is required. If no permits are required for the project, the engineer shall certify to that effect.)
2. A signed and sealed copy of the plans and specifications, plus all necessary bid documents, except for the Davis-Bacon wage decision(s); the local government's list of minority/women business enterprises, and the CDBG Supplemental Conditions;
3. Documentation that all required infrastructure permit applications were submitted to the appropriate agency(ies). (Receipts from UPS or the U.S. Postal Service, email or letter from permitting agency(ies) saying that the permit applications had been received.)

DRAFT

Appendix H: VLI/LMI Worksheets and Survey Documentation or Census Data and/or Census Maps

Very Low, Low, and Moderate Income Random Sample Survey Worksheet
Table LMI-1

(This form is to be completed by Commercial and Neighborhood Revitalization applicants if a Random Sample Survey was conducted.)

Service Area Number: 1		
1.	Enter the total number of households in the service area (universe).	TBD
2.	Enter minimum # of sample survey responses required to obtain a 95% confidence level at the confidence interval you select (see page 23 of HUD Notice CPD-05-06).	TBD
3.	Enter the total number of households actually responding to the survey including those assumed to be above Low and Moderate Income (LMI**)** after third party verification of household composition.	TBD
Complete the following section for NR and CR applications.		
4.	Enter the total number of LMI households responding from the sample.	TBD
5.	Enter the total number of LMI beneficiaries in the households responding from the sample.	TBD
6.	Enter the total number of above LMI households responding from the sample. (Check: Line 4 + Line 6 = Line 3)	TBD
7.	Enter the total number of above LMI beneficiaries in the households responding from the sample.	TBD
8.	Divide Line 5 by Line 4. This is the average size of the LMI households responding.	TBD
9.	Divide Line 7 by Line 6. This is the average size of the above LMI households responding.	TBD
10.	Divide Line 4 by Line 3. This is the percentage of households responding that are LMI.	TBD
11.	Divide Line 6 by Line 3. This is the percentage of households responding that are above LMI. [Check: Line 10 + Line 11 = 100%]	TBD
12.	Multiply Line 1 by Line 10. This is the estimate of the total number of LMI households in this service area.	TBD
13.	Multiply Line 1 by Line 11. This is the estimate of the total number of above LMI households in this service area.	TBD

DRAFT

Very Low, Low, and Moderate Income Random Sample Survey Worksheet

Table LMI-1 (Continued)

14. Multiply Line 8 by Line 12. This is the estimate of the total number of LMI beneficiaries in this service area.	TBD
15. Multiply Line 9 by Line 13. This is the estimate of the total number of above LMI beneficiaries in this service area.	TBD
16. Add Line 14 and Line 15. This is the estimate of the total number of all beneficiaries in this service area.	TBD
17. Divide Line 14 by Line 16, multiply the resulting decimal by 100, and subtract the confidence interval. This is the minimum percentage of LMI benefit in this service area for determining whether the LMI National Objective will be met. (This percentage must be the lowest possible percentage based on the confidence interval used for the survey. Example: a survey conducted using a confidence interval of 3 results in a LMI percentage of 55% using the procedure above. Enter 52% as the LMI benefit percentage.) **Note: For scoring purposes, add back the confidence interval.**	**TBD**
Complete the following section for NR applications only.	
18. Enter the total number of Very Low Income (VLI**)** households responding from the sample.	TBD
19. Enter the total number of VLI beneficiaries in the households responding from the sample.	TBD
20. Divide Line 19 by Line 18. This is the average size of the VLI household responding.	TBD
21. Divide Line 18 by Line 3. This is the average percentage of VLI households responding in the sample.	TBD
22. Multiply Line 1 by Line 21. This is the estimate of the total number of VLI households in this service area.	TBD
23. Multiply Line 20 by Line 22. This is the estimate of the total number of VLI beneficiaries in this service area.	TBD
24. Divide Line 23 by Line 16, multiply the resulting decimal by 100. This is the estimated percentage of VLI benefit in this service area.	TBD

DRAFT

Appendix I: Documentation Related to Health and Safety Impact Score

For **Option A**, submit a copy of an administrative order, consent order, judicial proceeding or other order by a state or federal agency that states the health and safety issue. Also, send an engineer's written certification that the proposed CDBG activity will correct all or a given percentage of the deficiencies cited in the enforcement action.

For **Option B**, a letter from the chief elected officer certifying that the funding will be used to provide first-time sewer or water service.

For **Option C**, submit the FEMA Damage Survey Report, Data Sheet or Project Worksheet that was prepared in response to a federally declared natural disaster, which was declared before the application deadline. An engineer's written statement that the proposed CDBG activity will prevent the recurrence of the damage specified in the FEMA documents shall also be attached.

For **Option D**, submit the written citation issued by a State or Federal Regulatory Agency before the application deadline that states a violation of state or federal statutes, rules, or regulations that affect the health and/or safety of the local government's citizenry and includes the following the statutory or regulatory basis for the citation and a description or reference to the corrective action that the regulatory agency requires.

Appendix J: Joint Agreements/Contingency Funding Documentation/Interlocal Agreements

If activities will take place, or services will be extended or provided, outside of the applicant's jurisdiction, include an interlocal agreement signed by the chief elected officers, or legally designated individuals of the jurisdictions, that specifies:

- The units of local government (parties involved)
- The purpose of the interlocal agreement
- A delineation of the cooperation between the parties involved
- A description of the activities and the service area(s)
- The amount of funds being committed (and associated terms)
- A statement that the project is not inconsistent with the local comprehensive plans of all involved jurisdictions

Appendix K: Housing Assistance Plan (Required for all Housing Rehabilitation Applications)

Insert a copy of the current Housing Assistance Plan. The date of adoption must appear on the plan.

Requirements for a Housing Assistance Plan

The local government must adopt a policy for selecting beneficiaries and housing units for housing assistance. If the Department awards a grant to the local government, the local government must follow this policy. The policy can only be modified with DEO approval. A copy of the policy must accompany the application. Each of the following criteria must be marked or highlighted for easy location by Department staff during the application review. The policy must address at least the following issues:

a. The terms and conditions under which assistance will be provided.

b. The process for soliciting, accepting, reviewing, and approving requests for assistance, including any proposed geographic distribution. This should include a reasonable notice or advertisement in the community that specifies the following:

   - The period during which applications will be received, if appropriate;

DRAFT

- Criteria for selection;
- A ranking/scoring process with higher points given for extenuating circumstances (age or handicap), and
- A process to notify members of the local governing body of the names of the beneficiaries selected to ensure that potential conflicts of interest are timely addressed.

c. Pursuant to 24 CFR Section 570.489 and Chapter 112.311-112.3143, *Florida Statutes*, address conflicts of interest by establishing a process for the following:
   - Identifying potential conflicts of interest;
   - Acknowledging beneficiaries by name in the minutes of CATF and commission/council meetings so that previously unknown conflicts may be surfaced;
   - Making those conflicts publicly known along with the final rankings based on the criteria outlined in the local government's housing assistance plan;
   - Dealing with those conflicts on a local level; and
   - Requesting waivers of those conflicts when appropriate.

d. The process for determining what work must be done on each housing structure to ensure that upon completion, it will meet the HUD Section 8 Housing Quality Standards and the local housing code.

e. Establishes a maximum amount of CDBG funds that may be expended on any one housing unit. If desired, this amount may be exceeded only by a recorded vote of the governing body.

f. States whether or not the local government will assist in the rehabilitation of rental housing structures. If so, the policy must address the following:
   - Under what terms and conditions (i.e., loan or grant) it will provide such assistance;
   - How ownership will be verified; and
   - What steps the local government will take to ensure that, after rehabilitation, tenants will not be charged more than affordable rents, pursuant to 24 CFR 570.483(b)(3).

g. States whether or not the local government will assist in the rehabilitation of mobile homes, modular homes, or other forms of manufactured housing.

h. Establishes a ratio of the cost of rehabilitating a housing structure to the value of the housing structure after rehabilitation (i.e., the ratio of the rehabilitation cost to the post-rehabilitation value should not be greater than one-to-one). Based on that ratio, the local government should define the criteria under which a house will be demolished and replaced rather than rehabilitated. For example, this section should indicate that if a post-rehabilitation value ($30,000) is less than the cost of rehabilitation ($35,000), the local government may opt to cover the costs for a site built home to be replaced with a new site-built home, a manufactured home or a mobile home. Similar criteria should be given for those houses which are chosen as unfeasible to repair. Such options should specify that replacement will only be made for owner occupied units.

DRAFT

i. Establishes a formal written notification process that advises a homeowner/tenant when a previously selected housing unit is deleted from the rehabilitation program.

j. Establishes what types of insurance (fire, casualty, flood) will be required, at what points in time the insurance must be in place, and for how long after administrative closeout it must be maintained in force.

k. Establishes a process for determining when the rehabilitation is completed, including final acceptance of a contractor's work and final inspection of a housing structure.

l. Establishes a process for ensuring ownership of non-rental housing units by the occupying beneficiary or the process for ensuring the legal status of the occupying beneficiary to encumber the property and to provide permission for a contractor to undertake construction work on the housing unit.

m. Establishes the conditions under which a housing structure will be demolished or converted to non-LMI housing structures.

n. Establishes the process that will be used to solicit contractors and assist beneficiaries in reviewing the contractor's performance including the following requirements;

- Bids for rehabilitation or reconstruction of housing units must specify that they shall only be accepted from contractors licensed by the State of Florida, Department of Business and Professional Regulation.
- The Contractor must agree in his bid that any change orders for rehabilitation or reconstruction of housing units which cumulatively exceed one thousand dollars ($1,000) above the original contract amount, shall only be paid with CDBG funds if those change orders are to correct documented code violations based on a bona fide code violation report.
- The Contractor must agree in his bid and contract that all change orders for housing rehabilitation or reconstruction shall be approved by the housing unit owner or his or her representative and the contractor and a representative of the local government prior to any initiation of additional work based on that change order.

o. Establishes a process to ensure that before initiation of housing rehabilitation, the property on which the unit is located meets other appropriate local codes (i.e., nuisance, trash, and other environmental or health codes).

p. Specifies the process of determining the age of housing units to be addressed and the actions to take with the Bureau of Historic Preservation when addressing units 50 or more years old.

q. Specifies a lead-based paint abatement procedure to follow when addressing pre-1978 houses.

r. Specifies a procedure for addressing structures in the 100-year flood plain.

s. Specifies that the local government will document the completion of construction by ensuring that each housing unit case file shall contain the following information:

- A statement from the contractor that all items on the initial work write-up as modified through change orders have been completed;
- An acknowledgment that the housing unit meets the applicable local code and Section 8 Housing Quality Standards, signed and dated by the local building inspector or the local government's housing rehabilitation specialist;

DRAFT

- A signed statement by the housing unit owner, or his or her representative, that the work has been completed based on the work write-up and change orders. Should all requirements be fulfilled and the homeowner or their representative refuse to acknowledge completion of the work, the housing unit case file shall be documented with a statement detailing the stated reason for said refusal;
- This documentation shall be completed prior to the submission of the administrative closeout package and shall accompany the administrative closeout package when submitted to the Department; and

t. The following data will be provided by housing unit and summarized by activity as part of the administrative closeout for each activity providing direct benefit (i.e., housing rehabilitation, temporary relocation, hookups, etc.):

- Address of each housing unit rehabilitated with CDBG funds, the date the construction was completed on the housing unit, and the amount of CDBG funds spent on that housing unit.
- Whether the head of household is male or female, the number of handicapped persons in the household, the number of elderly persons in the household, and the LMI, LI, or VLI status of the household;
- The race of the head of household (White, African American, Asian, American Indian or Alaska Native, Native Hawaiian/Pacific Islander, American Indian or Alaska Native and White, Asian and White, African American and White, American Indian or Alaskan Native and African American, or Other Multi-Racial.); and
- If the head of household was Hispanic.

Appendix L: Historic Preservation Documents

Provide the following with the application for any properties listed, or eligible for listing, in the National Register of Historic Places:

a. The location/address;
b. The construction date;
c. The activity affecting the historic property; and
d. The results of any pre-application discussions with State Historic Preservation Office regarding the potential impact of the proposed project on historic properties.

Appendix M: Special Designation Documentation

Documentation can include copies of pages from state agency websites listing the communities that have received special designation and copies of letters from the Governor's Office or a state agency informing the local government that they have been included in a special designation area.

Appendix N: Economic Development Documentation

The following documents should be included in this section for Economic Development applications:

a. Local Government Commitment;
b. Local Government Cost Estimate;
c. Multi-Jurisdictional Activity Information;

DRAFT

d. Commitment of Non-CDBG Funds to be Spent by the Local Government;
e. Comprehensive Plan Conformance and Relevant Excerpts;
f. Initial Participating Party Commitments;
g. Business Plan;
h. Participating Party(s) Current Employee Information, if applicable;
i. Participating Party(s) Proposed New Job Creation Information; and
j. Financial Information for Participating Parties which are expanding or to whom a CDBG Loan Is Proposed.

Appendix O: Documentation for Other Community Development Activities Score (Commercial Revitalization)

To document **Florida Main Street Program** status, provide a copy of a letter from the Department of State or a printout from the Florida Main Street Program website that shows the status.

To document that any part of the Project Area and all of the CDBG-funded activities are located in any part of a district listed on the **National Register of Historic Places**, include documentation from the National Park Service's website or a similar source that shows the designation.

To document that the local government has adopted **architectural design guidelines** for a rehabilitation program for the retail, service, and commercial buildings located in the project area, include a copy of the resolution that adopted the guidelines or a copy of certified minutes from the meeting at which the guidelines were adopted.

To document that the local government has completed a **market study and adopted a plan** by resolution which outlines priorities for the commercial district based upon community input, a copy of the plan showing the adopting date must be included in the application.

To document that the local government has created a **Community Redevelopment Trust Fund for the Community Redevelopment Area** in which the CDBG activities will take place (pursuant to Chapter 163.387, F.S.) and that the Trust Fund will remain in effect for the life of the Community Redevelopment Agency, documentation showing the receipt of tax increment funds from the County Tax Collector for the year preceding the application deadline before application deadline will be accepted.

Appendix P: Documentation for Demolition of Vacant Dilapidated Structures (Commercial Revitalization)

Include a list of the addresses of any buildings to be demolished, a map showing the location of each building to be demolished, photos of the buildings, any condemnation orders, and documentation of ownership of each property.

Appendix Q: Local Government Minority Contracting and Fair Housing Score Documentation

Documentation for *Achievement in M/WBE Contracting* can include a spreadsheet that shows the expenditures of all of the contracts (funded with CDBG and all other project funds) executed under the last administratively closed CDBG subgrant and shows which went to minority- and women-owned businesses.

Documentation for *Fair Housing Score* will include a copy of the applicant's fair housing ordinance, and if a workshop was held, copies of the following:

- An affidavit of publication for the workshop notice;
- Copies of the agenda and training materials; and
- An attendance sign-in sheet.

DRAFT

Appendix R: Commercial Rehabilitation Policy (Required for all Commercial Revitalization Applications that will utilize CDBG funds to rehabilitate commercial buildings).

Insert a copy of the current Commercial Rehabilitation Policy. The date of adoption must appear on the policy. If the Department awards a grant to the local government, the local government must follow this policy. The policy can only be modified with DEO approval. A copy of the policy must accompany the application. The Department must approve the policy before funds can be requested for that activity. The following shall be included in the procedure:

1. Restrict the Rehabilitation of Commercial Buildings activity to commercial buildings within the project area pursuant to 24 CFR 570.202(a)(3), as incorporated in Rule 73C-23.0030, F.A.C. Properties upon which or adjacent to where CDBG activities are undertaken shall not be zoned for residential purposes only.
2. For projects using the national objective of benefiting low- and moderate-income persons, require all businesses receiving rehabilitation assistance to provide services, which are available to all the residents of the service area.
3. Specify the terms and conditions under which the rehabilitation assistance will be provided.
4. Provide that all buildings to be rehabilitated, except as provided in subparagraphs 11 and 14. below, will be occupied at the time the assistance is provided or subject to a lease agreement such that the building will be occupied prior to closeout. The occupant shall be a legally constituted business with business, sales tax, and occupational licenses.
5. Provide that all contracts for rehabilitation over $2,000 will comply with the Davis-Bacon Act; effective date April 2009, which is incorporated herein by reference and is available at www.dol.gov/whd/regs/statutes/dbra.htm.
6. Provide that businesses residing in a building rehabilitated with CDBG funds shall comply with the provisions of 24 CFR Part 8, (HUD's implementing regulation of Section 504 of the Rehabilitative Act of 1973 (29 U.S.C. Section 794), as incorporated in Rule 73C-23.0030, F.A.C., as it relates to employment discrimination and facility accessibility.
7. Provide that CDBG funds addressing those code violations specified in the application will be in compliance with all local and state building codes and standards.
8. Establish a process for recognizing potential conflicts of interest, making those conflicts publicly known, dealing with those conflicts on a local level, and requesting waivers of those conflicts when appropriate pursuant to 24 CFR 570.489, as incorporated in Rule 73C-23.0030, F.A.C., and Sections 112.311-112.3143, F.S. Additionally, provide that no building owner, lesser, lessee, tenant, or occupant, or employee or immediate relative of the same, either personally or corporately, shall serve as a contractor to be paid with CDBG funds for the rehabilitation of said building, nor shall they be paid for their own labor with CDBG funds for the rehabilitation of said building.
9. Establish a process for final inspection of a commercial structure after rehabilitation and a process for final acceptance of a contractor's work on any grant funded activity and before the local government considers the rehabilitation completed.
10. The expenditure of CDBG funds per façade shall not exceed $22,000 in CDBG funds. A building on a corner containing a single business may be considered to have two facades. Buildings which have been previously subdivided or portioned may be addressed as separate facades only if the building is subdivided such that:
    a. There are separate primary entrances for each business; and,
    b. Each of the businesses has separate and distinct occupational and sales tax licenses.
11. The façade of a vacant building may be addressed only if it is part of an overall building façade renovation effort in a contiguous area.

DRAFT

12. CDBG funds may be expended on the roof of a privately owned commercial building only after the issuance of a bonafide code violation report and only after the rehabilitation of the façade, the removal of architectural barriers to handicap access in the entrances and the bathroom areas, and the correction of other documented code violations.
13. CDBG funds for Commercial Revitalization activities shall not be used as grants or loans for working capital, inventory or supplies, or for interior repairs and renovations of existing businesses, except for repairs necessary to correct code violations or removal of architectural barriers to handicap access and correction of architectural barriers to handicap access in public buildings located in the project area pursuant to the requirements of 24 CFR Part 8, as incorporated in Rule 73C-23.0030, F.A.C.
14. A property that poses a threat to public health or safety can be acquired, cleared, or rehabilitated with CDBG funds to eliminate spot blight. An environmentally contaminated property can be remediated. Dilapidated buildings can be demolished, rehabilitated, relocated or, if historically significant, preserved. If a privately owned blighted property is cleared to eliminate a health or safety hazard, the Recipient shall place a lien on the property to recover the CDBG cost of eliminating the blight.

DRAFT

Additional Forms and Tables

Rural Development Rural Utility Service (RUS) Fee Schedule

Maximum Engineering Fee Percentages from Florida RUS Bulletin 1780-9 Revised 10/2009 (Applicable to Basic Engineering)				Maximum Engineering Fee Percentages from Florida RUS Bulletin 1780-9 Revised 06/2007 (Applicable to Inspection)	
Estimated Construction Cost	Basic Fee Table I Maximum	Basic Fee Table II Maximum		Inspection Fee Table IA Maximum	Inspection Fee Table IIA Maximum
100,000	12.3	10.1		6.9	6.5
200,000	11.2	9.4		6.3	5.9
300,000	10.4	8.9		5.8	5.3
400,000	10.0	8.5		5.5	4.9
500,000	9.6	8.2		5.3	4.7
600,000	9.2	7.9		5.1	4.6
800,000	8.6	7.5		4.6	4.1
1,000,000	8.2	7.2		4.1	3.8
2,000,000	7.8	6.8		3.5	2.9
3,000,000	7.4	6.4		3.1	2.4
4,000,000	7.1	6.1		3.0	2.2
5,000,000	6.8	5.9		2.8	2.0
7,500,000	6.6	5.7		2.7	1.95
10,000,000	5.9	4.6		2.5	1.8
15,000,000	6.1	5.2		2.3	1.6
20,000,000	5.9	5.1		2.2	1.45

DRAFT

Chapter 73C-23, FAC, establishes the above schedule as the maximum amount of CDBG funds that may be used to pay for basic engineering and inspection. To comply with 24 CFR 85.36, the local government must negotiate a fee, including profit, as a separate amount, and conduct a cost analysis of the fee. Non-CDBG funds may be used to pay for basic engineering and inspection costs exceeding the schedule.

Tables I and I-A shall be used for water treatment plants, sewers, sewage treatment plants, and rehabilitation of existing treatment facilities. For all other projects, use Tables II and II-A. For project costs falling between the amounts shown in the tables, percentages shall be interpolated to the nearest one-tenth percent. Projects with both Table I and Table II activities shall be prorated using the percentage of estimated cost for each table to the total estimated construction cost. Do not calculate based on the Table I cost and the Table II cost. (Example: if 35% of estimated construction cost is Table I, use 35% of Table I amount as calculated using the estimated construction cost; then use 65% of the Table II amount as calculated using the estimated construction cost.

The engineering fee may include any services defined as additional engineering in Chapter 73C-23, FAC. All additional engineering fees must be justified as outlined in Technical Memo 93-13. The engineering fee may also include preliminary engineering costs not to exceed one-half of one percent of total estimated construction costs. If readiness to proceed points are part of the final application score, then preliminary engineering costs may not be requested and the maximum engineering paid from CDBG funds shall not exceed $10,000 plus the amount calculated from Table 1-A, Table II-A, or a prorated amount of both tables, as appropriate, depending on the activities to be funded from the grant.

DRAFT

NOTICE OF FIRST PUBLIC HEARING
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

Notice is hereby given that Leon County, Florida will conduct a public hearing on Wednesday, June 6, 2018, 6:00PM at the Leon County Office of Human Services & Community Partnerships, Community Room, 918 Railroad Avenue, Tallahassee, Florida 32310, to obtain public comments on potential projects for application to the Florida Department of Economic Opportunity (DEO) for a 2017 Small Cities Community Development Block Grant (CDBG).

Leon County is considering applying to the Florida Department of Economic Opportunity for a FY 2017 Small Cities Community Development Block Grant of up to Seven Hundred Fifty Thousand Dollars ($750,000). These funds must be used for one of the following purposes:

1. Benefit low- to moderate-income persons;
2. Aid in the prevention or elimination of slums or blight; or
3. Meet other community development needs

The categories of activities for which these funds may be used are in the area of neighborhood revitalization, housing, commercial revitalization or economic development and include such improvement activities as acquisition of real property, loans to private for-profit businesses, purchase of machinery and equipment, construction of infrastructure, and rehabilitation of housing. Additional information regarding the range of activities that may be undertaken will be provided at the public hearing. For each activity that is proposed, at least 70% of the funds must benefit low- and moderate-income persons.

All interested parties are invited to present their comments at the public hearing at the time and place set out above. For more information concerning the public hearing contact Mr. Shington Lamy, Director of the Office of Human Services & Community Partnerships, 918 Railroad Avenue, Tallahassee Florida 32310. Telephone number: (850) 606-1900, Email address: lamys@leoncountyfl.gov.

The Public Hearing is being conducted in a handicapped accessible location. Any handicapped person requiring an interpreter for the hearing or visually impaired should contact Mr. Lamy at least five (5) calendar days prior to the meeting and an interpreter will be provided. Any non-English speaking person wishing to attend the public hearing should contact Mr. Lamy at least five (5) calendar days prior to the meeting and a language interpreter will be provided. Any handicapped persons requiring special accommodations should contact Mr. Lamy at least five (5) calendar days prior to the meeting.

Advertise: May 28, 2018

Leon County Community Development Block Grant (CDBG)
Citizen Advisory Task Force Meeting

PUBLIC HEARING

June 6, 2018

6:00 p.m.

A G E N D A

I. Call to Order

II. Approval of May 15, 2018 Meeting Minutes

III. Purpose of Public Hearing

IV. Public Input on Potential Projects for CDBG funding

V. Additional Information on the Concord School Project

VI. Committee Discussion on Project Recommendation

VII. Adjournment

Leon County Community Development Block Grant (CDBG)
Citizen Advisory Task Force Meeting
PUBLIC HEARING
June 6, 2018
6:00 p.m.

MEETING MINUTES

Members Present	County Staff Present
Talethia Edwards, Chair	Shington Lamy
Nita Jackson, Vice-Chair	Malinda Harris
Andy Johnson	Maggie Theriot
Tom Lewis	
Linda Rhyles-Lockley	

I. Call to Order

Vice-Chair Nita Jackson called the meeting to order at 6:01 p.m.

II. Approval of May 15, 2018 Meeting Minutes

Vice-Chair Jackson requested a motion to approve the minutes of the May 15, 2018 meeting.

Mr. Andy Johnson moved for the approval of the minutes as presented. Ms. Linda Ryles-Lockley seconded the motion and motion was approved.

III. Purpose of Public Hearing

Mr. Shington Lamy explained the purpose of the public hearing. Mr. Lamy stated on June 1 the Florida Department of Economic Opportunity (DEO) announced the availability of funding for non-entitlement local governments like Leon County through the Florida Small Cities Community Development Block Grant (CDBG). Leon County can apply for funding in one of three categories (Commercial Revitalization, Housing Rehabilitation, and Neighborhood Revitalization) and Economic Development. Leon County is eligible to apply for up to $750,000. The application window opens for this current cycle which is FY 17-18 on June 28, 2018 and closes August 13, 2018.

Mr. Lamy shared that prior to applying for funding, Leon County must conduct at least two public hearings: one to gather public input on potential projects and one to get public comment after the completion of a CDBG application but before submittal to DEO. Mr. Lamy stated that the purpose of the Task Force's meeting is to conduct the first public hearing which properly noticed in the Tallahassee Democrat on May 28, 2018 and

advertised on the Leon County website. Mr. Lamy also stated that County staff would provide a brief presentation on the Concord School Project which was discussed during the May 15, 2018 Task Force meeting.

Following that, the Task Force will have the opportunity to discuss, ask questions, and finally make a recommendation for the project that the County should apply for CDBG grant funding. Mr. Lamy then opened floor for questions before moving on. Vice-Chair Jackson asked if preparing the application was the responsibility of the Task Force; Mr. Lamy responded that County staff would complete the application once a project is selected. Mr. Tom Lewis asked if the County staff conducts the environmental review for CDBG grants. Mr. Lamy stated that sometimes the County contracts out for such services and sometimes conducts them internally based on staff time, capacity, and skill set.

III. Public Input on Potential Projects for CDBG funding

Chair Talethia Edwards arrived at 6:10 p.m. and presided over the remainder of the meeting.

Chair Edwards asked if there were any one from the public present to provide public input on potential projects for the CDBG funding; Mr. Lamy stated that there was not any member of the public present.

IV. Additional Information on the Concord School Project

Mr. Lamy introduced Ms. Maggie Theriot, Director of the Office of Resource Stewardship to make the presentation on the Concord School Project as a potential project for CDBG funding. Ms. Theriot provided a brief history on the Miccosukee Community and the Concord School. The Concord School is approximately 8,000 sq. ft. and was constructed 90 years ago. Although structurally sound, Ms. Theriot shared that the facility which houses the Boys and Girls Club as well as a number of community programming is in need of various repairs, and updates to the exterior (i.e. roof, windows) and interior space (i.e. electrical, HVAC). Additionally, Ms. Theriot presented the County's proposed plan to rehabilitate the Concord School as part of the Miccosukee Sense of Place Initiative. She mentioned that the County has committed $250,000 to the rehabilitation project thus far. Ms. Theriot stated if the Task Force chose to recommend this project for the CDBG funding, the next steps would be to rehabilitate the building and determine programming. Mr. Lewis asked which category would the County apply for CDBG funding for the Concord School Project. Mr. Lamy stated Neighborhood revitalization.

V. Committee Discussion on Project Recommendation

Following considerable discussion by the Task Force, Chair Edwards opened floor for motion to vote for the recommendation of the project for CDBG funding.

Mr. Johnson moved that the Task Force recommend that Leon County apply for CDBG funding for the Concord School Project. The motion was seconded by Mr. Lewis and passed 5-0.

Mr. Lamy shared that the Task Force's recommendation would be presented to the County Commission during its June 19, 2018 Board meeting.

VI. Adjournment

Chair Edwards adjourned meeting at 6:45 p.m.

NOTICE OF SECOND AND FINAL PUBLIC HEARING
FFY 2017 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT – DRAFT APPLICATION
LEON COUNTY, FLORIDA

Leon County, Florida (the "County") plans to apply to the Florida Department of Economic Opportunity (DEO) for a FFY 2017 Small Cities Community Development Block Grant (CDBG) of $750,000 in the Neighborhood Revitalization category. The County will utilize awarded funds to renovate the Concord School building in the Miccosukee Community. The County is currently in the process of developing a final project scope and cost estimates; however, the project will include exterior and interior renovations such as roof repairs, space reconfiguration, windows and doors, plumbing, electrical, and other work. At least 51% of households within the project's service area and that will benefit from the project are estimated to be low-to-moderate income households.

The County does not expect that anyone will be displaced as a result of CDBG-funded activities. If any persons are displaced as a result of the planned activities, the County will assist them as described in the County's anti-displacement and relocation policy, which is available for review at http://cms.leoncountyfl.gov/Portals/0/PolicyPdf/16-00.pdf and also in the County Administration office, located in the Leon County Courthouse at 301 S. Monroe Street, 5th Floor, Tallahassee, Florida 32301.

A public hearing to provide citizens an opportunity to comment on the application will be held in the Board of County Commissioners' chambers, located in the Leon County Courthouse at 301 S. Monroe Street, 5th Floor, Tallahassee, Florida, on July 10, 2018, at 6:00 p.m. A draft copy of the application will be available for review and included in the July 10 Board of County Commissioners' meeting materials posted on the County's website at www.leoncountyfl.gov A physical copy of the draft application will also be available for review by 8 p.m. on July 3, during normal business hours in the County Administration office. Persons wishing to submit written comments on the application should send them to Mr. Andy Johnson, Assistant to the County Administrator, by email at JohnsonAn@LeonCountyFl.gov or by U.S. Mail to 301 South Monroe Street, Tallahassee, Florida 32301.

A copy of the final application will be available for review in the County Administration office no later than August 10, 2018. The application will be submitted to DEO on or before August 13, 2018. To obtain additional information concerning the application and the public hearing, contact Mr. Andy Johnson, Assistant to the County Administrator, 301 South Monroe Street, Tallahassee Florida 32301. Telephone number: (850) 606-5300, Email address: JohnsonAn@LeonCountyFl.gov.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

Advertise: July 3, 2018

Leon County
Board of County Commissioners

Notes for Agenda Item #33

Leon County Board of County Commissioners

Agenda Item #33

July 10, 2018

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Lake Protection (LP) Zoning District to the Lake Protection Node (LPN) Zoning District

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Benjamin H. Pingree, Director, Planning, Land Management & Community Enhancement Cherie Bryant, Planning Manager
Lead Staff/ Project Team:	Russell Snyder, Administrator, Land Use Planning Jiwuan Haley, Senior Planner, Land Use Division

Statement of Issue:

This agenda item and public hearing is a continuance of the first and only public hearing from April 10, 2018 on a proposed ordinance to amend the Official Zoning Map to change the zoning classification of 30.9± acres across two parcels at the southeast corner of Bull Headley and Bannerman Roads from Lake Protection to the Lake Protection Node. The proposal is consistent with the County's requirements for rezoning and has also been recommended for approval by the Planning Commission. Staff recommends approval of the ordinance.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Conduct the first and only public hearing and adopt the proposed ordinance amending the Official Zoning Map to change the zoning classification from the Lake Protection (LP) zoning district to the Lake Protection Node (LPN) zoning district (Attachment #1) for the approximately 30.9± acre portion (as depicted in Attachment #1, p.3) of the parcel identified as being eligible for the Bannerman and Bull Headley Road Node of the LP Future Land Use Map (FLUM) category and in Sec. 10-6.660, Exhibit D of the Leon County Development Code (Attachment #3, p. 14).

Report and Discussion

Background:

The County received an application requesting a change to the Official Zoning Map from the LP zoning district to the LPN zoning district on approximately 30.9± acres of the 101.7± acres that make up the two parcels identified in the application. The subject property is located on the south side of Bannerman Road, approximately 89 feet south of its intersection with Bull Headley Road. Only the portion of the application parcels (approximately 30.9± acres) within the identified Lake Protection Node (LPN) area of the Bannerman and Bull Headley Road intersection are eligible for rezoning to LPN. The remainder of the overall application parcels are not under consideration for rezoning. The rezoning Ordinance and map is included as Attachment #1. A current zoning map of the site is included as Attachment #2. A map of the Bannerman and Bull Headley Road Node can be found in Attachment #3 (Exhibit D).

This hearing is a quasi-judicial proceeding. Ex parte communications are prohibited during review of quasi-judicial proceedings. Ex parte communications are oral or written off-the-record communication made to decision-making personnel, without required notice to the parties that is directed to influence or attempt to influence the merits or outcome of a decision. This term does not include procedural, scheduling and status inquiries or other inquiries or requests for information that have no bearing on the merits or outcome of the proceeding.

Historic Zoning: The 1990 Historic Zoning Atlas indicates the historic zoning on the property was Agricultural (A-2).

1992: The Official Zoning Map for Leon County was adopted by Ordinance #92-11 to implement the 1990 Tallahassee-Leon County Comprehensive Plan. The subject property was zoned Lake Protection (LP).

January 29, 2013: The Leon County Board of County Commissioners (Board) ratified actions taken at the December 10, 2012 Annual Retreat (Attachment #4). These actions included establishing a new strategic initiative within the Board's Strategic Plan to "develop solutions to promote sustainable growth inside the Lake Protection Zone."

November 19, 2013: With the guidance of the Board's Strategic Priorities, staff from Planning, Development Support and Environmental Management (DSEM), and Public Works developed a set of recommendations intended to implement the above referenced strategic initiative, which included the creation of Lake Protection Nodes. At a workshop held on November 19, 2013, the Board discussed these recommendations and directed staff to move forward with these recommendations as part of the Lake Jackson Sustainable Development project (Attachment #5).

May 26, 2015: At the Joint City-County Adoption Public Hearing, the *Tallahassee-Leon County Comprehensive Plan* was amended to change the Lake Protection (LP) FLUM category to create the Lake Protection Node (LPN) zoning district (Attachment #6). The amendment designated

four nodes at intersections within the LP FLUM category, one of which is located at the Bannerman Road and Bull Headley Road intersection.

July 7, 2015: In order to implement the above comprehensive plan amendment, the Board approved an amendment to the *Leon County Land Development Code* to create the LPN zoning district, which included maps designating the subject areas where the LPN shall be permitted (Attachment #7). The subject site is included in the Bannerman and Bull Headley Road Node Subject Area (Attachment #3, Exhibit D).

March 6, 2018: The Planning Commission held a public hearing on this item and voted (5-1) to find the application consistent with the Comprehensive Plan and recommend that the Board of County Commissioners (BCC) adopt the proposed Ordinance. There were seven speakers on the item. Five citizens spoke in opposition to the rezoning. The applicant's agent and attorney spoke in favor of the rezoning and addressed the opponents' statements. Citizens were concerned that the rezoning would result in an increase in traffic on Bannerman Road, pollution of the lakes in Summerbrooke, and would be incompatible with Summerbrooke's single-family development pattern. Citizens also requested that a moratorium be placed on development until the Bannerman Road improvements are completed. The Planning Commission inquired about the ownership of the parcels and if the entirety of the parcels could be rezoned to LPN. Staff informed the Commission that the parcels were under single ownership and only 30.9± acres would be eligible for the Lake Protection Node zoning district. The remainder of the parcel would stay in Lake Protection. There was additional discussion of the potential environmental impacts the development might cause, the site plan review stage of development, and whether the proposed rezoning was consistent with the *Tallahassee-Leon County Comprehensive Plan*.

April 10, 2018: The Leon County Board of County Commissioners voted (4-3) to continue the public hearing on this item to July 10, 2018. On the day of the public hearing, staff received correspondence from a legal representative on behalf of the Summerbrooke Property Owners Association, Inc., on the proposed rezoning as well as an email from a citizen concerning Land Use and Comprehensive Plan issues (Attachment #13, pages 181-215). The attorney's correspondence included a 20-page memorandum prepared by Dr. David Depew, a certified planner, concluding that the rezoning application failed to demonstrate compliance with the Comprehensive Plan. At the recommendation of the County Attorney, the Board continued the item in order to provide staff time to analyze all of the correspondence received on the day of the public hearing.

Analysis:

In accordance with Section 10-6.205(b) 11 (Procedures for Ordinance and Official Zoning Map Amendments) of the *Leon County Code of Ordinances*, the County shall consider the following 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. The subject property is located in the Lake Protection (LP) Future Land Use Map (FLUM) category. According to Land Use Policy 2.2.18 (Attachment #8), the intent of the LP FLUM category "is to ensure that development within the Lake Jackson basin occurs in a sustainable and environmentally sound manner with minimal impact to water quality." The LP FLUM category allows two zoning districts:

- Lake Protection (LP)
- Lake Protection Node (LPN)

The Lake Protection Node (LPN) zoning district in the Tallahassee-Leon County Comprehensive Plan designates four nodes at intersections within the LP FLUM category, one of which is located at the Bannerman Road and Bull Headley Road intersection. The LPN zoning district was added to the Comprehensive Plan in 2015 in support of the Board's Strategic Initiative to "develop solutions to promote sustainable growth inside the Lake Protection Zone."

As a result, the new LP FLUM zoning category allows for sustainable development patterns within the Lake Protection area. These nodes were located at specific, primary intersections to allow for the creation of compact, mixed-use, and multi-modal neighborhood centers. These nodes are intended to serve the surrounding areas with office, retail, and employment opportunities in a manner that encourages walking and generally improves quality of life for residents. The relatively compact nature of these nodes in combination with heightened storm water standards will ensure the continued protection of Lake Jackson.

Allowable uses within the FLUM category include residential and community and recreational facilities. The LP Future Land Use category allows single-family residential with an allowed residential density of one (1) dwelling unit per two (2) gross acres. To encourage compact and efficient development, two density bonus options are available for properties within the category:

- A residential density of up to two (2) dwelling units per gross acre may be permitted within developments designed as a Clustered Subdivision.
- A residential density of up to eight (8) dwelling units per gross acre may be permitted within the LPN zoning district.

Areas within the LPN zoning, as being sought by the applicant, would allow mixed use and non-residential uses (including, but not limited to, office and commercial uses). Within the requested LPN category, single use, non-residential development is allowed at a maximum intensity of 10,000 square feet (S.F.) per gross acre. Projects containing a vertical mixture of uses, including any combination of office, commercial and residential uses, may receive a bonus of 2,500 S.F. per gross acre, for a total of 12,500 S.F. per gross acre. Community and recreational facilities are allowed at a maximum intensity of 10,000 S.F. per gross acre.

The LP FLUM category permits the LPN zoning district generally within a quarter (1/4) mile of the center of four intersections within Leon County; the Bannerman Road and Bull Headley node is one of the four identified intersections within the Comprehensive Plan. The two parcels identified in the application total 101.7± acres. Only a 30.9-acre portion of the parcels is eligible for the rezoning pursuant to the Bannerman and Bull Headley Road Node provisions in the Comprehensive Plan and land development code. Therefore, staff recommends that only the eligible 30.9-acre portion be rezoned.

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

Yes. The portion of property recommended for rezoning conforms to the land development requirements of the LPN zoning district. In accordance with Section 10-6.660 of the *Leon County Land Development Code* (Attachment #3), the LPN zoning district is intended to be located in areas within ¼ mile of the four designated intersections within the LP FLUM category. Exhibit D of Section 10-6.660 illustrates the portion of the subject parcel where LPN is permitted (approximately 30.9± acres). The proposed rezoning would implement the LPN zoning district created in the 2015 update of the *Tallahassee-Leon County Comprehensive Plan* and *Leon County Land Development Code*.

As noted above, the application identifies two parcels, totaling 101.7± acres, for rezoning to LPN. This would not, however, be consistent with the *Tallahassee-Leon County Comprehensive Plan* and *Leon County Land Development Code*. To ensure consistency with the *Tallahassee-Leon County Comprehensive Plan* and the *Leon County Land Development Code*, staff recommends that only the portion of the parcels (approximately 30.9± acres) identified as being within the Bannerman and Bull Headley Road Node in the Leon County Development Code be rezoned to LPN (Attachment #2).

A residential density of up to eight (8) dwelling units per gross acre may be permitted within the LPN zoning district. Non-residential development allowed within this district is limited to office, retail services, and community facilities with an allowable intensity of 10,000 S.F. per gross acre (vertical mixture of uses may receive a bonus of 2,500 S.F. per gross acre for a total of 12,500 S.F. per gross acre).

A comparison of existing and proposed uses in the LP and LPN zoning districts is provided in Table 1, and a comparison of the allowable density and intensity is contained in Table 2.

Table 1: Comparison of Existing and Proposed Permitted Uses

Permitted Uses	Zoning Districts	
	LP	LPN
Active and Passive Recreation Facilities		X
Passive Recreational Facilities and Boat Ramps	X	
Automotive Retail, Service, and Repair, including Car Wash		X
Community services in accordance with section 10-6.806 of these regulations	X	
Community facilities related to the permitted principal uses, including libraries, religious facilities, police/fire stations, and elementary, middle, high, and vocational schools.		X
Day care center		X
Government Offices and Services		X
Light Infrastructure	X	*
Live-Work Units		X
Lodging		X
Medical and Dental Offices, Services, Laboratories, and Clinics		X
Nursing Homes and Other Residential Care Facilities		X
Office		X
Residential – Any Unit Type		X
Restaurants, without Drive-in Facilities		X
Single-Family Detached	X	X
Retail		X
Studios for Photography, Music, Art, Drama, and Voice		X
Retail Commercial		X

**Light Infrastructure is listed as an Accessory Use in LPN*

Table 2: Development Intensity Allowed by District

Zoning District	Maximum Residential Density and Height	Maximum Non-Residential Building Size	Allowable Density for Subject Site (30.9 acres)	Allowable Non-Residential Intensity for Subject Site (30.9 acres)
LPN (Proposed)	8 du/acre; Max. Height: 35 feet	10,000 square feet per acre; 12,500 square feet per acre bonus with vertical mixture of uses; Max. Height: 4 stories.	247 dwelling units	309,000 sf of Commercial; 386,250 sf of Commercial with vertical mix use bonus.
LP (Existing)	1 du / 2 gross acres; Max. Height: 3 stories	0 square feet per acre	16 dwelling units 62 clustered dwelling units	0 sf of Commercial
		Net Change in Use	**+ 231 units/ 185 clustered units**	**+309,000/386,250 sf of Commercial**

It should be noted that prior to the Lake Protection Comprehensive Plan amendment in 2015, minor office and minor commercial uses proposed in the Lake Protection (LP) zoning district could have been approved through the Planned Unit Development Review (PUD) process. Prior to the changes, all proposed development in the LP zoning district was required to meet the commercial site location standards outlined in Section 10-6.619 in the Leon County Land Development Code. Section 10-6.619 requires minor commercial uses to be located within 330 feet of the centerline of the intersection of local and arterial, collector and arterial, and collector and collector roadways. The subject property is approximately 42 feet from the Bannerman Road (major collector) and Bull Headley Road (minor collector) intersection and would have qualified for minor commercial development through the PUD review process.

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?*

No. The subject site's future land use category and zoning districts have been the same since they were updated by the adoption of the *Tallahassee-Leon County Comprehensive Plan* in 1992. As mentioned above, the proposed rezoning is the implementation of the LPN zoning district, which was created during the 2015 update of the *Tallahassee-Leon County Comprehensive Plan* and *Leon County Land Development Code*.

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

No. As indicated in Table 3, there are single-family homes to the east and west of the subject property. Located on the south is the remainder of the overall parcel, which is currently undeveloped. To the north are single family, commercial and office (Attachment #9). Several residents have raised concerns about the potential incompatibility of allowed commercial uses and multi-family development with adjacent single-family residential neighborhoods.

The intent of the LPN zoning district is to concentrate non-residential uses around major intersections within the LP FLUM category; non-residential uses, except for community and recreational facilities, are not allowed anywhere else within the LP FLUM category. Concentrating non-residential uses into nodes around major intersections creates compact development patterns that maximize infrastructure and minimize environmental impacts; provide retail services and recreation opportunities to nearby residents; create a development pattern that facilitates walking, biking, and the use of transit; and minimize stormwater runoff within the LP FLUM category by limiting the surface area devoted to parking and requiring strict volume control stormwater facilities.

Additionally, to facilitate compatibility with nearby neighborhoods, the LPN zoning district has stringent design standards intended to minimize potential adverse impacts via buffering, screening, and lighting requirements. The LPN district intent states that buffers, transitioning

building mass and scale, and careful site design should be used to facilitate compatibility with nearby neighborhoods.

Table 3: Surrounding Zoning and Future Land Use

Area	Zoning	Future Land Use	Physical Use	Comments
Subject Parcel	**LP**	**Lake Protection**	**Single Family Home**	**N/A**
North	LP/LPN/RP*	Lake Protection; Lake Protection Node; Residential Preservation	Single Family Subdivisions and Office Parks	The following are located north of Bannerman Road: Sable Chase Subdivision; Bull Headley Commercial Subdivision; Bannerman Commercial Subdivision**
South	LP/R-1	Lake Protection; Single Family Detached Residential	Vacant/Single Family	Timberland/Undeveloped; Summerbrooke Subdivision
West	LP	Lake Protection	Single Family Homes	Summerbrooke Subdivision
East	LP	Lake Protection	Single Family Homes	N/A

**Areas zoned for Residential Preservation (RP) are non-adjoining to the proposed rezoning site per the glossary in the Tallahassee-Leon County Comprehensive Plan.*
***Bannerman Road is a major collector. According to the Comprehensive Plan, land uses on parcels that are separated by a major collector or an arterial street or roadway or by a railroad right of way shall not be considered adjoining.*

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

School district staff analyzed the zoning change and did not identify any issues at this time. The current school impact analysis can be viewed in Attachment #10.

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

No.

Site and Development Plan Approval Process
Should the Board approve the request for rezoning, the next step requires the developer to submit an application to begin the site and development plan review process as established in the Land Development Code (LDC). The applicant will be required to submit a proposed site plan for the property to include the layout, design, buffering, number of dwelling units, and demonstrate the proposed intensity of the site (i.e. clustering). The development process must address the following:

- Traffic: Identify anticipated vehicle trips based on the number of dwelling units and non-residential square footage. Based on the number of vehicle trips the development generates, the developer will be required to make a payment for their proportionate fair share impact to Bannerman Road. The payment will be used towards the construction of a future Bannerman Road capital project. The widening of Bannerman Road from Tekesta Drive to Thomasville Road was included in the renewal of the sales tax approved by voters in 2014. Since that time, the development of the node near the intersection of Thomasville Road and Bannerman led to the widening of a 1.3-mile segment of the roadway to four lanes.

  On June 21, 2018 the Blueprint Intergovernmental Agency Board voted to approve an accelerated project implementation strategy utilizing a bond issuance to fund the widening of Bannerman Road (from Thomasville Road to Tekesta Drive) in the first five years of the Blueprint 2020 program. In addition, the IA Board voted to have staff bring back an analysis of the cost and viability of extending the widening project further west to Bull Headley Road. On the day of the IA meeting, staff received a letter from the Summerbrooke Property Owners Association requesting an eight-year delay in the widening of Bannerman Road to avoid "the over-development of the existing vacant or underdeveloped parcels" along the corridor (Attachment #11).

- Stormwater: The development will be required to meet additional environmental standards under the Bradfordville Sector Plan and lake protection requirements associated with Lake Jackson. The developer will have to provide mitigation plans for on and off-site stormwater impacts.

- School Concurrency: Leon County Schools will evaluate impacts to the school district based on the specific number of dwelling units proposed for development.

- Public Participation: The site and development plan review process includes public meetings, access to project files via the web (Project Dox) and enables the public to submit written comments to the project for consideration by staff and the developer.

- Final Approval: Depending on the number of proposed dwelling units and total non-residential square footage included in the developer's application, final approval of the

site and development plan is as follows; this only applies to the LPN portion proposed for rezoning:

- Staff Approval (Type A): Less than 35 dwelling units and/or less than 20,000 square feet of non-residential construction.

- Development Review Committee (DRC): 35 to 74 residential dwelling units and/or 20,000 to 79,999 square feet of non-residential construction.

- County Commission: 75 or more dwelling units and/or 80,000 square feet or more of non-residential construction.

Public Notification & Response:
This request has been noticed and advertised in accordance with the provisions of the *Leon County Code of Ordinances* (Attachment #12). The Planning Department mailed 276 notices to property owners within 1,000 feet of the subject property. To date, the Planning Department has received seven undeliverable notices, several phone calls, eighty written responses and a petition containing 678 signatures in objection to the proposed rezoning; there is one letter in support of the proposed rezoning (Attachment #13). Citizens have expressed concern with a potential increase in crime, traffic, pollution, noise and a decrease in property values as a result of the proposed increase in density and intensity.

Per the direction of the Board, as discussed above, these nodes were located at specific, primary intersections to allow for the creation of compact, mixed-use and multi-modal neighborhood centers within the Lake Protection category. Commercial, retail, and other similar neighborhood services are allowed in the nodes but not anywhere else in the Lake Protection area. These nodes are intended to serve the surrounding areas with office, retail, and employment opportunities in a manner that encourages walking, reduces the predominantly automobile-dependent land use pattern in areas designated LP, and encourage more compact development within the Urban Service Area.

On February 20, 2018, staff from the Tallahassee-Leon County Planning and Leon County Development Support and Environmental Management Departments attended the Summerbrooke Home Owners Association Board of Directors' meeting. The homeowners and board members were provided with information on the 1665 Bannerman Road rezoning. Staff's presentation included a brief overview of the Lake Protection Node zoning district, when and why it was adopted by the Leon County Board of County Commissioners and where the Node applies as stated in the *Tallahassee-Leon County Comprehensive Plan* and illustrated in the Leon County Land Development Code. An overview of the rezoning process was also provided. The homeowners in attendance and the Board members were largely concerned about site-plan related issues such as traffic concurrency, environmental analyses and storm water management. Staff explained the differences between the rezoning and site plan processes. There was also opposition to multi-family development on the subject site. It was expressed by the citizens that

a multi-family development would not be compatible with the single-family development pattern in Summerbrooke.

Staff was invited back to the Summerbrooke Clubhouse for a meeting with area residents on March 30, 2018 which included representatives from the homeowner associations of nearby communities including Luna Plantation, McBride Hills, Killearn Lakes, and Golden Eagle. Representatives of the Summerbrooke HOA provided a handout of written materials which included excerpts from the Comprehensive Plan, along with traffic and school data, to review in the context of the proposed rezoning (Attachment #13, pages 355-375). Staff provided information on procedural matters related to the rezoning and land development processes, explained efforts to steer growth within the Urban Services Area, discussed the application of the Bradfordville Sector Plan and Lake Jackson environmental standards, outlined the technical review requirements for site development plans, and responded to general questions and concerns from the group. Two employees of Leon County Schools also participated in the meeting to address issues related to school capacity. Overall, many of the concerns expressed by homeowners related to the site and development plan review stage, specifically the capacity of existing public infrastructure to support the maximum density allowed for in the proposed rezoning.

Response to Correspondence Received on April 10

On April 10, 2018, the day of the first public hearing, staff received written comments on the proposed rezoning from a legal representative on behalf of the Summerbrooke Property Owners Association, Inc., as well as an email from a citizen concerning Land Use and Comprehensive Plan issues (Attachment #14, pages 1-35). The attorney's correspondence included a 20-page memorandum prepared by Dr. David Depew, a certified planner, concluding that the rezoning application failed to demonstrate compliance with the Comprehensive Plan. At the recommendation of the County Attorney, the Board continued the item in order to provide staff time to analyze all of the correspondence received on the day of the public hearing. Staff provides responses below to the issues raised in the April 10th correspondence regarding application requirements for the rezoning, consistency with the comprehensive plan, the allowable intensity and density in LPN, and compatibility with surrounding areas.

Rezoning Application Requirements

April 10th Comments:

- Absent a more detailed site plan and development conditions that can be applied to assure that the residential environment will be preserved, protected, and enhanced, this development request cannot be determined to meet these goals established by the Comprehensive Plan (Attachment #14, page 9).

- There has been nothing provided to demonstrate minimization of stormwater runoff by limiting surface area devoted to parking and requiring strict volume control stormwater facilities (Attachment #14, page 12).

- Insufficient traffic capacity exists in the community infrastructure, nor is it programmed to accommodate the application's intensity of development (Attachment #14, page 34).

Staff Response: The application requests only a change in zoning classification for a 30.9± acre portion of the two overall parcels located at 1665 Bannerman Road from the Lake Protection (LP) zoning district to the Lake Protection Node (LPN) zoning district. The application under consideration does not request to develop the property. Traffic concurrency, environmental analyses and stormwater mitigation are not issues addressed at the rezoning stage, but at the site plan review stage, once the type of use and the intensity of the use has been determined. A site plan is not required for a rezoning. The applicant has submitted all of the materials required to be considered for a rezoning, including an affidavit waiving transportation concurrency review at the rezoning stage. Likewise, an environmental analysis per the Land Development Code is optional at the rezoning stage.

Consistency with the Comprehensive Plan and the Leon County Land Development Code

April 10th Comments:

- Staff's conclusion does not provide any insight into how development on the subject property will be managed during the permitting process. Lacking measurable and objective criteria by which the development will be evaluated to determine the full extent to which development may occur, it must be assumed that granting the request will permit the subject property to be developed to the fullest extent permissible under the LPN designation. At that level of development, it cannot be asserted that the request is fully consistent with all the applicable goals, objectives, and policies of the Plan (Attachment #14, page 11).

- At no point in the development process has the request attempted to demonstrate a compact mixed-use development design, nor has it provided a pattern of development that is supportive of transit services. There is no discussion as to how the project will minimize environmental impacts or minimize automobile dependency and reducing vehicle miles traveled. There has been no demonstration of a development design in which travel by foot and bicycle is safe, convenient, and comfortable (see Attachment #14, page 12).

Staff Response: The application under consideration is a rezoning, not a development proposal or design. The LP FLUM category permits the LPN zoning district generally within a ¼ mile of the center of four intersections within Leon County; the Bannerman Road and Bull Headley node is one of the four identified intersections within the Comprehensive Plan. These nodes were located at specific, primary intersections to allow for the creation of compact, mixed-use, and multi-modal neighborhood centers. If the LPN zoning is approved by the Board, the criteria utilized to determine how projects will be developed will be based on the development standards established by the existing LPN zoning district. The Lake

Protection FLUM and LPN zoning allows for sustainable development patterns within the Lake Protection area.

Areas within the LPN zoning, as being sought by the applicant, would allow mixed use and non-residential uses (including, but not limited to, office and commercial uses). While mixed-use development is not required in the LPN district, it is strongly encouraged through development incentives. Vertical mixture of uses may receive a bonus of 2,500 S.F. per gross acre for a total of 12,500 S.F. per gross acre **(see #1 and #2 in the Analysis section above)**.

Development Intensity Allowed in the Lake Protection Node Zoning District

April 10th Comments:

- The application of LPN at this time is premature (Attachment #14, page 34).

- Sufficient vacant (zoned) LPN land exists at this intersection to meet the current needs of this area (Attachment #14, page 34).

- Insufficient justification has been presented to support the intensity and demand for the land uses permitted under the LPN designation in this location (Attachment #14, page 34).

Staff Response: The LPN zoning district has been established since 2015 in order to promote sustainable growth in the Lake Protection Future Land Use Map category. The intensity and density for the Lake Protection Node was determined by the Leon County Board of County Commissioners to be appropriate within a ¼ radius of the Bannerman Road and Bull Headley intersection. The *Tallahassee-Leon County Comprehensive Plan* was amended to change the Lake Protection FLUM category to create the Lake Protection Node (LPN) zoning district in July 2015 **(see #2 in the Analysis section above)**.

Lake Protection Node (LPN) and Compatibility with Surrounding Areas

April 10th Comments:

- There are no standards that demonstrate how a development as intense as that which is being proposed will be made compatible with the existing land uses that surround the proposed rezoning, and nothing that provides any insight as to why such a development will not overwhelm the available infrastructure (Attachment #14, page 14).

- The application of the LPN and the permitted intensities are incompatible and inconsistent with the character and nature of the area (Attachment #14, page 34).

- The potential for a 309,000 sf retail center on the subject property does not meet the adopted Comprehensive Plan locational criteria for retail centers of such a size at this location (Attachment #14, page 34).

Staff Response: The application under consideration is a rezoning, not a development proposal or design. If the LPN zoning is approved by the Board, the criteria utilized to determine how projects will be developed will be based on the development standards established by the existing LPN zoning district.

The intent of the LPN zoning district (Attachment #3) is to concentrate non-residential uses around major intersections within the LP FLUM category. Non-residential uses, except for community and recreational facilities, are not allowed anywhere else within the LP FLUM category **(see #4 in the Analysis section above)**. The LPN Comprehensive Plan designation at this location and the implementing Lake Protection Node zoning category standards were reviewed and found consistent with the Comprehensive Plan at the time of their adoption.

April 10th Comments:

- The "Vision Statement and Implementation" provision of the Comprehensive Plan also recognizes that: Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood. Not only actual changes, but also the perception of a constant assault on a neighborhood undermines an otherwise desirable residential environment. . . it is the intent of the plan to maintain the integrity of existing neighborhoods . . . "(Attachment #14, page 25).

- The proposed rezoning will destroy the integrity of existing adjacent residential neighborhoods and will permanently alter their character. This proposed rezone is another assault on our existing neighborhoods and undermines what has been a long-established and desirable residential environment (Attachment #14, page 25).

Staff Response: The "Vision Statement and Implementation" provision of the Comprehensive Plan states the following:

> "…. Containing sprawl will necessarily increase density and intensity in the existing urban area. Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood. Not only actual changes, but also the perception of a constant assault on a neighborhood undermines an otherwise desirable residential environment. Development and its ancillary activities should be channeled into locations that offer the greater opportunity for the higher density and mixture of uses that a policy of urban containment encourages. It is the intent of the plan to maintain the integrity of existing neighborhoods while encouraging

> new residential developments to incorporate a wider range of nonresidential uses."

The Comprehensive Plan charges local government to contain growth within the Urban Services Area (USA). The subject property is within the USA. The LPN zoning district helps promote growth within the USA while prohibiting sprawl by concentrating non-residential uses around major intersections within the LP FLUM category. Objective 1.1: [L] in the Comprehensive Plan states that the "Urban Service Area (USA) concept is based upon a desire to have Tallahassee and Leon County grow in a responsible manner, with infrastructure provided economically and efficiently, and surrounding forest and agricultural lands protected from unwarranted and premature conversion to urban land use." Staff has concluded that the proposed rezoning will be compatible with nearby residential areas. The LPN zoning district has been found to be consistent with the Lake Protection Future Land Use category and compatible with the LP zoning district **(see #4 in the Analysis section above)**.

Lake Protection Future Land Use Map category and the Land Development Matrix (Policy 2.2.26)

April 10th Comments:

- Policy 2.2.26 provides a land use development matrix depicting a set of performance criteria for measurement of the development potential of any property (Attachment #14, page 10).

- The Lake Protection land use designation is one of the categories delineated on Table 6 contained within Policy 2.2.26. With sewer availability, minor commercial and office uses are allowable, as are low density residential uses, passive and active recreational uses, community services, and light infrastructure. For minor commercial, site area should be two (2) acres or less, gross floor area not more than 20,000 SF, and have access within 330' of the centerline of the required intersection, in this case Bannerman and Bull Headley. The LPN district, however, increases the total potential commercial and office use allowance up to 386,250 sq. ft., which is categorized as Regional Commercial (Attachment #14, page 11).

Staff Response: Table 6, the land development matrix outlined in Policy 2.2.26: [L], is not applicable to this rezoning. The matrix is labeled as a pictorial representation of the language in the *Tallahassee-Leon County Comprehensive Plan's* Land Use Element and is superseded by the Comprehensive Plan when there are inconsistencies. Thus, the language established by the Lake Protection Future Land Use Map category, Policy 2.2.18: [L], takes precedence over the matrix. The locational standards for LPN are not determined by the land development matrix. The locational standards are provided via Policy 2.2.18: [L], established in 2015 by the Leon County Board of County Commissioners who determined the LPN zoning district is appropriate within a ¼ radius of the Bannerman Road and Bull Headley intersection **(see #2 in the Analysis section above)**.

Options:

1. Conduct the first and only public hearing and adopt the proposed ordinance amending the Official Zoning Map to change the zoning classification from the Lake Protection (LP) zoning district to the Lake Protection Node (LPN) zoning district (Attachment #1) for the approximately 30.9± acre portion (as depicted in Attachment #1, p.3) of the parcel identified as being eligible for the Bannerman and Bull Headley Road Node of the LP Future Land Use Map (FLUM) category and in Sec. 10-6.660, Exhibit D of the *Leon County Development Code* (Attachment #3, p. 14).
2. Conduct the first and only public hearing and do not adopt the proposed ordinance amending the Official Zoning Map to change the zoning classification from the Lake Protection (LP) zoning district to the Lake Protection Node (LPN) zoning district.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Ordinance/Location Map
2. Zoning Map of Subject Property and Surrounding Area
3. Land Development Regulations
4. Leon County BOCC Agenda Item, January 29, 2013 – Strategic Initiative
5. Leon County BOCC Workshop Item, November 19, 2013
6. Joint City-County Adoption Public Hearing Item, May 26, 2015 – Lake Protection Amendment
7. Leon County BOCC Agenda Item, July 7, 2015 – Land Development Code Amendment, Lake Protection Node
8. Comprehensive Plan Policies
9. Future Land Use Map of Subject Property and Surrounding Area
10. School Impact Analysis Form
11. Summerbrooke Letter June 21, 2018
12. Notice Ad
13. Citizen Comments
14. Subsequent Citizen Comments (received April 10, 2018)

LEON COUNTY ORDINANCE NO. ____

AN ORDINANCE AMENDING LEON COUNTY ORDINANCE NO. 92-11 TO PROVIDE FOR A CHANGE IN ZONE CLASSIFICATION FROM THE LP LAKE PROTECTION ZONING DISTRICT TO THE LPN LAKE PROTECTION NODE ZONING DISTRICT IN LEON COUNTY, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The Official Zoning Map as adopted in Leon County Ordinance No. 92-11 is hereby amended as it pertains to the following described real property:

LRZ180001: From Lake Protection (LP) to Lake Protection Node (LPN)

Begin at the Northwest corner of the South Half of the Southeast Quarter of the Section 8, Township 2 North, Range 1 East, Leon County, Florida; said point lying on the Easterly boundary of Summerbrooke Phase 10, a subdivision as per map or plat thereof recorded in Plat Book 12, page 41A of the Public Records of Leon County, Florida thence run North 00 degrees 52 minutes 46 seconds West along said Easterly boundary 1,238.05 feet to an iron rod and cap (marked #7160) lying on the Southwesterly right-of-way boundary of Bannerman Road; thence run Southeasterly and Northeasterly along said right-of-way boundary the following (13) thirteen courses: South 73 degrees 56 minutes 11 seconds East 16.21 feet to an iron rod and cap (marked #7160); South 73 degrees 33 minutes 40 seconds East 48.28 feet to an iron rod and cap (marked #7160); South 76 degrees 01 minutes 50 seconds East 50.99 feet to an iron rod and cap (marked #7160); North 16 degrees 14 minutes 11 seconds East 5.00 feet to an iron rod and cap (marked #7160); South 71 degrees 29 minutes 49 seconds East 55.62 feet to an iron rod and cap (marked #7160); South 70 degrees 38 minutes 29 seconds East 42.04 feet to an iron rod and cap (marked #7160); South 70 degrees 35 minutes 37 seconds East 50.83 feet to an iron rod and cap (marked #7160); South 68 degrees 42 minutes 23 seconds East 48.92 feet to an iron rod and cap (marked #7160); South 67 degrees 34 minutes 30 seconds East 53.76 feet to an iron rod and cap (marked #7160); North 22 degrees 25 minutes 30 seconds East 5.11 feet to an iron rod and cap (marked #7160); South 65 degrees 23 minutes 36 seconds East 178.95 feet; to an iron rod and cap (marked #7160) South 60 degrees 42 minutes 42 seconds East 385.78 feet to an iron rod and cap (marked #7160); thence run South 60 degrees 05 minutes 03 seconds East 489.52 feet to an iron rod and cap (marked #7160); thence leaving said right-of-way boundary run South 722.71 feet to an iron rod and cap (marked #7160); thence run West 1,253.25 feet to an iron rod and cap (marked #7160)lying on the Easterly boundary of said Summerbrooke Phase 10; thence run North 00 degrees 52 minutes 46 seconds West along said easterly boundary 99.88 feet to the POINT OF BEGINNING containing 30.91 more or less.

(See Exhibit A)

SECTION 2. All Ordinance or parts of Ordinance in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended which provisions shall

prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with said Comprehensive Plan.

SECTION 3. If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall become effective as provided by law.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this ___ day of _____, 2018.

LEON COUNTY, FLORIDA

_____
Nick Maddox, Chairman
Board of County Commissioners

ATTEST:
Gwen Marshall, Clerk of the Court and
Comptroller, Leon County, Florida

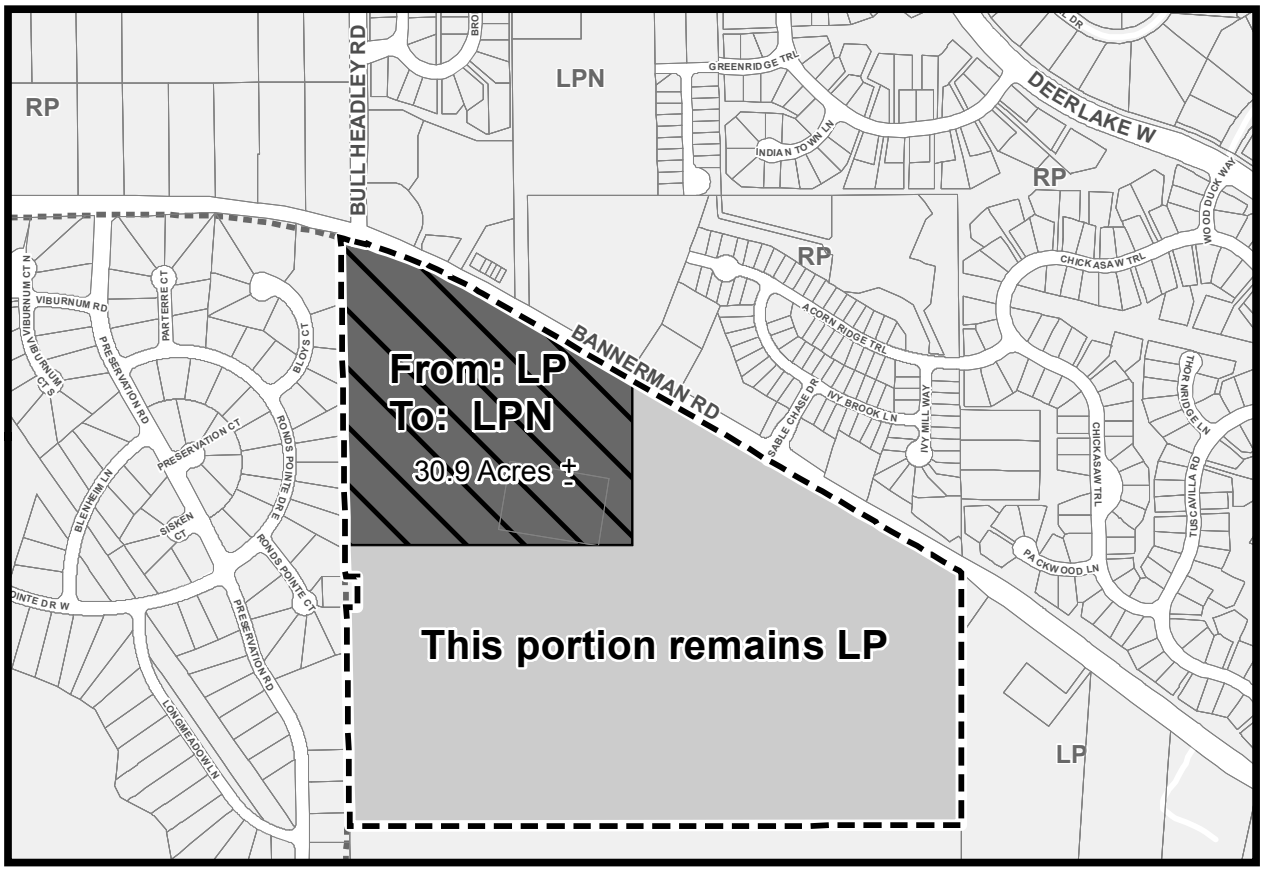
By: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

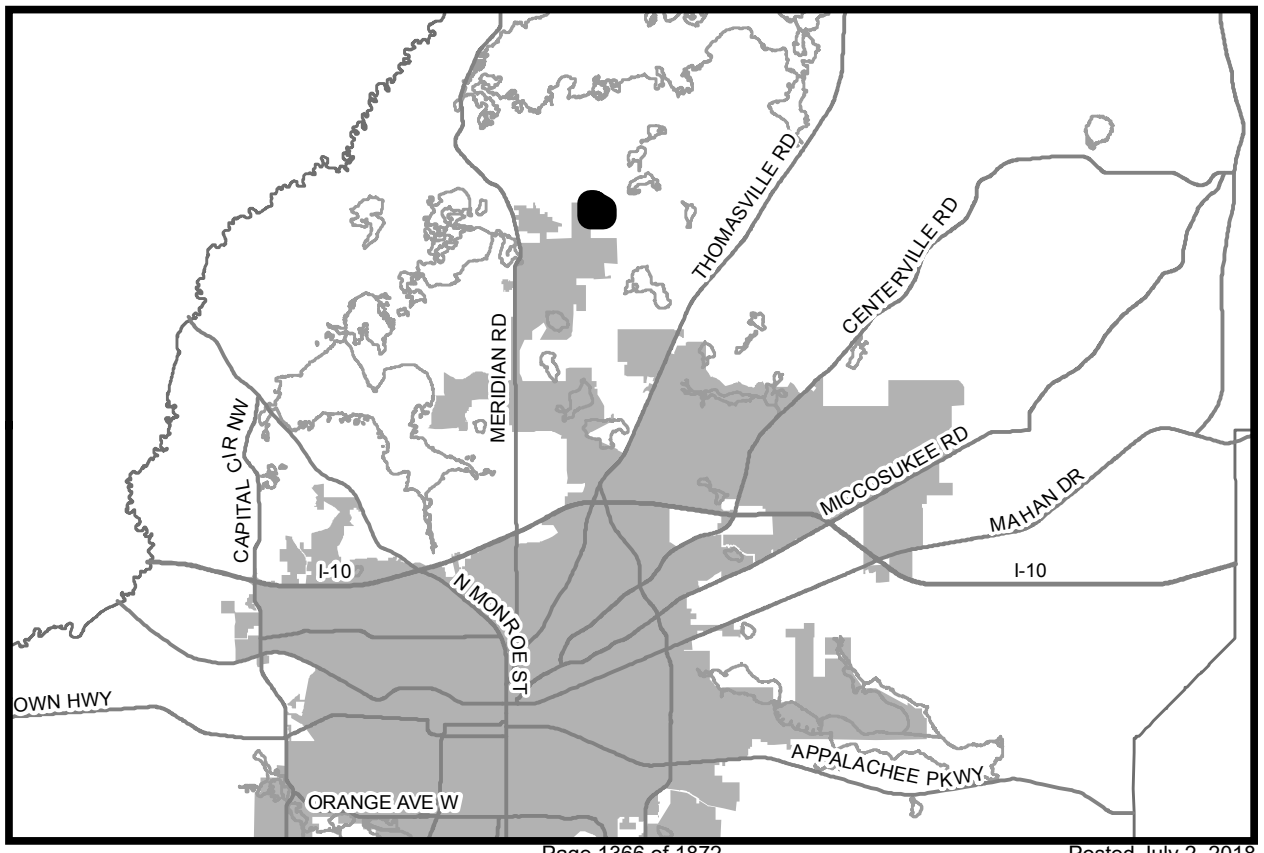
By: _____
Herbert W. A. Thiele, Esq.
County Attorney

Bannerman Road LPN Rezoning

LRZ180001



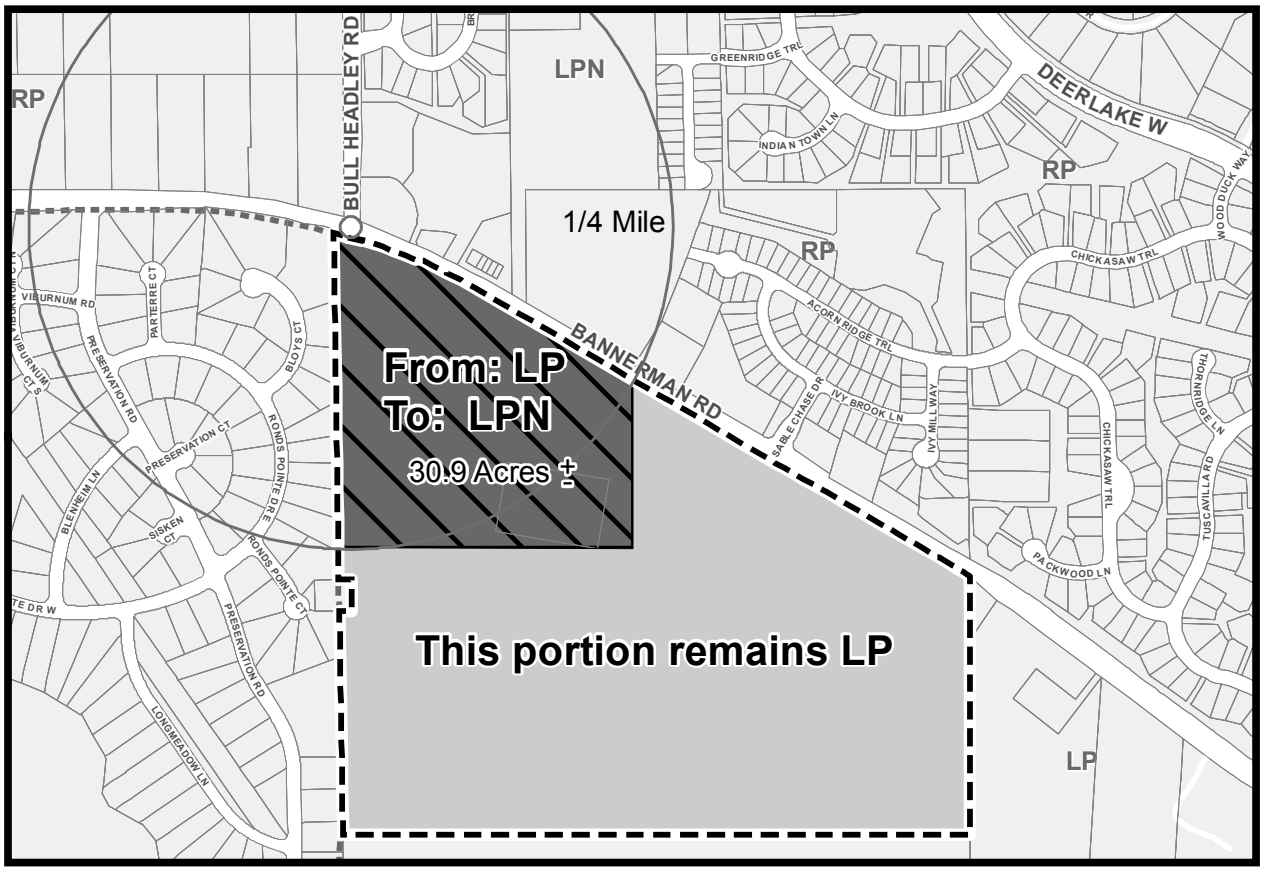
0 250 500 1,000 Feet



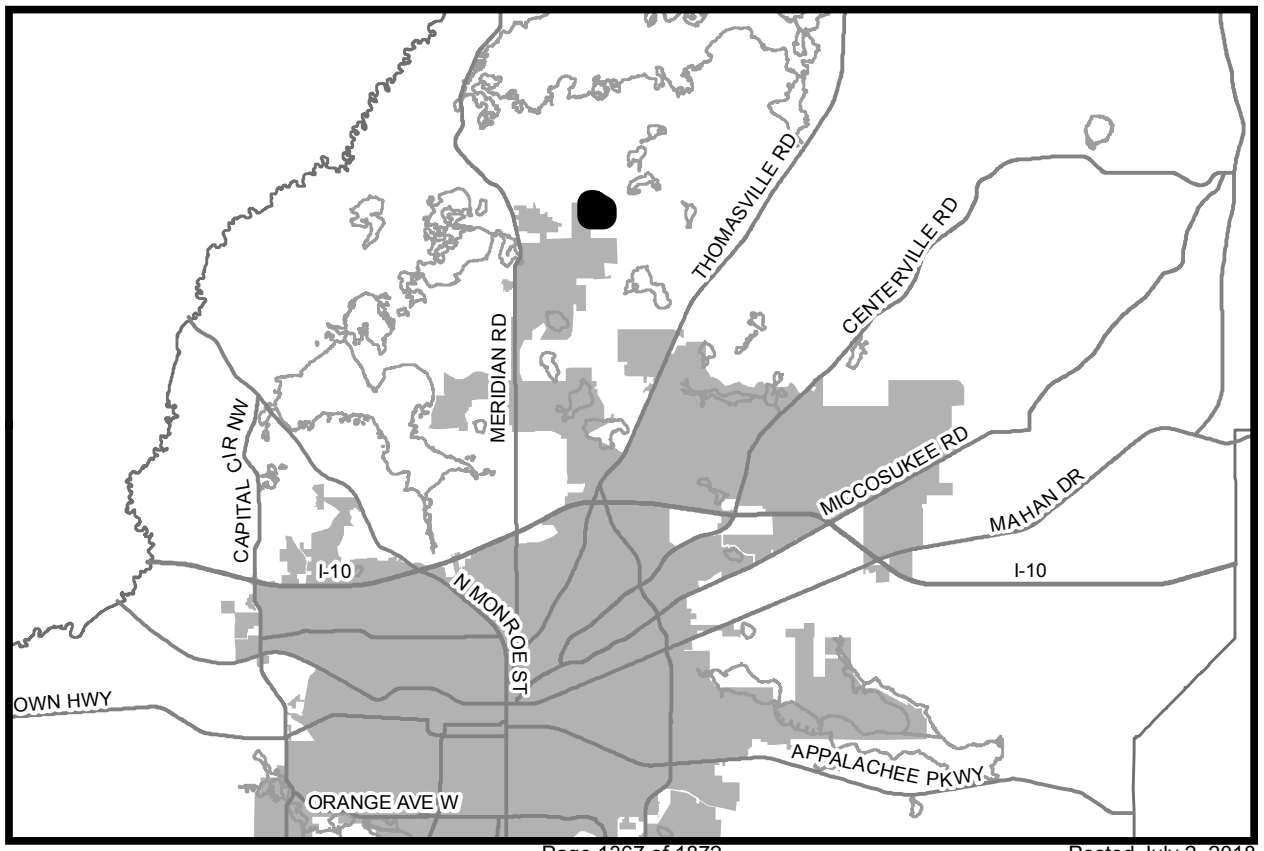
GENERAL LOCATION MAP

Bannerman Road LPN Rezoning

LRZ180001



0 250 500 1,000 Feet



GENERAL LOCATION MAP

Sec. 10-6.616 Lake Protection

1. District Intent	2. Allowable District Location
The purpose and intent of the Lake Protection (LP) zoning district is to allow for the regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin in a manner that improves water quality within the Lake. The bounds of the category include the Lake Jackson Basin and contributing watersheds and limited to the Urban Service Area. Intensely developed properties and areas south of Interstate 10 (I-10) have been excluded from the boundary. The LP zoning district shall permit single-family residential development at one (1) dwelling unit per two (2) gross acres. A Clustered Subdivision option is available that allows two (2) dwelling units per gross acre, consistent with environmental and infrastructure constraints. The Clustered Subdivision option allows an increased number of residential units if developed on 40 percent of the property, provided central water and sewer are available and leaving the remaining 60 percent of the property as contiguous, undisturbed open space in perpetuity. The Cluster Subdivision option is intended to leave large areas of natural open space within the watershed and minimize pollution. Community services, light infrastructure and passive recreational facilities, including boat ramps, consistent with the applicable provisions of section 10-6.806, may be approved by the Board of County Commissioners through review by the existing Type "C" process. Approval by the Board of County Commissioners shall be based upon findings that the proposed use is consistent with the purpose and intent stated herein and the proposed development will comply with the provisions of Section 10-4.323(b), as well as all current stormwater regulations. Other nonresidential uses are not permitted within the LP zoning district. However, lawfully established, nonresidential uses within this district that meet all current water quality and stormwater management standards set forth in the Comprehensive Plan and the environmental regulations of the County will be considered permitted uses. These sites shall be regulated by the allowable uses provided in Section 10-6.660, Lake Protection Node, subject to additional limitations noted herein. Urban services are intended for this district. The density of permitted development may depend upon the availability of such services.	The district may only be located within areas designated Lake Protection on the Future Land Use Map.

PERMITTED, PROHIBITED AND RESTRICTED USES

3. Principal Uses	4. Prohibited Uses	5. Restricted Uses
(1) Single-family detached dwellings. (2) Community services in accordance with section 10-6.806 of these regulations. (3) Passive recreational facilities and boat ramps. (4) Light Infrastructure	(1) Commercial, retail, office, and industrial activities (2) Active Recreation, except for boat ramps (3) Golf Courses (4) Manufactured and/or Mobile Home Parks (5) High schools and post-secondary schools are prohibited (6) Heavy infrastructure (7) Campgrounds and recreational vehicle parks (8) Other uses which, in the opinion of the County Administrator or designee, are of a similar nature to those prohibited uses in this district.	(1) Single-family attached dwellings shall be allowed in a Clustered Subdivision. (2) Mobile Homes and Standard Design Manufactured Homes may be replaced or may be located within subdivisions platted explicitly for manufactured housing.

DEVELOPMENT STANDARDS									
6. Minimum Lot or Site Size				**7. Minimum Building Setbacks**				**8. Maximum Building Restrictions**	
Use Category	**a. Lot or Site Area**	**b. Lot Width**	**c. Lot Depth**	**a. Front**	**b. Side-Interior Lot**	**c. Side-Corner Lot**	**d. Rear**	**a. Building Size (excluding gross building floor area used for parking)**	**b. Building Height (excluding stories used for parking)**
Conventional Residential									
Single-Family Detached Dwellings	2 acres	80 feet	100 feet	35 feet	15 feet on each side; or any combination of setbacks that equals at least 30 feet, provided that no such setback shall be less than 10 feet	25 feet	25 feet	Not applicable	3 stories
Clustered Subdivision									
Single-Family Detached Dwellings	5,000 square feet	40 feet	100 feet	15 feet; 10 feet w/ alley-loaded garage	7.5 feet on each side; or any combination of setbacks that equals at least 15 feet, provided that no such setback shall be less than 5 feet	15 feet	15 feet; 10 feet w/ alley-loaded garage	Not applicable	3 stories
Single-Family Attached Dwellings	3,750 square feet end unit; 2,400 square feet interior lot	37.5 feet end unit; 25 feet interior lot	80 feet	15 feet; 10 feet w/ alley-loaded garage	Not applicable	15 feet	15 feet; 10 feet w/ alley-loaded garage	maximum length: 8 units	3 stories
Existing Non-residential, Non-conforming Uses									
Lawfully Established Non-Residential Use; refer to additional standards noted in subsection 10	N/A	60 feet	100 feet	25 feet	7.5 feet on each side; or any combination of setbacks that equals at least 15 feet, provided that no such setback shall be less than 5 feet	15 feet	25 feet	10,000 square feet of gross building floor area per acre	3 stories

9. ***Clustered Subdivision***.

1. Density and Layout.

   The maximum gross density allowed for new residential development in the LP district is one (1) dwelling unit per two (2) gross acres. As an alternative to large-lot developments, a Clustered Subdivision shall be permitted within the Lake Protection zoning district. Clustered Subdivisions shall:

   (a) contain a minimum of 60% open space as a reserve area, comprised of such things as Special Development Zones, preservation and conservation features, undeveloped uplands, passive recreation areas, and stormwater facilities designed as a community amenity;
   (b) Be developed at a maximum density of two (2) dwelling units per gross acre;
   (c) Be served by central water and sewer systems

2. Reserve area.

   The acreage of the reserve area shall comprise no less than 60 percent of the total parcel; shall be permanently preserved though the creation of a perpetual easement; shall be continuous and contiguous with other portions of the site; shall be contiguous with or proximal to existing or planned public or private greenspace to the greatest extent practicable, and shall be of sufficient size and buffered to ensure the protection of all critical on-site resources that are to be preserved and to accommodate authorized uses.

   (a) All preservation areas, Special Development Zones, conservation areas, archaeological sites and view-shed areas within designated protection zones for canopy roads shall be incorporated into the reserve area even if total acreage exceeds the minimum requirement of 60 percent of the total parcel; other open space areas shall be incorporated into the reserve area to the greatest extent practicable.

9. ***Clustered Subdivision (continued)***

(b) The reserve area shall adjoin any existing or planned adjacent areas of open space, or natural areas that would be potential sites for inclusion as part of a future area of protected open space as depicted in the Greenways Master Plan. In those instances where a Clustered Subdivision will be located adjacent to another existing or planned Clustered Subdivision, each Clustered Subdivision shall be designed so that reserve areas of each are adjacent.

(c) Reserve area land shall be reserved permanently by easement for natural open space, passive recreation uses (e.g., greenbelts, trails, picnic areas or open fields), stormwater facilities, or other environmental conservation purposes.

(d) Stormwater management facilities which are otherwise permissible are allowed in the reserve area provided that the facilities are located outside of preservation areas, canopy road protection zones, naturally forested areas, Special Development Zones, and meet either of the applicable following two standards:

1. Wet retention ponds shall have side slopes of 6:1 or flatter with appropriate wetland tree and aquatic plants species that visually integrates the stormwater facility into the overall reserve area.
2. All other retention ponds shall have side slopes of flatter than 4:1 or with appropriate tree and plant species that visually integrates the stormwater facility into the overall reserve area. All such facilities shall be designed as community amenities, with trails, observation decks, or platforms where appropriate,

(e) All applicants for a Clustered Subdivision shall submit a management plan describing how the reserve area land will be maintained in perpetuity, including provision of a dedicated source of funds approved by the local government, to finance the timely and consistent execution of the plan.

3. Development area.

The development area shall be the area not set aside as reserve area and shall comprise no more than 40% of the total parcel. The development area shall be located on the least environmentally sensitive or otherwise significant portions of the total Clustered Subdivision parcel; be contiguous to the greatest extent practicable; and allow maximum open space to be easily maintained in the reserve area. Design of the development area shall follow the procedural steps set forth below.

(a) Delineate areas of the site to be reserved due to their significant features and value to the area's continued natural character in accordance with subsection 2 above;

(b) Determine the number of allowable lots desired;

(c) Locate potential development sites on the area of the tract not delineated as reserve area, with due consideration for topography, soil suitability for construction, and efficient service by public or central water and sewerage systems;

(d) Align streets to serve residential sites, with due consideration for topography and connections to existing, planned or potential streets in adjacent areas, and align pedestrian trails if planned; and

(e) Delineate boundaries of individual residential lots where lot sizes and shapes, block sizes and shapes, and street networks and alignments shall be designed in accordance with accepted planning practices to produce a rational and economical system without undue clearing or grading. The lot arrangement, design and orientation shall be such that all lots will provide satisfactory building sites that are properly related to topography and the character of surrounding development, encourage a range of housing types and sizes, and provide safe and convenient vehicular access to public streets.

(f) Specific development and locational standards shall be subject to the minimum standards of the underlying land use category and base zoning district and shall be established at the time of development plan submittal.

10. ***Existing Nonconforming Non-residential Uses.***

Existing non-residential uses within the Lake Protection land use category that meet all water quality and stormwater standards for their respective use, as specified within the land development regulations, will be considered permitted uses.

11. ***Sidewalks*****.**

Sidewalks shall be provided in the LP district consistent with the provisions of Sec. 10-7.529. For Clustered Subdivisions, all required sidewalks shall connect to existing and proposed sidewalks to the maximum extent possible. Multi-use trails designed for non-motorized vehicles and pedestrians are also encouraged in the LP district to promote connectivity and to reduce automobile dependency.

12. ***Stormwater Management.***

Refer to Sec. 10-4.301 for water quality treatment and volume control standards associated with development. Whenever possible, Low Impact Development (LID) techniques, as outlined in Section 10-4.308, such as rain gardens and bio-retention swales are encouraged to allow stormwater infiltration to occur as close to the source as possible. A decentralized stormwater management design which disperses stormwater facilities across the site rather than to a centralized treatment facility is encouraged.

GENERAL NOTES:

1. If central sanitary sewer is not available, residential lots shall contain a minimum of 0.50 acres of contiguous buildable area. Nonresidential development and community facilities are limited to a maximum of 900 gallons of wastewater flow per day. Refer to sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
2. Residential lots in Clustered Subdivisions less than 60 feet in width shall be alley-loaded.
3. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
4. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, schools, parks, etc.).

Sec. 10-6.660 Lake Protection Node

1. District Intent

The Lake Protection Node (LPN) zoning district is intended to:

1. Accommodate compact mixed-use development at designated major intersections to provide retail, service and recreation opportunities to nearby residents;
2. Provide a development pattern that is transit supportive, based on a high degree of interconnected streets, and a compact layout of uses that addresses streets and sidewalks;
3. Create a development pattern that maximizes infrastructure and minimizes environmental impact by concentrating non-residential uses around major intersections;
4. Protect community health and safety by minimizing automobile dependency and reducing vehicle miles traveled through design supporting a variety of travel modes;
5. Create a community where travel by foot and bicycle is safe, convenient, and comfortable;
6. Minimize stormwater runoff by limiting surface area devoted to parking and requiring strict volume control stormwater facilities; and,
7. Facilitate compatibility with nearby neighborhoods through buffers, transitioning building mass and scale, and through careful site design.

The LPN District shall permit residential, non-residential, and mixed-use development (including, but not limited to, office and commercial uses) utilizing urban services. Non-residential development allowed within this district is limited to office, retail, services, and community facilities. The LPN district also allows certain community and recreational facilities related to residential uses. Urban services are intended for this district inside the urban service area. The density or intensity of permitted development may depend upon the availability of such services. Existing nonresidential uses within this district that meet all water quality and stormwater treatment standards set forth in the Comprehensive Plan and the environmental regulations of the County will be considered permitted, lawfully established conforming uses.

2. Allowable District Location

a. The district may only be located within areas designated Lake Protection on the Future Land Use Map; and,
b. The Lake Protection Node zoning district shall be permitted generally within ¼ mile of the center of the following intersections and as specifically illustrated in Exhibits A, B, C and D of this section:
   (1) Highway 27 North and Sessions Road
   (2) Highway 27 North and Fred George Road
   (3) Highway 27 North and Capital Circle NW/Old Bainbridge Road
   (4) Bannerman Road and Bull Headley Road, and
c. Within the areas described in (b), the location of the district may be further limited to facilitate compatibility with existing residential areas in the Lake Protection Future Land Use category or to minimize potential adverse environmental impacts on Lake Jackson and its tributaries and other environmental features; and,
d. Shall be located in areas served by central sewer and central water.

PERMITTED, PROHIBITED, AND RESTRICTED USES

3. Principal Uses

(1) Active and Passive Recreation Facilities
(2) Automotive Retail, Service, and Repair, including Car Wash
(3) Banks and Other Financial Institutions
(4) Community facilities related to the permitted principal uses, including libraries, religious facilities, police/fire stations, and elementary, middle, high, and vocational schools.
(5) Daycare Centers
(6) Government Offices and Services
(7) Live-Work Units
(8) Lodging
(9) Medical and Dental Offices, Services, Laboratories, and Clinics
(10) Nursing Homes and Other Residential Care Facilities
(11) Office
(12) Residential – Any Unit Type
(13) Restaurants, without Drive-in Facilities
(14) Retail
(15) Studios for Photography, Music, Art, Dance, and Voice
(16) Retail Commercial

4. Prohibited Uses

(1) Campgrounds and recreational vehicle parks, except where legally established and in existence prior to 01-01-2010
(2) Dry Cleaners
(3) Gas stations, fuel/oil dealers and liquefied petroleum products
(4) Golf Courses
(5) Heavy Equipment Rental
(6) Manufactured Home Parks
(7) Motor vehicle tracks
(8) Outdoor gun range
(9) Outdoor storage
(10) Residential – Mobile Homes and Standard Design Manufactured Homes
(11) Scrap Material storage or processing
(12) Towing, wrecking, and recovery
(13) Warehouses and Self-Storage
(14) Welding and machine shops
(15) Wholesale Trade
(16) Other uses, which in the opinion of the County Administrator or designee are of a similar and compatible nature to those uses described in this district.

5. Restricted Uses

(1) Small appliance repair.
   a. All repair activity shall occur within an enclosed structure;
(2) Pet Day Care.
   a. Shall be an accessory use to a veterinary clinic or pet store.
   b. Outside boarding and unsupervised outside activity are prohibited.
(3) Shared stormwater management facilities.
   a. Shall be designed as an amenity
   b. Safety fences shall be planted with vegetation equal to the fence height at plant maturity.
   c. Shall meet the requirements of Section 10-4.301 of the LDC.

6. Accessory Uses

(1) Any use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, as determined by the County Administrator or designee.
(2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the County Administrator or designee.

DEVELOPMENT STANDARDS										
	7. Density, Intensity and Building Restrictions			8. Lot or Site Area Restrictions			9. Building Setbacks			
Use Category	*a. Allowable Densities (dwelling units/ acre)*	*b. Allowable Intensities (square feet/ acre)*	*c. Maximum Building Height*	*a. Minimum Lot Area*	*b. Lot Width*	*c. Minimum Lot Depth*	*a. Front*	*b. Side Interior*	*c. Side Corner*	*d. Rear*
SINGLE USE DEVELOPMENT										
Single-Family Detached and Attached Residential	Min: 4 Max:8	None	35 feet	None	None	None	Min: 10 feet Max: 15 feet	Min: 0 feet Max: 10 feet Adjoins existing single family subdivisions : 25 feet min.	Min: 10 feet Max: 15 feet	Min: 20 feet Adjoins existing single family subdivisions 40 feet min.
Multi-Family Residential	Min: 4 Max:8	None	35 feet	None	None	None	Min: 5 feet Max: 15 feet	Min: 10 feet Max: 15 feet Adjoins RP Future Land Use Category: 40 feet min.	Min: 10 feet Max: 15 feet	Min: 20 feet Adjoins existing single family subdivisions: 40 feet min.
Non-Residential and Community and Recreational Facilities	N/A	10,000 sf/ac Vertical mixture of uses may receive a bonus of 2,500 sf/ac for a total of 12,500 sf/ac	4 stories	N/A	N/A	N/A	Min: 5 feet Max: 15 feet	Min: Zero [abutting buildings] or 10 feet Max: 15 feet Adjoins existing single family subdivisions : 40 feet min.	Min: Zero Max: 15 feet	Min: 20 feet Adjoins existing single family subdivisions : 40 feet min.

MIXED-USE DEVELOPMENT										
Mixed-Use Development	Min: 4 Max:8	10,000 sf/ac Vertical mixture of uses may receive a bonus of 2,500 sf/ac for a total of 12,500 sf/ac	4 stories	N/A	N/A	N/A	Min: 5 feet Max: 15 feet	Min: Zero [abutting buildings]or 10 feet Max: 15 feet Adjoins existing single family subdivisions : 40 feet min.	Min: 10 feet Max: 15 feet	Min: 20 feet Adjoins existing single family subdivisions : 40 feet min.

10. Building Size Standards

Use Category	*a. Maximum Building Size*	*b. Maximum building floor area per structure*
Single-Family Detached and Attached Residential	N/A	N/A
Multi-Family Residential	15,000 sq. ft.	N/A
Non-Residential and Community and Recreational Facilities	Standard: 10,000 sq. ft.	Standard: 14,000 sq. ft.
Mixed-Use Development	Standard: 10,000 sq. ft.	Standard: 30,000 sq. ft.

11. Mixed Use Incentive qualifications.

Developments incorporating a vertical mixture of residential and non-residential uses within a single development application or those which retrofit an existing development to include a vertical mixture of residential and non-residential uses, qualify for additional density and intensity provided for mixed-use development, pursuant to the following criteria:

a. At the completion of all development phases, no less than 20% of the gross floor area within the development is devoted to either residential use or non-residential use;
b. The development consists of a mixture of uses within a single building or within multiple adjacent buildings, wherein the different uses are located no further than 200 feet apart; and,
c. The development application must provide a common plan for the development of all included parcels, including shared infrastructure.

12. Access Management:

a. Direct access to an arterial roadway or major collector shall be limited and provided via public right-of-way.
b. There shall be no more than one public right-of-way connection to an arterial roadway and to each adjacent collector street per each nodal quadrant; until such time as a street system is created to provide access to all parcels adjoining the adjacent arterial roadway or the adjacent collector street, individual properties may obtain access, if needed, on a temporary basis.
c. Applicants for development shall enter an agreement to cooperate in any future project to consolidate access points or to share access with abutting properties as opportunities arise.

13. Blocks, Frontage, &Sidewalks.

Street design and layout shall support an interconnected street network and pattern of a scale conducive to pedestrian and bicycle use.

a. **Block Length:** Long side: 600 feet maximum, except where divided by a mid-block pedestrian crossing or alley, in which case, maximum block length may be 850 feet. Short side: Distance may vary between 200 and 400 feet to accommodate environmental and physiographic limitations.
b. **Mid-block Pedestrian Crossings:** A publicly accessible pedestrian crossing shall be provided for blocks with a length greater than 600 feet on one or more sides.
c. **Sidewalk width and placement:** Frontage sidewalks shall be a minimum of eight feet in width. All other sidewalks shall be no less than five feet in width.
d. **Pedestrian weather protection:** Where practical, non-residential and mixed-use buildings shall provide weather protection – arcade, awning, etc. – along the frontage sidewalk extending at least three feet.
e. **Alternative Surface Material:** Use of distinctive paving texture, type, and color for transitions between neighborhoods and within pedestrian areas is encouraged. Interconnections between neighborhoods should also be distinguished through the use of vertical architectural elements, such as archways, gateways, or bollards.

14. Street Trees.

All development or redevelopment shall incorporate street trees within the right-of-way, preferably between the back of curb and sidewalk.

a. Street trees shall be planted between 20-30 feet on center, except when a greater distance may be required to avoid conflict with visibility, street lamps, utilities, or safety issues would be compromised with the required location.
b. A minimum planting strip of six (6) feet shall be provided between the back of curb and sidewalk, except where on-street parking is provided and tree wells or planters are more appropriate.
c. Tree selection and location shall be approved by the local utility provider and shall be no higher than 20 feet at maturity when located beneath power lines.

15. Parking.

a. **Location:** Parking shall not be located between the building façade and the right-of-way, and shall be located on-street, internal to the block, or to the rear of structures. Where site constraints necessitate, up to 25% of required parking may be permitted to the side of buildings.
b. **On-street parking:** All streets created or expanded in association with development in this district shall be designed to accommodate on-street parking.
c. **Quantity:** On-site parking shall be limited to a range of 40% to 70% of the general parking standard set forth in Section 10-7.545, Schedule 6-2. On-street parking, provided on adjacent rights-of-way within the LPN zoning district without crossing an arterial or collector street may be counted towards meeting the parking requirement. Shared parking may also count toward the requirement.
d. **Size:** Individual off-street surface parking lots shall not exceed 0.75 acre.

16. Building Position.

a. **Orientation:** The principal building entryway shall be oriented to the street, other than an arterial roadway, and be designed to provide direct pedestrian access from that street. Where buildings are equidistant to two or more streets, the principal entryway may be located on either street. Buildings may be oriented toward the arterial roadway so long as there is a parallel street located between the arterial roadway and the building.
b. **Encroachments:** Porches, balconies, patios, pedestrian weather protection features and other like architectural features may encroach into 50% of the front setbacks. Seating within the required yard setbacks shall be allowed. Encroachments – permanent and temporary – shall not result in a constrained pedestrian passageway of less than five feet in width.

a. **Building Façade Length.**

Non-residential and mixed-use building façades along any public street frontage shall not exceed 100 feet, unless vertical structural elements and functional entrance doors divide that façade no less than every 50 feet.

b. Transparency.

Adjacent to streets, sidewalks, and publicly accessible parking areas, non-residential and mixed-use buildings shall provide a minimum façade transparency of 50% at pedestrian level – between 2 and 8 feet above finished grade – and residential buildings shall provide a minimum façade transparency of 25% at pedestrian level.

c. Building materials.

i. The following materials are prohibited: corrugated metal, standing seam, or v-crimp metal sheeting exterior walls or wall coverings.
ii. The use of vinyl siding may not comprise more than 20% of any exterior wall plane.

d. Roof types:

i. All roof types are allowed. The use of gable roofs, cross gable roofs, and dormers are encouraged for buildings of two stories or less.
ii. Flat roofs shall provide horizontal articulation with a building cap at the top of the building base and/or incorporate the use of parapets.

22. Buffering, fencing, and screening.

a. **Buffer Zone Standards:** Buffering is not required between uses in the LPN zoning district. Where development abuts existing single-family subdivisions, the landscape buffer standards of Section 10-7.522 shall apply.

b. **Fencing:** Chain link fencing visible from public right-of-way or property is prohibited, unless screened by vegetation that covers completely at plant maturity.

c. **Screening of service connections and facilities:** Outdoor service areas – loading docks, trash collection, outdoor storage, mechanical equipment – shall be mitigated by the use of screening material consistent with the materials and design treatments of the primary facade of the primary building and/or evergreen landscape plant material.

   i. Landscape plans shall provide sight lines for natural surveillance between 3 and 8 feet above grade.

   ii. The service areas shall not be within 50 feet of any adjoining residential property.

   iii. The service areas shall be screened with vegetation and fences/ masonry walls that are of sufficient height (min. 6') and opacity (min. 50%) to screen from nearby streets and residential areas. Fences or masonry walls shall be constructed with materials that are incorporated in the design of the principal building.

   iv. Above-ground utility boxes visible from the street shall be screened with landscaping on at least two sides, thereby preserving access for the utility provider.

d. **Off-street parking–Landscaping**: A minimum 10-feet wide landscaping strip shall line the perimeter of surface parking lots, and shall be landscaped with one canopy tree per 20 linear feet of frontage and a continuous row of shrubbery not to exceed three feet at maturity.

e. **Required Landscaping–Alternative Compliance Methods.** Development is encouraged to utilize the site design alternatives set out in Section 10-4.346 and 10-4.350.

23. Lighting:

a. **Intensity limits.** Lighting levels at the property line as measured at 6 feet above ground level shall not exceed 0.5 foot-candles. The foot-candle average in on-site parking lots should not exceed 2.0 foot-candles. The recommended maximum uniformity ratio (average: minimum light level) is 4:1.

b. **Light fixture types and location:**

   i. "Shoebox" and "Cobrahead" lights are prohibited.

   ii. All light fixtures shall be full cut-off type fixtures and direct light internal to the site.

   iii. Individual light poles and wall mounted light fixtures shall be no taller than 20 feet above grade. Wall mounted light fixtures shall be placed no closer than every 25 feet along the façade. Lighted bollards are encouraged along pedestrian routes.

24. Signage.

All signs shall comply with the County sign code and requirements set out in this section; where conflicts occur, the most restrictive standard applies.

a. **Prohibited Signs:** Roof signs, billboard signs, pole signs, signs that rotate or are in motion, including animated signs, are not allowed in this district.

b. One free-standing monument ground sign of no greater than 80 square feet display area per side, with no more than two sides, may be provided for each tenant. Properties shall be entitled to one ground sign per 500 feet of frontage.

c. **Maximum height** of monument signs shall not exceed six feet above grade for single tenant structures and shall not exceed 15 feet above grade for multiple tenant structures.

d. Monument ground signs shall incorporate the same exterior materials as the principal structure, and should utilize exterior finish of metal, wood, or masonry materials.

e. Two on-site directional signs, not to exceed 4 square feet each, shall be allowed per tenant. Such signs are intended for navigational purposes and shall be free of logos, advertisements, badges, or slogans.

f. **Sign Illumination:**

   i. Prohibited lighting: Flashing, rotating, pulsing, search, laser, or lights moving in any manner.

   ii. Ground sign lighting: Ground signs are encouraged to be illuminated with an opaque field and letters of a lighter tone to control glare.

   iii. Wall sign lighting: Wall mounted signs shall be internally illuminated or externally illuminated with full cut off-type light fixtures directed downward.

25. Stormwater Management Facilities.

a. Refer to Sec. 10-4.301 for water quality treatment and volume control standards associated with development.

b. Whenever possible, Low Impact Development (LID) techniques such as rain gardens and bio-retention swales are encouraged to allow stormwater infiltration to occur as close to the source as possible. A decentralized stormwater management design which disperses stormwater facilities across the site rather than to a centralized treatment facility is encouraged.

c. Landscape vegetation shall be incorporated around the perimeter of the stormwater facility, which at maturity will visually conceal required fencing.

d. Landscape plants should be native. A minimum of four different species of trees and shrubs shall be utilized. Stormwater management facilities shall incorporate appropriate tree and plant species that take into account the soil, hydrologic, and other site and facility conditions. Existing vegetation should be incorporated into the facility design where possible.

e. Existing non-residential uses within the Lake Protection land use category that meet all water quality and stormwater management standards for their respective use, as specified within the land development regulations, will be considered permitted uses.

26. Sidewalks.

Sidewalks shall be provided in the LPN district consistent with the provisions of Sec. 10-7.529. For clustered subdivision, all required sidewalks shall connect to existing and proposed sidewalks to the maximum extent possible. Multi-use trails designed for non-motorized vehicles and pedestrians are also encouraged in the LPN district to promote connectivity and to reduce automobile dependency.

GENERAL NOTES:

1. Central sanitary sewer and water are required within LPN.
2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, schools, parks, etc.).
4. Development standards. All proposed development shall meet the buffer zone standards (section 10-7.522), and the parking and loading requirements (Subdivision 3 of Division 5 of Article VII).

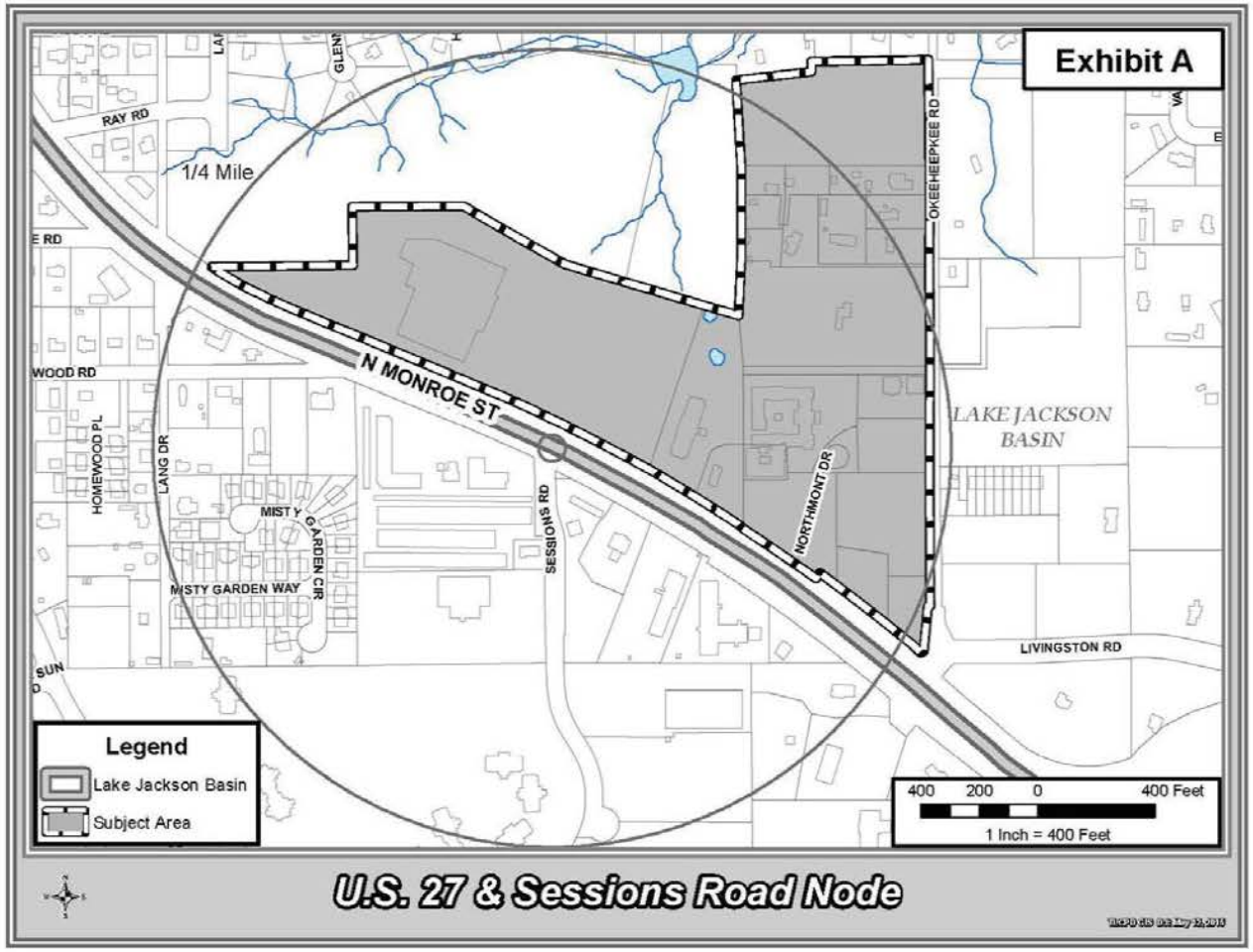


Exhibit A
1/4 Mile
RAY RD
N MONROE ST
WOOD RD
HOMEWOOD PL
LANG DR
MISTY GARDEN CIR
MISTY GARDEN WAY
SESSIONS RD
NORTHMONT DR
OKEEHEEPKEE RD
LAKE JACKSON BASIN
LIVINGSTON RD
Legend
Lake Jackson Basin
Subject Area
400 200 0 400 Feet
1 Inch = 400 Feet
U.S. 27 & Sessions Road Node

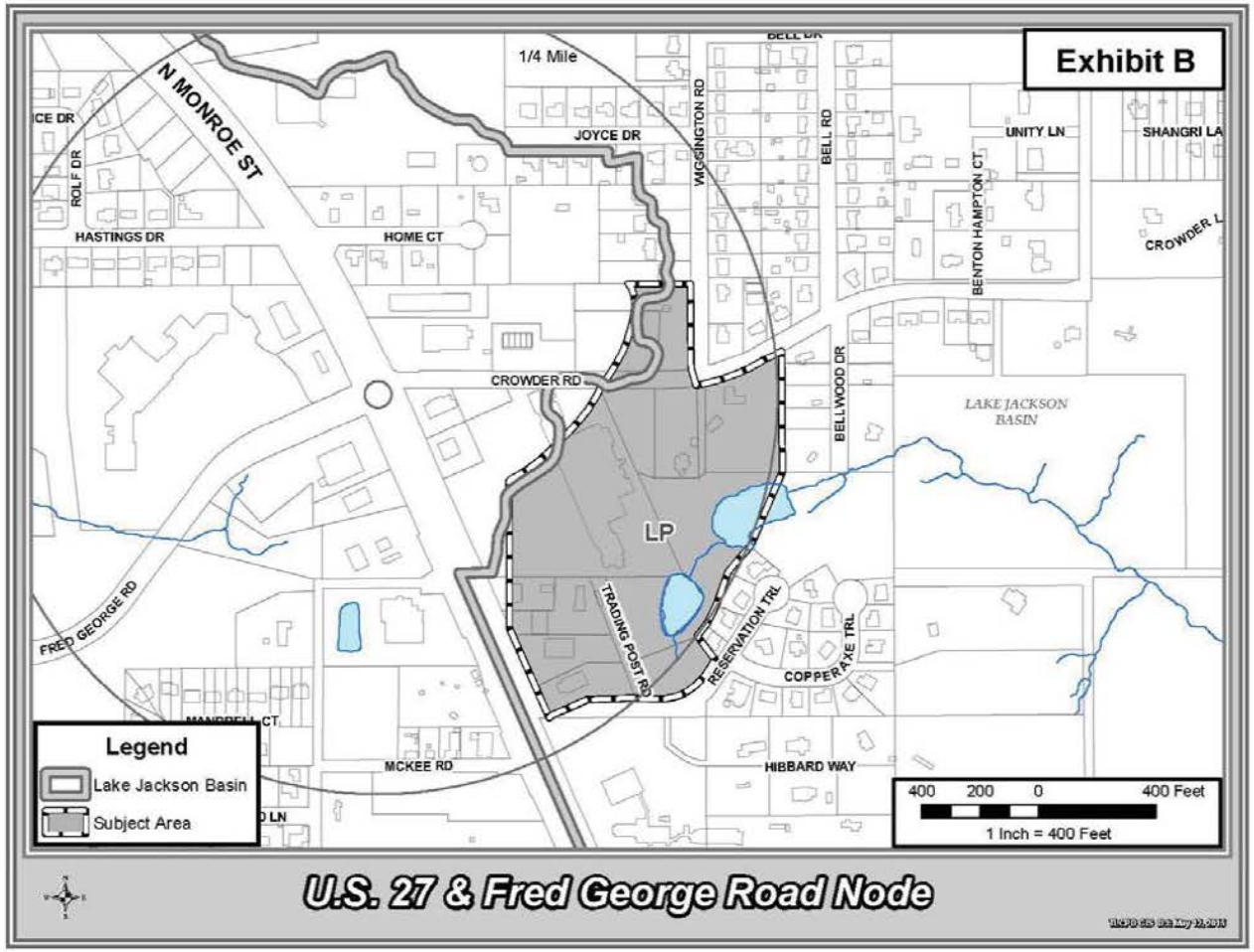


Exhibit B
1/4 Mile
N MONROE ST
ICE DR
ROLF DR
HASTINGS DR
HOME CT
JOYCE DR
WIGGINGTON RD
BELL RD
UNITY LN
SHANGRI LA
BENTON HAMPTON CT
CROWDER L
CROWDER RD
BELLWOOD DR
LAKE JACKSON BASIN
LP
FRED GEORGE RD
TRADING POST RD
RESERVATION TRL
COPPERAXE TRL
MCKEE RD
HIBBARD WAY
Legend
Lake Jackson Basin
Subject Area
400 200 0 400 Feet
1 Inch = 400 Feet
U.S. 27 & Fred George Road Node

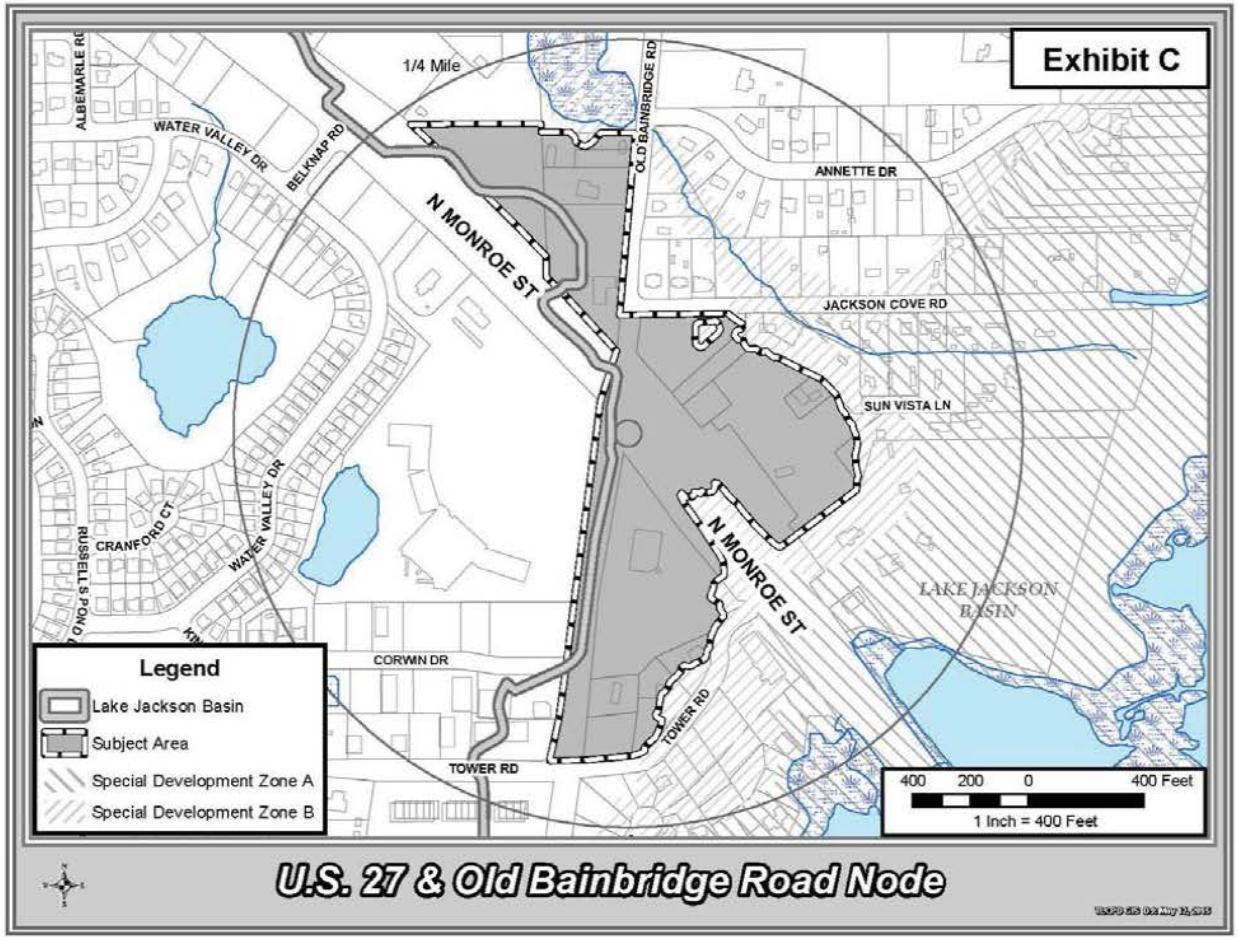


Exhibit C
1/4 Mile
ALBEMARLE RD
WATER VALLEY DR
BELKNAP RD
OLD BAINBRIDGE RD
ANNETTE DR
N MONROE ST
JACKSON COVE RD
SUN VISTA LN
CRANFORD CT
WATER VALLEY DR
RUSSELL S POND
N MONROE ST
LAKE JACKSON BASIN
CORWIN DR
TOWER RD
TOWER RD
Legend
Lake Jackson Basin
Subject Area
Special Development Zone A
Special Development Zone B
400 200 0 400 Feet
1 Inch = 400 Feet
U.S. 27 & Old Bainbridge Road Node

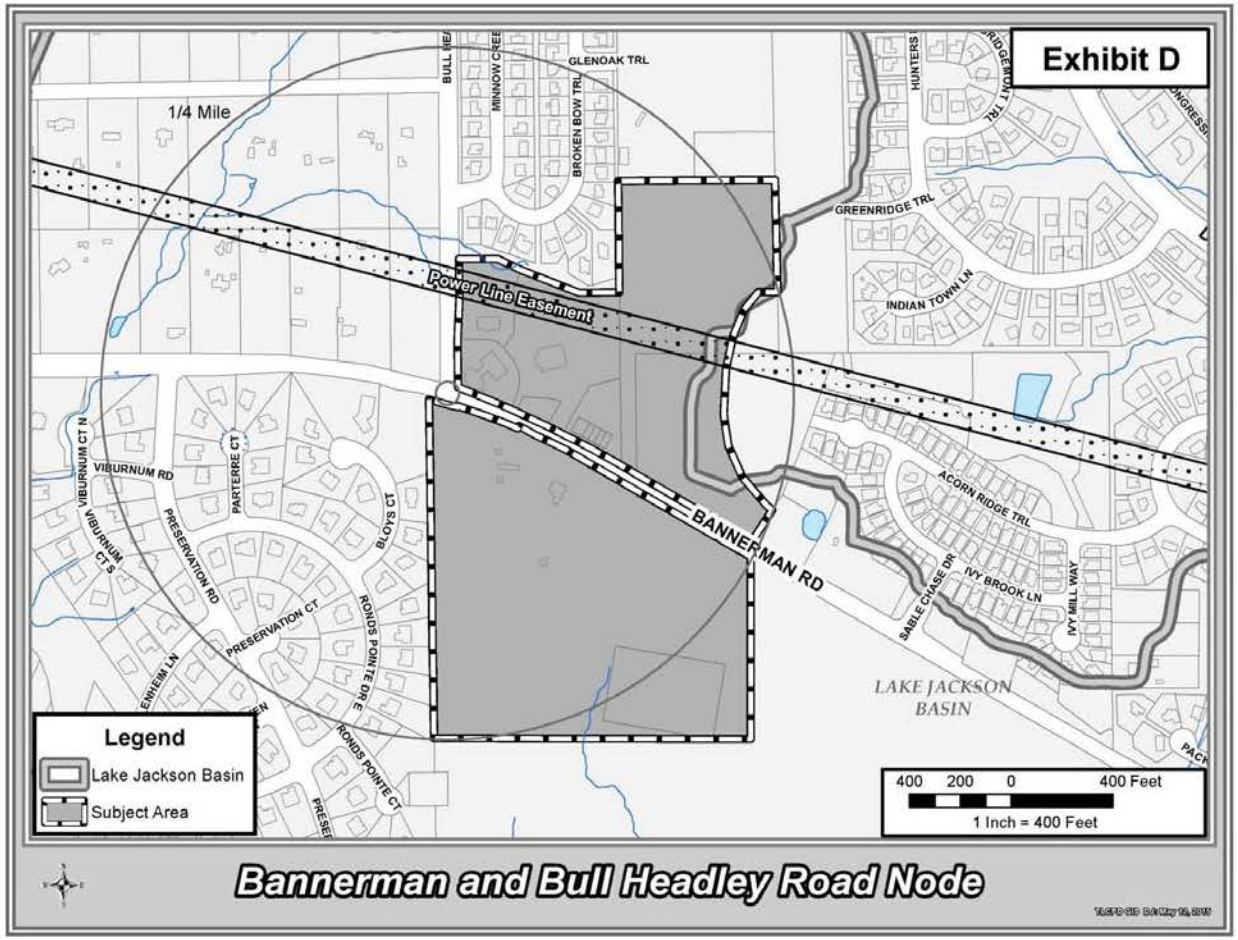


Exhibit D
1/4 Mile
GLENOAK TRL
BROKEN BOW TRL
GREENRIDGE TRL
INDIAN TOWN LN
Power Line Easement
BANNERMAN RD
ACORN RIDGE TRL
IVY BROOK LN
IVY MILL WAY
SABLE CHASE DR
VIBURNUM RD
VIBURNUM CT N
VIBURNUM CT S
PARTERRE CT
PRESERVATION RD
PRESERVATION CT
BLOYS CT
RONDS POINTE DR E
RONDS POINTE CT
ENHEM LN
LAKE JACKSON BASIN
Legend
Lake Jackson Basin
Subject Area
400 200 0 400 Feet
1 Inch = 400 Feet
Bannerman and Bull Headley Road Node

Leon County
Board of County Commissioners

Cover Sheet for Agenda #27

January 29, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Ratification of Board Actions Taken at the December 10, 2012 Annual Retreat and Approval of Revised Strategic Plan, FY 2012 and FY 2013

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	N/A
Lead Staff/ Project Team:	Alan Rosenzweig, Deputy County Administrator Kim Dressel, Senior Assistant to the County Administrator

Fiscal Impact:

While this item has no fiscal impact, certain proposed Strategic Initiatives may have future financial impacts. The pursuit of such Strategic Initiatives' costs would be considered by the Board in the future. Inclusion of a Strategic Initiative within the Board's Strategic Plan does not commit the Board to future funding.

Staff Recommendation:

Option #1: Ratify actions taken by the Board at the December 10, 2012 Annual Retreat and approve the revised Strategic Plan for FY 2012 and FY2013.

Report and Discussion

Background:

During the FY2011 annual retreat, the Board initiated a two year strategic planning process, which included the Board's identification of the following:

- Vision Statement for the Leon County Community; and
- Four Strategic Priorities, which focused upon the Economy, Environment, Quality of Life and Governance.

The Board formally approved its four Strategic Priorities during its December 13, 2011 Board meeting and those priorities determined the entire direction of Leon County government this last year.

Then, on February 28, 2012, the Board approved 84 Strategic Initiatives, which put those Strategic Priorities into action. In large part, work on those Strategic Priorities will be completed during the two-year planning window.

These actions culminated in the Board's February 28, 2012 approval of its FY 2012 and FY 2013 Strategic Plan.

On October 9, 2012, the Board established the agenda for its December 10, 2012 Board Retreat. The first part of the retreat built upon actions taken by the Board during its December 2011 retreat. As the Board was in the second year of its two-year Strategic Plan, the 2012 retreat provided the Board with an opportunity to review the status of its Strategic Priorities and to update its Strategic Plan.

Analysis:

The 2012 Board retreat was themed "Steering the Course for Leon County's Future" which built upon the prior year efforts which initially charted the course for the County. Throughout the day, the Board engaged in a highly collaborative process to provide policy guidance for the County. Through the Board's efforts, clear direction has been provided to staff through the modified Strategic Priorities and new/modified Strategic Initiatives. This allows staff to proceed with aligning the Board's priorities/initiatives with the optimized resources of the organization. As reflected on a number of other agenda items on the January 29 agenda, staff has already begun to implement some of the new initiatives, as well as, continue to implement previously adopted ones. The background section of these agenda items will reflect both the strategic initiative(s) and strategic priority(s) being addressed. Additionally, staff will provided two updates on the status of the strategic plan, once during the budget process and at the annual retreat.

During the course of the retreat, the Board also engaged in a meaningful discussion facilitated by John Streitmatter, Principal with Leadership Research Institute. The strategic plan has provided the framework for the County to align the Board's vision and priorities with the optimized resources of the organization. However, even this framework cannot, nor should it, address all the possible issues confronting our community. Issues that do not, and will not, appear in framework – or perhaps in any – written Strategic Plan may arise that could either hinder or assist Leon County's advancement towards that Vision. The facilitated discussion engaged the Board and identified opportunities to enhance the leadership capacity of the Commission in how the Board works together; how the Board works with community partners; how the Board engages with citizens; and how the Board works and engages with staff. Through this effort, the Board is now better positioned to deal with issues that cannot be planned for.

At the retreat, the Commissioners reviewed each of the three components of the FY 2012 and FY 2013 Leon County Strategic Plan, and Commissioners proposed amendments to each component. The following reflects staff's attempt to capture the intent of Commissioners' suggested revisions. Additionally, the proposed revised Strategic Plan is provided, with changes identified in strike through underline format (Attachment #1), and in final format (Attachment #2).

Vision Statement: The most over-arching component of the Strategic Plan is the Board's long-term vision of the Leon County community, which identifies what the future of Leon County should be, in an ideal state. During the retreat, the Commissioners discussed minor revisions to the Vision Statement; however, no formal vote was taken. The proposed, revised Vision Statement follows, in strike through, underline format.

> As home to Florida's capitol, Leon County is a welcoming, diverse, healthy, and vibrant community, recognized as a great place to live, work and raise a family. Residents and visitors alike enjoy the stunning beauty of the unspoiled natural environment and a rich array of educational, recreational, cultural and social offerings for people of all ages. Leon County government is a responsible steward of the community's precious resources, ~~a~~ the catalyst for engaging citizens, community and regional partners, and a provider of efficient services, which balance economic, environmental, and quality of life goals.

Strategic Priorities:
Strategic Priorities are actionable, high-level areas of focus, which the Board contemplates will move the County forward, in the long-term, to realize the Board's Vision for the Leon County community. Each of the four Strategic Priorities, Economy, Environment, Quality of Life, and Governance is identified with:

- A **Title** (which is a general area of focus),
- A **General Statement** (which is a general strategy statement, and speaks to the overall mission of the organization with respect to this general area of focus), and
- **Directional Statements** (to provide focus and additional specificity for each area).

During the retreat, the Commissioners considered whether or not to amend the Board's Strategic Priorities, and identified minor revision. Again, no formal vote was taken during the retreat. The following reflects the revisions Commissioners discussed, in strike through, underline format.

Strategic Priority - Economy –

Added/New:
(EC7) - Promote the local economy by protecting jobs and identifying local purchasing, contracting and hiring opportunities.

Strategic Priority - Environment -

Revised:
(EN1) - Protect our water supply, conserve environmentally sensitive lands, ~~and~~ safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution~~, including : adoption of minimum Countywide environmental standards~~..

Strategic Priority - Quality of Life –

Revised:
(Q1) - Maintain and enhance our ~~educational and~~ recreational offerings associated with ~~our library,~~ parks and greenway system for our families, visitors and residents.

(Q3) - Maintain and further develop programs and partnerships necessary to support ~~a~~ and promote a ~~healthy~~ healthier community, including: access to health care and community-based human services.

(Q4) - Enhance and support amenities that provide social offerings for residents and visitors of all ages~~, including: completing the enhancements to and the programming of the Cascades Park amphitheater~~.

Added/New:
(Q8) - Maintain and enhance our educational and recreational offerings associated with our library system, inspiring a love of reading and lives of learning.

(Q9) - Support the development of stormwater retention ponds that are aesthetically pleasing to the public and located in a manner that protects strong neighborhoods.

Strategic Priority - Governance –

Revised:
(G1) - Sustain a culture of transparency, accessibility, accountability, civility, and the highest standards of public service.

Strategic Initiatives:

Strategic Initiatives put the Board's Strategic Priorities in action. There was limited discussion among Commissioners regard revisions to the Strategic Initiatives that individual Commissioners identified, and no formal vote was taken during the retreat. Staff attempted to capture Commissioners' intent, as represented in the following revisions in strike through, underline format. Staff seeks the Boards review, as well as further modifications, additions or deletions. One Commissioner proposed removing those Strategic Initiatives that have been completed; however, as this is a two-year plan, staff recommends leaving all approved Strategic Initiatives in the Strategic Plan. At the end of the two-year period, those that have been completed would not be carried over into the new Strategic Plan.

Strategic Initiatives – Economy

Revised:
(E2) - Identify revisions to future land uses, which will eliminate hindrances or expand opportunities to promote and support economic activity

(EC5) - Hold "Operation Thank You!" celebration annually for veterans and service members

Added/New:
(EC1, G3, G5) - Develop a proposed economic development component for the Sales Tax extension being considered

(EC7) - Extend the term of Leon County's Local Preference Ordinance (2013)

Strategic Initiatives - Environment

Revised:
(EN4) - Further develop clean - green fleet initiatives, including compressed natural gas

(EN4) – Explore ~~bio gas generation and other~~ renewable energy opportunities at Solid Waste Management Facility

Added/New:
(EN1, EN2, G2) - Develop examples of acceptable standard solutions to expedite environmental permitting for new construction (2013)

(EN1, EN2, G2) - Develop solutions to promote sustainable growth inside the Lake Protection Zone (2013)

(EN1) - Extend central sewer or other effective wastewater treatment solutions to the Primary Springs Protection Zone area within Leon County (2013)

(EN3, Q5, EC6) - Expand the community gardens program (2013)

(EN4) - Seek competitive solicitations for single stream curbside recycling and comprehensively reassess solid waste fees with goals of reducing costs and increasing recycling (2013)

Delete:

~~Evaluate and construct glass aggregate concrete sidewalk~~

Strategic Initiatives - Quality of Life

Revised:
(Q1, EC1) - Develop Apalachee Facility master plan to accommodate year-round events

Added/New:
(Q1, EC1) - In partnership with the City of Tallahassee and community partners, conduct a community-wide conversation on upper league competition with the goal of a higher degree of competition and more efficient utilization of limited fields

(Q2) - Successfully open the Public Safety Complex

(Q3) - Implement procedures for residents to take full advantage of the NACO Dental Card program

(Q3) - Consider establishing a Domestic Partnership Registry

(Q6, Q7) - Conduct a workshop that includes a comprehensive review of sidewalk development and appropriate funding

(Q1, Q5, EC1, EC4) - Expand, connect and promote "Trailahassee" and the regional trail system

(Q7,EC1) - Promote communication and coordination among local public sector agencies involved in multi-modal transportation, connectivity, walkability, and related matters

(Q4) Seek community involvement with the VIVA FLORIDA 500 Time Capsule

Strategic Initiatives – Governance

Added/New:

(G5) Convene periodic Chairman's meetings with Constitutional Officers regarding their budgets and opportunities to gain efficiencies (2013)

(G5) - Consider options to gain continuity of Commissioners' representation on committees, such as multi-year appointments (2013)

(G5) - Periodically convene community leadership meetings to discuss opportunities for improvement (2013)

(G3) - Identify the next version of "Citizens Engagement" to include consideration of an "Our Town" Village Square concept (2013)

(G1, G3) - Expand opportunities for increased media and citizen outreach to promote Leon County (2013)

(G5) - Identify opportunities whereby vacant, unutilized County-owned property, such as flooded-property acquisitions, can be made more productive through efforts that include community gardens (2013)

(G5) - Develop financial strategies to eliminate general revenue subsidies for business operations (i.e., Stormwater, Solid Waste and Transportation programs) (2013)

(G1) - Pursue expansion for whistleblower notification (2013)

(G5) - Consider approval of the local option to increase the Senior Homestead Exemption for qualified seniors (2013)

(G2) - Pursue Sister County relationships with Prince George's County, Maryland and Montgomery County, Maryland (2013)

Options:

1. Ratify actions taken by the Board at the December 10, 2012 Annual Retreat and approve the revised Strategic Plan for FY 2012 and FY2013.
2. Do not ratify actions taken by the Board at the December 10, 2012 Annual Retreat and do not approve the revised Strategic Plan for FY 2012 and FY2013.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed revised Strategic Plan, with changes identified in strike through underline format
2. Proposed revised Strategic Plan in final format

WORKSHOP

Workshop on Proposed Solutions to Promote Sustainable Growth Inside the Lake Protection Zone

Tuesday, November 19, 2013
1:00 – 2:30 p.m.

Leon County Board of County Commissioners' Chambers
Leon County Courthouse, 5th Floor

This document distributed November 12, 2013

Leon County
Board of County Commissioners

Notes for Workshop

Leon County
Board of County Commissioners

Workshop Cover Sheet

November 19, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Workshop on Proposed Solutions to Promote Sustainable Growth Inside the Lake Protection Zone

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Public Works and Community Development Wayne Tedder, Planning, Land Management and Community Enhancement (PLACE)
Lead Staff/ Project Team:	Cherie Bryant, Interim Planning Manager Brian Wiebler, Principal Planner Stephen Hodges, Senior Planner

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the following staff recommendations and recommended implementation phases.

A. Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection stormwater standards.

B. Direct staff to develop and bring back land development regulation changes requiring site design standards for the new Lake Protection Node zoning district.

C. Direct staff to identify non-conforming land uses in Lake Protection that cannot be addressed by the new Lake Protection Node zoning district and bring back a plan to address them.

D. Direct staff to coordinate with the City and bring back a potential common cluster development option for both the incorporated and unincorporated areas within Lake Protection that also incentivizes use of the cluster option.

E. Direct staff to initiate a comprehensive plan text amendment and Land Development Regulation changes to remove the half-acre restriction in the unincorporated area when sewer is available.

F. Direct staff to review the existing exemption for sidewalks in Lake Protection and bring back draft land development regulation changes with increased requirements for developments that have the potential for walkability.

G. Continue implementation of the sense of place planning projects at the Lake Jackson Town Center and the Market District.

H. Direct staff to initiate a comprehensive plan map amendment to reflect the Overstreet addition to Maclay Gardens as Recreation/Open Space.

I. Maintain the existing Urban Service Area boundary line to promote infill and nodal development.

J. Continue to seek funding for the Tallahassee – Leon County Greenways Master Plan.

K. Direct County staff to continue to implement the current two-track permitting system to expedite review and provide reductions in the level of review for projects that implement Smart Growth principles.

L. Direct staff to include community and stakeholder collaboration in the development of policy changes related to recommendations in this report.

Report and Discussion

Background:

This item is essential to the following FY 2012 & FY 2013 Strategic Initiative that the Board approved at the January 29, 2013 meeting:

- Implement strategies that protect the environment and promote orderly growth, including: Develop solutions to promote sustainable growth inside the Lake Protection Zone. (2013)

This particular Strategic Initiative aligns with the Board's Strategic Priorities – Environment and Governance:

- Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution (EN1).
- Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns (EN2).
- Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value (G2).

Staff from the Planning Department, Development Support and Environmental Management, and Public Works developed several concepts intended to implement this Initiative. These concepts are explored further in the Analysis section.

Analysis:

This analysis is divided into the following six sections:

1. What is Sustainable Growth?
2. What is the Lake Protection Zone?
3. Current Residential Density and Uses in Lake Protection
4. Impervious Area as a Predictor of Stream Health
5. Lake Jackson Special Development Zones
6. Staff Recommendations and Implementation Phases

A review of sustainable growth concepts is provided, together with recommendations for incremental policy changes to help align Lake Protection policies. Attachment #1 provides information on the history of the Lake Jackson Basin and institutional responses to the environmental impacts to this significant natural resource.

An important point to consider throughout this analysis is that the current Lake Protection standards restrict development to large lot, residential uses only. However, these standards are not consistent with the Comprehensive Plan directives for the Urban Services Area. Staff will explain this issue further in Section 4 of this Analysis.

1. What is Sustainable Growth?

The 1987 World Commission on Environment and Development established the most often used definition of sustainable development: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." While this definition is widely utilized, it is challenging to directly apply to policy decisions. As such, the definition has been the subject of many efforts to develop implementing principles.

Staff selected "Smart Growth" as the body of work and implementing principles to provide a framework for this analysis. The Smart Growth principles were established by the Smart Growth Network in 1996 and were the subject of four publications developed cooperatively with the International City/County Management Association. The Smart Growth Network has a broad partnership base including the National Association of Counties, ICLEI-Local Governments for Sustainability, Institute of Transportation Engineers, American Planning Association, Florida Department of Health, and the National Association of Realtors. Both Leon County and the City of Tallahassee are members of ICLEI.

The Smart Growth principles were selected for this analysis based on the quality of the information available, specific focus on local government, broad support, and consistency with existing Comprehensive Plan and Board direction. Attachment #2 provides information on why communities select Smart Growth (adapted from "This is Smart Growth," published by ICMA and EPA in 2006).

The ten Smart Growth principles identified by the Smart Growth Network include:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

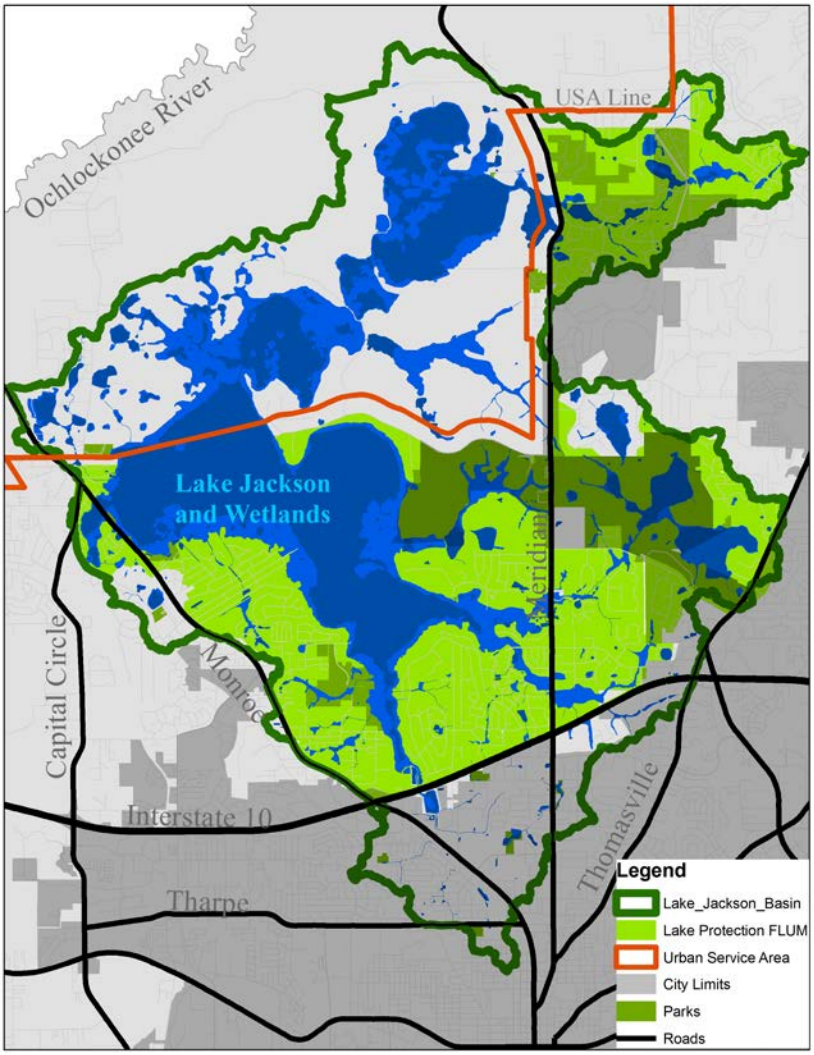
These principles, staff analysis, and the policy examples provided in "Getting to Smart Growth: 100 Policies for Implementation" and "Getting to Smart Growth II: 100 More Policies for Implementation" have been used to provide a response to Board direction to promote sustainable development in Lake Protection.

2. What is the Lake Protection Zone?

In this report, two different areas are used to discuss Lake Jackson. First is the Lake Protection Future Land Use Map category, as mapped and defined in the Tallahassee-Leon County Comprehensive Plan. The Lake Protection category is approximately 10,000 acres in size and was established as "a protection category that is specific to the well documented scientific concerns regarding the degradation and continuing pollution of Lake Jackson" (Policy 2.2.18 [L]). The second area utilized to discuss Lake Jackson is the approximately 27,000 acre full drainage basin for Lake Jackson. The full drainage basin is used to discuss items such as total impervious area draining to Lake Jackson and the Lake Protection Future Land Use Map category is used to discuss policy recommendations.

The following map provides a visual display of how the smaller Lake Protection category fits inside the larger Lake Jackson drainage basin. The Lake Protection category excludes the more intensely developed areas south of Interstate-10, predominantly inside the City Limits. The category also excludes a large section of the northwest portion of the drainage basin that is outside the Urban Service Area and not currently intended to be scheduled for urban activity.

Map of Lake Protection Category and Lake Jackson Drainage Basin



3. Current Residential Density and Uses in Lake Protection

The allowable residential density within Lake Protection is intended to limit development within the drainage basin to large-lot residential zoning. At the time, this was considered the best way to protect water bodies from the impacts of development, especially in more rural areas. However, such low-density residential areas are typically automobile-dependent, which requires impervious surface areas such as roads, driveways, and parking areas that generate higher per-capita environmental impacts. Additional impervious areas can be created by the construction of large houses and large fertilized lawns, which can create additional stormwater runoff.

The existing land use pattern within the area designated Lake Protection in the Comprehensive Plan is dominated (in order of acreage) by residential, open space, and vacant lands (Table 1). Only 1.5 percent of Lake Protection is developed with office, retail, and multi-family.

Lake Protection Existing Land Use Data

2012 Existing Land Use	**Count**	**Acreage**	**Percent**
Single Family Detached/Mobile Home	5400	4442.1	42.6%
Open Space Recreation/Parks*	32	2076.0	19.9%
Vacant	665	1716.9	16.5%
Large lot w/ residence**	28	933.6	8.9%
Open Space Common Areas	60	505.7	4.8%
Open Space Resource Protection	75	197.2	1.9%
School*	2	118.4	1.1%
Transportation/Communications/Utilities	24	100.3	1.0%
Religious/Non-profit	23	78.9	0.8%
Office	82	56.0	0.5%
Retail	28	55.5	0.5%
Multi-Family	17	53.2	0.5%
Single Family Attached	281	35.8	0.3%
Two-Family Dwelling	52	21.6	0.2%
Government Operation*	3	13.4	0.1%
Warehouse	12	11.7	0.1%
Open Space Undesignated	8	9.5	0.1%
Motel/Hospital/Clinic	4	6.5	0.1%
TOTAL	6796	10432	100.0%
Water surface in LP area†	44	3197.5	NA

* Also includes acreage in GO, EF, OS categories inside basin area.

** Separate from Vacant.

† Includes portion of Lake Jackson inside LP; also Lake Hall, Lake Overstreet, Little Lake Jackson, Pints Pond, Spring Pond.

Based on the existing land use data, it is clear that Policy 2.2.18[L] has met its intention of creating a low-density, large-lot suburban residential pattern for most the developed areas in the Lake Protection category. However, approximately 25 percent of the Lake Protection area is currently either vacant or has potential for redevelopment at a higher density.

The Lake Protection policy allows for one residential unit per two acres. The existing net residential density (residential units / residential acres) is slightly more than one residential unit per one acre. This higher density (twice the allowed amount) is the result of smaller lot development that occurred prior to adoption of the Lake Protection policy.

In contrast, the Comprehensive Plan calls for an Urban Service Area average of no less than two residential units per one acre, which is four times the allowed density in Lake Protection. However, the current Lake Protection policy does not support the larger goal of more compact development in the Urban Service Area. While it may not be feasible to increase the density throughout the Lake Protection category without impacting Lake Jackson, targeted areas based on the Smart Growth principles would help in supporting the larger goals for a compact community that preserves green space and rural lands further from the urban core.

Given that all of the Lake Protection designated lands are within the Urban Services Area, it is logical to consider targeted areas for higher density residential and the inclusion of office and commercial uses. Nevertheless, in order to prevent further degradation of Lake Jackson, increases in impervious surface within the intensely developed sub-basins must be limited or mitigated, while the less intensely developed sub-basins could be monitored to ensure net impervious is essential for establishing a healthy system. Mitigation measures may include offsetting water quality improvements from existing impervious areas, new or strict enforcement of existing development requirements that may require additional buffers, additional or alternative treatment of stormwater and wastewater to reduce nutrients, or other measures; such as, retrofitting of existing areas and redevelopment incentives that focus on stormwater quality treatment.

In sum, the existing homogenous, large-lot development patterns within Lake Protection tend to be automobile- dependent, consume significant quantities of land, and require significant impervious areas on a per-capita basis. Additionally, the constraint upon non-residential uses in Lake Protection, that market forces would tend to foster at nodes consisting of major intersections, forces this development to areas farther away and reachable only by automobile.

Given these issues, it is rational to consider new methods to allow for a more sustainable development pattern in this area that also protects the water quality of Lake Jackson. Targeting areas, based on Smart Growth principles, are intended to help support larger goals for a compact community that preserves green space and rural lands further from the urban core.

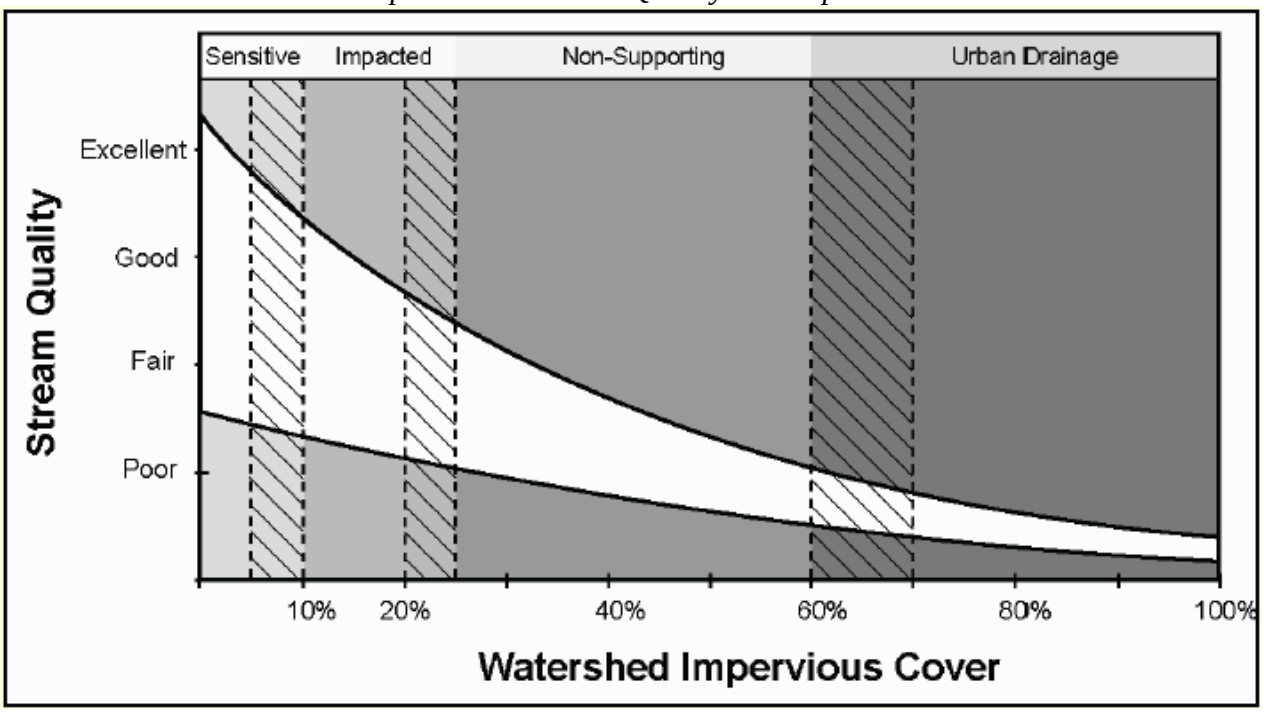
4. Impervious Area as a Predictor of Stream Health

Impervious areas are structures such as pavements and buildings that do not allow rainwater to pass through into the ground. Impervious areas increase the speed and amount of stormwater runoff resulting in impacts to streams. There is a body of research that has established a relationship between the amount of impervious area in a watershed and the receiving stream quality.

While stream quality may vary based on other factors, such as forest cover, agriculture and road density, there is general agreement that watersheds with impervious areas from 10% to 20% will show clear signs of declining stream health. Staff will continue to utilize this information to help guide recommendations on the scale of any development regulation changes based on Smart Growth principles.

The following chart from the June 2013 U.S. Environmental Protection Agency report "Our Built and Natural Environments: A Technical Review of the Interactions Among Land Use, Transportation, and Environmental Quality" depicts the relationship between stream quality and watershed impervious area.

Relationship Between Stream Quality and Impervious Area

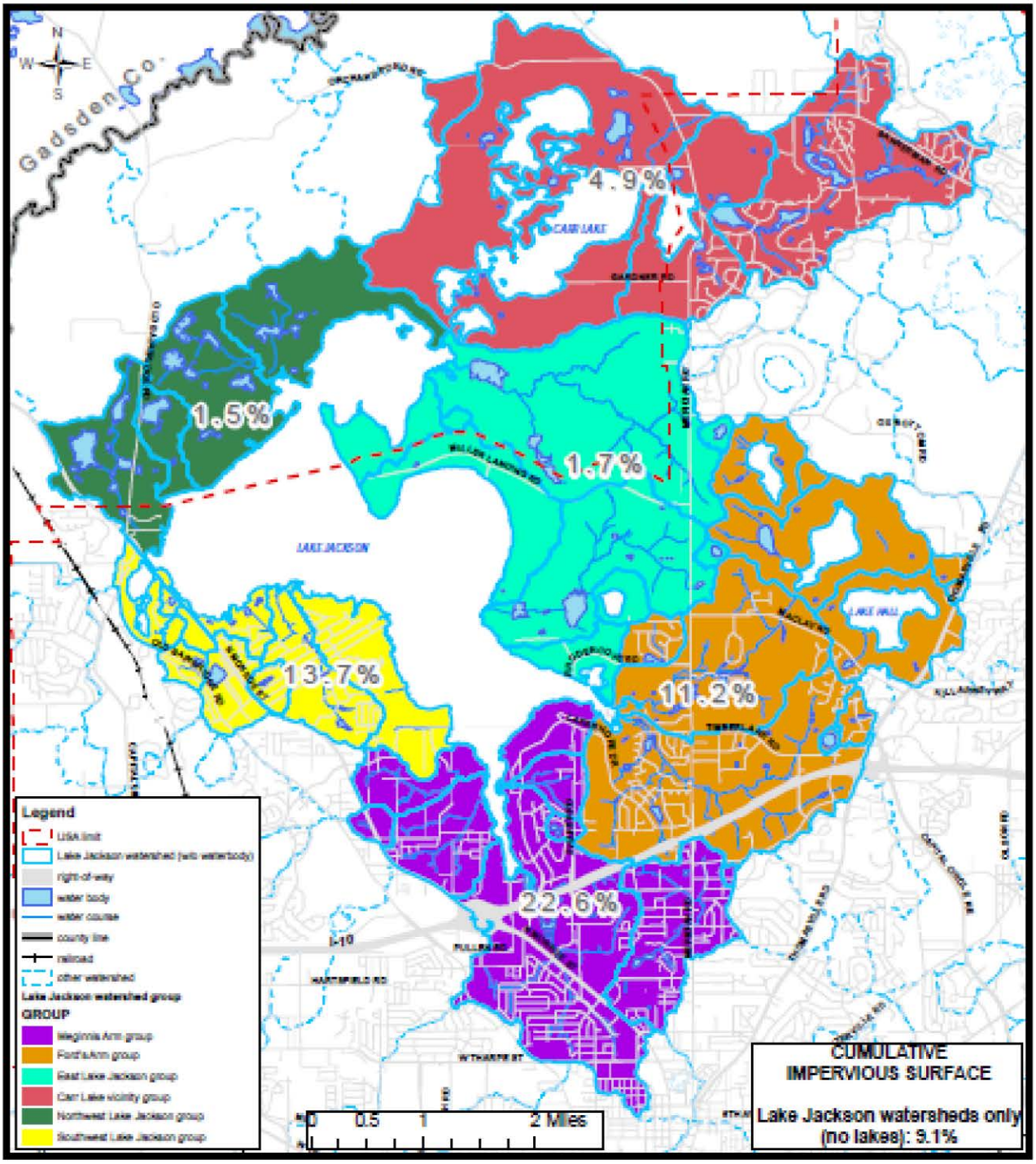


The white cone represents the variability in the response of streams to different levels of impervious area (higher variability in watersheds with a small percentage of impervious area). As the percentage of impervious cover in a watershed increases, stream quality declines. The hatched areas indicate that the transition point between stream quality classes is not a precise percentage or break point (originally published in 2009 by Schueler, Fraley-McNeal, and Cappiella, American Society of Civil Engineers).

The following map provides the percent impervious area in six sub-regions on the Lake Jackson drainage basin. The impervious area in these sub-regions ranges from 1.5% to 22.6%, with the full Lake Jackson basin containing 9.1% impervious area. The higher percentages of impervious area occur south of Interstate-10 in the areas excluded from the Lake Protection category. The lowest impervious areas occur in the northern portions of the basin that are outside of the Urban Service Area.

Impervious surface in Lake Jackson drainage basin

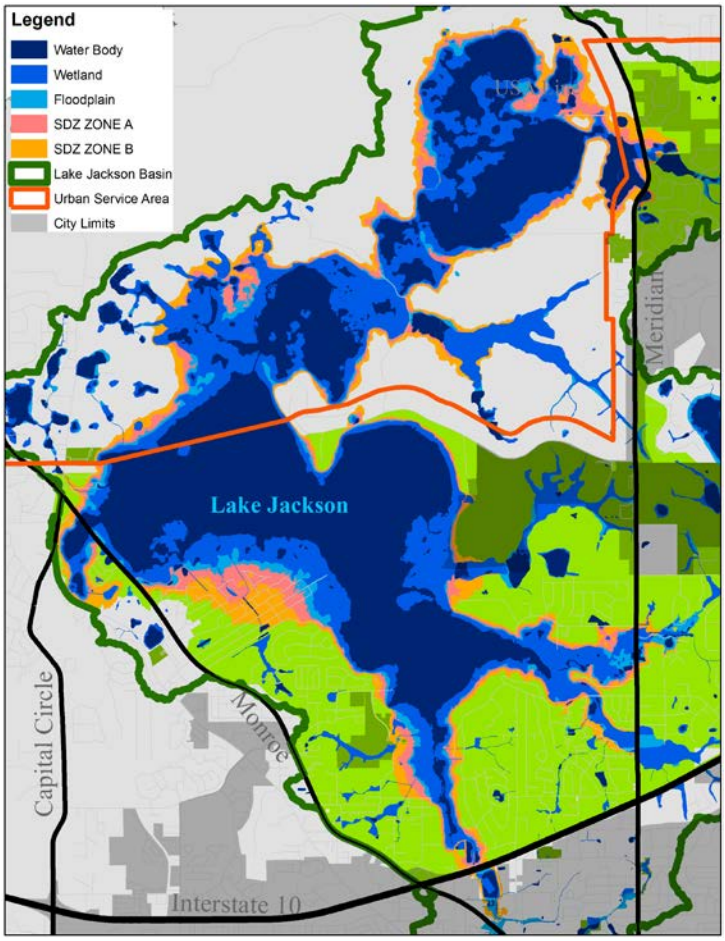
by watershed groups, percentage covered with impervious surface, 2012



5. Lake Jackson Special Development Zones

Special Development Zones are buffer areas beyond the wetlands and floodplains that surround Lake Jackson. The Zones are established by Policy 2.2.12 [C] of the Comprehensive Plan to help protect water quality by controlling the amount of land that may be disturbed. The following map demonstrates the relationship between the lake, wetlands, floodplain, and Special Development Zones. Zone A includes all lands below 100 feet in elevation (National Geodetic Vertical Datum) and allows for disturbance of up to 5% or 4,000 square feet of a property. Zone B includes all lands between 100 and 110 feet in elevation and requires that 50% of a site must be left natural.

Map of Special Development Zones



In 2009, the Board approved a Comprehensive Plan amendment to protect legal development that occurred in these areas prior to establishment of the Special Development Zones. The new policy allows for repair, maintenance, remodeling, or reconstruction of structures within their existing footprint and a 20% expansion of government owned public facilities. The 20% expansion provision allowed for a needed expansion at Canopy Oaks School. During the amendment process, staff also recommended inclusion of an 800-square-foot expansion provision for private development that met specified eligibility criteria and followed expansion standards to protect the environment. The State Land Planning Agency (then the Department of Community Affairs, now the Department of Economic Opportunity) objected to the 800 square-foot expansion portion of the amendment. On October 13, 2009, the Board unanimously passed a motion to strike the 800 square-foot expansion provision, but to move forward with the original intent of the amendment dealing specifically with Canopy Oaks School.

As the Board previously provided direction to strike the 800 square-foot expansion provision, staff is not making a recommendation to re-initiate this project. However, the information has been provided for background information on previous policy direction and the project could be re-initiated if the Board wishes to provide such direction.

6. Staff Recommendations and Implementation Phases

The following twelve recommendations (A through L) have been developed by staff to express, and be consistent with, one or more Smart Growth principles. In the description of each concept, staff has provided information on their potential implementation, and listed the Smart Growth principles furthered by the recommendation. Information on potential phasing of the recommendations is included at the end of the section.

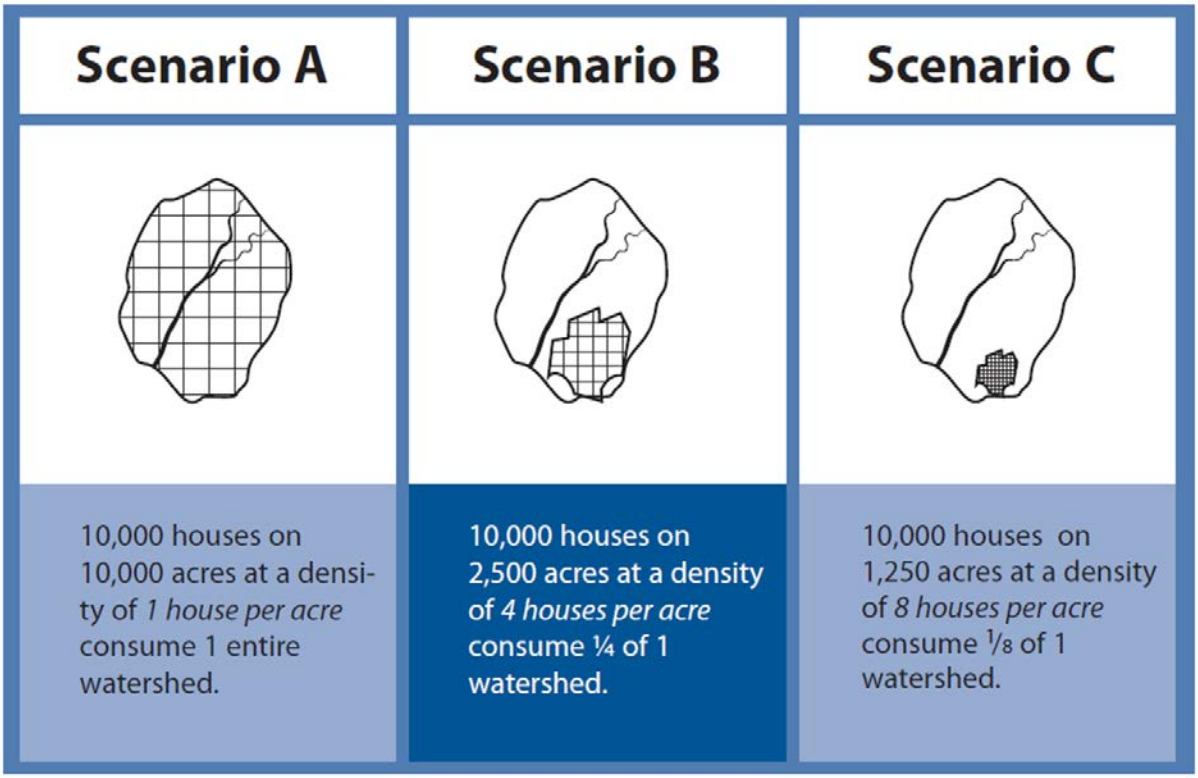
Recommendation A: Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection stormwater standards.

This recommendation is based on the Smart Growth principle of allowing mixed land uses to create more vibrant, diverse, and walkable communities. The provision of active living opportunities, where residents and visitors can easily and regularly walk or bicycle to everyday destinations, supports healthy movement and could lower health care costs. Local areas, like Midtown and Market Square, have a mix of commercial, office, and residential uses, and are arguably some of the most attractive areas to shop, live, and invest in locally.

Development concentrated into geographic nodes is a planning tool that is gaining popularity both locally and elsewhere. The concept involves allowing higher development rights around major intersections rather than along commercial strips that stretch miles down either side of roads. Such nodes, through concentrating commercial, office, and higher density residential uses tied together with sidewalks and bicycle lanes and paths can help reduce automobile trips, decrease the need for widened roadways to accommodate these trips, and provide convenient and attractive walking and bicycling connections to adjacent or nearby residential areas.

The 2006 U.S. Environmental Protection Agency report “Protecting Water Resources with Higher-Density Development” focuses on the idea that more compact development can help save more land to protect water resources. The following graphic from the report demonstrates how the same number of homes can be accommodated in less land area when the land per home is reduced. The graphic is simplified to help illustrate the concept. Staff recognizes that the Lake Jackson basin is complex and that significant development already exists in the basin. However, this concept can still be utilized in new policies to guide future development toward designated nodes.

Protecting Water Resources with Higher-Density Development



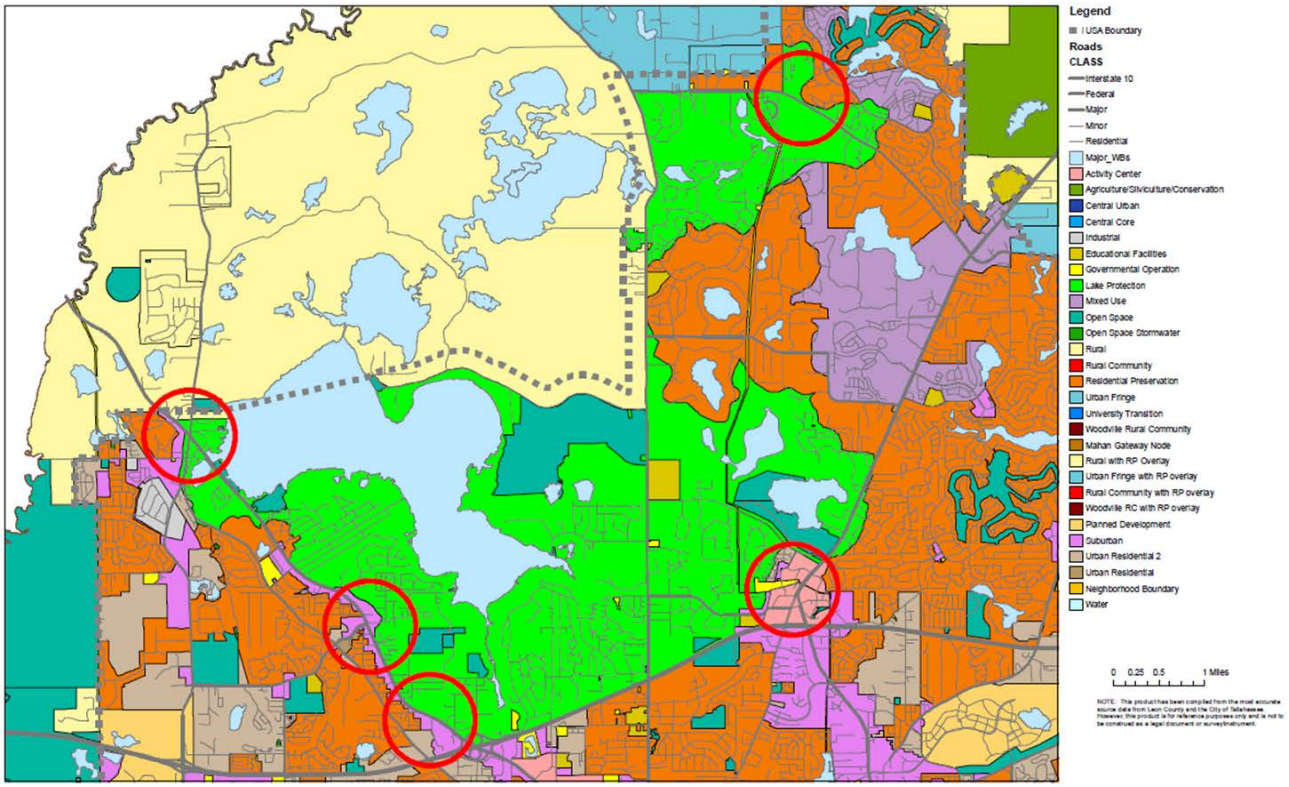
An emerging urban node (the Lake Jackson Town Center) has been identified by the County at the intersection of U.S. Hwy 27 North and Fred George Road. As part of this recognition, the County in turn constructed the new Lake Jackson Branch Library, and supports the Sense of Place planning initiative for this area. This support includes $100,000 approved by the Board at its regular June 18, 2013 meeting to implement the plan for the Lake Jackson Town Center Sense of Place Initiative. The funding for this project is currently available in the Fiscal Year 2014 budget.

Other local examples include the Mahan Gateway Nodes as identified on the Comprehensive Plan's Future Land Use Map. These nodes were created based on community concerns that the recently widened Mahan Drive would eventually become lined with a strip of commercial uses similar to West Tennessee Street or Apalachee Parkway.

Land uses are significantly limited in Lake Protection. The incorporated area of Lake Protection (within the City Limits) does not presently allow non-residential uses. The unincorporated area allows some non-residential uses (minor office and minor commercial), but only within a Planned Unit Development process that requires Board approval.

The establishment of nodal areas by the application of a new zoning district could be allowed at identified intersections of major roadways similar to that established along Mahan Drive between Capital Circle and Interstate – 10. Potential locations are identified on the following map with ¼-mile radius circles and may include U.S. Hwy 27 and Capital Circle Northwest, U.S. Hwy 27 and Fred George Road, U.S. Hwy 27 and Sessions Road, the Market Square area, and the intersection of Bannerman and Bull Headley roads.

Potential Lake Protection Node Areas



This new zoning district would specify permitted uses, and urban design and other development standards, including current Lake Protection stormwater standards and requirements and perhaps a cap on total acres in the Lake Jackson Basin that can be placed in the new district. Properties that could be considered for rezoning to new Lake Protection Node would include non-conforming uses, vacant properties whose highest and best use may be commercial or office to serve the surrounding residential areas, and other properties suitable for higher density housing. The extent of these nodal areas would ideally be within a radius of ¼ mile of a main intersection, which is a five-minute walk for most people.

This recommendation is also consistent with the following Smart Growth principles:

- Compact building design
- Range of housing opportunities and choices
- Walkable neighborhoods
- Sense of place
- Direct development towards existing communities
- Variety of transportation choices
- Make development decisions predictable, fair, and cost effective

Recommendation B: Direct staff to develop and bring back land development regulation changes requiring site design standards for the new Lake Protection Node zoning district.

This recommendation is primarily based on the Smart Growth principle of fostering distinctive, attractive communities with a strong sense of place.

The Planning Department, with strong community input, has developed several "placemaking" initiatives, located at existing and emerging urban nodes, including the Market District area near Thomasville Road and Timberlane Road, the Lake Jackson Town Center near the intersection of U.S. Highway 27 North and Fred George Road, South Monroe Street, Midtown, and Downtown. While these efforts have not been regulatory in nature, they have identified several proposed and ongoing infrastructure improvements and other public and private investments. Several recent Future Land Use map and associated zoning changes have been conducted in one or more of these areas in order to allow additional development and redevelopment. Over a period of time the ongoing "Sense of Place" planning process could be applied to one or more nodal areas within Lake Protection.

Locational and site design standards could guide the development and redevelopment of potential nodal areas into distinctive, attractive, walkable areas with a strong sense of place. By focusing the growth pressure into relatively smaller areas with stringent stormwater treatment standards, those standards could also protect the water quality and habitat values of Lake Jackson. The new standards would be incorporated into the new Lake Protection Node zoning district with concepts similar to the existing Mahan Corridor Node Zoning District and the Mobility District.

This recommendation is consistent with the following Smart Growth principles:

- Compact building design
- Walkable neighborhoods
- Direct development towards existing communities
- Variety of transportation choices
- Make development decisions predictable, fair, and cost effective

Recommendation C: Direct staff to identify non-conforming land uses in Lake Protection that cannot be addressed by the new Lake Protection Node zoning district and bring back a plan to address them.

This recommendation is based on the Smart Growth principles of strengthening and directing development towards existing communities, mixing land uses, and making development decisions predictable, fair, and cost effective. Incentivizing building and rebuilding within existing developed areas reduces pressures for development of greenfields located away from already established areas, and can reduce the cost of infrastructure.

There are a number of non-conforming land uses throughout the Lake Protection district. Office and retail uses are the most common non-conforming use. A recent land use change from Lake Protection to Suburban for 10 acres in the Market District area addressed an existing non-conformity for 34 parcels. In implementing Recommendation A to develop a Lake Protection Node category, staff would seek to address many of the non-conforming uses by proposing their rezoning to Lake Protection Node.

Non-conforming uses, located outside of logical node areas, would need to be evaluated for other possible treatments to protect owner investments or transition the use to conform to Lake Protection. Some options may include certificates to document legally established uses, requiring Planned Unit Developments, policy changes to allow specific uses within conditions, or required phase-out of the non-conforming use.

Recommendation D: Direct staff to coordinate with the City and bring back a potential common cluster development option for both the incorporated and unincorporated areas within Lake Protection that also incentivizes use of the cluster option.

This recommendation is based on the Smart Growth principles of compact building design, walkable neighborhoods, preserving open space, farmland, natural beauty, and critical environmental areas, and making development decisions predictable, fair, and cost effective.

Compact building design not only means allowing smaller buildings on a given parcel or lot, but reducing lot sizes, and allowing taller buildings. Compact building design can result in more walkable, diverse communities that also preserve open space, farmland, natural beauty, and critical environmental areas.

The Lake Protection land use category in the Comprehensive Plan (Policy 2.2.18 in the Land Use Element) currently specifies a base density of one residential unit per two acres (~2-acre lot size). This large lot size was used partly based on the idea that lower-density housing equals less impervious surface. However, in practice, large lot sizes often result in large quantities of land being cleared, affecting runoff and natural habitat, and require extensive support infrastructure due to the distance between homes.

To address this issue, and to give landowners and developers some additional alternatives, two cluster options are presently provided for in Policy 2.2.18 [L]. A cluster option is available within the incorporated area that allows a residential density of one unit per gross acre if the resultant development clusters the units on 25% of the property, and maintains the remaining 75% in natural open space.

The cluster option in the unincorporated area of the Lake Protection category allows the development of 40% of the site at a net density of two units per acre on the developed portion of the property. The remaining 60% of the property must remain in natural open space. The minimum lot size under this cluster option is 1/2 acre. Presently, there are only two such cluster subdivisions that have been built in the unincorporated area of Lake Protection.

Staff was unable to identify a currently applicable rationale for two different cluster options given that sewer is available in a significant portion of the vacant, developable land area within Lake Protection, and these areas are all located within the Urban Service Area.

Recommendation E: Direct staff to initiate a comprehensive plan text amendment and Land Development Regulation changes to remove the half-acre restriction in the unincorporated area when sewer is available.

This recommendation is based on the Smart Growth principles of compact building design, walkable neighborhoods, and making development decisions predictable, fair, and cost effective.

The environmental issues associated with smaller lot sizes on septic tanks were a factor in the creation of the ½-acre minimum lot size in Lake Protection (and the one-acre minimum lot size within the Lake Jackson SDZ). Several older residential areas were previously allowed to be developed on septic tanks, and many of these areas have lots smaller than 1/2 acres. However, Policy 2.2.18[L] does not address sewer availability, nor are there any incentives or options within this policy for reducing lot size below ½-acre when sewer is available.

Recommendation F: Direct staff to review the existing exemption for sidewalks in Lake Protection and bring back draft land development regulation changes with increased requirements for developments that have the potential for walkability.

This recommendation is based on the Smart Growth principles of walkable neighborhoods, compact building design, sense of place, and providing a variety of transportation choices. The benefits of walkability include the ability to age in place, lowered transportation costs, improved personal health and fitness, and expanded choices on how to get around.

Walkability is more than just sidewalks, but they are fundamental to being able to walk to a destination within urban areas. At present, Section 10-7.529(3)f of the County's Land Development Code exempts sidewalks in new residential developments within the Lake Protection zoning district. With some limited exceptions, much of the older development patterns within the Lake Protection district are not very walkable. Both the City and the County are retrofitting certain areas of the urban area with sidewalks where feasible and affordable. These include proposed sidewalks within the Lake Protection district along Maclay and Timberlane roads. The recently updated City/County Greenways Master Plan also proposes several multiuse trails that have the strong potential to improve pedestrian and bicycle connectivity in areas of the Lake Protection district. However, true walkability also requires more mixed-use developments with good pedestrian design.

Two land use map and zoning changes were recently made based on the urban node concept, including a change of land use from Residential Preservation to Urban Residential for 15 acres at the intersection of Fred George Road and Old Bainbridge Road, and a change of land use from Lake Protection to Suburban for a previously developed 10-acre area on the north side of Timberlane Road immediately east of Timberland School Road. Such changes are important steps in providing a sufficient number of residents and services in those emerging activity nodes to foster walkability.

The recommended nodal development concept can help create walkable areas by concentrating development in and around nodes and other developed areas, while protecting more environmentally sensitive areas from development. The Lake Jackson Town Center and the Market Square areas are urban nodes that are becoming more walkable by the installation of new sidewalks and other pedestrian infrastructure, as well as additional public investments and new development.

Staff will seek to address design-related concepts of walkability in Recommendation B. In this recommendation to review the existing sidewalk exemption in Lake Protection, staff will evaluate the potential use of locational standards, such as proximity to a designated node, potential connection to existing or proposed sidewalks or greenways, and sewer availability to determine when sidewalks would be required. Options may include retaining the exemption for isolated residential areas with little or no walkability potential.

Recommendation G: Continue implementation of the sense of place planning projects at the Lake Jackson Town Center and the Market District.

This recommendation is based on the Smart Growth principles of walkable neighborhoods, creating a sense of place, directing development towards existing communities, and providing a variety of transportation choices.

These sense of place planning initiatives are located in two areas recommended for consideration as Lake Protection nodes. These initiatives are intended to identify proposed and ongoing infrastructure improvements and other public and private investments, and to help "brand" these areas as destinations. The continuation of these projects not only will benefit property owners, residents, and visitors to these areas, but may also provide a model that can be applied to other nodal areas within Lake Protection.

Recommendation H: Direct staff to initiate a comprehensive plan map amendment to reflect the Overstreet addition to Maclay Gardens as Recreation/Open Space.

This recommendation is based on the Smart Growth principle of preserving open space, farmland, natural beauty, and critical environmental areas.

Preservation of open space, farmland, and critical environmental areas has been a community value in Leon County for decades. The Greenways Program has acquired approximately 7,500 acres of land countywide since the early 1990s. Several environmental land acquisition projects have been completed within the Lake Protection district during this time, including Okeeheepkee Prairie, Jackson View, the Elinor Klapp-Phipps Greenway, the Overstreet greenway addition to Maclay Gardens State Park, and the Timberlane Ravine Greenway.

Within the Lake Protection district, approximately 27 percent of the existing land use is open space protected as parks, greenways, or other common areas. Additionally, Meridian Road is a canopy road with 100 feet on each side protected by local land development code.

Accurately reflecting the protected status of parklands as Open Space on the Future Land Use Map is another practice that aids in planning and provides for a public process prior to any future change of the use. Currently the Overstreet land acquisition to Maclay Gardens State Park is not accurately represented on the Future Land Use Map as Open Space.

Recommendation I: Maintain the existing Urban Service Area boundary line to promote infill and nodal development.

This recommendation is based on the following Smart Growth principles:

- Mix land uses
- Compact building design
- Range of housing opportunities and choices
- Walkable neighborhoods
- Sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Direct development towards existing communities
- Variety of transportation choices
- Make development decisions predictable, fair, and cost effective.

Guiding development through the provision of urban services is an established planning principle that has been locally utilized for more than two decades. The intent of the urban service area is to support development and redevelopment in areas where urban services already exist, and in turn, minimize the costs of extending services far from existing developed areas.

The existing Urban Service Area is a critical tool for strengthening and directing development towards the existing community of Leon County and Tallahassee. The Urban Service Area boundary delineates within the Lake Jackson drainage basin a large area of rural land that helps protect water quality flowing into Lake Jackson and several connected waterbodies. This area is also home to a growing number of organic farms and community gardens.

Urban growth boundaries also help areas of concentrated, mixed development succeed by limiting the ability of cheaper undeveloped land nearby to be developed into single use developments.

Recommendation J: Continue to seek funding for the Tallahassee – Leon County Greenways Master Plan.

This recommendation is based on the following Smart Growth principles:

- Walkable neighborhoods
- Sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Variety of transportation choices

Providing a variety of transportation choices is a vital component of sustainable development. These should include mass transit, bicycling, and walking. Automobiles will continue to be a major transportation mode for longer trips. Nevertheless, mix of uses and improved connectivity makes walking and bicycling more realistic transportation options because destinations can be placed at closer distances, and more direct routes can allow pedestrians to reach a given destination.

The Tallahassee – Leon County Greenways Master Plan includes trail recommendations intended to connect existing residential and other areas to greenways, parks, and other destinations. Funding the proposed trail projects in this Plan will provide additional mobility options, particularly to and from proposed nodal areas.

Recommendation K: Direct County staff to continue to implement the current two-track permitting system to expedite review and provide reductions in the level of review for projects that implement Smart Growth principles.

This recommendation is based on the Smart Growth principle of making development decisions predictable, fair, and cost effective.

Leon County's Department of Development Services and Environmental Management has made significant progress on reducing proposed project review and permitting timelines. Continuing such efforts, specifically for projects that adhere to Smart Growth principles, is a cost effective way to help shape growth.

Recommendation L: Direct staff to include community and stakeholder collaboration in the development of policy changes related to recommendations in this report.

This recommendation is based on the Smart Growth principle of encouraging community and stakeholder collaboration in development.

Allowing more and/or different kinds of growth within Lake Protection, even confined to nodal areas, will likely be controversial among some residents, landowners, and developers, as well as environmental advocates for the Lake. However, this kind of development is increasingly attractive to growing numbers of homebuyers and renters who prefer to live in walkable mixed-use communities.

In order for the principles of smart growth to be acceptable, it is critical that residents, landowners, developers, and other stakeholders, have the opportunity to develop a common understanding of the concepts presented within this agenda item. Therefore, stakeholder collaboration will be an important part of evaluating and shaping any policy changes that are developed.

Proposed Phasing of Recommended Actions

Given the size and complexity of the recommended project concepts, staff recommends the following workplan and schedule for implementation:

Phase I (Ongoing Efforts)

Recommendation G: Continue implementation of the sense of place planning projects at the Lake Jackson Town Center and the Market District.

Recommendation I: Maintain the existing Urban Service Area boundary line to promote infill and nodal development.

Recommendation J: Continue to seek funding for the Tallahassee – Leon County Greenways Master Plan

Recommendation K: Continue to implement the current two-track permitting system to expedite review and provide reductions in the level of review for projects that implement Smart Growth principles.

Phase II (2014-1 Comprehensive Plan Amendment Cycle)

Recommendation E: Direct staff to initiate a comprehensive plan text amendment and Land Development Regulation changes to remove the half-acre restriction in the unincorporated area when sewer is available.

Recommendation H: Direct staff to initiate a comprehensive plan map amendment to reflect the Overstreet addition to Maclay Gardens as Recreation/Open Space.

Phase III (Code and Policy Work in 2014)

Recommendation F: Direct staff to review the existing exemption for sidewalks in Lake Protection and bring back draft land development regulation changes with increased requirements for developments that have the potential for walkability.

Recommendation B: Direct staff to develop and bring back land development regulation changes requiring site design standards for the new Lake Protection Node zoning district.

Recommendation C: Direct staff to identify non-conforming land uses in Lake Protection that cannot be addressed by the new Lake Protection Node zoning district and bring back a plan to address them.

Phase IV (2015-1 Comprehensive Plan Amendment Cycle)

Recommendation A: Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection stormwater standards.

Recommendation D: Direct staff to coordinate with the City and bring back a potential common cluster development option for both the incorporated and unincorporated areas within Lake Protection that also incentivizes use of the cluster option.

Options:

1. Accept the following staff recommendations and recommended implementation phases.
   A. Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection stormwater standards.
   B. Direct staff to develop and bring back land development regulation changes requiring site design standards for the new Lake Protection Node zoning district.
   C. Direct staff to identify non-conforming land uses in Lake Protection that cannot be addressed by the new Lake Protection Node zoning district and bring back a plan to address them.
   D. Direct staff to coordinate with the City and bring back a potential common cluster development option for both the incorporated and unincorporated areas within Lake Protection that also incentivizes use of the cluster option.
   E. Direct staff to initiate a comprehensive plan text amendment and Land Development Regulation changes to remove the half-acre restriction in the unincorporated area when sewer is available.
   F. Direct staff to review the existing exemption for sidewalks in Lake Protection and bring back draft land development regulation changes with increased requirements for developments that have the potential for walkability.
   G. Continue implementation of the sense of place planning projects at the Lake Jackson Town Center and the Market District.
   H. Direct staff to initiate a comprehensive plan map amendment to reflect the Overstreet addition to Maclay Gardens as Recreation/Open Space.
   I. Maintain the existing Urban Service Area boundary line to promote infill and nodal development.
   J. Continue to seek funding for the Tallahassee – Leon County Greenways Master Plan.
   K. Direct County staff to continue to implement the current two-track permitting system to expedite review and provide reductions in the level of review for projects that implement Smart Growth principles.
   L. Direct staff to include community and stakeholder collaboration in the development of policy changes related to recommendations in this report.
2. Direct staff to re-initiate an amendment to allow for limited expansion of existing legally established private development in the Special Development Zones.
3. Accept staff recommendations and recommended implementation phases, with modifications.
4. Board direction.

Recommendation:
Option # 1, A-L.

Attachments:
1. Lake Jackson History and Institutional Responses to Environmental Impacts
2. Why Communities Select Smart Growth

Lake Jackson History

The Lake Jackson, Carr Lake, and Mallard Pond ecosystem is a valuable biological, aesthetic and recreational resource of Leon County and the State of Florida. The expansive freshwater marshes and native submerged vegetation provide exceptional fish, waterfowl and wading bird habitat. Lake Jackson has been internationally known for sport fishing and its trophy largemouth bass. In addition, the lake historically has generated several million dollars annually for the Tallahassee and Leon County area.

Lake Jackson is a disappearing lake that drains periodically into the Florida Aquifer through one or more sinkholes, including Porter Sink, which are usually open to the aquifer below and slowly but continuously drain the lake. As long as the balance of water entering the lake from streams, seeps, and sheet flow runoff exceeds the amount draining into the sink and into the aquifer, the water level of the lake is relatively stable. During drought conditions, however, the lake level may drop, and even completely drain.

Over the past three decades, the water quality and ecological condition of Lake Jackson has been impacted by nonpoint source pollution. Prior to 1990, several large subdivisions with small or medium sized lots were created adjacent to the lake north of Interstate-10. These subdivisions were served by septic tanks, and did not include stormwater facilities to treat runoff. The area south of Lake Jackson had also been developed much more intensely, with a mix of commercial, office, residential, and other land uses. This urban and suburban growth within the watershed allowed sediment, fertilizer, wastes, pesticides, herbicides, heavy metals, oil, gasoline and other pollutants to be carried into Lake Jackson by stormwater runoff. In turn, the growth of nuisance plants such as Hydrilla, blue-green algae, and water hyacinth, increased. As these plants proliferated, died and decomposed, a thick layer of organic muck built up in the bottom of the southern portion of the lake, covering the lake's sandy bottom and destroying fish breeding areas. In some locations, the muck was as deep as three feet. Nutrient cycling between the sediment, the vegetation, and the water column resulted in dramatic ecological changes in the southern portion of the lake and a few other areas.

Another significant impact to the lake's water quality came from the construction of Interstate–10. In the early 1970s, Interstate-10 was constructed across northern Florida, traversing the Lake Jackson watershed and contributing large amounts of fine sediments into the lake.

Institutional Responses to Lake Jackson Impacts

State of Florida Responses

In response to the environmental impacts to this significant natural resource, in 1974 the State of Florida designated the Lake Jackson ecosystem as an Aquatic Preserve for the primary purpose of preserving and maintaining the biological resources in their essentially natural condition. It is the only freshwater lake that is an aquatic preserve in Florida. Chapters 258 and 253, Florida Statutes (F.S) provide the management authority for the Lake Jackson Aquatic Preserve. Chapter

73-534, Laws of Florida, establishes the Lake Jackson Aquatic Preserve and defines the basic management principles. Chapters 18-20 and 18-21, F.A.C. are the two administrative rules directly applicable to the uses of aquatic preserves specifically, and submerged lands in general. The Lake Jackson Aquatic Preserve Management Plan was adopted July 23, 1991, and is currently being updated by the Florida Department of Environmental Protection (DEP). Tallahassee – Leon County Planning Department and Development Support and Environmental Management staff are participating in this planning process through a stakeholder committee.

In addition to being an aquatic preserve, Lake Jackson was designated by the Florida Legislature as a Surface Water Improvement and Management (SWIM) water body, and by DEP as an Outstanding Florida Water (OFW). Section 403.061(27), Florida Statutes, grants DEP the power to establish rules that provide for a special category of waterbodies within the state, to be referred to as "Outstanding Florida Waters," which shall be worthy of special protection because of their natural attributes. Special protections afforded aquatic preserves include restrictions on dredge and fill, construction of seawalls and other structures and facilities, and the transfer of lands and easements. Management plans are required of aquatic preserves which guide the public use of these waterbodies and their lands, and provide resource protections.

Regional and Local Government Responses

As the ecological health of the lake declined throughout the 1970s, 1980s, and 1990s, the Northwest Florida Water Management District (NWFWMD), other state agencies, Leon County and the City of Tallahassee, through the state's SWIM program, created and implemented a series of solutions. In 1983, NWFWMD, with federal and state funding, constructed an experimental stormwater treatment facility near Interstate-10 to treat runoff from the southern portion of the watershed, which is characterized by a mix of residential, office, commercial, and other intense land uses. Another facility was constructed on the opposite side of Interstate-10 to treat even more of this runoff as it entered McGinniss Arm. Leon County and the City of Tallahassee, in cooperation with other governmental entities, have constructed at least five regional stormwater treatment facilities, and will construct one or more planned facilities such as the Lexington Road pond adjacent to Meridian Road.

Perhaps the most significant SWIM project conducted to date was the removal of accumulated nutrient-rich sediment and muck from the bottom of Lake Jackson. In 1999, after the lake drained completely, nearly 400,000 cubic yards of muck were removed from Meginniss and Fords arms during Phase I. From January 2000 to March 2001, approximately 1.6 million cubic yards of sediment were removed during Phase II from areas farther out into the southern portion of the lake as well as from some additional areas near the northern and western shores. This restoration project, along with new stormwater facilities and other activities, has significantly improved the water quality and ecological functions of the lake.

Other responses to the degradation of Lake Jackson include the continuing retrofitting of the Lake's drainage system from urban areas by the construction of regional stormwater facilities such as the Lexington Road pond. This project is currently being designed by the County's Public Works Department.

In addition to specific stormwater facilities and lake restoration projects, local government has also responded by developing policies addressing Lake Jackson in the Comprehensive Plan and local land development codes.

The primary goal of land use and stormwater mitigation planning at the local government level within the Lake Jackson watershed is the protection of the lake from stormwater runoff pollution. To that end, Policy 2.2.18 established the Lake Protection (LP) land use category in the Land Use Element of the Comprehensive Plan.. This category was developed in the early 1990s in response to the well documented scientific concerns regarding the degradation and continuing pollution of Lake Jackson. It includes the lake basin boundary adjusted to include contributing watersheds but excluding existing, more intensely developed areas south of Interstate 10.

Furthermore, Policy 2.2.12 in the Conservation Element establishes the Lake Jackson Special Development Zone (SDZ). Section 10-4.323 of the Leon County Land Development Regulations establishes in detail the boundary, designation, restrictions, and limitations within the Lake Jackson SDZ.

Finally, Objective 2.3 and Policies 2.3.1 through 2.3.5 in the Conservation Element address Lake Jackson by limiting on-site sewage disposal systems, lot sizes for residential developments on septic tanks, creating natural vegetation zones around the lake, and retrofitting developed areas in the Lake Jackson basin that do not meet the stormwater standards required by the Comprehensive Plan and implementing land development codes.

WHY SMART GROWTH?

Health, schools, taxes, traffic, the environment, economic growth, fairness, opportunity—many of the things we care about—are all affected by development decisions. From the length of our daily commute to the price of a new home to the safety of our neighborhoods-what, where, and how we build have major impacts on our personal lives, our com munities, and our nation.

Growth presents a tremendous opportunity for progress. Communities around the country are looking for ways to get the most out of new development and to maximize their investments. Frustrated by development that requires residents to drive long distances between jobs and homes, many communities are challenging rules that make it impossible to put workplaces, homes, and services closer together. Many communities are questioning the fiscal wisdom of neglecting existing infrastructure while expanding new sewers, roads, and services into the fringe. And in many communities where development has improved daily life, the economy, and the environment, smart growth principles have been key to that success.

Growth is "smart" when it gives us great communities, with more choices and personal freedom, good return on public investment, greater opportunity across the community, a thriving natural environment, and a legacy we can be proud to leave our children and grandchildren.

When communities choose smart growth strategies, they can create new neighborhoods and maintain existing ones that are attractive, convenient, safe, and healthy. They can foster design that encourages social, civic, and physical activity. They can protect the environment while stimulating economic growth. Most of all, we can create more choices for residents, workers, visitors, children, families, single people, and older adults-choices in where to live, how to get around, and how to interact with the people around them. When communities do this kind of planning, they preserve the best of their past while creating a bright future for generations to come.

Adapted from the PDF "This is Smart Growth," published by ICMA and EPA in 2006.

http://www.smartgrowth.org/why.php

Attached is Item #13 Agenda Packet

1. **Item 13 - Joint City-County Commissions 2015-1 Adoption Public Hearing**
2. **Additional Coordination Item - Approval of Revisions to Future Comprehensive Plan Amendment Cycle Meeting Schedules (Attachment #11)**
3. **Additional Coordination Item - Acceptance of the Status Report on the Tallahassee-Leon County Comprehensive Plan Future Land Use Element Revision Scope and Schedule (Attachment #12)**

Meeting of Tuesday, May 26, 2015

This document distributed May 19, 2015.

Joint City-County 2015-1 Comprehensive Plan Amendment Cycle Adoption Public Hearing

2015-1 Comprehensive Plan Amendment Cycle

Cover Sheet for Agenda #13

May 26, 2015

To: Honorable Chairman and Members of the Board
Mayor and City Commissioners

From: Vincent S. Long, County Administrator
Anita Favors Thompson, City Manager

Title: Joint City/County Adoption Hearing on Cycle 2015-1 Comprehensive Plan Amendments

Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wayne Tedder, Director, PLACE Cherie Bryant, Planning Manager
Lead Staff/ Project Team:	Barry Wilcox, Division Manager Megan Doherty, Principal Planner

Statement of Issue:

This item provides information on the four proposed amendments to the Tallahassee-Leon County Comprehensive Plan in the 2015-1 cycle. The purpose of the Joint Adoption Public Hearing is to allow the elected officials for both the City and County to receive public comments at this second and final public hearing and vote on adoption of the proposed amendments.

Additionally, this item provides an update on the strategic initiative to protect the rural character of our Rural Land use category, which was adopted at the 2014/2015 Leon County Board of County Commissioners Strategic Planning Retreat.

Recommendation:

Option #1: Conduct the public hearing on Cycle 2015-1 Comprehensive Plan Amendments and adopt proposed map amendment and three text amendments to the Tallahassee-Leon County Comprehensive Plan and submit to the Florida Department of Economic Opportunity.

Discussion

This is the second and final adoption public hearing for the 2015-1 amendments. The full schedule for the 2015-1 cycle is as follows. This packet includes the agenda, updated staff reports and attachments, and public comments received for all 2015-1 amendments through May 14, 2015.

Full 2015-1 Amendment Schedule:

Application Deadline	September 26, 2014
First Public Open House	November 20, 2014
Local Planning Agency Workshop	January 15, 2015
Second Public Open House	January 15, 2015
Local Planning Agency Public Hearing	February 3, 2015
• PCT150103 DRI Thresholds for the Urban CBD	
• PCT150104 Sustainable Development in Lake Protection	
County Commission Workshop	February 10, 2015
City Commission Workshop CANCELLED	February 11, 2015
Third Open House	
• PCM150101 TALCOR Midtown	February 19, 2015
Local Planning Agency Workshop	February 24, 2015
• PCM150101 TALCOR Midtown	
Local Planning Agency Public Hearing	March 3, 2015
• PCM150101 TALCOR Midtown	
Joint City-County Commission Workshop	March 10, 2015
Local Planning Agency Workshop	March 30, 2015
• PCT150105 Commercial Uses in Rural Future Land Use Category	
Local Planning Agency Public Hearing	April 6, 2015
• PCT150105 Commercial Uses in Rural Future Land Use Category	
Joint City-County Transmittal Public Hearing	April 14, 2015
Joint City County Adoption Public Hearing	May 26, 2015

Board of County Commission Strategic Initiative Update

At its December 8, 2014 Annual Retreat, the Board focused on Leon County's FY2012 – FY2016 Strategic Plan by reviewing progress made with respect to its current Strategic Initiatives and identifying new initiatives for the upcoming year, all of which support and advance its Strategic Priorities.

This item is essential to the following revised FY2012 – FY2016 Strategic Initiatives that the Board approved at its January 27, 2017 meeting:

- Implement strategies that preserve neighborhoods and create connectedness and livability, including:
    - Protect the rural character of our Rural Land Use category. (2015)

This particular Strategic Initiative aligns with the Board's Strategic Priority, Quality of Life:

- Support the preservation of strong neighborhoods through appropriate community planning, land use regulations, and high quality provision of services (Q6 - 2012).
- Further create connectedness and livability through supporting human scale infrastructure and development, including: enhanced [illegible] multimodal districts. (Q7 – 2012)

Analysis:

Since initiation of Amendment PCT150105: Commercial Uses in Rural at the December 9, 2014 Board meeting, Planning staff has worked together with the Keep it Rural Coalition (KIRC) and Leon County Development Services and Environmental Management (DSEM) to draft policy language for the Rural future land use category within the Land Use Element establishing a clear intent for the Rural areas and refining the appropriate uses within these areas. Approval of Amendment PCT150105: "Commercial Uses in Rural" provides Planning staff direction to move forward with completing the FY 2012 – FY 2016 Strategic Initiative to protect the rural character of these areas through adoption of the proposed text amendment to the Rural land use category.

Options:

1. Conduct the public hearing on Cycle 2015-1 Comprehensive Plan Amendments and adopt proposed map amendment and three text amendments to the Tallahassee-Leon County Comprehensive Plan and submit to the Florida Department of Economic Opportunity.
2. Conduct the public hearing on Cycle 2015-1 Comprehensive Plan Amendments and do not adopt proposed map amendment and three text amendments to the Tallahassee-Leon County Comprehensive Plan.

Recommendation:

Option #1.

Attachments:

1. Agenda-Joint City-County Commissions Cycle 2015-1 Adoption Hearing
2. 2015-1 Summary Recommendations Matrix
3. PCM150101 TALCOR Midtown – Staff Report
4. PCT150103 DRI Thresholds for the Urban CBD – Staff Report
5. PCT150104 Sustainable Development in Lake Protection – Staff Report
6. PCT150105 Commercial Uses in Rural Future Land Use Category – Staff Report
7. Public Comments received through May 15, 2015
8. Board of County Commissioners Cycle 2015-1 Plan Amendment Ordinance
9. Tallahassee City Commission Cycle 2015-1 Cycle 2015-1 Plan Amendment Ordinance
10. City of Tallahassee Rezoning Item: First of Two Public Hearing on Ordinance No. 15-Z-19 amending the Official Zoning Map from the Residential Preservation-2 (RP-2) Zoning District to the R-4 Urban Residential (R-4) Zoning District.

JOINT CITY-COUNTY COMMISSIONS
2015-1 ADOPTION PUBLIC HEARING AGENDA
MAY 26, 2015 6:00 PM
Fifth Floor, Leon County Courthouse, 301 South Monroe Street

1. **2015-1 Comprehensive Plan Amendment Cycle Public Hearing**

   A. Introductory Comments by Staff

   B. Public Comments on Consent Agenda

   C. Consent Agenda: Consistent with recommendations from the Board of County Commissioners and the Tallahassee City Commission at the April 14, 2015 Transmittal Public Hearing:

   1. PCM150101: TALCOR Midtown (Attachment #3)
   2. PCT150103: DRI Thresholds for the Urban Central Business District (Attachment #4)
   3. PCT150104: Sustainable Development in Lake Protection (Attachment #5)
   4. PCT150105: Commercial Uses in Rural (Attachment #6)

   Staff Recommendation: Adoption of the amendments as approved for Transmittal to the State Planning Agency on April 14, 2015.

   D. County Adoption of Cycle 2015-1 Plan Amendment Ordinance (Attachment #8)

   E. City Adoption of Cycle 2015-1 Plan Amendment Ordinance (Attachment #9)

   F. Public Comments on Rezoning Items

   G. City Rezoning Public Hearing (Attachment #10)

   1. First of Two Public Hearing on Ordinance No. 15-Z-19: Proposed Amendment to the Official Zoning Map to Change the Zoning Classification from the Residential Preservation- 2 (RP-2) Zoning District to the R-4 Urban Residential (R-4) Zoning District

   H. Closure of Second and Final Public Hearing for the 2015-1 Comprehensive Plan Amendment Cycle

2. **Additional Discussion Item:** Approval of Revisions to Future Comprehensive Plan Amendment Cycle Meeting Schedules to Remove Individual Commission Workshops (Attachment #11)

3. **Additional Discussion Item:** Acceptance of the Status Report on the Tallahassee-Leon County Comprehensive Plan Future Land Use Element Revision Scope and Schedule (Attachment #12)

4. Adjournment

If you have a disability requiring accommodations, please contact the Tallahassee-Leon County Planning Department. The Planning Department telephone number is (850) 891-6400. The telephone number of the Florida Relay TDD Service is # 1-800-955-8771.

"Please be advised that if a person decided to appeal any decision made by the Planning Commission/Local Planning Agency with respect to any matter considered at this meeting or hearing, such person will need a record of these proceedings, and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based. The Planning Commission/Local Planning Agency does not provide or prepare such a record (Section 286.0105 F.S.)."

TEXT AMENDMENT #: PCT150104

APPLICANT: Tallahassee – Leon County Planning Department

TEXT / POLICY I.D.: Policy 2.2.18 of the Land Use Element

DATE: February 27, 2015

Preliminary Staff Recommendation: **Approve Amendment PCT150104**

A. SUMMARY:

This proposed policy amendment (see Attachment #1) was submitted by the Planning Department as authorized by the Leon County Board of County Commissioners at a workshop on November 19, 2013. It is part of the Lake Jackson Sustainable Development project. This project was developed by the Planning Department to implement the Board's strategic initiative to "develop solutions to promote sustainable growth inside the Lake Protection Zone."

The proposed amendment accomplishes several goals:

1. It generally updates and revises Land Use Element policy 2.2.18 [L] "Lake Protection" to improve readability, remove areas of ambiguity, and defer standards more appropriate for the Land Development Code to that document. Specific revisions include the creation of headings and subheadings, the identification of implementation (zoning) districts correlated to the Lake Protection category, the creation of a "Special Conditions" section containing development standards specific to the category, and general grammatical changes.
2. It enables the creation of a Lake Protection Node (LPN) zoning district. Per the board's direction, this new zoning category will allow for sustainable development patterns within the Lake Protection area. These nodes will be located at specific, primary intersections and will allow for the creation of compact, mixed-use, and multi-modal neighborhoods centers. These nodes are intended to serve the surrounding areas with office, retail, and employment opportunities in a manner that encourages walking and generally improves quality of life for residents. The relatively compact nature of these nodes in combination with heightened stormwater standards will ensure the continued protection of Lake Jackson.
3. It outlines an improved clustering option intended to encourage more sustainable residential development within the Lake Protection area. The proposed revisions create consistency between the County and City clustering standards and encourage compact, fiscally efficient, and environmentally protective development patterns.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed Lake Protection Node Zoning District (LPN) will allow limited residential, non-residential, and mixed-use development within targeted nodal areas where central sewer is available. This will also provide more walkability, reduce automotive trips, and increase stormwater treatment standards for all development and redevelopment in areas designated as LPN.
2. By providing a common residential cluster development option, the proposed amendment provides additional incentives for the development of cluster subdivisions. In comparison to conventional, large-lot developments, these subdivisions will provide for larger areas of permanently preserved open space, reduced reliance on private septic systems, and a broader range of housing options.
3. The proposed amendment is consistent with direction provided to the Planning Department by the Leon County Board of County Commissioners at a workshop held on November 19, 2013 and the overall intent of the Lake Protection future land use category.

C. PROPOSED POLICY CHANGE:

See Attachment #1.

D. APPLICANT'S REASON FOR THE AMENDMENT:

This amendment is intended to implement a strategic initiative within the Board's Strategic Plan to "develop solutions to promote sustainable growth inside the Lake Protection Zone."

E. STAFF ANALYSIS

Project History

At its regular meeting on January 29, 2013, the Leon County Board of County Commissioners (Board) ratified actions taken at the December 10, 2012 Annual Retreat. These actions included establishing a new strategic initiative within the Board's Strategic Plan to "develop solutions to promote sustainable growth inside the Lake Protection Zone." This new initiative implements the following Strategic Priorities:

Strategic Priority - Environment - To be a responsible steward of our precious natural resources in our continuous efforts to make Leon County a place which values our environment and natural beauty as a vital component of our community's health, economic strength and social offerings.

- Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution (EN1).

- Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns (EN2).

Strategic Priority - Governance - To be a model local government which our citizens trust and to which other local governments aspire.

- Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value (G2).

With the guidance of these Strategic Priorities, staff from Planning, Development Support and Environmental Management (DSEM), and Public Works developed a set of recommendations intended to implement this strategic initiative. At a workshop held on November 19, 2013, the Board discussed these recommendations and directed staff to move forward with these recommendations as part of the Lake Jackson Sustainable Development project. The proposed amendment is part of these recommendations.

In addition to the proposed amendment, other amendments recently adopted by the Board have been related to the Lake Jackson Sustainable Development project. These include a comprehensive plan text amendment and land development regulation change to remove the half-acre lot size restriction in the unincorporated area when sewer is available, and a comprehensive plan map amendment to change the land use designation of the Overstreet addition to Maclay Gardens from Lake Protection to Recreation/Open Space.

Lake Protection History

The Lake Protection future land use category has been in the Comprehensive Plan since the Plan's inception in 1992. It was created in response to concerns regarding water quality in Lake Jackson. It is important to note that Lake Jackson has been designation both an Outstanding Florida Waterway and Aquatic Preserve by the Florida Department of Environmental Protection (FDEP).

At the time the Plan was being written, the Lake had been recently impacted by development within its watershed, including the construction of Interstate 10 and the large scale commercial developments along North Monroe Street (U.S. Highway 27). This development degraded the water quality of Lake Jackson by allowing large quantities of untreated stormwater, containing organic sediment and undesirable nutrients, to flow freely into the lake.

In response to these impacts, the Lake Protection land use category was created to better regulate development within the Lake Jackson drainage basin. The Lake Protection land use category consists of all property within the Lake Jackson basin, except for some areas developed prior to the adoption of the Plan. It currently has two correlated zoning districts: Lake Protection (LP) and Planned Unit Development (PUD). The LP zoning district for the development of residential uses at a maximum density of one (1) unit per two (2) acres with clustering options that vary by jurisdiction (City/County). Minor office and commercial uses within the Lake Protection category are permitted only in the unincorporated areas of the category through the Planned Unit Development (PUD). Other commercial and office uses, as well as industrial uses, are prohibited.

Proposed Amendment

As previously stated, the proposed amendment generally updates and revises the Lake Protection Land Use category. It enables the creation of a Lake Protection Node (LPN) zoning district intended to allow for compact, mixed-use, and multi-modal neighborhood centers and outlines an improved clustering option intended to encourage more sustainable residential development within the Lake Protection area. A summary of the proposed LPN district and revised cluster option is provided below.

Lake Protection Node Zoning (LPN) District

The Lake Protection Node (LPN) zoning district is intended to allow residential, non-residential and mixed-use development, including, but not limited to, office uses, commercial uses, and a broad range of housing types. Community services, including (but not limited to) schools, parks, police and fire stations, and religious facilities, shall also be permitted within areas designated LPN.

The Lake Protection Node zoning district option shall be allowed within ¼ mile of the center of the following intersections:

- Highway 27 North and Sessions Road;
- Highway 27 North and Fred George Road;
- Highway 27 North and Capital Circle NW/Old Bainbridge Road; and
- Bannerman Road and Bull Headley Road.

These nodes were chosen due to their location at major intersections and the degree of historical, non-residential development previously in existence. Their identification and treatment as nodes will allow them to develop in a more sustainable and efficient manner and expand their ability to serve surrounding neighborhoods.

The concentration of development around specific nodes is a planning tool gaining popularity both locally and throughout the country. The concept is predicated upon traditional, walkable development patterns and provides significant environmental and quality of life improvements over auto-oriented or "strip" development. By concentrating commercial, office, and higher density residential uses in compact, walkable centers, nodes can reduce automobile trips, decrease the need for costly and environmentally impactful roadway improvements, and provide convenient and attractive shopping and employment options to adjacent or nearby residential areas.

Specific details on the locations, range of uses, urban design, infrastructure, and other requirements will be provided within the LPN zoning district in the land development code.

Cluster Option

Two residential cluster development options are presently provided for in Policy 2.2.18 [L]. Within the incorporated area of the Lake Protection category, clustered residential development is permitted at a maximum density of one (1) unit per gross. Up to 25% of the subject site may be developed and the remaining 75% must be set aside as permanently preserved open space.

Within the unincorporated area, clustered residential development is permitted on 40% of the subject site with the remaining 60% being be set aside as permanently preserved open space. This development may occur at a maximum density of two (2) units per acre, but it is important to note that density calculations are limited to the 40% of the site considered for development and not the gross acreage of the site. This unique method of density calculation (no other category in the plan uses such) is confusing to many, reduces the overall number of units permitted, and may actually result in fewer property owners and developers selecting the cluster option.

Historically, neither of the aforementioned cluster options has been used often. Only three clustered subdivisions have been built within the Lake Protection area since the inception of the Comprehensive Plan, one in incorporated area and two in the unincorporated area.

The new, common cluster option will allow a density of two (2) dwelling units per gross acre and requires connection to central water and sewer systems. Consistent with the County's previous standard, development is permitted on 40% of the subject site with the remaining 60% being set aside as permanently preserved open space. Preserved open space areas are to be comprised of conservation features, Special Development Zones (where they exist), and undeveloped uplands. These areas may be used for active and passive recreation, and stormwater facilities, provided they are unfenced and designed as a community amenity.

As with the Node concept, clustered subdivisions are a popular planning tool gaining acceptance throughout the country. They have many benefits over conventional, large-lot development, including an ability to preserve large, contiguous swaths of open space, reduce impervious surface, and reduce infrastructure requirements and costs.

In summary, the proposed common residential cluster development option is intended to:

1. make clustered subdivisions a more attractive development option;
2. increase pervious, natural open space and reduce reliance upon private septic systems in the Lake Protection area; and,
3. provide consistency between city and county policies and regulations.

Public Review

Planning Department staff has met numerous times with County staff and several groups during the development of this proposed amendment. These groups include:

1. Friends of Lake Jackson
2. Sustainable Tallahassee
3. The Greater Tallahassee Chamber of Commerce
4. Network of Entrepreneurs & Business Advocates

For those groups who responded to Planning Department outreach activities, their comments were considered and incorporated into the proposed policy language where appropriate.

F. STAFF REPORT UPDATE:

Below is a summary of actions that have taken place subsequent to the publication of the original staff report.

Local Planning Agency Review

Since the publication of the original staff report on January 8, 2015, an additional community workshop and a Local Planning Agency (LPA) Workshop have been held. In addition, correspondence was received from local property owners and representatives from the Friends of Lake Jackson.

Below is a generalized list of questions and concerns presented by citizens and LPA commissioners. Each of the items is followed by a staff response to the respective issue(s).

Please provide a map depicting the general location of the four Lake Protection Nodes.

Staff Response: Attachments 2 – 6 depict the location of the nodes at both a basin wide and local scale. Included in the local exhibits are the proposed ¼ mile radius nodes, roadways, future land uses, the Lake Jackson basin boundary, Special Development Zones (SDZ), building footprints, and non-conforming uses.

In addition, an exhibit depicting the location of known non-conforming uses basin wide has been included as attachment 7. This exhibit was created to illustrate the relationship between non-conforming uses and the proposed nodes.

Does the proposed amendment allow for increased development inside the Lake Jackson Special Development Zones?

Staff Response: No. The proposed amendment in no way changes the policies and regulations governing Special Development Zones (SDZ). Additional language has been placed in the proposed revision to further clarify the relationship between the SDZs and the Lake Protection Nodes. Language regarding residential clusters, as they relate to SDZs, was removed during the policy re-write as it was redundant and identical to language contained in policy 2.1.10(L).

Does the proposed amendment allow for more development inside the Lake Protection category?

Staff Response: There is not a simple "yes" or "no" answer to this question. Staff was directed, via the Board's Strategic Initiative, to identify methods for sustainably accommodating growth in the Lake Protection category. The proposed amendment seeks to create compact, mixed-use, and multimodal nodes at four primary intersections within the category and encourage clustering of residential development. While it is difficult (if not impossible) to quantify the amount of total development permitted under the current

policy and proposed amendment, once can compare the resulting development patterns from a qualitative standpoint.

The existing policy allows for residential development at a density of one (1) dwelling unit per two (2) acres. A clustering option with a density bonus does exist, but is so undesirable that it has only been used three (3) times in 25 years. Non-residential development can occur anywhere within the category provided it meets locational criteria for access and is processed as a Planned Unit Development (PUD). Popular literature and relevant research regarding smart growth and sustainable development would categorize these regulations as "suburban sprawl". They result in a development pattern that consumes significant quantities of land, is almost completely auto-dependent, and is highly inefficient in its utilization of public infrastructure.

Consistent with literature published by the Smart Growth Network (see Attachment #8, Section 1), the proposed amendment incentivizes more sustainable development patterns by directing non-residential development into compact, mixed-use, and multimodal nodes. These nodes were specifically chosen due to their location at major intersections, proximity to infrastructure, and existing development patterns.

Each of the nodes contains existing properties suitable for redevelopment and "greenfield" parcels which can be developed in a more sustainable manner. Higher density residential (8 du/ac) is also proposed for these nodes. This residential development is an essential to creating a mixture of uses and supporting existing and future transit service.

Outside of the Lake Protection Nodes, the residential cluster option has been revised to further incentivize its use. Clustering of residential has considerable benefits over traditional, large lot development. Clustered subdivisions preserve significantly more open space, require less infrastructure, and can result in a greater diversity of housing options.

Does the proposed amendment eliminate the requirement that stormwater for non-single family and non-vested uses shall be retained on site?

Staff Response: Yes, and replaces it with a requirement that ALL development within the Lake Protection category meet higher stormwater treatment standards. Non-single family development currently comprises less than 4% of the Lake Protection category. Of the 171 parcels containing non-single family uses, only 17 have stormwater facilities meeting the current Lake Jackson treatment standard.

Planning staff has worked closely with DSEM and Public Works to develop a volume-control standard that far exceeds the State of Florida's Outstanding Florida Waters (OFW) treatment standard. As previously mentioned this new stormwater treatment standard shall apply to all development within the Lake Protection Category and includes incentives for redevelopment of properties that may have little if any

treatment currently. This standard, like all others, shall be included the water quality treatment standard section of the County and City's land development codes. A draft of the new Lake Jackson Proposed Stormwater Standard is included as Attachment #9.

Local Planning Agency Recommendations

A Local Planning Agency (LPA) hearing on this matter was held on February 3, 2015. The LPA unanimously approved the proposed amendment with the following conditions:

- Revise first paragraph of Intent section to recognize impaired status of Lake Jackson
- Revise second paragraph of Intent section to state that areas outside the USA may not be designated LP
- Exclude existing, residential subdivisions from the nodes
- Include the proposed stormwater standard in the Comprehensive Plan

Water Resources Committee Recommendations

The Leon County Citizens Advisory Water Resources Committee (WRC) reviewed the proposed amendment at its regular meeting on March 2, 2015. The Committee voted unanimously to support the proposed amendment, contingent upon the inclusion of the LPA revisions. They also recommended the inclusion of additional language addressing nutrient loading in the revised stormwater standard. This recommendation has three parts:

1. Leon County should require new stormwater facilities within the Lake Protection area to incorporate practices and designs to minimize nutrient loading to surface and ground water,
2. Leon County should monitor nutrient levels from these stormwater facilities within the Lake Protection area to ensure that these facilities are treating nutrients as designed, and
3. The Board should consider additional changes to Policy 2.2.18 [L] to address nutrient levels affecting Lake Jackson from development within the Lake Protection policy if the proposed stormwater treatment standard within PCT150104 is found to be inadequate in addressing nutrient loading to Lake Jackson.

The committee issued a letter outlining their actions and containing their recommendations and revisions. This letter has been included as Attachment #10.

Science Advisory Committee Recommendations

The Leon County Science Advisory Committee (SAC) reviewed the proposed amendment at its regular meeting on March 6, 2015. The SAC unanimously voted to support the following recommendations:

1. The SAC accepted the proposed volume control regulation presented by staff for land development regulation (LDR) and recommended that the following language also be included in the comprehensive plan: "Runoff volumes within the Lake Jackson Basin in

excess of the pre-development runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm, except that if multiple development sites are located within the basin, the excess volume may be discharged from individual sites to an approved regional retention facility located within the basin.

2. Change the intent section of the proposed policy to recognize that although the state of Lake Jackson has improved over the past few years the nutrient levels are still high and the Lake is still impaired.
3. Propose continuous monitoring of stormwater ponds built under the new standard to ensure they meet the original design standards.

The first and second recommendations are similar to those made by the LPA and the WRC. The third recommendation is similar to one of the additional recommendations made by the WRC. The committee issued a letter outlining their actions and containing their recommendations and revisions. This letter has been included as Attachment #11.

Deletion of Policy 2.1.10 (L)

During review of the proposed amendments, it was determined that Land Use Element Policy 2.1.10 was inconsistent with both the overall intent of the Lake Protection clustering provision as well as other policies and regulations governing Special Development Zones (SDZ). Given these inconsistencies, Policy 2.1.10 (L) is proposed for deletion (see Attachment #12).

The policy, which specifically addresses the clustering of residential development in the Lake Jackson Special Development Zone, reads as follows:

> *Cluster of residential development in areas designated for Lake Protection Land Use shall be permitted only on those portions of parcel not located within the Lake Jackson Special Development Zone and lying below one hundred ten (110) feet NGVD nor determined to be severely limited by environmental constraints. Such constraints may be determined by on-site environmental analysis, building or soil limitation ratings in the Leon County Soil Survey, or other natural resource inventory determined appropriate by the local government.*

Policy 2.2.12 of the comprehensive plan's Conservation Element outlines criteria for the establishment and implementation of SDZs. More specifically, the policy states:

> *Special development zones with accompanying criteria shall be established and implemented through the LDRs for the following lakes:*
>
> ***Lake Jackson** – Zone A = below elevation 100 feet NGVD (criteria) 5% or 4,000 sq. ft. may be disturbed*
>
> *Zone B = between 100 feet NGVD and 110 feet NGVD (criteria) 50% of the site must be left natural.*
>
> *Preserve shoreline vegetation in its natural state for minimum of 50 linear feet landward of the ordinary high water line. Allow essential access. Government initiated stormwater facilities for retrofit purposes may utilize a greater portion of the SDZ if applicable criteria (Policy 2.1.9[C]) are met.*

While Policy 2.2.12 (C) allows for impacts of 5% and 50% to Zones A and B, respectively, Policy 2.2.10 (L) precludes any impacts if the property is developed as a clustered residential subdivision. This inconsistency effectively disincentivizes clustering of residential development within the Lake Protection category and is therefore inconsistent with the intent of the categories' clustering provisions which explicitly seeks to incentivize such development.

G. CONCLUSION:

Based on the above analysis, Planning Department staff recommends approval of the amendment request for the following reasons:

1. The proposed Lake Protection Node Zoning District (LPN) will allow limited residential, non-residential, and mixed-use development within targeted nodal areas where central sewer is available. This will also provide more walkability, reduce automotive trips, and increase stormwater treatment standards for all development and redevelopment in areas designated as LPN.
2. By providing a common residential cluster development option, the proposed amendment provides additional incentives for the development of cluster subdivisions. In comparison to conventional, large-lot developments, these subdivisions will provide for larger areas of permanently preserved open space, reduced reliance on private septic systems, and a broader range of housing options.
3. The proposed amendment is consistent with direction provided to the Planning Department by the Leon County Board of County Commissioners at a workshop held on November 19, 2013 and the overall intent of the Lake Protection future land use category.

H. ATTACHMENTS:

Attachment #1**:** Proposed Changes to Lake Protection Future Land Use Category (UPDATED)
Attachment #2**:** Proposed Nodal Areas
Attachment #3**:** U.S. 27 & Fred George Road Node
Attachment #4**:** U.S. 27 & Sessions Road Node
Attachment #5**:** U.S. 27 & Old Bainbridge Road Node
Attachment #6**:** Bannerman Road & Bull Headly Road Node
Attachment #7**:** Nonconforming Parcels in Lake Protection
Attachment #8**:** Workshop on Proposed Solution to Promote Sustainable Growth inside the Lake Protection Zone – November 19, 2013
Attachment #9**:** Proposed Lake Jackson Stormwater Standard
Attachment #10: WRC Letter
Attachment #11: SAC Letter
Attachment #12: Proposed Deletion of Policy 2.1.10 (L)

Policy 2.2.18: [L]

LAKE PROTECTION *(Rev. Effective 12/22/95; Revision Effective 7/26/06; Renumbered 3/14/07)*

Intent

Lake Jackson, designated both an Outstanding Florida Water (OFW) and Aquatic Preserve, is one of the most unique waterways in Florida. Historically, the lake has suffered from water quality issues associated with rapid urbanization and large-scale roadway projects. Lake Jackson's water quality has improved since adoption of the Comprehensive Plan, due in large part to the adoption of stringent stormwater treatment standards and the implementation of capital projects; however, nutrient levels in the Lake remain elevated and the Lake continues to be designated "Impaired" by the Florida Department of Environmental Protection.

The intent of the Lake Protection category is to ensure that development within the Lake Jackson basin occurs in a sustainable and environmentally sound manner with minimal impact to water quality. The Lake Protection category is the basis for regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin. The bounds of this category are to be the Lake Jackson basin boundary adjusted to include contributing watersheds but excluding existing, more intensely developed areas south of Interstate 10 and areas outside the Urban Service Area.

Allowable Uses, Densities, and Intensities

Residential

The Lake Protection category shall allow for residential uses at a base density of one (1) dwelling unit per two (2) gross acres.[1] To encourage compact and efficient development, two density bonus options are available for properties within the category:

1. A residential density of up to two (2) dwelling units per gross acre may be permitted within developments designed as a Clustered Subdivision.

[1] (Leon County) Any development affecting real property located in whole or in part within the Lake Protection Future Land Use Map category west of US 27 North for which an initial Planned Unit Development Concept or Final Development Plan was approved before January 1, 2005 shall be vested for all uses, intensities and densities set forth in the PUD Concept Plan Ordinance. Said PUD shall be entitled to rely on the closed basin exemption previously set forth in this section if the Commission determined prior to January 1, 2005 that the PUD met the requirements for such closed basin exceptions and that such determination has not been overturned by a court of competent jurisdiction at the time vested rights are sought under this provision. If a court of competent jurisdiction invalidates such a PUD due to reasons unrelated to whether the property met the requirements for the closed basin exception, any new or modified PUD application relating to the same real property shall be vested for the uses, intensities and densities of the previously approved PUD. All development within said certified closed basins approved pursuant to this provision shall be approved through the PUD amendment process, except that in unincorporated Leon County a one-into-two residential lot split exemption shall be processed according to the established County procedures instead of the PUD process.

2. A residential density of up to eight (8) dwelling units per gross acre may be permitted within the Lake Protection Node (LPN) zoning district.

Mixed-use & Non-residential
Non-residential and mixed-use development (including, but not limited to, office and commercial uses) within the Lake Protection category may only be permitted within areas designated with the Lake Protection Node (LPN) zoning district. Within this district, single use, non-residential development shall be allowed at a maximum intensity of 10,000 square feet (s.f.) per gross acre. Projects containing a vertical mixture of uses, including any combination of office, commercial and residential uses, may receive a bonus of 2,500 s.f. per gross acre, for a total of 12,500 s.f. per gross acre.

Community and Recreational Facilities
Community services, light infrastructure, and recreational uses shall be permitted within the Lake Protection (LP) and Lake Protection Node (LPN) zoning districts. Facilities associated with these uses shall be allowed at a maximum intensity of 10,000 square feet (s.f.) per gross acre.

Special Conditions

The following special conditions shall apply to the Lake Protection Future Land Use category:

1. The Lake Protection Node zoning district shall only be permitted at the following intersections:
   - Highway 27 North and Sessions Road
   - Highway 27 North and Capital Circle NW/Old Bainbridge Road
   - Highway 27 North and Fred George Road
   - Bannerman Road and Bull Headley Road

   The exact extent of these Nodes shall be specified in the City of Tallahassee and Leon County land development regulations, but generally shall not extend beyond ¼ mile from the respective intersection and shall not include areas within a Special Development Zone (SDZ) or existing single-family subdivisions.

2. As an alternative to large-lot developments, Clustered Subdivisions shall be permitted within the Lake Protection zoning district. Clustered Subdivisions shall:
   - Contain a minimum of 60% contiguous open space preserved in perpetuity and comprised of such things as preservation and conservation features, Special Development Zones, undeveloped uplands, passive recreation areas, and storm water facilities designed as a community amenity;
   - Be developed at a maximum density of two (2) dwelling units per gross acre; and,
   - Be served by central water and sewer systems.

3. A volume control based stormwater treatment standard shall be required for all development and redevelopment within the Lake Protection land use category. This standard shall ensure that runoff volumes in excess of the pre-development runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm. To encourage redevelopment in the Lake Protection category, a partial credit may be applied toward existing impervious surface on previously developed sites.

4. Additional development standards deemed necessary to protect Lake Jackson from further degradation and/or improve existing water quality may be included in the land development code.

~~1.~~5. Existing, lawfully established, non-residential uses within the Lake Protection land use category that are compatible with surrounding uses and meet all water quality standards for the Lake Jackson Basin shall be considered permitted uses.

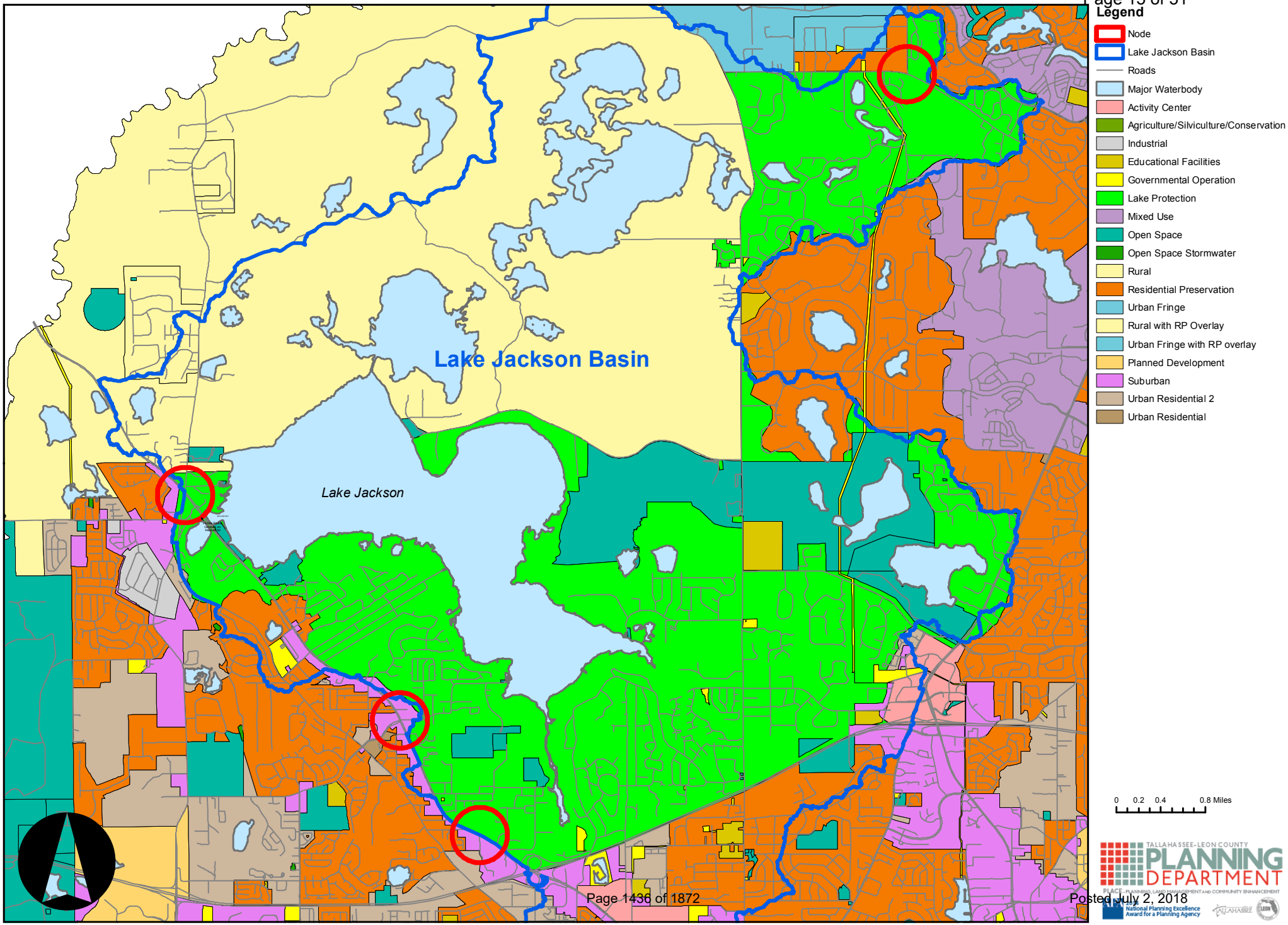
~~This is a protection category that is specific to the well documented scientific concerns regarding the degradation and continuing pollution of Lake Jackson. The category is based on the lake basin boundary adjusted to include contributing watersheds but to exclude existing, more intensely developed areas south of Interstate 10. Consistent with the purpose of this category, Lake Protection densities and intensities shall be applied to undeveloped areas within the Lake Jackson drainage basin when such properties are developed.~~

~~The Lake Protection category allows residential uses of one unit per two acres1. An option to develop at a density of one unit per gross acre is available within the City as long as the resultant development clusters the units on 25% of the property and maintains the remaining 75% in natural open space. In the unincorporated portions of the Lake Protection category clustering is allowed on 40% of the site at a net density of two (2) units per acre on the developed portion of the property. The remaining 60% of the property must remain in natural open space. The cluster options are intended to preserve green space within this land use category and be designed to minimize non-point pollution from the site. Cluster of residential development in areas designated for Lake Protection land use shall be permitted only on those portions of parcels not located within the Lake Jackson Special Development Zone and lying below one hundred ten (110) feet NGVD, and for higher elevations not determined to be severely limited by environmental constraints. Such constraints may be determined by on site environmental analysis, building or soil limitation ratings in the Leon County Soil Survey, or other natural resource inventory determined appropriate by the local government.Industrial, office and commercial uses are prohibited in the Lake Protection category within the city limits. In the unincorporated areas of the Lake Protection category, minor office and minor commercial uses may be approved through the PUD process only if development retains its resultant stormwater on site. All industrial, commercial and office uses other than minor are prohibited in the unincorporated areas of the Lake Protection category as well. Urban services are intended for this category inside the Urban Service Area.~~

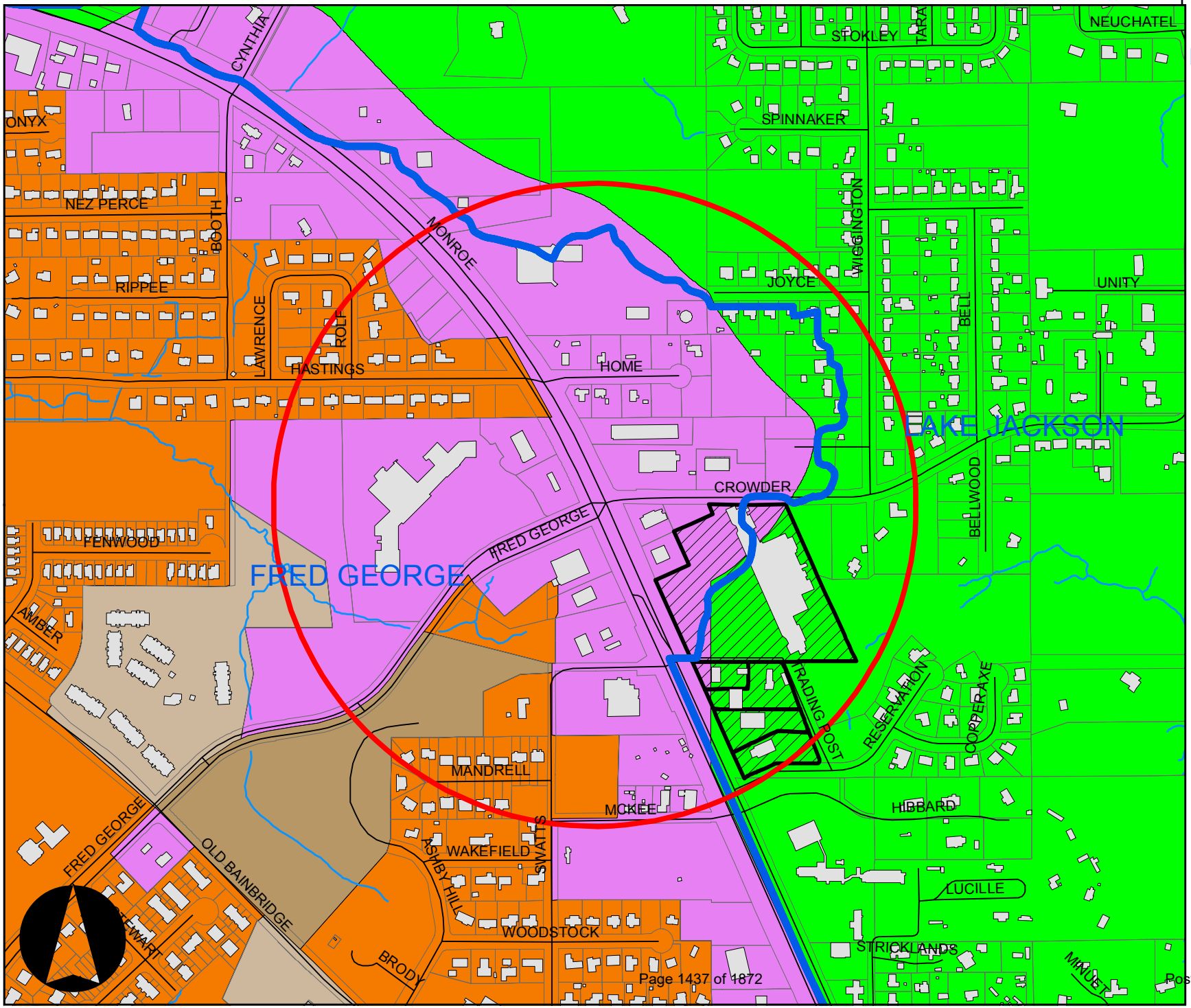
~~Additional requirements based on scientific studies and deemed necessary to protect the lake from further degradation, as well as improve existing water quality, will be included in the land development code. Existing non-residential uses within the Lake Protection land use category that meet all water quality standards required in the comprehensive plan by the time frames required in the plan, will be considered permitted uses.~~

~~Within the Lake Protection Category, stormwater for non-single family and non-vested uses shall be retained on site.~~

Attachment #2: Proposed Nodal Areas



Attachment #3: U.S. 27 & Fred George Road Node



Legend

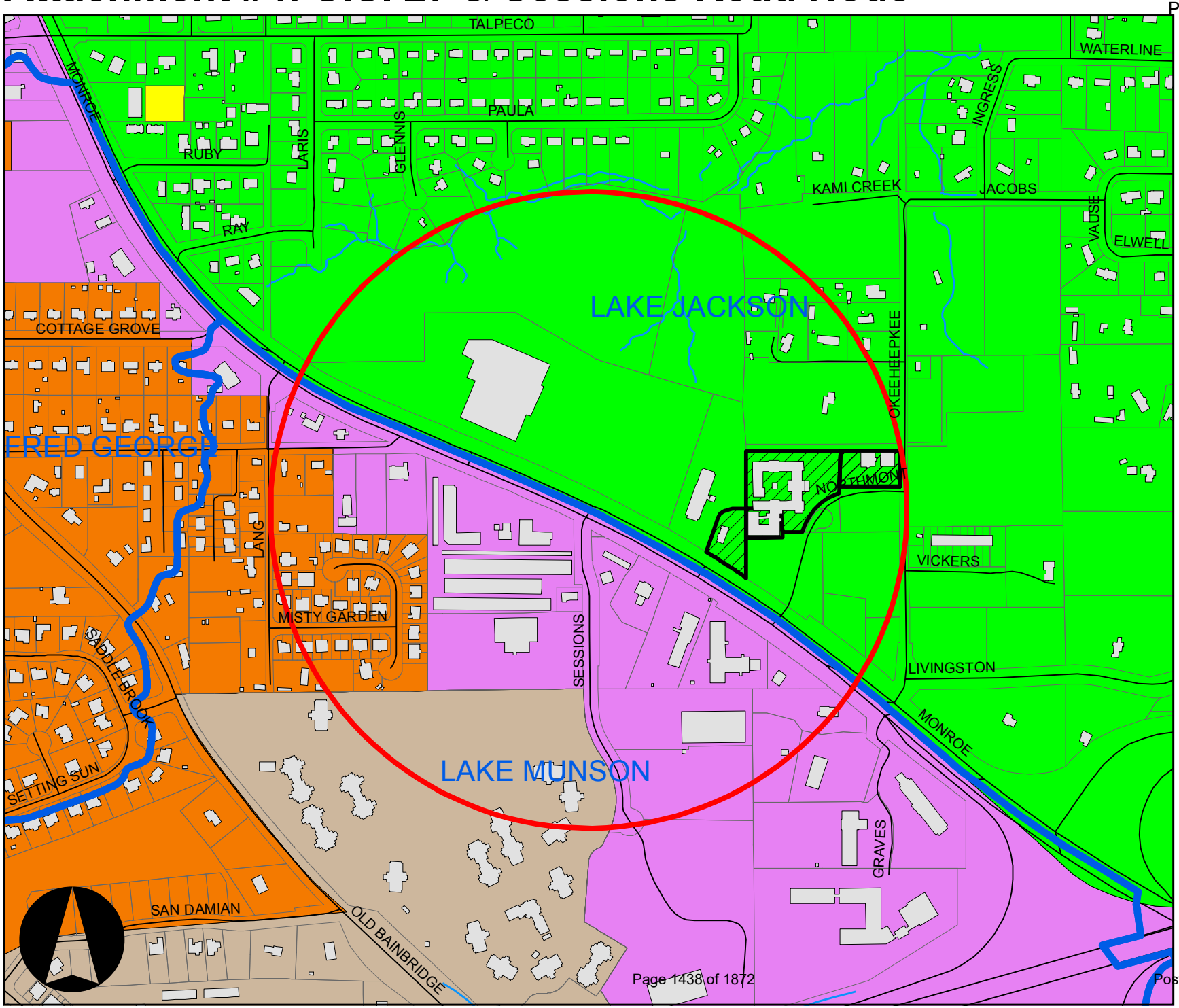
- Node
- Drainage Basin
- Building
- Nonconforming Parcels in Nodes
- Roads
- Property Boundary
- Major Waterbody
- Watercourse
- LAKE JACKSON ZONE A
- LAKE JACKSON ZONE B
- Lake Protection
- Residential Preservation
- Suburban
- Urban Residential 2
- Urban Residential

0 125 250 500 Feet

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

Posted July 2, 2018

Attachment #4: U.S. 27 & Sessions Road Node



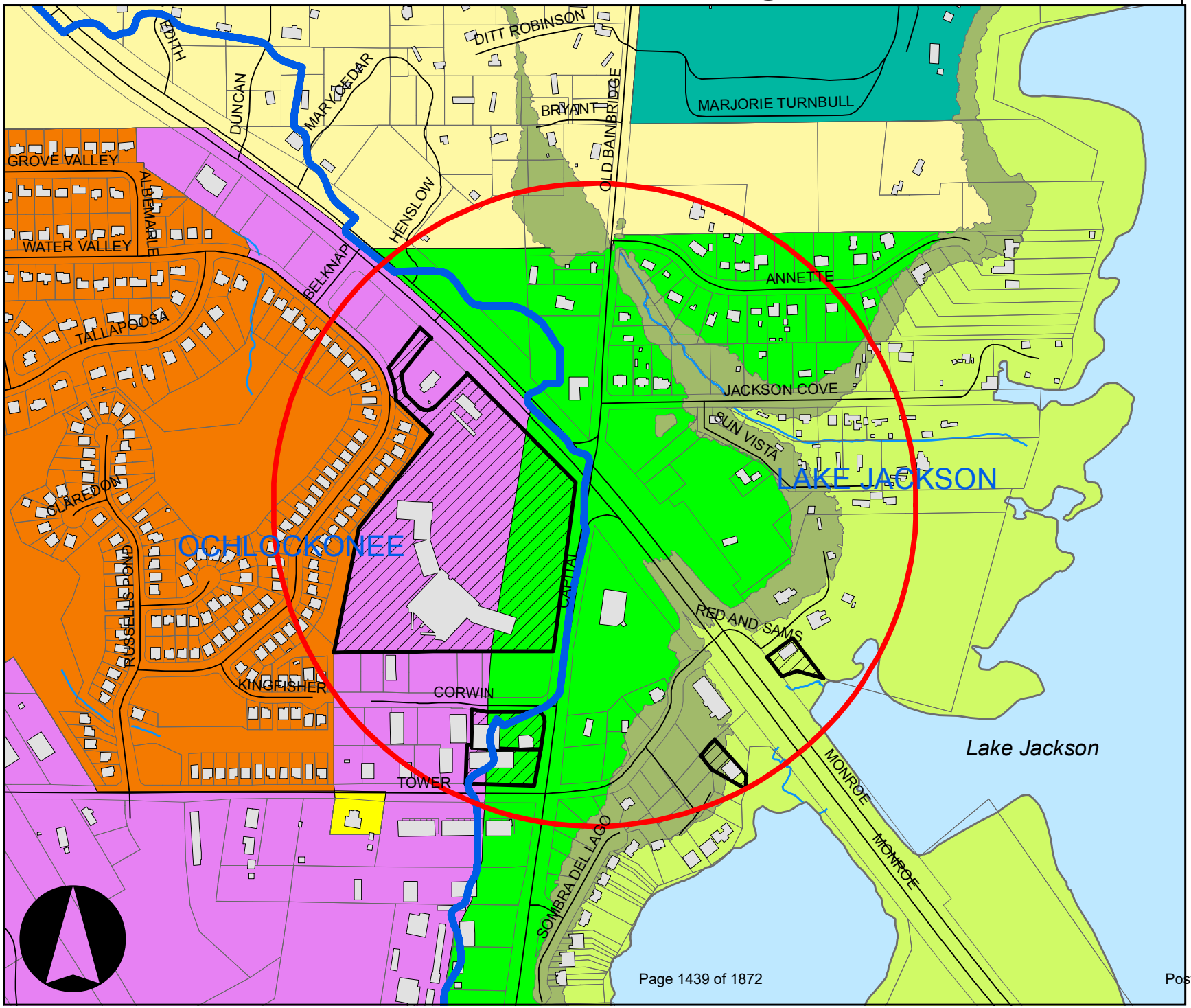
Legend

- Node
- Drainage Basin
- Building
- Nonconforming Parcels in Nodes
- Roads
- Property Boundary
- Major Waterbody
- Watercourse
- LAKE JACKSON ZONE A
- LAKE JACKSON ZONE B
- Governmental Operation
- Lake Protection
- Residential Preservation
- Suburban
- Urban Residential 2

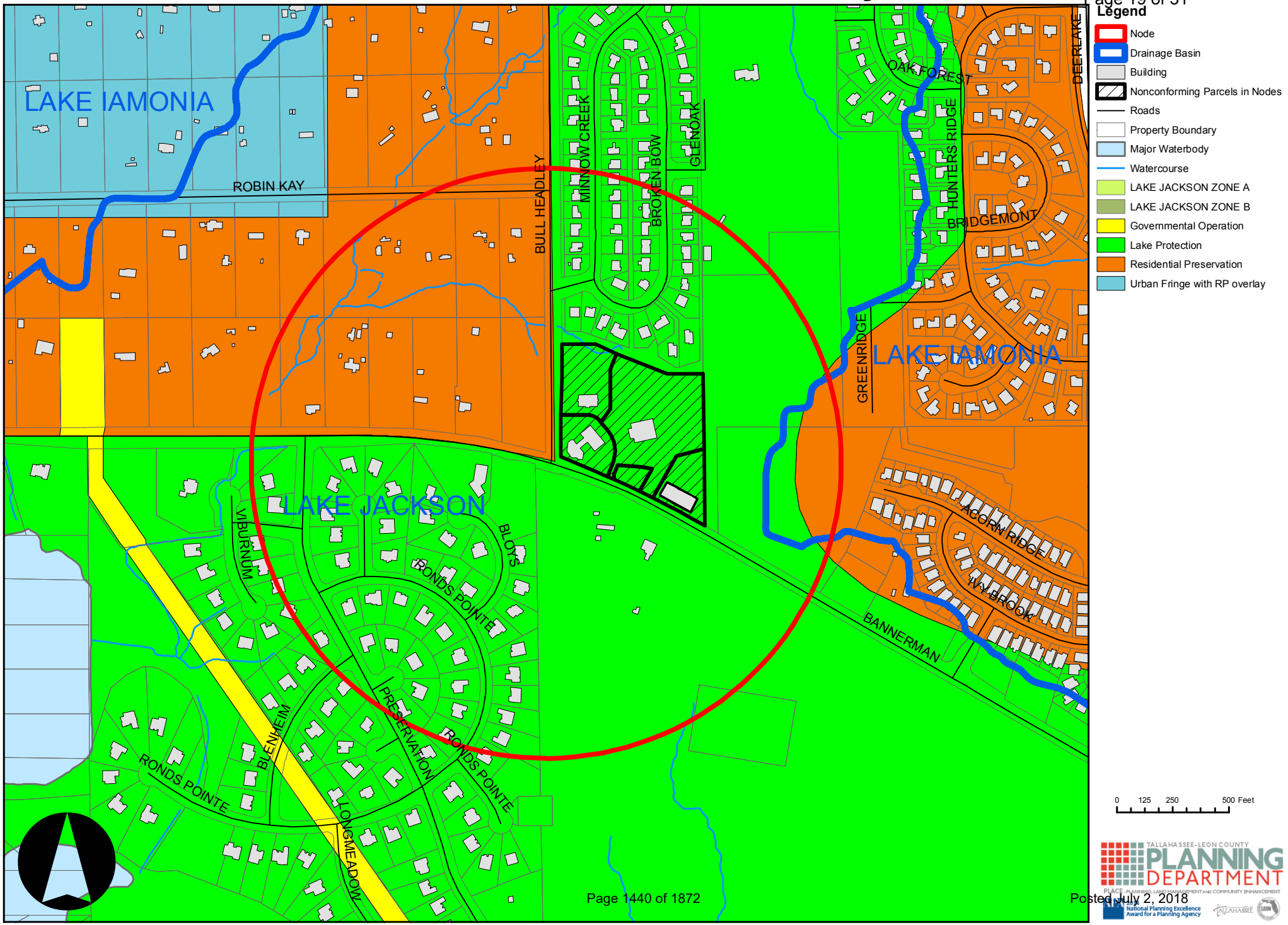
0 125 250 500 Feet

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT
APA National Planning Excellence Award for a Planning Agency

Attachment #5: U.S. 27 & Old Bainbridge Road Node

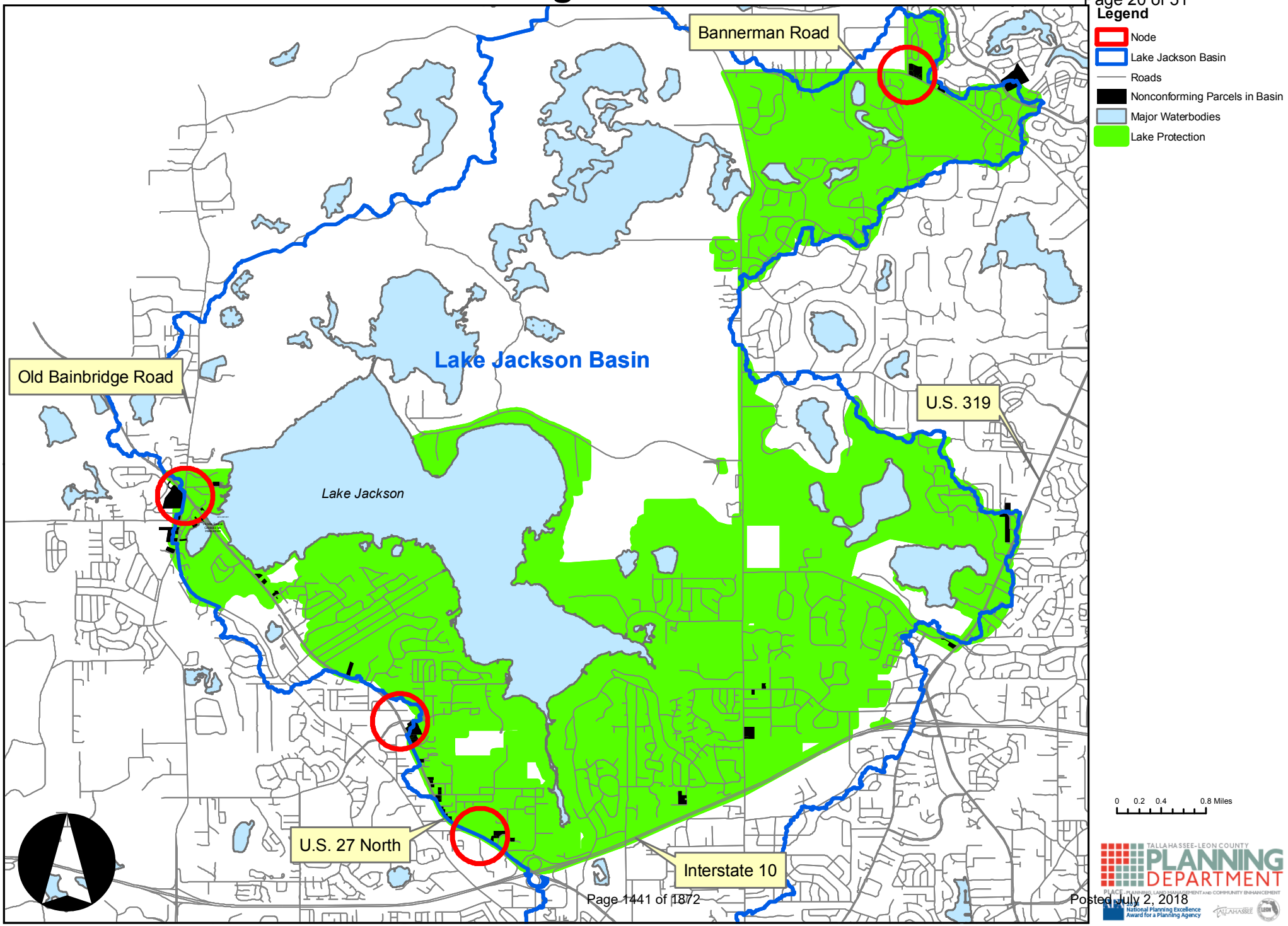


Attachment #6: Bannerman Road & Bull Headley Road Node



Posted July 2, 2018

Attachment #8: Nonconforming Parcels in Lake Protection



Posted July 2, 2018

Lake Jackson Water Quality Treatment Standard

Existing LDR Text:

10-4.301(4) *Additional stormwater retention standards for the Lake Jackson Drainage Basin.* Non-single-family residential uses which are approved for development (as specified in the comprehensive plan) subsequent to March 15, 1992, shall retain post-development stormwater on-site for all storm events up to and including the 50-year 24-hour duration storm. The retained volume shall be recovered in accordance with subsection (3)(b) above.

Proposed Comp Plan and LDR Text:

Additional stormwater retention standards for the Lake Jackson Drainage Basin.

(i) Runoff volumes within the Lake Jackson Basin in excess of the pre-development runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm, except that if multiple development sites are located within the basin, the excess volume may be discharged from individual sites to an approved regional retention facility located within the basin. Recovery of the retention volume shall comply with one of the following:

Option (1): One-half the required pond volume shall be recovered within seven days, and the full volume shall be recovered within 30 days.

Option (2): On the basis of a subsurface geotechnical analysis demonstrate the functionality of the retention facility through a continuous hydrologic simulation. The analysis shall clearly demonstrate that the increase in runoff volume above the predevelopment condition is retained within the stormwater facility. The continuous hydrologic simulation can be accomplished by developing a stage/storage/infiltration relationship based on the proposed retention facility configuration and reported design infiltration rate. This relationship can be used to model the retention facility over an extended period of rainfall.

(ii) Stormwater treatment for all proposed Redevelopment within the Lake Jackson Basin shall be achieved via volume control in accordance with subsection (4)(i) above, with a **50%** credit applied towards existing impervious surface (pre-development condition to include **50%** of the existing impervious surface during the pre-post excess runoff calculations).

STATEMENT OF THE LEON COUNTY COUNTY-WIDE WATER RESOURCES CITIZENS ADVISORY COMMITTEE

The Leon County Board of County Commissioners specifically charged the County-Wide Water Resources Citizens Advisory Committee with the responsibility to recommend policies that would strengthen the linkage between water resources and land use. Based on this charge, the Committee reviewed Cycle 2015-1 Proposed Comprehensive Plan Amendment PCT150104 (Sustainable Development in Lake Protection) at its meeting on March 2, 2015, and has the following recommendations:

The Committee voted unanimously on March 2, 2015 to recommend that the Leon County Board of County Commissioners adopt the staff recommendation to approve Amendment PCM150104 with the following stipulations:

1. **Revise the intent section of the proposed policy change to recognize the continuing State-designated impaired status of Lake Jackson,**
2. **Revise the proposed policy change to clearly state that the boundary of the Lake Protection area excludes any areas outside the Urban Services Area,**
3. **Incorporate the proposed specific volume control stormwater standard into the proposed amendment, and**
4. **Protect existing, residential subdivisions by excluding them from the proposed nodes.**

An additional concern of the Committee is the threat to the water quality and ecosystem of Lake Jackson from excess nutrients associated with increased development. The Committee has the following recommendations:

1. **Leon County should require new stormwater facilities within the Lake Protection area to incorporate practices and designs to minimize nutrient loading to surface and ground water,**
2. **Leon County should monitor nutrient levels from these stormwater facilities within the Lake Protection area to ensure that these facilities are treating nutrients as designed, and**
3. **The Board should consider additional changes to Policy 2.2.18 [L] to address nutrient levels affecting Lake Jackson from development within the Lake Protection policy if the proposed stormwater treatment standard within PCT150104 is found to be inadequate in addressing nutrient loading to Lake Jackson.**

I HEREBY CERTIFY that the above statements were duly approved by the Leon County Countywide Water Resources Citizens Advisory Committee at its meetings on March 2, 2015.

Mr. Robert Scanlon, Chair

Dr. Jim Cavanagh
Dr. Jennifer Cherrier
Mr. John Folks
Mr. Eric Friall
Mr. Lee Killinger
Mr. John Labie
Mr. Robert Scanlon

cc: Leon County Board of County Commissioners
Vincent S. Long, County Administrator

March 9, 2015

SCIENCE ADVISORY COMMENTS ON THE COMPREHENSIVE PLAN TEXT AMENDMENT #PCT150104

The Science Advisory Committee (SAC) has reviewed the above text amendment for Land Use Element policy 2.2.18 {L} "Lake Protection". The following recommendations are offered for the Board of County Commissioner's consideration:

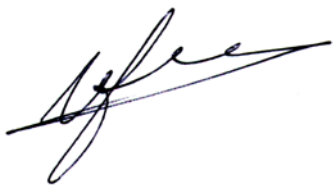
1. The SAC accepted the proposed volume control regulation presented by staff for land development regulation (LDR) and recommended that the following language also be included in the comprehensive plan: "Runoff volumes within the Lake Jackson Basin in excess of the pre-development runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm, except that if multiple development sites are located within the basin, the excess volume may be discharged from individual sites to an approved regional retention facility located within the basin.

2. Change to the intent section of the proposed policy to recognize that although the state of Lake Jackson has improved over the past few years the nutrient levels are still high and the Lake is still impaired.

3. Propose continuous monitoring of stormwater ponds built under the new standard to ensure they meet the original design standards.

The SAC is unanimous in these recommendations.

Respectfully submitted on behalf of the SAC,



Vincent Salters, SAC Vice-Chairman

Policy 2.2.10: [L] ~~*(Effective 12/10/91)*~~ *(Deletion Effective 5/26/2015)*

Reserved

~~Cluster of residential development in areas designated for Lake Protection Land Use shall be permitted only on those portions of parcel not located within the Lake Jackson Special Development Zone and lying below one hundred ten (110) feet NGVD nor determined to be severely limited by environmental constraints. Such constraints may be determined by on-site environmental analysis, building or soil limitation ratings in the Leon County Soil Survey, or other natural resource inventory determined appropriate by the local government.~~

DRAFT

Leon County
Board of County Commissioners

Cover Sheet for Agenda #27

July 7, 2015

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Second and Final Public Hearing to Adopt a Proposed Ordinance Revising the Leon County Land Development Code to Amend the Lake Protection Zoning District

---

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator David McDevitt, Director, Development Support and Environmental Management
Lead Staff/ Project Team:	Ryan Culpepper, Director, Development Services

Fiscal Impact:
This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Conduct the second and final Public Hearing and adopt a proposed Ordinance revising the Leon County Land Development Code to amend the Lake Protection Zoning District (Attachment #1), including the revised Exhibit "D" (Attachment #2).

Option #2: Direct staff to proceed with the review of additional development standards for community services and recreational facilities, as well as design standards for signage and lighting for the Lake Protection district.

Report and Discussion

Background:

The proposed Ordinance to amend the Lake Protection zoning district (Sec. 10-6.616, Land Development Code) is in response to direction by the Board, as well as response to proposed amendments to the Lake Protection Future Land Use (FLU) Category (Attachment #1). Revisions to the Lake Protection (LP) zoning district were initially considered by the Board during a workshop on November 19, 2013. During this workshop, the Board requested staff to consider recommendations intended to encourage sustainable development in the LP FLU category. In addition, the Board directed staff to review the existing exemption for sidewalks in LP and to bring back a draft Ordinance to address the requirements for developments that have the potential for "walkability." Additional amendments to the General Layout and Design Standards of Chapter 10 are necessary in order to fully implement the changes to the Lake Protection zoning district.

This proposed Ordinance is essential to the following revised FY2012-2016 Strategic Initiative that the Board approved at their January 27, 2015 meeting:

- Develop solutions to promote sustainable growth inside the Lake Protection Zone (2013)

This particular Strategic Initiative aligns with the Board's Strategic Priorities - Environment and Governance:

- Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (EN1, rev. 2013)
- Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns. (EN2, 2012)
- Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value. (G2, 2012)

Analysis:

Lake Protection (Sec. 10-6.616)

The proposed amendments to the LP zoning district correspond to the proposed amendments to the LP FLU category. The proposed Comprehensive Plan amendment to the LP FLU (PCT150104) was reviewed by the Local Planning Agency at a workshop on February 3, 2015, and at a Public Hearing on April 6, 2015. The proposed Comprehensive Plan amendment received approval for transmittal at a Joint City-County Transmittal Public Hearing on April 14, 2015, and was adopted at a Joint City-County Adoption Public Hearing on May 26, 2015; therefore, a corresponding amendment to the LP zoning district of the LDC is required.

The LP category has been in existence since the inception of the Comprehensive Plan in 1990. The category was created in response to concerns regarding water quality in Lake Jackson. At the time, the lake had been negatively impacted by development within its watershed, including the construction of I-10 and large-scale developments along North Monroe Street (Hwy 27). These developments contributed to the degradation of the water quality in Lake Jackson by allowing untreated stormwater to flow freely into the lake.

The LP district was designed to more effectively regulate development within the Lake Jackson basin. The LP district allows traditional residential development of one dwelling unit per two acres, while allowing a Clustered Subdivision option wherein residential development is clustered on 40 percent of the site, leaving the remaining 60 percent in a natural state. Non-residential uses (minor office and commercial) are permitted; however, those uses require a Planned Unit Development rezoning. Other more intense office and commercial uses, along with industrial uses, are prohibited.

The proposed amendment modifies Sec. 10-6.616 to be consistent with the proposed amendments to the LP FLU category. The changes proposed to the district are as follows:

- Update the formatting of the district standards;
- Clarify the density for cluster development (1 dwelling unit per 2 gross acres);
- Prohibit non-residential development (excluding existing, lawfully established uses);
- Allow stormwater facilities to be included in the 60% set-aside required under the Clustered Subdivision option (provided the facility is designed as an amenity); and
- Provide specific development standards for existing non-conforming, non-residential uses.

The format of the current zoning district regulations is relatively old and outdated. In addition, a number of uses were inherited from previous zoning codes, which may or may not be applicable in today's market. These uses are also categorized using the Standard Industrial Code (SIC), which is an outdated classification code. The proposed revisions to Sec. 10-6.616 include updating the format to be consistent with previously updated zoning districts of the LDC, specifically the Mahan Corridor zoning districts. The updated format also improves readability, as well as identifies specifically prohibited uses. Additionally, the use of the SIC classification has been removed in place of a more updated and generalized list of uses.

The current LP regulations note residential density for cluster developments at a net density of two units per acre on the developed portion of the property. This form of density calculation is inconsistent with other forms of clustering or conservation subdivisions in the LDC. The more common form of calculating density utilizes the entire property, or gross acreage. By utilizing the gross acreage, more dense residential development (on central water and sewer) would potentially be allowed in cluster subdivisions, furthering the intent to provide cluster subdivisions as a more attractive option. The cluster option is intended to reduce impervious surface area, provide more natural open space, and reduce the reliance on private septic systems.

Currently, non-residential development is allowed at certain intersections within the LP zoning district, with the intent to prevent strip commercialization and provide locational certainty in non-residential development. The amendments to the LP FLU category will allow for the creation of a new zoning district, specifically intended for higher intensity and density development. This new district, Lake Protection Node (LPN), will be located at four major intersections within the LP FLU category (Attachment #2). As a result, new non-residential development will not be allowed in the amended LP zoning district and these uses will be directed to the LPN.

Under the current LP district standards, all infrastructure, including stormwater management facilities (SWMF), are limited to the 40% development area within cluster subdivisions. This further reduces the area available for residential development and is contrary to the district intent. The proposed revisions to the LP district would allow SWMFs to be included in the 60% natural area, provided the facilities are designed as a community amenity. In addition, these natural areas could be utilized for active and passive recreation.

Areas along North Monroe Street have been previously developed with non-residential uses, a number of which pre-date the adoption of the LP zoning district. Existing, lawfully established non-residential development that meets all water quality standards will be afforded a legal non-conforming status and will have specific development/redevelopment standards. However, it should be noted that a number of these sites are severely limited in redevelopment options as a result of the current stormwater standards. As a result, staff is working on a separate amendment to the stormwater standards for properties located in the LP district that may enable more flexibility for these existing sites. These new stormwater standards are discussed in more detail in a separate agenda item.

<u>Lake Protection Node District (Sec. 10-6.660)</u>
This new zoning district also is in response to the Board's Strategic Initiative to promote sustainable growth in the Lake Protection Zone, and is provided for in Comprehensive Plan amendment PCT150104. This nodal concept will establish a development pattern at primary intersections, allowing for intense and compact mixed-use developments that provide the surrounding area with opportunities for office, retail, and employment opportunities, as well as encourage pedestrian mobility. There are four major intersection locations that have been identified as being eligible for LPN zoning:

1. Highway 27 North/Capital Circle Northwest
2. Fred George Road/Highway 27 North
3. Sessions Road/Highway 27 North
4. Bull Headley Road/Bannerman Road

The extent of the nodes are more specifically illustrated in Exhibits "A", "B", "C" and "D" of Section 10-6.660 of the Ordinance. These nodes were selected as a result of the existence of non-conforming, non-residential development on site and being located at major intersections with proximity to infrastructure. These nodes would potentially allow many existing non-residential developments to attain conforming status and allow flexibility in redevelopment. By providing a more compact development, these nodes will encourage more pedestrian friendly developments, while potentially reducing vehicular trips.

The LPN district will generally allow up to eight dwelling units per acre and potentially a density bonus of up to 16 dwelling units per acre, if developed as a master plan. For developments including a vertical mixture of uses, non-residential intensity may be increased by 2,500 square feet per acre. Consistent with the LP zoning district, all development within the LPN district will be required to comply with the stormwater standards of Article IV of the LDC. Additionally, the district will identify a list of specifically prohibited uses. These prohibited uses, such as, but not limited to, golf courses, salvage yards, and warehouses, are incompatible with the node concept and do not further the intent of the district to promote traditional, walkable development patterns.

Sidewalks (Sec. 10-7.529)

The role of sidewalks in sustainable development is critical. Walkable neighborhoods reduce vehicle trips, which cut greenhouse gases and other emissions, and benefits residents by increasing opportunities for exercise, reducing their need to use fuel, and allowing them to spend more time near their home. Another advantage of walkable communities is that they facilitate interactions with neighbors, which in turn creates social capital and safer communities.

Several objectives and policies in the Comprehensive Plan promote pedestrian access and mobility for new development in order to reduce vehicular trips on the external street system and provide pedestrian interconnectivity between developments. These policies are located in the Land Use, Transportation and Education Elements of the Comprehensive Plan. However, the implementation of these requirements has created various issues since 2004, particularly within the LP zoning district. This is due mainly to the difficulty in implementing the provision of sidewalks in the LP areas because of the relatively low density of one dwelling unit per two acres, the presence of established neighborhoods in LP where sidewalks were never built, and the relative lack of walkable destinations near many residential areas.

In response to these issues, the County's LDC has been modified several times over the last decade to address sidewalks in LP and other zoning districts. Modifications have included adopting more precise sidewalk requirements for new developments, and establishing criteria and procedures for payment of fee in-lieu of constructing sidewalks; clarification of the sidewalk requirements for two-lot subdivisions of non-vacant residential property; and a one-time exemption for any proposed non-residential development consisting of 1,000 square feet or less.

At their regular meeting on January 29, 2008, the Board adopted the following exemption for new residential development in the LP zoning district: "Sidewalks shall not be required in association with new residential development within the Lake Protection zoning district." This exemption was based on the two-acre minimum residential lot size applicable in LP, as well as the Comprehensive Plan's goal of limiting total impervious area in the LP district as a primary method of protecting Lake Jackson. However, staff also stated in a status report on sidewalks provided to the Board on November 10, 2009, that the impervious surface area associated with sidewalks is negligible, or at most *de minimus*, in terms of stormwater runoff impacts.

Currently, the LDC does not require the installation of sidewalks for new residential development proposed within the LP zoning district. However, the LDC does require the installation of sidewalks for new residential development in all other zoning districts within the Urban Service Area. Furthermore, additional sidewalk requirements may apply to multi-family residential, non-residential, or institutional development for sidewalks connecting the street system to the interior of the development and between adjacent buildings and uses.

In order to foster more sustainable development within the LP land use category, staff recommends that the current exemption on sidewalks in LP be modified to require sidewalks in association with new residential development within the LP zoning district. More specifically, a development would be subject to the provision of sidewalks if one or more of the following criteria apply:

1) the development utilizes the residential cluster option; or
2) the development is required to connect to a central sewer service; or
3) there are existing or planned sidewalk facilities adjacent to the development site; or
4) the development is adjacent to a zoning district that requires sidewalks.

The proposed Ordinance will enhance the sidewalk requirements for developments that have the potential for walkability, including clustered development and areas designated as LPN, while also allowing an exemption for proposed developments that do not have this potential.

DSEM Citizen's User Group Recommendations

Staff provided the proposed amendments to the DSEM Citizen's User Group, hereinafter referred to as "User Group," for review and recommendations at their April 23, 2015 meeting. They requested more detail regarding the location and mapping of the LPN district; however, staff has not completed the methodology for mapping the district at this time. Based upon this clarification from staff, the User Group recommended approval of the proposed Ordinance, but did have concerns regarding the implementation of the LPN district; specifically, how the district would be mapped and how density would be determined on parcels bifurcated with the LPN district.

Staff has since revised the Ordinance to include exhibits illustrating the extent of the Lake Protection Node at each of the four intersections. In addition, density of bifurcated parcels will be determined based on the acreage of the portion of a parcel within the LPN, as illustrated in the referenced exhibits.

Comprehensive Plan Consistency Determination

The Planning Department has reviewed the proposed Ordinance and has provided a memorandum finding that the proposed Ordinance is consistent with the Comprehensive Plan (Attachment #3).

Planning Commission Recommendation

The Planning Commission conducted a Public Hearing on June 2, 2015 to consider the proposed Ordinance. On May 31 and June 2, 2015, prior to the Planning Commission's Public Hearing, staff received comments from the Friends of Lake Jackson that included recommended revisions and clarifications to the proposed Ordinance. The recommended revisions noted were primarily minor errors in the document. Ultimately, the Planning Commission found the proposed Ordinance consistent with the Comprehensive Plan and recommended the Board approve the proposed Ordinance, provided the following eight recommended revisions were addressed in the Ordinance:

1. Remove of the word "conforming" from the fourth paragraph of the District Intent of Lake Protection;
2. Move Campgrounds and Recreational Vehicle Parks from the list of Restricted Uses to Prohibited Uses in Lake Protection;
3. Revise the title of the LPN district, currently identified as "Lake Protection Node Zoning District," and remove the words "Zoning District;"
4. Revise subsection 2.b. of the LPN district to remove the word "only" and replace with "generally;"
5. Revise the list of Prohibited Uses in the LPN district to include motor vehicle tracks and outdoor gun ranges;
6. Revise the use category title in subsection 7 of the LPN district from "non-residential and community facilities" to "non-residential and community and recreational facilities";
7. Revise General Note #4 of the LPN district to remove "commercial site location standards (section 10-6.619)" from the sentence;
8. Revise Exhibit "D" of the LPN district located at Bull Headley and Bannerman Roads to extend the northern boundary of the properties eligible for LPN rezoning to include the majority of the property identified by Parcel Identification #14-08-20-407-003-0 and illustrated Attachment #2.

Staff supports the Planning Commission's recommendations numbered 1-7 as outlined. These revisions have been incorporated into the proposed Ordinance. Recommendation 8 will be incorporated into the proposed Ordinance upon Board's approval of the revised Exhibit "D."

Additionally, the Planning Commission considered and discussed a proposed revision from Pam Hall who requested that development standards be included for community services and recreational facilities within the Lake Protection district. She also requested that design standards be included for lighting and signage for the Lake Protection district. The Planning Commission recommended that these more substantial revisions be brought back at a later date as an amendment to the Lake Protection zoning district.

As a result, staff is requesting Board approval to proceed with the review of including additional standards for community services and recreational facilities, as well as design standards for lighting and signage within the Lake Protection district. Should the Board direct staff to move forward with drafting these revisions, staff would continue to work with Mrs. Hall and the Friends of Lake Jackson to draft the appropriate language. The request to include these additional standards would require consideration by the DSEM Citizen's User Group as well as a consistency review by the Planning Commission at a Public Hearing and ultimate consideration by the Board at two Public Hearings.

Public Notification
The Public Hearing has been publicly noticed, consistent with the requirements of Florida Statutes (Attachment #4).

Options:

1. Conduct the second and final Public Hearing and adopt a proposed Ordinance revising the Leon County Land Development Code to amend the Lake Protection Zoning District (Attachment #1), including the revised Exhibit "D" (Attachment #2).
2. Direct staff to proceed with the review of additional development standards for community services and recreational facilities, as well as design standards for signage and lighting for the Lake Protection district.
3. Conduct the second and final Public Hearing and do not adopt a proposed Ordinance revising the Leon County Land Development Code to amend the Lake Protection Zoning District.
4. Board direction.

Recommendation:
Options #1 and #2.

Attachments:
1. Proposed Ordinance
2. Recommended Revision to Exhibit “D”
3. Consistency Memorandum from the Planning Department dated May 15, 2015
4. Public Notice

Museums	Water Treatment Plants
Postal Facilities	Water Wells

*Includes services and uses provided by private entities that are commonly located at commercial service airports.

Policy 2.2.17: [L]

UNIVERSITY TRANSITION (REV. EFF. 12/14/04; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 1/7/10)

The University Transition land use category may only be applied through amendment to the Future Land Use Map to lands located generally within the rectangle created by the Florida State University main campus and Florida A & M University, Tallahassee Community College/Lively Technical Institute campuses and Innovation Park. Specifically, lands lying west of South Adams Street, South of West Tennessee Street, north of Orange Avenue and adjoining Innovation Park and Tallahassee Community College to the east. It is intended to be a compact land use category that provides higher density residential opportunities near the campuses, serving both to provide opportunities for student housing near the universities and to protect existing residential neighborhoods located away from the campuses from student housing encroachment. However, it is not intended that this category be applied in a manner that would encourage or facilitate the premature conversion of existing viable single-family residential neighborhoods. The category is intended to transition from present industrial and lower density residential uses to those more compatible with vibrant urban areas and shall remain within a compact area located in close proximity land owned by the universities and existing areas designated as University Transition.

Higher density residential redevelopment of up to 50 DU/AC is allowed to provide housing for students and close in housing opportunities to the downtown for professionals. Retail commercial limited to a smaller scale classification to provide essential services to immediate residents and ancillary needs of universities such as book stores and photo copying establishments may be permitted. State and private offices properly designed and scaled to surrounding uses may be permitted as well as central parking facilities, artistic studios and workshops. Restaurants, movie theaters, lounges and other entertainment commercial uses shall be permitted as commercial. Development regulations which allow flexibility in their design and operation to permit such uses as outdoor cafe and gardens shall be incorporated into zoning code. Pedestrian pathways and access systems shall be designed to connect universities, downtown, civic/arts center, and residential and commercial areas to cut down on dependence of_automobile travel. Design controls shall be employed to provide land use compatibility by offsetting potential negative impacts.

The areas within the Gaines Street Revitalization Plan Study Area will have up to 100 DU/AC.

Policy 2.2.18: [L]

LAKE PROTECTION (REV. EFF. 12/22/95; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 7/14/14; REV. EFF. 7/6/15)

INTENT

Lake Jackson, designated both an Outstanding Florida Water (OFW) and Aquatic Preserve, is one of the most unique waterways in Florida. Historically, the lake has suffered from water quality issues associated with rapid urbanization and

Page 1455 of 1872
Posted July 2, 2018

Attachment #8
Page 1 of 3

large-scale roadway projects. Lake Jackson's water quality has improved since adoption of the Comprehensive Plan, due in large part to the adoption of stringent stormwater treatment standards and the implementation of capital projects; however, nutrient levels in the Lake remain elevated and the Lake continues to be designated "Impaired" by the Florida Department of Environmental Protection.

The intent of the Lake Protection category is to ensure that development within the Lake Jackson basin occurs in a sustainable and environmentally sound manner with minimal impact to water quality. The Lake Protection category is the basis for regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin. The bounds of this category are to be the Lake Jackson basin boundary adjusted to include contributing watersheds but excluding existing, more intensely developed areas south of Interstate 10 and areas outside the Urban Service Area.

Page 1456 of 1872

ALLOWABLE USES, DENSITIES, AND INTENSITIES

1. Residential

   The Lake Protection category shall allow for residential uses at a base density of one (1) dwelling unit per two (2) gross acres.[1] To encourage compact and efficient development, two density bonus options are available for properties within the category:

   i) A residential density of up to two (2) dwelling units per gross acre may be permitted within developments designed as a Clustered Subdivision.
   ii) A residential density of up to eight (8) dwelling units per gross acre may be permitted within the Lake Protection Node (LPN) zoning district.

2. Mixed-use & Non-residential

   Non-residential and mixed-use development (including, but not limited to, office and commercial uses) within the Lake Protection category may only be permitted within areas designated with the Lake Protection Node (LPN) zoning district. Within this district, single use, non-residential development shall be allowed at a maximum intensity of 10,000 square feet (S.F.) per gross acre. Projects containing a vertical mixture of uses, including any combination of office, commercial and residential uses, may receive a bonus of 2,500 S.F. per gross acre, for a total of 12,500 S.F. per gross acre.

3. Community and Recreational Facilities

   Community services, light infrastructure, and recreational uses shall be permitted within the Lake Protection (LP) and Lake Protection Node (LPN) zoning districts. Facilities

[1] (Leon County) Any development affecting real property located in whole or in part within the Lake Protection Future Land Use Map category west of US 27 North for which an initial Planned Unit Development Concept or Final Development Plan was approved before January 1, 2005 shall be vested for all uses, intensities and densities set forth in the PUD Concept Plan Ordinance. Said PUD shall be entitled to rely on the closed basin exemption previously set forth in this section if the Commission determined prior to January 1, 2005 that the PUD met the requirements for such closed basin exceptions and that such determination has not been overturned by a court of competent jurisdiction at the time vested rights are sought under this provision. If a court of competent jurisdiction invalidates such a PUD due to reasons unrelated to whether the property met the requirements for the closed basin exception, any new or modified PUD application relating to the same real property shall be vested for the uses, intensities and densities of the previously approved PUD. All development within said certified closed basins approved pursuant to this provision shall be approved through the PUD amendment process, except that in unincorporated Leon County a one-into-two residential lot split exemption shall be processed according to the established County procedures instead of the PUD process.

Posted July 2, 2018

Attachment #8
Page 2 of 3

associated with these uses shall be allowed at a maximum intensity of 10,000 square feet (S.F.) per gross acre.

SPECIAL CONDITIONS

The following special conditions shall apply to the Lake Protection Future Land Use category:

1. The Lake Protection Node zoning district shall only be permitted at the following intersections:

   - Highway 27 North and Sessions Road
   - Highway 27 North and Capital Circle NW/Old Bainbridge Road
   - Highway 27 North and Fred George Road
   - Bannerman Road and Bull Headley Road

   The exact extent of these Nodes shall be specified in the City of Tallahassee and Leon County land development regulations, but generally shall not extend beyond ¼ mile from the respective intersection and shall not include areas within a Special Development Zone (SDZ) or existing single-family subdivisions.

2. As an alternative to large-lot developments, Clustered Subdivisions shall be permitted within the Lake Protection zoning district. Clustered Subdivisions shall:

   - Contain a minimum of 60% contiguous open space preserved in perpetuity and comprised of such things as preservation and conservation features, Special Development Zones, undeveloped uplands, passive recreation areas, and storm water facilities designed as a community amenity;
   - Be developed at a maximum density of two (2) dwelling units per gross acre; and,
   - Be served by central water and sewer systems.

3. A volume control based stormwater treatment standard shall be required for all development and redevelopment within the Lake Protection land use category. This standard shall ensure that runoff volumes in excess of the pre-development runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm. To encourage redevelopment in the Lake Protection category, a partial credit may be applied toward existing impervious surface on previously developed sites.

4. Additional development standards deemed necessary to protect Lake Jackson from further degradation and/or improve existing water quality may be included in the land development code.

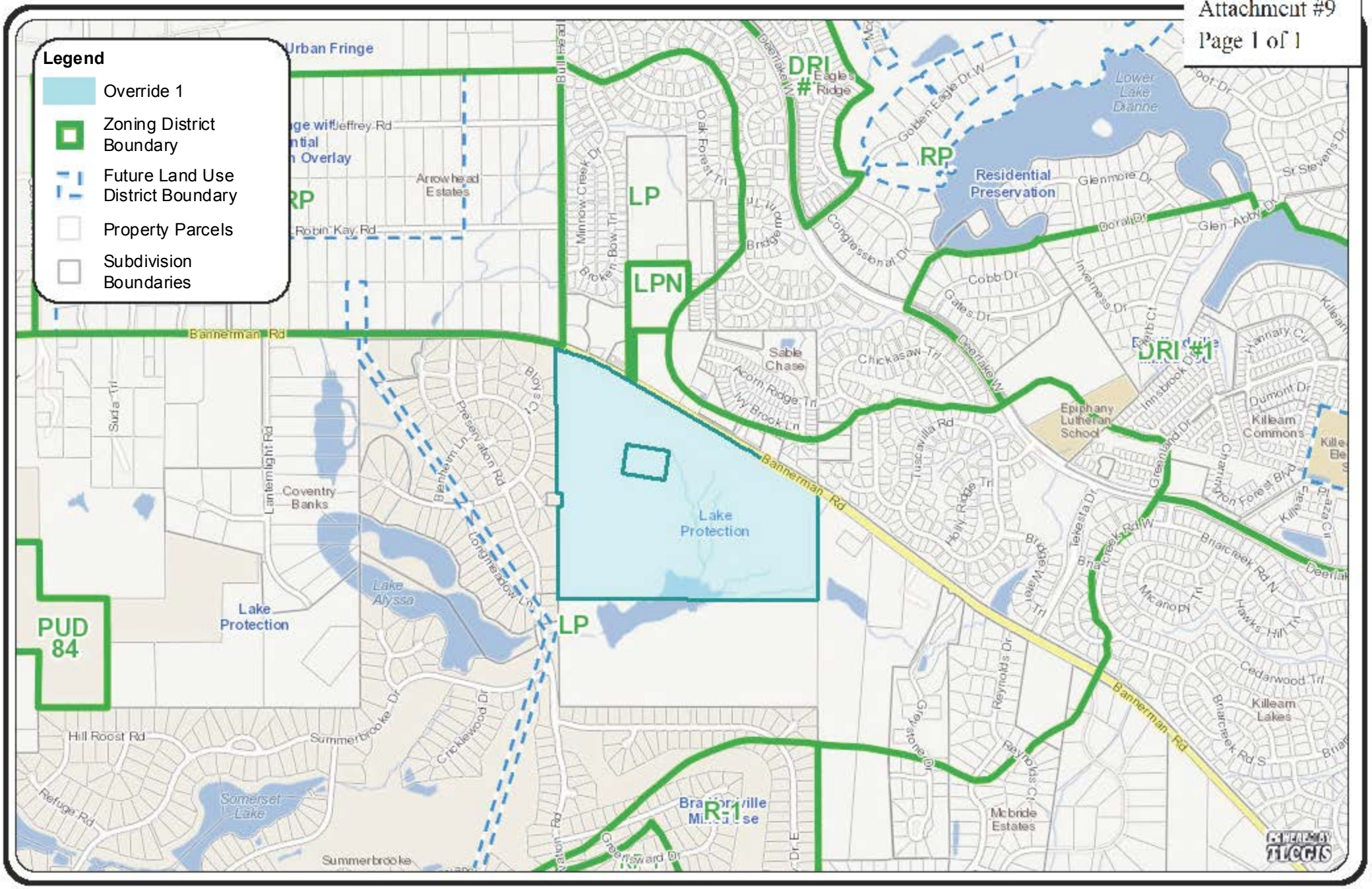
5. Existing, lawfully established, non-residential uses within the Lake Protection land use category that are compatible with surrounding uses and meet all water quality standards for the Lake Jackson Basin shall be considered permitted uses.

Policy 2.2.19: [L]

LAKE TALQUIN-RECREATION/URBAN FRINGE* (REV. EFF. 8/17/92; REV. EFF. 7/26/06; RENUMBERED 3/14/07)

This is a category that is specific to the eastern shore area of Lake Talquin north of State Highway 20. This area has unique characteristics in that it has developed to a large extent with weekend or vacation homes along the lake. This category is intended to allow one unit per three acres or one unit per acre if the development is clustered on 25% of the site. This is intended to protect environmentally sensitive areas until the critical areas study is completed.

Page 1457 of 1872
Posted July 2, 2018
Attachment #8
Page 3 of 3



Land Information Map

DISCLAIMER

This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

N

Scale:	Tallahassee/Leon County GIS Management Information Services Leon County Courthouse 301 S. Monroe St, P3 Level Tallahassee, Fl. 32301 850.606.5202 http://www.tlcgis.org
Not To Scale:	
Date Drawn:	
February 16, 2018	

SCHOOL IMPACT ANALYSIS FORM

Agent Name: Greenman-Pedersen, Inc. **Applicant Name**: Cawthon Family Properties, LLC **Address:** 2504 Hariman Circle Tallahassee, FL 32308	**Date**: 02-19-18 **Telephone:** 668-5211 **Fax:** **Email:**

① **Location of the proposed Comprehensive Plan Amendment or Rezoning:**

Tax ID #: 14-08-20-408-0000 & 14-08-20-409-0000 (30.9 +/- ac)
Property address: **1665 Bannerman Road**
Related Application(s):

② **Type of requested change (check one):**

☐ Comprehensive plan land use amendment that permits residential development.
☒ Rezoning that permits residential development.
☐ Nonresidential land use amendment adjacent to existing residential development.
☐ Nonresidential rezoning adjacent to existing residential development. *

③ **Proposed change in Future Land Use or Zoning classification:**

☐ *Comprehensive plan land use* From: _____ To: _____

☒ *Zoning* From: Lake Protection (LP) To: Lake Protection Node (LPN)

***Planning Department staff use only*:**

④ **Maximum potential number of dwelling units permitted by the request:**

Number of dwelling units: 8 du per acre max 247 Units
Type(s) of dwelling units: single-family detached, single family attached, multi-family residential and mixed-use development.

***Leon County Schools staff use only*:**

⑤ **School concurrency service areas (attendance zones) in which property is located.**
School Board approved at the February 27, 2018 meeting.

	***Elementary:* Hawks Rise**	***Middle: Deerlake***	***High:* Chiles**
Present capacity	148	364	126
Post Development capacity	100	343	103

Calculations based on maximum possible students-single family<1000 base square feet

This form is required by §8.3 of the Public School Concurrency and Facility Planning Interlocal Agreement as adopted on September 1, 2006 by the City of Tallahassee, Leon County, and Leon County School Board. Pursuant to §6.4 of the Agreement, the City or County will transmit the School Impact Analysis Form to a designated employee of the School Board for review at the same time the application is submitted to all departments for review.

TLCPD
Tallahassee-Leon County Planning Department

SUMMER BROOKE
Property Owners Association

6/21/2018

To: Intergovernmental Agency Board

CC Elected Officials: Mayor Andrew Gillum, City Commissioner Curtis Richardson, City Commissioner Scott Maddox, City Commissioner Nancy Miller, City Commissioner Gil Ziffer, County Commissioner Bryan Desloge, County Commissioner Nick Maddox, County Commissioner John Dailey, County Commissioner Mary Ann Lindley, County Commissioner Jimbo Jackson, County Commissioner Kristin Dozier, County Commissioner Bill Proctor

CC Staff Contacts : PLACE Director Ben Pingree, Assistant County Administrator Ken Hamm, Assistant City Manager Wayne Tedder, City Manager Reese Goad, County Administrator Vince Long

---

RE: Blueprint 2000 Bond Financing Options

Dear Commissioners,

Our community of over 700 residents and property owners is invested deeply in the larger success of the Bannerman Corridor. We have been keeping a close eye on development projects in the corridor and we have discussed the future of developments that we feel would be consistent with the vision of our corridor.

After community discussions, we feel that at this time, any funding option for the Northeast Connector Corridor (Bannerman Road Widening) that allows funding allocation for any phase of the project prior to 2027 would be incompatible to our quality of life and the long-term vision for the corridor. Immediate funding would likely result in the over-development of the existing vacant or underdeveloped parcels to a level that is simply unsustainable over time.

As such, we are requesting an eight-year delay for the funding allocation of the project, which will allow breathing room for residents for the commercial and residential developments occurring in the corridor to

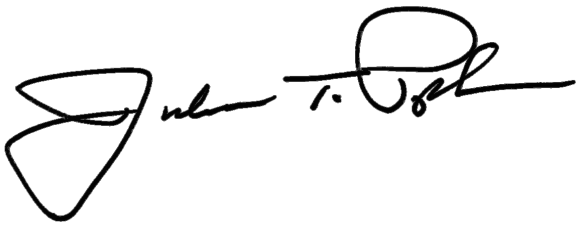
provide for steady and sustainable growth. We believe that steady and sustainable growth is not only good for our community but for Leon County and its residents as a whole.

We humbly ask that on the IA Board Workshop occurring on June 21st, that on Action Item #2, the commission support Option A, Option B, or an amended Option C, which would delay bond financing for the Northeast Connector Corridor, allowing for an eight-year delay.

We support the funding schedule under Action Item #2, Option A, which would have funding for planning begin in 2027, and would be more consistent with the priorities of the neighborhoods that will be impacted by the Bannerman Corridor expansion.

After conversations with IA/Blueprint staff, it is within the purview of the IA to amend options, consistent with Staff Analysis Action Item #2, Option D, to properly implement the IA's goals and priorities for healthy and sustainable growth in the community.

Thank you for your time on this matter,



TOMMY PIPKIN, PRESIDENT
Summerbrooke Property Owners Association

Notice of an Amendment to the Official Zoning Map

Notice is hereby given that the Leon County Board of County Commissioners will conduct a public hearing on Tuesday, April 10, 2018, at 6 pm, at the County Commission Chambers, 5th Floor, Leon County Courthouse, Tallahassee, Florida to consider adoption of an ordinance entitled to wit:

1665 BANNERMAN ROAD LPN
ORDINANCE NO. 18- _____

AN ORDINANCE AMENDING LEON COUNTY ORDINANCE NO. 92-11 TO PROVIDE FOR A CHANGE IN ZONE CLASSIFICATION FROM THE LP LAKE PROTECTION ZONING DISTRICT TO THE LPN LAKE PROTECTION NODE ZONING DISTRICT IN LEON COUNTY, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The Board of County Commissioners proposes to adopt an ordinance changing the zoning on the properties indicated on the above map which lies in unincorporated Leon County. The application is on file at the Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center and may be reviewed between 8:00 A.M. and 5:00 P.M. For further information please call 891-6400.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, should you decide to appeal any decision made by the Board of County Commissioners or take exception to any findings of fact with respect to any matter considered at the hearing reference to above, you may need to ensure that verbatim record of the proceedings is made. Such a record shall include the testimony and evidence upon which the appeal is based.

DisplayCountyAd041018

TALLAHASSEE

LEON

NOTICE OF PROPOSED REZONING AND A CHANGE IN THE USE OF LAND

The Tallahassee-Leon County Planning Department has received an application for **REZONING** for the property identified on the reverse side of this notice. If this rezoning application is approved, it will change the uses and/or development intensities allowed on the subject parcel(s). This rezoning will **not** change the future land use plan map designation for the subject properties.

Project Name: **1665 Bannerman Road (LRZ180001)**

Property Tax ID#: **14-08-20-408-0000 and 14-08-20-409-0000**

Project Location: **The subject property is located on the south side of Bannerman Road, approximately 89.4 feet south of its intersection with Bull Headley Road.**

Project Area: **101.65± acres**

Project Description: **From:** **Lake Protection (LP)** Low density residential, passive and active recreation, community services, minor offices, and minor commercial

To: **Lake Protection Node (LPN)** residential, non-residential, and mixed-use development utilizing urban services. Non-residential development allowed within this district is limited to office, retail, services, and community facilities. The LPN district also allows certain community and recreational facilities related to residential uses.

Applicant: **Greenman-Pedersen, Inc.**

The Tallahassee-Leon County Planning Commission will hold a public hearing on this request on **March 6, 2018 at 6:00 P.M.** in the Conference Room, 2nd floor, Frenchtown Renaissance Center. The purpose of this hearing is for the Planning Commission to receive public input on the application and to render and forward a recommendation on the application to the City or County Commission as applicable. Speakers are requested to limit their presentations on the proposed rezoning to 3 minutes. For a City project, persons with standing may file a petition for quasi-judicial proceedings within fifteen (15) calendar days from the date on which the decision is rendered, in accordance with the bylaws of the Planning Commission and the City of Tallahassee Land Development Code (for a decision on a City of Tallahassee Type C application, persons with standing may file a petition for quasi-judicial proceedings within 30 days from the date the decision is rendered). For a County project, persons with standing may file a petition for quasi-judicial proceedings within fifteen (15) calendar days of the date of publication of notice of the Planning Commission Public Hearing on the application in the Tallahassee Democrat, in accordance with the bylaws of the Planning Commission and the Leon County Land Development Code. To be valid, a petition for formal proceedings must satisfy the requirements of the Planning Commission bylaws and must be timely filed. Copies of the bylaws are available from the Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida at a reasonable cost. Further information regarding formal proceedings is available from the **Planning Commission Clerk**, Planning Department, at (850) 891-6400.

The Board of County Commissioners is tentatively scheduled to hold a public hearing on this request on **April 10, 2018 at 6:00 P.M.** in the County Commission Chambers, 5th floor, Leon County Courthouse. The Board of County Commissioners will render a decision on the rezoning application at the public hearing unless a subsequent time certain is set by the Board of County Commissioners. These meetings are open to the public and public input will be accepted. Please monitor the date of the hearing at http://cms.leoncountyfl.gov/coadmin/agenda/ as the actual date is subject to change.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, that should you decide to appeal any decision made by the Planning Commission and Board of County Commissioners or take exception to any findings of fact with respect to any matter considered at the hearings referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such a record shall include the testimony and evidence upon which the appeal is to be based.

The Florida Land Use and Environmental Dispute Resolution Act provides an opportunity for an owner of property who believes that a development order is unreasonable or unfairly burdens the use of his real property to apply for a special master proceeding. Owners of real property contiguous to the site will be provided a copy of any such request for a special master proceeding filed with the Planning Department. Any substantially affected party who submits oral or written testimony of a substantive nature which states with particularity objections to or support for any development order at issue may also receive a copy of any request filed under the Florida Land Use and Environmental Dispute Resolution Act by filing a written request for such copy with Planning Commission Clerk, Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, FL 32301.

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours (excluding weekends and holidays) prior to the

hearing. The phone number for the Planning Department is (850) 891-6400. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

If you have specific concerns that you may wish to have considered addressing factors that are unique to this area of the County, you may wish to submit written comments in response to this notice. These written comments will be presented to the Planning Commission and Board of County Commissioners.

The form below is for your convenience and may be returned to **Jiwuan Haley**, Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida 32301. The fax number for the Planning Department is (850) 891-6404. The Planning Department phone number is (850) 891-6400.

PLANNING DEPARTMENT

(LRZ180001)

I/We as owner(s) of Lot ____, Block ____ of the SUMMERBROOKE (Subdivision)
or street address: 8107 LONGMEADOW DRIVE wish the following information to be considered by the Planning Commission/Board of County Commissioners: I DO NOT WISH TO GRANT A REZONING OF 1665 BANNERMAN RD BECAUSE THIS WILL BRING MORE TRAFFIC TO THE AREA IN AN ALREADY VERY CONGESTED AREA STILL ONLY TWO LANE TRAFFIC, MORE NOISE, POLLUTION, AND CRIME WHILE DECREASING PROPERTY VALUES FOR EXISTING OWNERS

SIGNED: Robert DiBartolomeo

ROBERT DIBARTOLOMEO

General Location Map

Bannerman Road LPN Rezoning

LRZ180001



TALLAHASSEE

LEON

NOTICE OF PROPOSED REZONING AND A CHANGE IN THE USE OF LAND

The Tallahassee-Leon County Planning Department has received an application for **REZONING** for the property identified on the reverse side of this notice. If this rezoning application is approved, it will change the uses and/or development intensities allowed on the subject parcel(s). This rezoning will **not** change the future land use plan map designation for the subject properties.

Project Name: **1665 Bannerman Road (LRZ180001)**

Property Tax ID#: **14-08-20-408-0000 and 14-08-20-409-0000**

Project Location: **The subject property is located on the south side of Bannerman Road, approximately 89.4 feet south of its intersection with Bull Headley Road.**

Project Area: **101.65± acres**

Project Description: **From:** **Lake Protection (LP)** Low density residential, passive and active recreation, community services, minor offices, and minor commercial

To: **Lake Protection Node (LPN)** residential, non-residential, and mixed-use development utilizing urban services. Non-residential development allowed within this district is limited to office, retail, services, and community facilities. The LPN district also allows certain community and recreational facilities related to residential uses.

Applicant: **Greenman-Pedersen, Inc.**

The Tallahassee-Leon County Planning Commission will hold a public hearing on this request on **March 6, 2018 at 6:00 P.M.** in the Conference Room, 2nd floor, Frenchtown Renaissance Center. The purpose of this hearing is for the Planning Commission to receive public input on the application and to render and forward a recommendation on the application to the City or County Commission as applicable. Speakers are requested to limit their presentations on the proposed rezoning to 3 minutes. For a City project, persons with standing may file a petition for quasi-judicial proceedings within fifteen (15) calendar days from the date on which the decision is rendered, in accordance with the bylaws of the Planning Commission and the City of Tallahassee Land Development Code (for a decision on a City of Tallahassee Type C application, persons with standing may file a petition for quasi-judicial proceedings within 30 days from the date the decision is rendered). For a County project, persons with standing may file a petition for quasi-judicial proceedings within fifteen (15) calendar days of the date of publication of notice of the Planning Commission Public Hearing on the application in the Tallahassee Democrat, in accordance with the bylaws of the Planning Commission and the Leon County Land Development Code. To be valid, a petition for formal proceedings must satisfy the requirements of the Planning Commission bylaws and must be timely filed. Copies of the bylaws are available from the Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida at a reasonable cost. Further information regarding formal proceedings is available from the **Planning Commission Clerk**, Planning Department, at (850) 891-6400.

The Board of County Commissioners is tentatively scheduled to hold a public hearing on this request on **April 10, 2018 at 6:00 P.M.** in the County Commission Chambers, 5th floor, Leon County Courthouse. The Board of County Commissioners will render a decision on the rezoning application at the public hearing unless a subsequent time certain is set by the Board of County Commissioners. These meetings are open to the public and public input will be accepted. Please monitor the date of the hearing at http://cms.leoncountyfl.gov/coadmin/agenda/ as the actual date is subject to change.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, that should you decide to appeal any decision made by the Planning Commission and Board of County Commissioners or take exception to any findings of fact with respect to any matter considered at the hearings referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such a record shall include the testimony and evidence upon which the appeal is to be based.

The Florida Land Use and Environmental Dispute Resolution Act provides an opportunity for an owner of property who believes that a development order is unreasonable or unfairly burdens the use of his real property to apply for a special master proceeding. Owners of real property contiguous to the site will be provided a copy of any such request for a special master proceeding filed with the Planning Department. Any substantially affected party who submits oral or written testimony of a substantive nature which states with particularity objections to or support for any development order at issue may also receive a copy of any request filed under the Florida Land Use and Environmental Dispute Resolution Act by filing a written request for such copy with Planning Commission Clerk, Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, FL 32301.

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours (excluding weekends and holidays) prior to the

hearing. The phone number for the Planning Department is (850) 891-6400. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

If you have specific concerns that you may wish to have considered addressing factors that are unique to this area of the County, you may wish to submit written comments in response to this notice. These written comments will be presented to the Planning Commission and Board of County Commissioners.

The form below is for your convenience and may be returned to **Jiwuan Haley**, Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida 32301. The fax number for the Planning Department is (850) 891-6404. The Planning Department phone number is (850) 891-6400.

PLANNING DEPARTMENT

(LRZ180001)

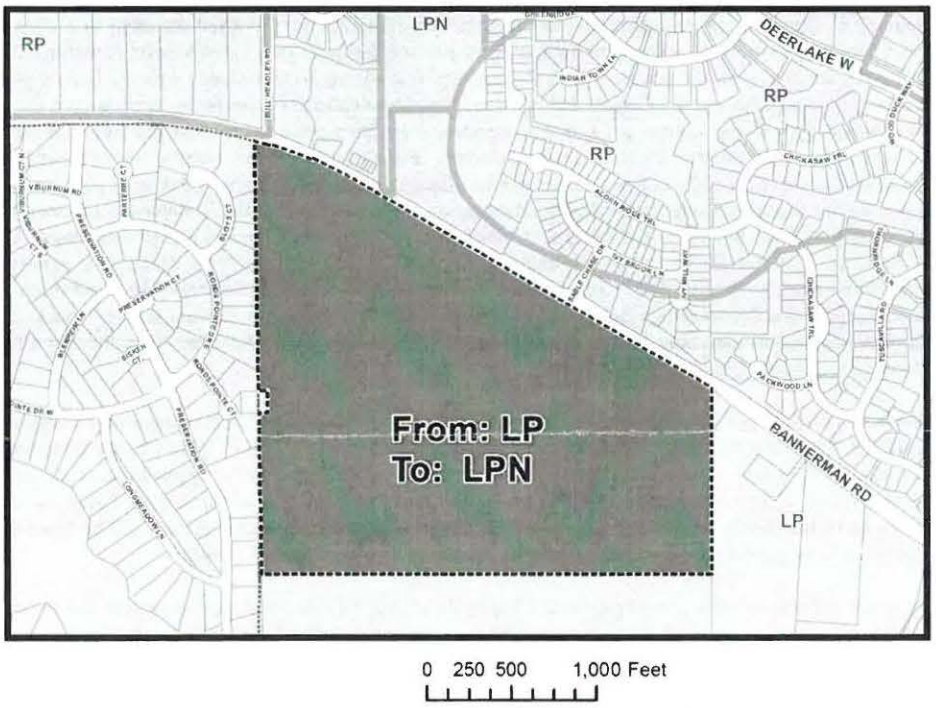
I/We as owner(s) of Lot _____, Block _____ of the SABLE CHASE (Subdivision)
or street address: 8369 IVY MILL WAY wish the following information to be considered by the Planning Commission/Board of County Commissioners: PLEASE CONSIDER KEEPING THE LP ZONING IN PLACE. TRAFFIC HAS BECOME A SERIOUS CONCERN ON BANNERMAN ROAD; ZONE SHOULD BE NO DIFFERENT THAN IMMEDIATE AREA WITH LOW COMMERCIAL.

SIGNED: [signature]
12 FEB 2018

General Location Map

Bannerman Road LPN Rezoning

LRZ180001



TALLAHASSEE

LEON

REVISED NOTICE OF PROPOSED REZONING AND A CHANGE IN THE USE OF LAND

The Tallahassee-Leon County Planning Department has received an application for **REZONING** for the property identified on the reverse side of this notice. If this rezoning application is approved, it will change the uses and/or development intensities allowed on the subject parcel(s). This rezoning will **not** change the future land use plan map designation for the subject properties. **This is a revised notice. Please disregard the previous notice you received concerning this rezoning.**

Project Name: **1665 Bannerman Road (LRZ180001)**

Property Tax ID#: **14-08-20-408-0000 and 14-08-20-409-0000**

Project Location: **The subject site is located on the south side of Bannerman Road, approximately 89.4 feet south of its intersection with Bull Headley Road.**

Project Area: **30.9± acres**

Project Description: **From:** **Lake Protection (LP)** Low density residential, passive and active recreation, community services, minor offices, and minor commercial

To: **Lake Protection Node (LPN)** residential, non-residential, and mixed-use development utilizing urban services. Non-residential development allowed within this district is limited to office, retail, services, and community facilities. The LPN district also allows certain community and recreational facilities related to residential uses.

Applicant: **Greenman-Pedersen, Inc.**

The Tallahassee-Leon County Planning Commission will hold a public hearing on this request on **March 6, 2018 at 6:00 P.M.** in the Conference Room, 2nd floor, Frenchtown Renaissance Center. The purpose of this hearing is for the Planning Commission to receive public input on the application and to render and forward a recommendation on the application to the City or County Commission as applicable. Speakers are requested to limit their presentations on the proposed rezoning to 3 minutes. For a City project, persons with standing may file a petition for quasi-judicial proceedings within fifteen (15) calendar days from the date on which the decision is rendered, in accordance with the bylaws of the Planning Commission and the City of Tallahassee Land Development Code (for a decision on a City of Tallahassee Type C application, persons with standing may file a petition for quasi-judicial proceedings within 30 days from the date the decision is rendered). For a County project, persons with standing may file a petition for quasi-judicial proceedings within fifteen (15) calendar days of the date of publication of notice of the Planning Commission Public Hearing on the application in the Tallahassee Democrat, in accordance with the bylaws of the Planning Commission and the Leon County Land Development Code. To be valid, a petition for formal proceedings must satisfy the requirements of the Planning Commission bylaws and must be timely filed. Copies of the bylaws are available from the Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida at a reasonable cost. Further information regarding formal proceedings is available from the **Planning Commission Clerk**, Planning Department, at (850) 891-6400.

The Board of County Commissioners is tentatively scheduled to hold a public hearing on this request on **April 10, 2018 at 6:00 P.M.** in the County Commission Chambers, 5th floor, Leon County Courthouse. The Board of County Commissioners will render a decision on the rezoning application at the public hearing unless a subsequent time certain is set by the Board of County Commissioners. These meetings are open to the public and public input will be accepted. Please monitor the date of the hearing at http://cms.leoncountyfl.gov/coadmin/agenda/ as the actual date is subject to change.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, that should you decide to appeal any decision made by the Planning Commission and Board of County Commissioners or take exception to any findings of fact with respect to any matter considered at the hearings referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such a record shall include the testimony and evidence upon which the appeal is to be based.

The Florida Land Use and Environmental Dispute Resolution Act provides an opportunity for an owner of property who believes that a development order is unreasonable or unfairly burdens the use of his real property to apply for a special master proceeding. Owners of real property contiguous to the site will be provided a copy of any such request for a special master proceeding filed with the Planning Department. Any substantially affected party who submits oral or written testimony of a substantive nature which states with particularity objections to or support for any development order at issue may also receive a copy of any request filed under the Florida Land Use and Environmental Dispute Resolution Act by filing a written request for such copy with Planning Commission Clerk, Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, FL 32301.

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours (excluding weekends and holidays) prior to the hearing. The phone number for the Planning Department is (850) 891-6400. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

If you have specific concerns that you may wish to have considered addressing factors that are unique to this area of the County, you may wish to submit written comments in response to this notice. These written comments will be presented to the Planning Commission and Board of County Commissioners.

The form below is for your convenience and may be returned to **Jiwuan Haley**, Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida 32301. The fax number for the Planning Department is (850) 891-6404. The Planning Department phone number is (850) 891-6400.

PLANNING DEPARTMENT

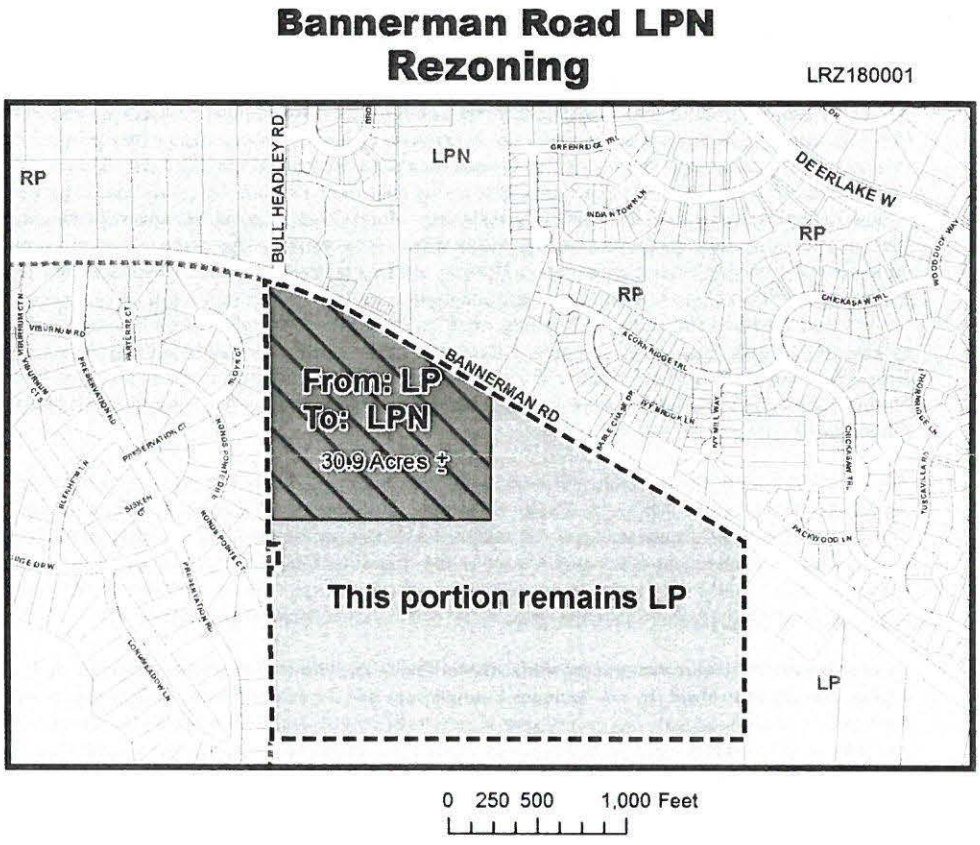
(LRZ180001)

I/We as owner(s) of Lot 18, Block D of the Sable Chase (Subdivision)
or street address: 1865 Acorn Ridge Trail wish the following information to be considered by the Planning Commission/Board of County Commissioners:

Please see enclosed.

SIGNED:

General Location Map



Leon County Planning Commission/Department
c/o Jiwuan Haley
435 N. Macomb Street, 3rd Floor
Tallahassee, FL 32301

re: Revised Notice: Project Name: 1665 Bannerman Road (LRZ1800001)

To Whom It May Concern (c/o Jiwuan Haley):

It is of great concern, as a resident of the area that will be directly impacted, that this zoning change not be granted at this time, considering the lack of action on behalf of the County in response to other recent development decisions.

In recent years, the County has approved a toll road to be built at one end of Bannerman Road (thereby increasing County revenues), as well as a significant addition to the existing commercial infrastructure located at the opposite end of Bannerman Road (also resulting in an increase in County revenues). As a consolation to those in the area and as a response to the predicted increase in roadway motor vehicle usage, residents were informed that Bannerman Road would be enhanced to accommodate the influx in traffic.

Those predictions have come true and, unfortunately, it would appear this plan for **responsible growth** has been scrapped. Plans were developed and options proposed, but no action was taken. There is no visible activity to signify that there exists any intent to act on behalf of the County. With no additional lanes (or, alternative options of adding turn lanes) to alleviate the excess of traffic, above and beyond previously experienced, the congestion on this increasingly pass-through roadway has dramatically increased.

As such, without action by the County in response to the existing conditions, it would be advised to refuse the further development of the area, which would only further disregard and act to the detriment of the needs and desires of the community the Board of County Commissioners is elected and tasked to serve – clearly indicating a counter-preference in favor of the coffers of the County.

There is certainly agreement on room for growth and development along Bannerman Road, but not at the further expense of the value and sustainability of the community.

Thank you for your consideration of these comments.

Regards,

Benjamin Browning
Lot 18, Block D, of the Sable Chase Subdivision

RECEIVED
2018 FEB 23 A 9:58
LEON COUNTY

TALLAHASSEE

LEON

REVISED NOTICE OF PROPOSED REZONING AND A CHANGE IN THE USE OF LAND

The Tallahassee-Leon County Planning Department has received an application for **REZONING** for the property identified on the reverse side of this notice. If this rezoning application is approved, it will change the uses and/or development intensities allowed on the subject parcel(s). This rezoning will **not** change the future land use plan map designation for the subject properties. **This is a revised notice. Please disregard the previous notice you received concerning this rezoning.**

Project Name: **1665 Bannerman Road (LRZ180001)**

Property Tax ID#: **14-08-20-408-0000 and 14-08-20-409-0000**

Project Location: **The subject site is located on the south side of Bannerman Road, approximately 89.4 feet south of its intersection with Bull Headley Road.**

Project Area: **30.9± acres**

Project Description: **From:** **Lake Protection (LP)** Low density residential, passive and active recreation, community services, minor offices, and minor commercial

To: **Lake Protection Node (LPN)** residential, non-residential, and mixed-use development utilizing urban services. Non-residential development allowed within this district is limited to office, retail, services, and community facilities. The LPN district also allows certain community and recreational facilities related to residential uses.

Applicant: **Greenman-Pedersen, Inc.**

The Tallahassee-Leon County Planning Commission will hold a public hearing on this request on **March 6, 2018 at 6:00 P.M.** in the Conference Room, 2nd floor, Frenchtown Renaissance Center. The purpose of this hearing is for the Planning Commission to receive public input on the application and to render and forward a recommendation on the application to the City or County Commission as applicable. Speakers are requested to limit their presentations on the proposed rezoning to 3 minutes. For a City project, persons with standing may file a petition for quasi-judicial proceedings within fifteen (15) calendar days from the date on which the decision is rendered, in accordance with the bylaws of the Planning Commission and the City of Tallahassee Land Development Code (for a decision on a City of Tallahassee Type C application, persons with standing may file a petition for quasi-judicial proceedings within 30 days from the date the decision is rendered). For a County project, persons with standing may file a petition for quasi-judicial proceedings within fifteen (15) calendar days of the date of publication of notice of the Planning Commission Public Hearing on the application in the Tallahassee Democrat, in accordance with the bylaws of the Planning Commission and the Leon County Land Development Code. To be valid, a petition for formal proceedings must satisfy the requirements of the Planning Commission bylaws and must be timely filed. Copies of the bylaws are available from the Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida at a reasonable cost. Further information regarding formal proceedings is available from the **Planning Commission Clerk**, Planning Department, at (850) 891-6400.

The Board of County Commissioners is tentatively scheduled to hold a public hearing on this request on **April 10, 2018 at 6:00 P.M.** in the County Commission Chambers, 5th floor, Leon County Courthouse. The Board of County Commissioners will render a decision on the rezoning application at the public hearing unless a subsequent time certain is set by the Board of County Commissioners. These meetings are open to the public and public input will be accepted. Please monitor the date of the hearing at http://cms.leoncountyfl.gov/coadmin/agenda/ as the actual date is subject to change.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, that should you decide to appeal any decision made by the Planning Commission and Board of County Commissioners or take exception to any findings of fact with respect to any matter considered at the hearings referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such a record shall include the testimony and evidence upon which the appeal is to be based.

The Florida Land Use and Environmental Dispute Resolution Act provides an opportunity for an owner of property who believes that a development order is unreasonable or unfairly burdens the use of his real property to apply for a special master proceeding. Owners of real property contiguous to the site will be provided a copy of any such request for a special master proceeding filed with the Planning Department. Any substantially affected party who submits oral or written testimony of a substantive nature which states with particularity objections to or support for any development order at issue may also receive a copy of any request filed under the Florida Land Use and Environmental Dispute Resolution Act by filing a written request for such copy with Planning Commission Clerk, Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, FL 32301.

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours (excluding weekends and holidays) prior to the hearing. The phone number for the Planning Department is (850) 891-6400. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

If you have specific concerns that you may wish to have considered addressing factors that are unique to this area of the County, you may wish to submit written comments in response to this notice. These written comments will be presented to the Planning Commission and Board of County Commissioners.

The form below is for your convenience and may be returned to **Jiwuan Haley**, Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida 32301. The fax number for the Planning Department is (850) 891-6404. The Planning Department phone number is (850) 891-6400.

PLANNING DEPARTMENT

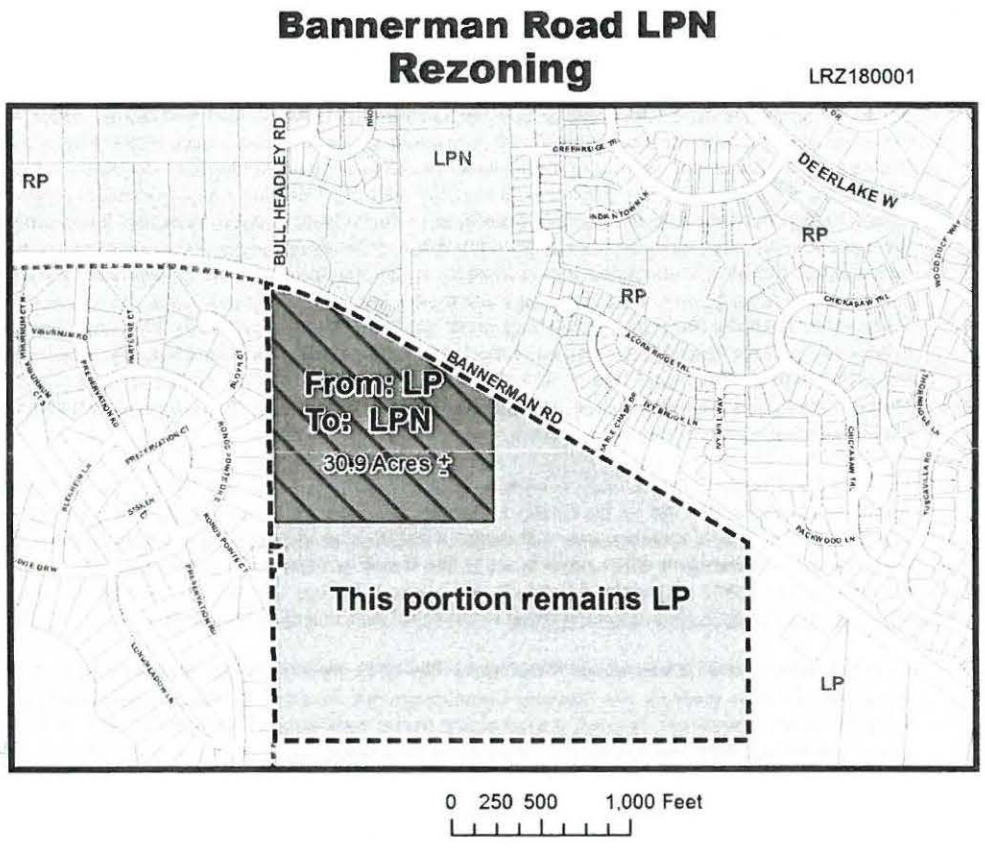
(LRZ180001)

I/We as owner(s) of Lot 3, Block A of the Chastain Manor (Subdivision) or street address: 8744 Greenridge Lane wish the following information to be considered by the Planning Commission/Board of County Commissioners: Stop building out here. It's too crowded, too many houses, I like looking out my windows and seeing GREEN TREES. Stop! building!

SIGNED: [signature]

Go build at the Airport

General Location Map



RECEIVED
2018 FEB 23 A 9:57
TALLAHASSEE-LEON COUNTY

TALLAHASSEE

LEON

NOTICE OF PROPOSED REZONING AND A CHANGE IN THE USE OF LAND

The Tallahassee-Leon County Planning Department has received an application for **REZONING** for the property identified on the reverse side of this notice. If this rezoning application is approved, it will change the uses and/or development intensities allowed on the subject parcel(s). This rezoning will **not** change the future land use plan map designation for the subject properties.

Project Name: **1665 Bannerman Road (LRZ180001)**

Property Tax ID#: **14-08-20-408-0000 and 14-08-20-409-0000**

Project Location: **The subject property is located on the south side of Bannerman Road, approximately 89.4 feet south of its intersection with Bull Headley Road.**

Project Area: **101.65± acres**

Project Description: **From:** **Lake Protection (LP)** Low density residential, passive and active recreation, community services, minor offices, and minor commercial

To: **Lake Protection Node (LPN)** residential, non-residential, and mixed-use development utilizing urban services. Non-residential development allowed within this district is limited to office, retail, services, and community facilities. The LPN district also allows certain community and recreational facilities related to residential uses.

Applicant: **Greenman-Pedersen, Inc.**

The Tallahassee-Leon County Planning Commission will hold a public hearing on this request on **March 6, 2018 at 6:00 P.M.** in the Conference Room, 2nd floor, Frenchtown Renaissance Center. The purpose of this hearing is for the Planning Commission to receive public input on the application and to render and forward a recommendation on the application to the City or County Commission as applicable. Speakers are requested to limit their presentations on the proposed rezoning to 3 minutes. For a City project, persons with standing may file a petition for quasi-judicial proceedings within fifteen (15) calendar days from the date on which the decision is rendered, in accordance with the bylaws of the Planning Commission and the City of Tallahassee Land Development Code (for a decision on a City of Tallahassee Type C application, persons with standing may file a petition for quasi-judicial proceedings within 30 days from the date the decision is rendered). For a County project, persons with standing may file a petition for quasi-judicial proceedings within fifteen (15) calendar days of the date of publication of notice of the Planning Commission Public Hearing on the application in the Tallahassee Democrat, in accordance with the bylaws of the Planning Commission and the Leon County Land Development Code. To be valid, a petition for formal proceedings must satisfy the requirements of the Planning Commission bylaws and must be timely filed. Copies of the bylaws are available from the Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida at a reasonable cost. Further information regarding formal proceedings is available from the **Planning Commission Clerk**, Planning Department, at (850) 891-6400.

The Board of County Commissioners is tentatively scheduled to hold a public hearing on this request on **April 10, 2018 at 6:00 P.M.** in the County Commission Chambers, 5th floor, Leon County Courthouse. The Board of County Commissioners will render a decision on the rezoning application at the public hearing unless a subsequent time certain is set by the Board of County Commissioners. These meetings are open to the public and public input will be accepted. Please monitor the date of the hearing at http://cms.leoncountyfl.gov/coadmin/agenda/ as the actual date is subject to change.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, that should you decide to appeal any decision made by the Planning Commission and Board of County Commissioners or take exception to any findings of fact with respect to any matter considered at the hearings referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such a record shall include the testimony and evidence upon which the appeal is to be based.

The Florida Land Use and Environmental Dispute Resolution Act provides an opportunity for an owner of property who believes that a development order is unreasonable or unfairly burdens the use of his real property to apply for a special master proceeding. Owners of real property contiguous to the site will be provided a copy of any such request for a special master proceeding filed with the Planning Department. Any substantially affected party who submits oral or written testimony of a substantive nature which states with particularity objections to or support for any development order at issue may also receive a copy of any request filed under the Florida Land Use and Environmental Dispute Resolution Act by filing a written request for such copy with Planning Commission Clerk, Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, FL 32301.

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours (excluding weekends and holidays) prior to the

hearing. The phone number for the Planning Department is (850) 891-6400. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

If you have specific concerns that you may wish to have considered addressing factors that are unique to this area of the County, you may wish to submit written comments in response to this notice. These written comments will be presented to the Planning Commission and Board of County Commissioners.

The form below is for your convenience and may be returned to **Jiwuan Haley**, Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida 32301. The fax number for the Planning Department is (850) 891-6404. The Planning Department phone number is (850) 891-6400.

PLANNING DEPARTMENT

(LRZ180001)

I/We as owner(s) of Lot _____, Block _____ of the Summerbrooke (Subdivision)
or street address: 8077 Longmeadow Dr. wish the following information to be considered by the Planning Commission/Board of County Commissioners: _____

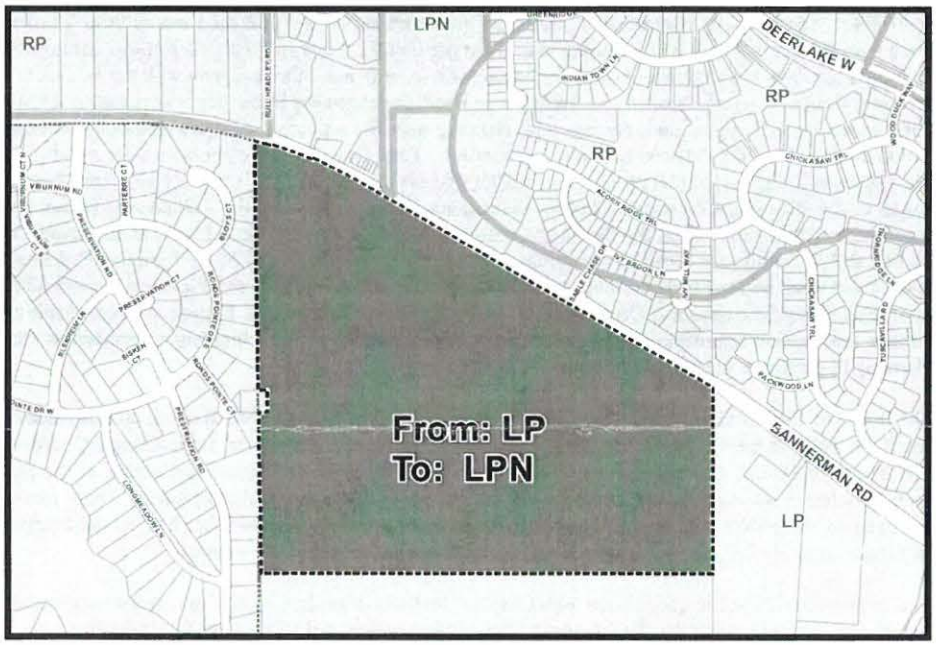
Without widening of Bannerman Rd traffic will be severely impacted by any additional shops & residential neighborhood in this area.

SIGNED: Judy M. Miller

General Location Map

Bannerman Road LPN Rezoning

LRZ180001



TALLAHASSEE/LEON COUNTY
2018 FEB 23 A 9:57
RECEIVED

Perrine, Beth

From: Ldsmom02@gmail.com
Sent: Sunday, February 25, 2018 6:56 PM
To: Perrine, Beth
Cc: Calhoun, Sherri
Subject: Citizen Comments Submission from Talgov.com for Tallahassee-Leon County Planning Commission

Citizen Comments Submission from Talgov.com for Tallahassee-Leon County Planning Commission

Name: Michelle J. Newman
Address: 6015 Quail Ridge Drive
City: Tallahassee
State: Florida
Zip: 32312
Email Address: Ldsmom02@gmail.com
Comments: Please be advised that those of us living in the area of Bull Headley and Bannerman are not interested in having more businesses at this intersection. Neither are we interested in the constant development of high density housing without any change to infrastructure. If you aren't going to build more schools NOW or widen meridian NOW then don't change the zoning. And we don't need anymore mattress shops or dentists either. You can't keep the current new strip malls filled. No one wants this. Don't be as corrupt as those who allowed the Brookside Development to go through.

Siwuan Haley

TALLAHASSEE

LEON

REVISED NOTICE OF PROPOSED REZONING AND A CHANGE IN THE USE OF LAND

The Tallahassee-Leon County Planning Department has received an application for **REZONING** for the property identified on the reverse side of this notice. If this rezoning application is approved, it will change the uses and/or development intensities allowed on the subject parcel(s). This rezoning will not change the future land use plan map designation for the subject properties. **This is a revised notice. Please disregard the previous notice you received concerning this rezoning.**

Project Name: **1665 Bannerman Road (LRZ180001)**

Property Tax ID#: **14-08-20-408-0000 and 14-08-20-409-0000**

Project Location: **The subject site is located on the south side of Bannerman Road, approximately 89.4 feet south of its intersection with Bull Headley Road.**

Project Area: **30.9± acres**

Project Description: **From:** **Lake Protection (LP)** Low density residential, passive and active recreation, community services, minor offices, and minor commercial

To: **Lake Protection Node (LPN)** residential, non-residential, and mixed-use development utilizing urban services. Non-residential development allowed within this district is limited to office, retail, services, and community facilities. The LPN district also allows certain community and recreational facilities related to residential uses.

Applicant: **Greenman-Pedersen, Inc.**

The Tallahassee-Leon County Planning Commission will hold a public hearing on this request on **March 6, 2018 at 6:00 P.M.** in the Conference Room, 2nd floor, Frenchtown Renaissance Center. The purpose of this hearing is for the Planning Commission to receive public input on the application and to render and forward a recommendation on the application to the City or County Commission as applicable. Speakers are requested to limit their presentations on the proposed rezoning to 3 minutes. For a City project, persons with standing may file a petition for quasi-judicial proceedings within fifteen (15) calendar days from the date on which the decision is rendered, in accordance with the bylaws of the Planning Commission and the City of Tallahassee Land Development Code (for a decision on a City of Tallahassee Type C application, persons with standing may file a petition for quasi-judicial proceedings within 30 days from the date the decision is rendered). For a County project, persons with standing may file a petition for quasi-judicial proceedings within fifteen (15) calendar days of the date of publication of notice of the Planning Commission Public Hearing on the application in the Tallahassee Democrat, in accordance with the bylaws of the Planning Commission and the Leon County Land Development Code. To be valid, a petition for formal proceedings must satisfy the requirements of the Planning Commission bylaws and must be timely filed. Copies of the bylaws are available from the Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida at a reasonable cost. Further information regarding formal proceedings is available from the **Planning Commission Clerk**, Planning Department, at (850) 891-6400.

The Board of County Commissioners is tentatively scheduled to hold a public hearing on this request on **April 10, 2018 at 6:00 P.M.** in the County Commission Chambers, 5th floor, Leon County Courthouse. The Board of County Commissioners will render a decision on the rezoning application at the public hearing unless a subsequent time certain is set by the Board of County Commissioners. These meetings are open to the public and public input will be accepted. Please monitor the date of the hearing at http://cms.leoncountyfl.gov/coadmin/agenda/ as the actual date is subject to change.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, that should you decide to appeal any decision made by the Planning Commission and Board of County Commissioners or take exception to any findings of fact with respect to any matter considered at the hearings referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such a record shall include the testimony and evidence upon which the appeal is to be based.

The Florida Land Use and Environmental Dispute Resolution Act provides an opportunity for an owner of property who believes that a development order is unreasonable or unfairly burdens the use of his real property to apply for a special master proceeding. Owners of real property contiguous to the site will be provided a copy of any such request for a special master proceeding filed with the Planning Department. Any substantially affected party who submits oral or written testimony of a substantive nature which states with particularity objections to or support for any development order at issue may also receive a copy of any request filed under the Florida Land Use and Environmental Dispute Resolution Act by filing a written request for such copy with Planning Commission Clerk, Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, FL 32301.

850 891-6404

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours (excluding weekends and holidays) prior to the hearing. The phone number for the Planning Department is (850) 891-6400. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

If you have specific concerns that you may wish to have considered addressing factors that are unique to this area of the County, you may wish to submit written comments in response to this notice. These written comments will be presented to the Planning Commission and Board of County Commissioners.

The form below is for your convenience and may be returned to Jiwuan Haley, Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida 32301. The fax number for the Planning Department is (850) 891-6404. The Planning Department phone number is (850) 891-6400.

PLANNING DEPARTMENT

(LRZ180001)

I/We as owner(s) of Lot _____, Block _____ of the _____ (Subdivision)

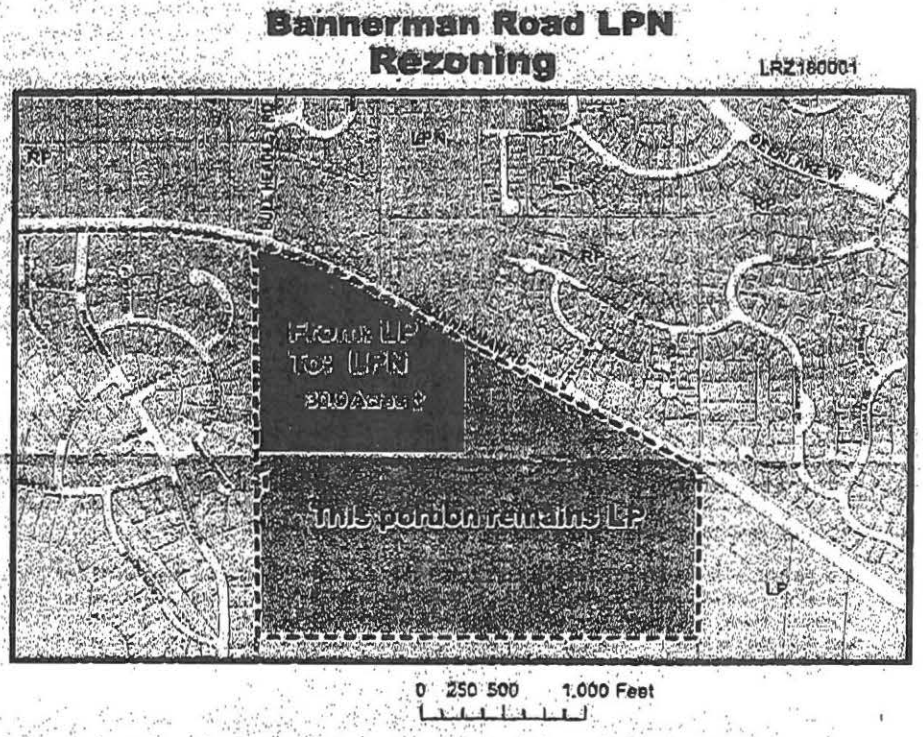
or street address: 7727 McClure Dr wish the following information to be considered by the Planning Commission/Board of County Commissioners: _____

Please - Do not consider any changes until Bannerman Road expansion has been finalized. It is already difficult to enter Bannerman Rd from McBride Hills

SIGNED: Virginia Allerto

Lano R. Allerto

General Location Map



Perrine, Beth

From: Bryant, Cherie (Planning)
Sent: Monday, March 05, 2018 1:40 PM
To: Perrine, Beth; Snyder, Russell; Haley, Jiwuan
Subject: FW: Bannerman Road LPN

Please make sure the Planning Commissioners see this, as requested, and include it in the record. A few more on the way.

From: Bryan Desloge [mailto:DeslogeB@leoncountyfl.gov]
Sent: Monday, March 05, 2018 11:38 AM
To: frank.pugh
Cc: Long, Vince; McDevitt, David; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Bannerman Road LPN

Frank, it is not yet in front of the County Commission so I have no jurisdiction over it. It's my understanding the rezoning request will be heard before the Planning Commission tomorrow at 6:00 p.m. I'm forwarding your email to Planning Department Director with the request that she insure the Planning Commission members see your email and that it be included as a part of the public record. Thanks for thinking of me. Hope you enjoyed the weekend and that all is well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "frank.pugh" <frank.pugh@comcast.net> 3/5/2018 10:05 AM >>>
Mr. Desloge, please consider deferring or delaying approval for the Bannerman Road LPN rezoning until the developers disclose the intended use of the property to the public. I believe that we should have a say in what specifically goes into or adjacent to our neighborhood.

Sent from my Verizon, Samsung Galaxy smartphone

Perrine, Beth

From: Bryant, Cherie (Planning)
Sent: Monday, March 05, 2018 1:41 PM
To: Perrine, Beth; Snyder, Russell; Haley, Jiwuan
Subject: FW: Bannerman Road LPN Rezoning

From: Bryan Desloge [mailto:DeslogeB@leoncountyfl.gov]
Sent: Friday, March 02, 2018 12:17 PM
To: fbdd@comcast.net
Cc: Long, Vince; McDevitt, David; Rosenzweig, Alan; Bryant, Cherie (Planning)
Subject: Re: Bannerman Road LPN Rezoning

Fred, I believe this is before the Zoning Board at this time and has not yet come to the County Commission. I'm forwarding your email to our Growth Management Department with the request that your email be entered as a part of the public records. Thanks for the feedback.

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Fbredrick B. Dunphy" <fbdd@comcast.net> 3/2/2018 11:47 AM >>>

Dear Commissioners,

I am a resident of SummerBrooke in the City of Tallahassee. I am concerned about the proposed rezoning of a 30+ acre plot of land with frontage on Bannerman Road (Project name: 1665 Bannerman Road – LRZ180001).

As a resident in the area that is adjacent to this project I have concerns about the environmental impact on our residential community. These concerns are increased traffic flow on Bannerman Road, increased light pollution, possible high density residential construction, the impact on the lakes in SummerBrooke (I live on Long Leaf Pond) and the effect in the Golf Club at SummerBrooke which now is enjoying a resurgence in condition and usage.

I wanted to let you know that as a resident of Leon County and a home owner in SummerBrooke, I oppose this change in Zoning from Lake Protection to Lake Protection Node. It seems to me that the designation of Lake Protection is just that, to

protect lakes and a diminution of the zoning will certainly result in less protection of our lakes.

I urge you to continue to protect the lakes of SummerBrooke as well as numerous other lakes in the vicinity. Thank you for your consideration in this matter. If I can be of further assistance please do not hesitate to contact me.

Sincerely,

Fred Dunphy
1201 Wax Wing Court
Tallahassee, FL 32312
(850) 894-8444

Perrine, Beth

From: Bryant, Cherie (Planning)
Sent: Monday, March 05, 2018 1:41 PM
To: Perrine, Beth; Snyder, Russell; Haley, Jiwuan
Subject: FW: Rezoning of Bannerman Road

From: Bryan Desloge [mailto:DeslogeB@leoncountyfl.gov]
Sent: Monday, March 05, 2018 11:16 AM
To: Long, Vince; McDevitt, David; Morris, Ken; Rosenzweig, Alan; Bryant, Cherie (Planning); Tedder, Wayne; beneshj@yahoo.com
Subject: Re: Rezoning of Bannerman Road

Thank you for contacting me about this project, Janet, but it is not yet before the County Commission. It's my understanding that it is being discussed by the Planning Commission. We have no jurisdiction at this time, but I'm forwarding your email to their attention with the request that it be entered into the public record for all to see. When and if it does come to the County, I'll take your comments into consideration in my deliberations. Hope you enjoyed the weekend and that all is well with you. Have a good day.

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Janet Benesh <beneshj@yahoo.com> 3/4/2018 11:47 AM >>>

- There wasn't a site plan included so it's unknown what type of development will be proposed and what impact there will be on the adjacent properties if it is rezoned.
- Increased traffic and concerns that a connection into SummerBrooke will be made.
- Runoff from development could impact the lakes negatively.
- The impact additional development will have on local schools, parks and the community.

Commissioner Desloge,

Above are my concerns as a Summerbrooke resident for the hearing on the proposed rezoning application submitted by Greenmen-Pedersen Inc. Any retail and or residential plans for this land portion will be detrimental to the overall congested areas already along Bannerman road. Rush hour traffic, roads only partially four lane, school population already exceeding their limits provide reason enough for a rejection of this proposed new rezoning and any potential development plans. The existing growth of retail establishments on Bannerman and the new large residential developments on Ox Bottom will overwhelm the Northeast soon enough. More retail and residential plans need to stop and rejecting the zoning proposal will go a long way in helping that happen.

Please accept these comments for the Planning Commission and the Board of County Commissioners,

Thank you very much.

Sincerely,

Jan Benesh
428 Summerbrooke Dr
Tallahassee, Fl 32312

Perrine, Beth

From: Bryant, Cherie (Planning)
Sent: Monday, March 05, 2018 1:41 PM
To: Perrine, Beth; Snyder, Russell; Haley, Jiwuan
Subject: FW: 1665 Bannerman Road

From: Bryan Desloge [mailto:DeslogeB@leoncountyfl.gov]
Sent: Monday, March 05, 2018 11:27 AM
To: pnlangdon@comcast.net
Cc: Long, Vince; McDevitt, David; Morris, Ken; Rosenzweig, Alan; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: 1665 Bannerman Road

Phillip, it is not yet in front of the County Commission so I have no jurisdiction over it. It's my understanding the rezoning request will be heard before the Planning Commission tomorrow at 6:00 p.m. I'm forwarding your email to Planning Department Director with the request that she insure the Planning Commission members see your email and that it be included as a part of the public record. Thanks for thinking of me. Hope you enjoyed the weekend and that all is well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Phillip Langdon <pnlangdon@comcast.net> 3/5/2018 9:41 AM >>>
Mr. Desloge,

My name is Phillip Langdon and I recently moved into SummerBrooke about 1 year ago and am very concerned about this proposal to rezone the property on Bannerman Road.

My number one concern is the traffic on Bannerman Road. Bannerman is already very busy throughout the day and I believe intentionally adding even more cars to Bannerman Road would be a mistake. If you have not driven down this road during rush hour I encourage you to take a ride at 7:00 am or 5:00 pm to see what we already deal with every day. If this rezoning takes place and the 31 acres turns into an apartment complex with another 350+ homes you are adding another 1,000+ cars to this road with no answer for the congestion in the near future.

I know there has not been a site plan proposed so we do not know what would go in there, but with the new zoning such things as a car wash, grocery store, auto parts store and a large restaurant are all possible with the rezoning. This area is not suited for the area and properties and I would ask what you would do if they proposed something of this sort in your backyard.

Another thing that I'm not sure was completely thought about was the runoff from the new construction. We have 2 lakes, one of them on the said property with a connection to a SummerBrooke. These lakes are thriving in our community. We have ducks and geese that come to our lakes and an abundance of fish that are very healthy. If you add new construction with chemicals and pollution, we will loose that environment that our community cherishes.

Lastly, has anyone done a study about how full the schools are in the area? Would adding a large amount children to the current school zone add even more stress to the schools in this area?

I moved to this part of town because there were not large multifamily complexes and this new rezoning threatens the quaint lifestyle that the people of SummerBrooke have come to love. Please think of this as if it were your backyard and stop this rezoning.

This node is obviously misplaced and honestly I believe there was not adequate thought or research done.

Thank you for listening,

Phillip Langdon PA-C, MPAS
Tallahassee Memorial Healthcare
Bixler Emergency Department

Haley, Jiwuan

From: Marcia Collins <ezj9904@att.net>
Sent: Tuesday, March 06, 2018 10:35 AM
To: Haley, Jiwuan
Subject: Proposed Rezoning and Change in Land Use

I am the owner of 8742 Greenridge Ln and request that the following information be considered by the Planning Commission/Board of County Commissioners in the proposed rezoning of the property identified as 1665 Bannerman Road (LRZ180001).

I strongly oppose the rezoning to LPN. Traffic congestion on Bannerman road is already a problem. It has increased greatly since the opening of the toll road (at Bannerman/Meridian) and Bannerman Crossing (at Bannerman/Thomasville). This roadway has not been improved to alleviate the current traffic and the proposed rezoning will add an even greater burden.

Also, more retail development is not needed. Current strip malls sit empty. More residential single family and multi residential development will severely impact our already filled to capacity schools.

Keep the current zoning of LP in place.

Sincerely,

Marcia Collins
8742 Greenridge Ln

Sent from my iPad

5918673-393-4-4*

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours (excluding weekends and holidays) prior to the hearing. The phone number for the Planning Department is (850) 891-6400. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

If you have specific concerns that you may wish to have considered addressing factors that are unique to this area of the County, you may wish to submit written comments in response to this notice. These written comments will be presented to the Planning Commission and Board of County Commissioners.

The form below is for your convenience and may be returned to **Jiwuan Haley**, Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida 32301. The fax number for the Planning Department is (850) 891-6404. The Planning Department phone number is (850) 891-6400.

PLANNING DEPARTMENT

(LRZ180001)

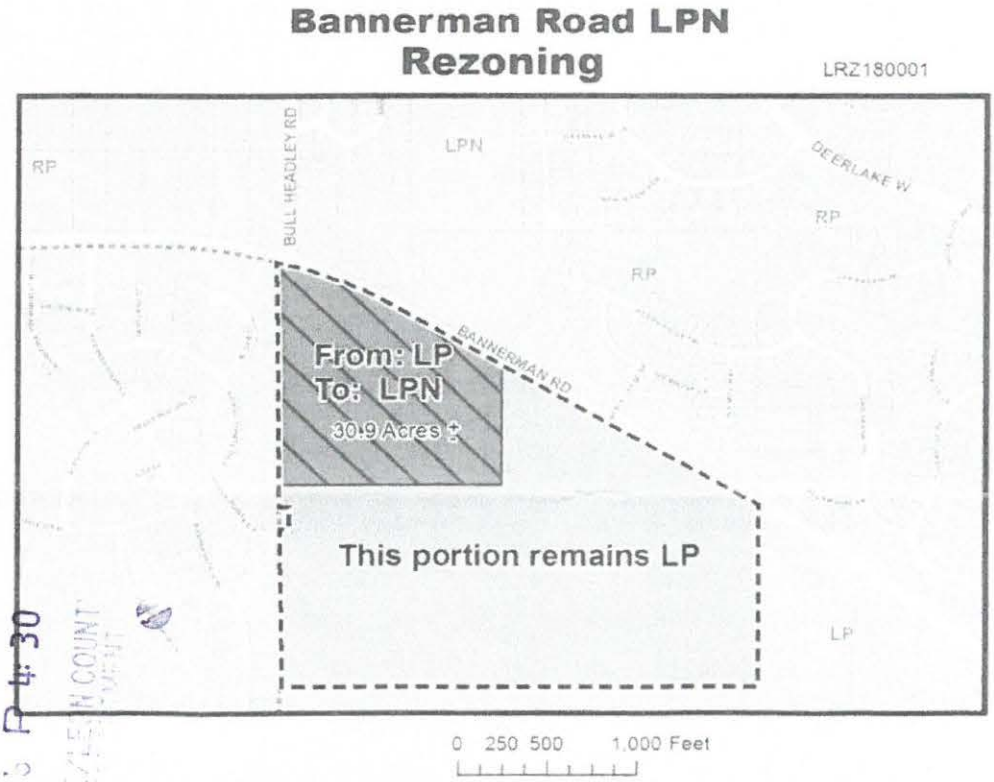
I/We as owner(s) of Lot 24, Block 5 of the Summerbrooke Sub (Subdivision)

or street address: 1193 Ronds Pointe Dr E wish the following information to be considered by the Planning Commission/Board of County Commissioners:

No rezoning or development should be approved for commercial or residential land uses due to road/traffic limitations. In addition, this is zoned LP and lake degredation would occur.

SIGNED: [signature]

General Location Map



RECEIVED
2018 [illegible] P 4:30
[illegible] COUNTY

5914652 6249FCMP-3

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours (excluding weekends and holidays) prior to the hearing. The phone number for the Planning Department is (850) 891-6400. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

If you have specific concerns that you may wish to have considered addressing factors that are unique to this area of the County, you may wish to submit written comments in response to this notice. These written comments will be presented to the Planning Commission and Board of County Commissioners.

The form below is for your convenience and may be returned to **Jiwuan Haley**, Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida 32301. The fax number for the Planning Department is (850) 891-6404. The Planning Department phone number is (850) 891-6400.

PLANNING DEPARTMENT

(LRZ180001)

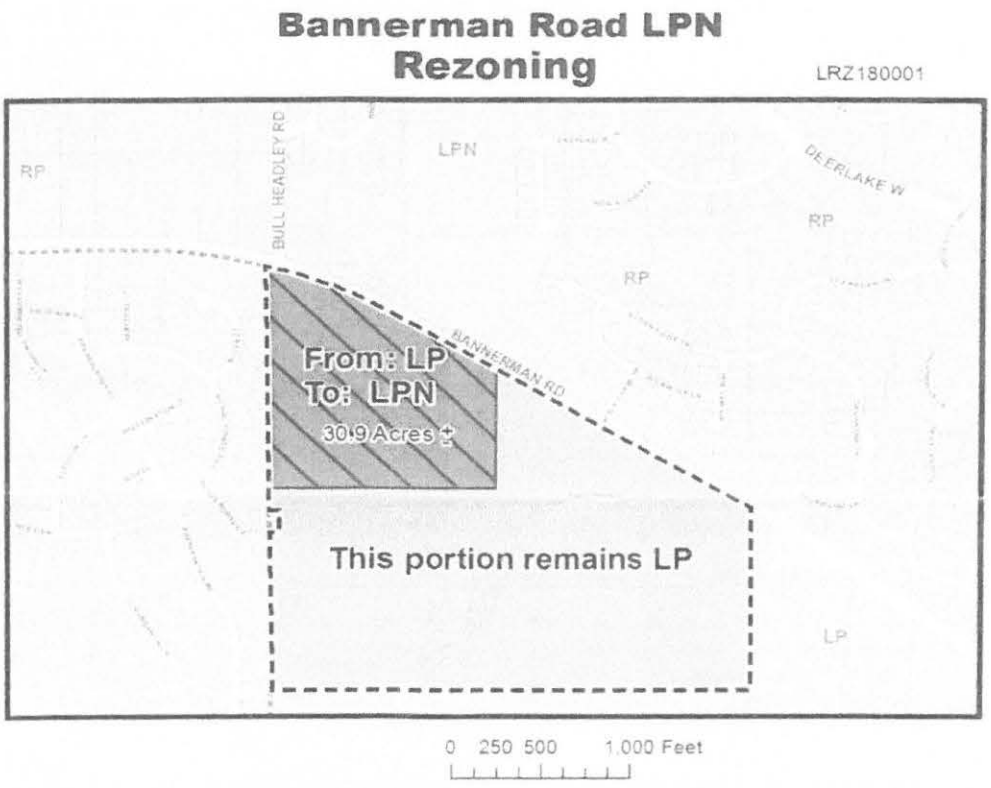
I/We as owner(s) of Lot _____, Block _____ of the _____ (Subdivision)

or street address: 636 Summerbrooke Drive wish the following information to be considered by the Planning Commission/Board of County Commissioners:

Please see attached. Thank you.

SIGNED: Sara B. Murdaugh, March 7, 2018

General Location Map



As a homeowner in Summerbrooke, I oppose the proposed rezoning on Bannerman Road, Project name 1665 Bannerman Road (LRZ180001). I was unable to attend the public hearing on March 6. I currently oppose the rezoning for the following reasons:

- → I could not find a site plan so I'm unsure what type of development will be proposed and what impact there will be on the adjacent properties if it is rezoned.
- → Drivers already use Summerbrooke Drive as a cut-through. I am concerned about increased traffic and that another connection into SummerBrooke will be made.
- → My home and many others are already in a flood zone. I fear flooding will increase.
- → In my opinion, runoff from development will likely impact lakes negatively.

Sincerely,

Sara Murdaugh
636 Summerbrooke Drive
Tallahassee, Florida 32312
850-559-0263

RECEIVED
2018 MAR -8 P 4:11

Haley, Jiwuan

From: Desloge, Bryan
Sent: Wednesday, March 21, 2018 10:50 AM
To: Long, Vince
Cc: Pandjbriggs012@gmail.com; Desloge, Bryan; Holloway, Stephanie; McDevitt, David; Riggans, LaShawn; Rosenzweig, Alan; Thiele, Herb
Subject: Rezoning of Properties along Bannerman Rd

Importance: High

Ms. Pam Briggs contacted me this morning requesting a meeting with all aides regarding the proposed rezoning of property on Bannerman Rd, specifically the 30 acres that will be brought to the County Commissioners in the next few weeks. I've indicated we would not be the appropriate individuals to discuss this project since it is quasi judicial. She would like to set up a meeting with the appropriate County/Planning Department staff and representatives of Summerbrook, McBride, Killearn Lakes and other neighborhoods in the area to discuss this rezoning project. Is there any way that the school board can also be represented at this meeting because some have concerns mainly with the overcrowding of Chiles and other schools in the area. I've advised you have indicated you will coordinate that meeting as this rezoning is quasi judicial and restricts Commissioners from taking input outside the Public Hearing at the Commission meeting. Please let Commissioner Desloge know if he may be of help in any way. Much thanks for your help with his District 4 constituents in getting their questions answered. Oh and they need this meeting prior to the agenda item coming before the Commission.

5918673-631-4-4*

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours (excluding weekends and holidays) prior to the hearing. The phone number for the Planning Department is (850) 891-6400. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

If you have specific concerns that you may wish to have considered addressing factors that are unique to this area of the County, you may wish to submit written comments in response to this notice. These written comments will be presented to the Planning Commission and Board of County Commissioners.

The form below is for your convenience and may be returned to **Jiwuan Haley**, Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida 32301. The fax number for the Planning Department is (850) 891-6404. The Planning Department phone number is (850) 891-6400.

PLANNING DEPARTMENT

(LRZ180001)

I/We as owner(s) of Lot _____, Block _____ of the _____ (Subdivision)

or street address: 8060 Preservation Rd wish the following information to be considered by the Planning Commission/Board of County Commissioners:

This property should not be rezoned. The roads (Bannerman), schools and community cannot handle another large development or commercial lot like this

I VOTE NO!

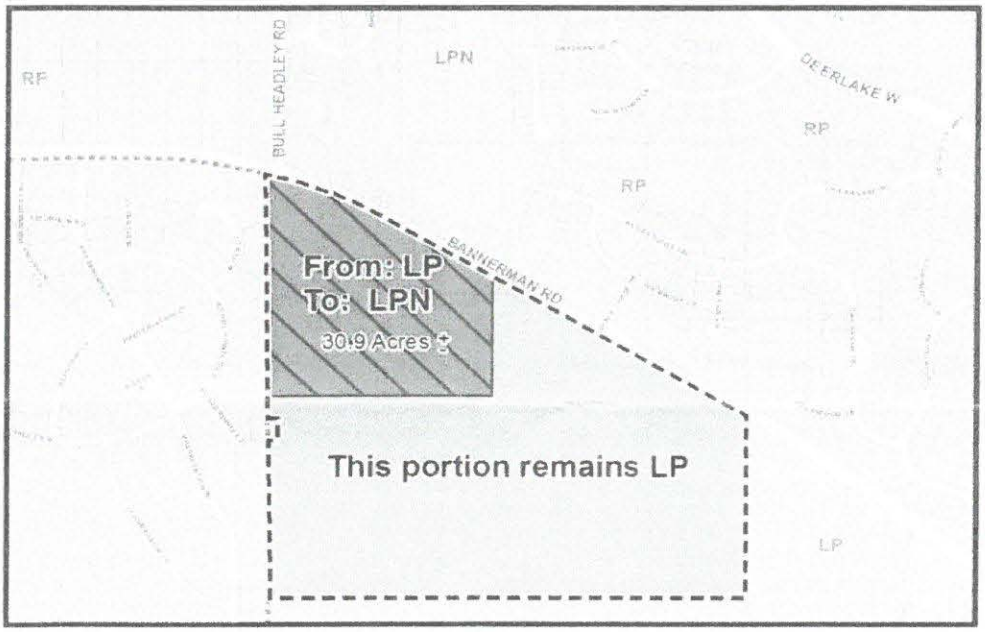
SIGNED: _____

Phillip Langdon

General Location Map

Bannerman Road LPN Rezoning

LRZ180001



RECEIVED
2018 MAR 23 A 7:03
TALLAHASSEE/LEON COUNTY

5914652 6249FCMP-3

Haley, Jiwuan

From: Snyder, Russell
Sent: Friday, March 23, 2018 11:07 AM
To: Haley, Jiwuan
Subject: FW: Questions

fyu

From: Bryant, Cherie (Planning)
Sent: Friday, March 23, 2018 11:06 AM
To: Snyder, Russell; Perrine, Beth
Subject: FW: Questions

For the record.

From: VARNF@comcast.net [mailto:VARNF@comcast.net]
Sent: Wednesday, March 21, 2018 11:22 AM
To: Desloge, Bryan
Cc: Tedder, Wayne; Rosenzweig, Alan; Bryant, Cherie (Planning); Long, Vince; Thiele, Herb; Morris, Ken; McDevitt, David
Subject: Re: Questions

Thanks. Can you tell me when and where the next public hearing will be held? Fred

On March 21, 2018 at 11:03 AM Bryan Desloge <DeslogeB@leoncountyfl.gov> wrote:

Fred, thanks for the feedback, but as Brenda has already mentioned - this issue is quasi-judicial and I can't discuss it outside the Public Hearing process at the meeting. I'm passing your email on to the appropriate staff with the request that it be included as a part of the public record. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Fred Varn" <varnf@comcast.net> 3/20/2018 8:53 PM >>>
Hey Bryan, I have a few questions for you. I've noticed that the intersection of Bull Headley and Bannerman is scheduled for a mixed use development, 200+ homes and 30 businesses. Also, as I understand it, the land close to Bannerman Crossings is slated to have 100+ apartments and the west end is scheduled for 200+ homesites in Oak Grove. So my easy question is will Bannerman be four-laned to accommodate the traffic? Also was there any cooperation between the City, County and School Board about the impact the growth will have on the schools in the area. If my numbers are correct, and each of those homes have just one child, that's 500 additional children for the schools to house, in already crowded conditions. I know at one time Bannerman was to be four laned from Thomasville Road to Tekesta, but don't you think that now it should go all the way to

Meridian? Also, what about sidewalks, will there be an extension from the original plan to Tekesta to continue further down Bannerman?

I apologize for all the questions, but there's lots of people in my area that are concerned about the congestion. It is already very congested during the rush hour traffic, and with the additional homes, it will be even more so.

I look forward to your responses. Thanks for your time and help.

Fred Varn
1405 Manor House Drive
32312

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Tuesday, March 27, 2018 1:58 PM
To: Snyder, Russell; Perrine, Beth; Haley, Jiwuan
Subject: Fw: Bannerman - Bull Headley rezoning - OPPOSED

For the record.

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Tuesday, March 27, 2018 1:53 PM
To: jktaylor99@comcast.net
Cc: Long, Vince; McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning)
Subject: Re: Bannerman - Bull Headley rezoning - OPPOSED

Jeanette, I wish I could talk with you about this rezoning, but it's considered quasi judicial governed by State statute. The only place I can speak about this project is in the public hearing at the Commission meeting. I'm forwarding your email with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Jeanette Taylor LAST_NAME <jktaylor99@comcast.net> 3/25/2018 8:00 AM >>>
Dear Mr. Desloge,

I am a Summerbrooke resident and have recently learned that the Leon County Planning Commission approved a zoning change to the large parcel of land at the corner of Bannerman and Bull Headley. If my understanding is correct, this change allows high density home construction as well as commercial building. As my representative on the county commission, you must be familiar with the Bannerman - Bull Headley area. As such, you certainly realize that a high density housing development or commercial building at that location would be a complete contrast to the surrounding area and not in a good way. Tucking a large high density housing development/commercial area into a country setting smacks of get-rich-quick schemes by builders with a blind nod from politicians. Let's not do that. Let's make what might be a tough choice to avoid change for change's sake and allow the land to be developed in a way that blends with its surrounding community and doesn't pave over the identity of this area. Thank you in advance for your responsible leadership on behalf of your constituency and opposing high density/commercial development at Bannerman and Bull Headley.

-Jeanette Taylor
Summerbrooke resident

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Tuesday, March 27, 2018 2:00 PM
To: Snyder, Russell; Perrine, Beth; Haley, Jiwuan
Subject: Fw: PUD corner Bull Headley and Bannerman

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Tuesday, March 27, 2018 1:56 PM
To: tom10i@comcast.net
Cc: Long, Vince; McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning)
Subject: Re: PUD corner Bull Headley and Bannerman

Tom, thanks for sharing your thoughts on this project. I wish I had information I could share, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Thomas Friedman <tom10i@comcast.net> 3/23/2018 5:24 PM >>>
Hi Bryan,

Just a note to advise I am opposed to granting Steve Ghazvini the ability to place up to 1000 homes along the Bannerman corridor as we are already having to widen Bannerman to handle the traffic that exists at present. I would certainly not oppose developing the land consistent with the neighboring subdivisions, perhaps a home or two per acre. After all, the owner of the land should be able to develop the land, so long as the use is consistent with adjacent properties.

Another concern is Bannerman Road traffic. As you advised me at our Rotary Club meeting sometime ago, the widening of Bannerman Road will take quite a while and still leave the road as a two laner past the entrance to Killearn Lakes. At a minimum, the road plan would have to be revised to add an additional mile or so to Bannerman. It is not beyond imagination that the overdevelopment of the Bannerman parcel could result in the eventual need to widen Bannerman to six lanes Bull Headley out to Thomasville Road. That would be costly for all taxpayers.

Also, given the movement of Leon County population to the Northeast, it is not inconceivable that 1000 homes could result in the need for an additional elementary, middle and high school in our area. Again, who is going to pay for this?

Please consider opposing the rezone of the above property.

Thanks,

Tom Friedman

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Tuesday, March 27, 2018 2:01 PM
To: Snyder, Russell; Perrine, Beth; Haley, Jiwuan
Subject: Fw: Bannerman Rd Congestion and Rezoning

Third one for the record.

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Tuesday, March 27, 2018 1:57 PM
To: Carol@rippeeconstruction.com
Cc: Long, Vince; McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning)
Subject: Re: Bannerman Rd Congestion and Rezoning

Carol, thanks for sharing your thoughts on this project. I wish I had information I could share, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Carol Rippee <Carol@rippeeconstruction.com> 3/22/2018 10:11 AM >>>
Dear gentlemen,
I am concerned over the county's approval of developments along Bannerman Road and their inability to adjust traffic flow to accommodate them, or provide a safe foot path. Now I hear Mr. Ghazvini is planning to build another development at the end of Bull Headley that required the county to re-zone the property. Please reconsider this change that will allow unfettered development until Bannerman Road has shoulders and turn lanes that will alleviate the current congestion, and sidewalks to provide a safe foot path from all Bannerman Road developments to the new center at Thomasville Rd. Mr. Ghazvini has many developments that he has incorporated. In Florida, each of these entities can legally donate the maximum political contribution to each of you. It is a massive amount of money that any politician could use for re-election. Please don't let Mr. Ghazvini purchase rezoning. This purchase power has directly influenced my family in the past. It is real. Please be aware of all the individuals the approval of this rezoning will affect. Make the right decision for infrastructure to be ahead of any more development along Bannerman Road.
Respectfully submitted,
Carol Rippee
Luna Plantation Resident

●●●●○ Verizon 11:45 AM

25 +1 (850) 570-0025

iMessage
Tue, Mar 6, 5:44 PM

Do you know what floor or room the meeting will take place?

2nd floor I believe, big glass room.

Doesn't look like I'll be able to make it tonight. Will check in with others in the morning.

I'll let you know how it goes 😀

Tue, Mar 6, 9:27 PM

The meeting just ended. There was a lot of debate. The chairman

iMessage

●●●●○ Verizon 11:45 AM

25 +1 (850) 570-0025

debate. The chairman of the committee motioned to deny however with further debate they all to Motioned to approve the zoning change

Now the real fighting must begin!!!!

Thanks. I'll check it out tomorrow at office. Anyone can just call the office fir updates and next steps in process if needed. We're always available fir anyone to come by and discuss with staff to see how we work. we have great staff that really cares.

iMessage

●●●●○ Verizon 11:45 AM

25 +1 (850) 570-0025

work. we have great staff that really cares.

👍. Thank you

Thu, Mar 8, 10:33 AM

Good morning, What did your team say about the meeting the other night?

What is the date of the county commissioner meeting? I have April 19 but my husband thinks it is April 10th

I'll check today and let u know when I get a chance. Haven't had a chance that follow up

iMessage

●●●●○ Verizon 11:45 AM

25 +1 (850) 570-0025

chance. Haven't had a chance that follow up

Thanks

Thank you

Thu, Mar 8, 4:54 PM

It's April 10th. I'll follow up with a call. I'll have to ask that future contact on the rezoning be to jiwaun in planning or Ryan in county office. Once things get to we're there's a site on plan, I can be involved in helping with design as that's my job on everything and will be better served to help all sides.

iMessage

●●●●○ Verizon 11:46 AM

25 +1 (850) 570-0025

Once things get to we're there's a site on plan, I can be involved in helping with design as that's my job on everything and will be better served to help all sides.

Yesterday 2:27 PM

Hi Jeremy, I want to email you a couple of questions. What is your email address? I only have your personal one

No worries. It's jeremy.floyd@talgov.com. Sorry I've been in meetings all day

Delivered

iMessage

Haley, Jiwuan

From: Floyd, Jeremy
Sent: Wednesday, March 28, 2018 11:55 AM
To: Haley, Jiwuan
Subject: FW: Backhoe Inquiry on Preservation and Summerbrooke Drive

I was asked about the backhoe at the easter egg hunt over the weekend and provided customer service on that. The backhoe has since disappeared.

From: melissatemplar@aol.com [mailto:melissatemplar@aol.com]
Sent: Monday, March 26, 2018 2:57 PM
To: Floyd, Jeremy
Subject: Re: Backhoe Inquiry on Preservation and Summerbrooke Drive

THANK YOU!!!!!! We will

Sent from AOL Mobile Mail

On Monday, March 26, 2018, Floyd, Jeremy <Jeremy.Floyd@talgov.com> wrote:

Melissa,

I checked on the backhoe parked along preservation near the beaver dam. I would suggest reporting it. I checked with county DSEM and there's a chance it could be construction equipment parked out there ready to operate without a permit or it could be related to some utility work along the road on preservation which is city ROW. Since there's a county project, but the backhoe is parked inside city limits you probably should report it to both on digitally thru the digitally app with a picture of it along with the street intersection and parcel id which is: 141835 0001. I couldn't tell if it was parked on city ROW or HOA property.

The county place to report it is: http://www2.leoncountyfl.gov/servicerequest/

This would get someone out to check on it either way and confirm that any permits have been pulled properly or not.

I spoke with Nawfal about it and he said to feel free to call him anytime with questions or concerns.

Thanks again,

Floyd

Jeremy Floyd, PLA, ASLA

Administrator / DesignWorks

Tallahassee-Leon County Planning Dept.

Comprehensive Planning & Urban Design

850.891.6427 • **jeremy.floyd@talgov.com**



Please note that under Florida's Public Records laws, most written communications

to or from city and county staff or officials regarding public business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

Haley, Jiwuan

From: Floyd, Jeremy
Sent: Wednesday, March 28, 2018 11:56 AM
To: Haley, Jiwuan
Subject: FW: Bannerman Parcels next to Summerbrooke
Attachments: Summerbrooke talking points for planning commission.docx

I didn't respond to this. I believe I mentioned this email to Russell and Cherie.

From: melissatemplar@aol.com [mailto:melissatemplar@aol.com]
Sent: Tuesday, March 06, 2018 1:27 PM
To: Floyd, Jeremy
Subject: Re: Bannerman Parcels next to Summerbrooke

Hi Jeremy,

Attached are some of our talking points for tonight's meeting. Will you review this and call me to chat 850-570-0025?

Melissa

-----Original Message-----
From: Floyd, Jeremy <Jeremy.Floyd@talgov.com>
To: melissatemplar <melissatemplar@aol.com>
Cc: Ezzagaghi, Nawfal <EzzagaghiN@leoncountyfl.gov>
Sent: Thu, Mar 1, 2018 11:19 am
Subject: Bannerman Parcels next to Summerbrooke

Melissa,

Here is the link to the GIS map we discussed. Attached is a screen clip of where you can turn on different aerial years and flood zone layers. Any other map info can be found in the map gallery at www.tlcgis.org.

http://tlcgisinter.leoncountyfl.gov/landinfopublic/index.html

Just click the link and then zoom into where the parcel is next to Summerbrooke. Just call us if you have any questions. I copied Nawfal if he has anything to add.

Thanks,

Floyd

Jeremy Floyd, PLA, ASLA
Administrator / DesignWorks
Tallahassee-Leon County Planning Dept.
Comprehensive Planning & Urban Design

850.891.6427 • jeremy.floyd@talgov.com

PLANNING DEPARTMENT

DESIGNWORKS a division of PLACE

Please note that under Florida's Public Records laws, most written communications to or from city and county staff or officials regarding public business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

CONCERNS:

According to policy 2.2.18 Lake Protection: "The intent of the "Lake Protection" category is to ensure that development within the Lake Jackson basin occurs in a sustainable and environmentally sound manner with minimal impact to water quality. The Lake Protection category is the basis for regulation and where appropriate, limitation of development and redevelopment of land within the Lake Jackson basin.

Changing the zoning to Lake Protection Node will impact the quality of the waterways in the Summerbrooke neighborhood and ultimately affect Lake Jackson in a negative way. The chain of lakes in SummerBrooke do ultimately flow into Lake Jackson. Therefore, by changing the zoning will contradict the comprehensive lake protection plan.

1. We have already been impacted in a negative way by the clear cutting of trees in this parcel of land. Proper environmental protection techniques were not followed thus causing major accumulation of sediments in the SummerBrooke lakes. This could have long term impacts on our lakes as well as Lake Jackson. (see before & after pictures)
2. Over time, these sediments will clog our waterways between the lakes and water flow will slow. This will potentially cause some localized flooding within Summerbrooke and may do the same in the other lakes that flow into Lake Jackson. These sediments have already made our lakes more shallow which promotes vegetation growth and increases our maintenance costs. Over time, extensive sediment accumulations will reduce the capacity of our lakes.
3. Our Summerbrooke lakes were designed to handle runoff for Summerbrooke only. They were not designed to take on additional run off from the development of this parcel. Is the city or developer willing to dredge/deepen our lakes in order for them to be capable of handling additional run off from this new development too?
4. We have already seen how the land owner or developer of this property removed a berm that was designed to hold back excess water from running into the Summerbrooke lakes. From aerial views, you can see how much tainted water is currently sitting on this property. If we are hit by a really good rain storm, will send all of this tainted water in to our waterways, further damaging our lakes.

If this land is granted to be more densely developed than what the comprehensive plan originally had for this land:

1. How much additional stormwater runoff will enter the Summerbrooke lakes?
2. What water quality parameters or sediment accumulation measurements will the City of Tallahassee or Leon County monitor to determine impacts?
3. What information will be accepted as proof?

4. Who will do this monitoring and what specific activities and parameters are being monitored?

In 2016, Leon County built new small holding ponds to hold stormwater from the Bradfordville development into Lake Arrowhead within Killearn Lakes. The dams broke and Lake Arrowhead turned turned chocolate brown from excessive stormwater runoff. The county claimed no responsibility. Therefore, I have extreme concern that this will happen with our lakes with excess stormwater entering them.

CONCERNS:

II. TRAFFIC on Bannerman Rd is already past capacity. In the morning and evening, the road is extremely backed up. Having this parcel developed in a more dense manner will only add to more traffic on our roads. Thus impacting the quality of the lives of those who already live here.

1. If this land is granted Lake Protection Node, can the developer be forced to expand the road similar to what the developer did at the Bannerman Crossings?

III. IMPCAT ON WILDLIFE: We have already seen the impact of the clearcutting of the parcel of land impact the Summerbrooke neighborhood. Wildlife that once lived in that forest have now moved into Summerbrooke. We have seen a dramatic increase in the number of missing pets in our neighborhood

IV**. Impact on the schools**: The Summerbrooke neighborhood (and surrounding neighborhoods) have seen a resurgence in the number of young families moving in. Therefore, there will be an increased number of children going to these schools. By building an additional neighborhood will put added pressure on capacity.

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Thursday, March 29, 2018 11:28 PM
To: Perrine, Beth; Haley, Jiwuan; Snyder, Russell
Subject: Fw: Proposed Development at 1665 Bannerman Road

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, March 29, 2018 2:16 PM
To: lunamanager2016@gmail.com
Cc: Long, Vince; McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Proposed Development at 1665 Bannerman Road

Luna, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!
>>> Luna Manager <lunamanager2016@gmail.com> 3/27/2018 3:51 PM >>>
I have lived on Bull Headley Road for 33 years. In that time I have seen the increased density and growth in the NE. Even with all the development allowed by Leon County over the years Bannerman Road remains a 2 lane road. The traffic has dramatically increased, the number of accidents has increased, and the quality of life for those of us who have to use Bannerman to get out of our neighborhoods has dramatically decreased. It is irresponsible for the County Commission to continue to permit growth without the proper infrastructure. The proposed development on the Cawthon property will adversely impact everyone in this area. Why the Commission would allow more density in such an environmentally sensitive area is beyond me. All the lakes on that property eventually drain into the Lake Jackson basin. There has been enough damage done there already with the unregulated logging which took place over the past 2 years.

There are serious concerns among the citizens of the NE that “money talks” and that developers like Steve Ghazvini and Premier Homes have bought their way through all of the county permitting process. They are allowed to contribute to campaigns with every LLC they create. Their track record of clear cutting, violating storm water regulations and other violations is well documented. It’s all about the money. As several of the committee persons at the joint planning meeting said – there are a lot of communities that would welcome this type of development – the NE is already dense enough. Please reconsider allowing the zoning change for this development.

Sent from Mail for Windows 10

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Thursday, March 29, 2018 11:30 PM
To: Haley, Jiwuan; Snyder, Russell; Perrine, Beth
Subject: Fw: Proposed zoning change for Bull Headley and Bannerman Road intersection.

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, March 29, 2018 2:05 PM
To: beneshj@yahoo.com
Cc: Long, Vince; McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Proposed zoning change for Bull Headley and Bannerman Road intersection.

Janet,
thanks for sharing your thoughts on this project. I wish I had information I could share, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

>>> Janet Benesh <beneshj@yahoo.com> 3/29/2018 1:42 PM >>>
Commissioner Desloge,

Please accept my comments regarding the proposed zoning change to be discussed at the April 10 hearing. If changed, existing NE neighborhoods will be adversely impacted.

Currently, a developer would only be able to build 2 homes per acre on that land, since it is part of Tallahassee's Lake Protection Program. However, if the zoning is allowed to be changed as recommended by the Zoning Commission, a developer will be able to build over 8 homes per acre. Below are the impacts this zoning change, if approved, will have on the NE neighborhoods including, Luna Plantation, Killearn Lakes, McBride, Ox Bottom and Summerbrooke.

- There wasn't a site plan included so it's unknown what type of development will be proposed and what impact there will be on the adjacent properties if it is rezoned. Unbeknownst to the NE residents, the land appears to have been cleared approximately 2 years ago, possibly in preparation to start the process of a zoning change and the development of homes.
- Increased traffic and concerns that a connection into SummerBrooke will be made.
- Runoff from development could impact the lakes negatively.
- The impact additional development will have on local schools, parks and the community.

Above are my concerns as a Summerbrooke resident for the hearing on the proposed rezoning application submitted by Greenmen-Pedersen Inc. Any retail and or residential plans for this land portion will be detrimental to the overall congested areas in existence along Bannerman road. Existing rush hour traffic on roads that are only two lanes and the impact on schools that already exceed their capacity provide reason enough for a rejection of this proposed new zoning and any subsequent development plans. The existing growth of retail establishments on Bannerman and the new large residential developments on Ox Bottom will overwhelm the Northeast soon enough. More retail and residential plans are not needed. Rejecting the zoning proposal will go a long way in keeping development responsible.

The Commission should continue to encourage growth of affordable housing and retail development on the South Side of Tallahassee. The NE is over developed.

Thank you very much.

Sincerely,

Jan Benesh
428 Summerbrooke Dr
Tallahassee, Fl 32312

Haley, Jiwuan

From: Floyd, Jeremy
Sent: Wednesday, March 28, 2018 9:09 AM
To: Haley, Jiwuan
Subject: FW: school board impact report and quick question on posting

Jiwuan,

I am going to remind them you are the point of contact. I discussed with Cherie per her email last night. Can you please respond to Melissa below and ask her to direct all future inquiries to you directly for planning?

On a side note, I drove by the frontage yesterday on my way to meet my family and did not see the rezoning sign as mentioned below. Someone may want to look into it and confirm.

Thanks,

Floyd

From: melissatemplar@aol.com [mailto:melissatemplar@aol.com]
Sent: Wednesday, March 28, 2018 8:01 AM
To: Floyd, Jeremy
Subject: Fwd: school board impact report and quick question on posting

Hi Jeremy,

Has there been any school impact reports done for all of the recent development activity in this NE section of town (Bannerman Rd and OxBottom Rd & Bull Run)?
I would be interested in seeing these reports. How can I get a copy?

Also, I thought I read that when proposed zoning or development activity is happening, the land owner or developer has to post this on the property? There have never been any postings along Bannerman Rd for that parcel of land that was cleared and is now going though a formal request for zoning change. Should this be reported to someone?

Thank you,

Melissa
570-0025

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Monday, April 02, 2018 1:25 PM
To: Snyder, Russell; Perrine, Beth; Haley, Jiwuan
Subject: FW: Bannerman/Bull Headley Development and Zoning

From: Bryan Desloge [mailto:DeslogeB@leoncountyfl.gov]
Sent: Monday, April 02, 2018 1:18 PM
To: sharygard@embarqmail.com
Cc: McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Bannerman/Bull Headley Development and Zoning

Shary, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Shary Gard" <sharygard@embarqmail.com> 4/1/2018 10:39 PM >>>
Dear Commissioner,

I'm writing to ask for your reconsideration regarding the zoning of Bannerman/Bull Headley development. If the development cannot be stopped, I at least encourage you to ensure the property will be developed in a responsible way. The traffic, overcrowding in schools, decreasing my home value and potentially filling our beautiful lakes with runoff pollution are all disconcerting to me as a homeowner in the SummerBrooke neighborhood.

Anything you can do to improve and/or resolve this situation would be appreciated. Thank you for your service as county commissioner.

Shary Gard

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Wednesday, April 04, 2018 3:13 PM
To: Snyder, Russell; Haley, Jiwuan; Perrine, Beth
Subject: FW: Bannerman rezoning

From: Jeff Barbacci [mailto:jfb@thf-cpa.com]
Sent: Tuesday, April 03, 2018 2:08 PM
To: Desloge, Bryan
Cc: McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: RE: Bannerman rezoning

Thank you, I understand and I appreciate your response. I won't be able to be at the meeting which is the primary reason I wanted to contact you by email. I am sure there will be plenty of representation though. If there is anything I can do to help please don't hesitate to call me.

Jeff Barbacci, CPA
Shareholder, Assurance Services Department
Director of Assurance Services Department

Thomas Howell Ferguson P.A.
Certified Public Accountants

2615 Centennial Blvd., Ste 200 | Tallahassee, FL 32308
main 850.668.8100 | direct 850.521.3146
fax 850.668.8199

website | vCard

TALLAHASSEE ◣ TAMPA

NOTICE: This email and any attachments are only intended for the person(s) to whom it is addressed. It may contain confidential information and may be protected by legal privilege. Unless stated to the contrary, any opinions or comments are personal to the writer and do not represent the official view of Thomas Howell Ferguson P.A. If you have received this email in error, please notify us immediately by reply email and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

Any advice or information in the body of this email is subject to, and limited by, the terms in the applicable engagement letter or statement of work, including provisions regarding tax advice. Thomas Howell Ferguson P.A. is not responsible for, and no person should rely upon, any advice or information in the body of this email unless such advice or information relates to services contemplated by an engagement letter or statement of work in effect between such person and Thomas Howell Ferguson P.A.

From: Bryan Desloge [mailto:DeslogeB@leoncountyfl.gov]
Sent: Tuesday, April 3, 2018 1:55 PM
To: Jeff Barbacci
Cc: David McDevitt; Herb Thiele; Cherie Bryant; Wayne Tedder
Subject: Re: Bannerman rezoning

Jeff, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Jeff Barbacci <jfb@thf-cpa.com> 4/2/2018 10:01 PM >>>
Commissioner Desloge,

I hope you will vote NO to the Bannerman rezoning proposal scheduled for vote on April 10th. As a resident of Summerbrooke I have serious concerns about the addition of a large development of up to 8 houses per acre. Beyond the obvious environmental concerns, Bannerman road is already a parking lot in the morning and evening rush hours, Chile's high school is already overcrowded and crime is already increasing. I am not opposed to development but we need infrastructure in place and proper planning done before it happens. Under no circumstances would I be in favor of high density housing on that land. I hope you will vote responsibly by voting NO to the zoning change.

Jeff Barbacci
1355 Conservancy Dr E

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Wednesday, April 04, 2018 3:13 PM
To: Snyder, Russell; Haley, Jiwuan; Perrine, Beth
Subject: FW: Bannerman rezoning

From: Bryan Desloge [mailto:DeslogeB@leoncountyfl.gov]
Sent: Tuesday, April 03, 2018 1:55 PM
To: jfb@thf-cpa.com
Cc: McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Bannerman rezoning

Jeff, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Jeff Barbacci <jfb@thf-cpa.com> 4/2/2018 10:01 PM >>>
Commissioner Desloge,

I hope you will vote NO to the Bannerman rezoning proposal scheduled for vote on April 10th. As a resident of Summerbrooke I have serious concerns about the addition of a large development of up to 8 houses per acre. Beyond the obvious environmental concerns, Bannerman road is already a parking lot in the morning and evening rush hours, Chile's high school is already overcrowded and crime is already increasing. I am not opposed to development but we need infrastructure in place and proper planning done before it happens. Under no circumstances would I be in favor of high density housing on that land. I hope you will vote responsibly by voting NO to the zoning change.

Jeff Barbacci
1355 Conservancy Dr E

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Wednesday, April 04, 2018 3:12 PM
To: Snyder, Russell; Haley, Jiwuan; Perrine, Beth
Subject: FW: Against rezoning Bull Headley and Bannerman Road

---

From: Bryan Desloge [mailto:DeslogeB@leoncountyfl.gov]
Sent: Wednesday, April 04, 2018 2:55 PM
To: GMAIL(riordantim1
Cc: McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Against rezoning Bull Headley and Bannerman Road

Tim, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "GMAIL(riordantim1" <riordantim1@gmail.com> 4/4/2018 11:33 AM >>>
I am a SummerBrooke resident for 28 years and I am against the rezoning of subject area to 8 houses per acre!

Meridian and Bannerman Roads are at full capacity at morning and evening work times as is.

Please respond,
Tim Riordan
7014 Upland Glade
Tallahassee, FL 32312
850-545-9393

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Wednesday, April 04, 2018 3:11 PM
To: Snyder, Russell; Haley, Jiwuan; Perrine, Beth
Subject: FW: Rezoning at 1665 Bannerman Road

From: Bryan Desloge [mailto:DeslogeB@leoncountyfl.gov]
Sent: Wednesday, April 04, 2018 3:01 PM
To: bmitchell7@comcast.net
Cc: McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Rezoning at 1665 Bannerman Road

Bruce, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> BRUCE MITCHELL <bmitchell7@comcast.net> 4/3/2018 1:57 PM >>>
Dear Commissioners,

We would like to request that you **oppose** the rezoning request at 1665 Bannerman Road. There are 4 major reasons that we are concerned with this development. The first reason is if this property is rezoned to LPN the potential of high density building could occur which could mean a developer could build 8 homes per acre. This could mean eventually 1000 homes could be developed on this property. This could bring down the value of our homes in the surrounding neighborhoods, especially the ones that back up to this parcel. We learned that the property owner cleared almost all of the trees on that parcel of land, paving the way for the development approximately 2 years ago. This clearing was not known to the surrounding neighborhoods (SummerBrooke, Killearn Lakes, McBride, Oxbottom, Luna Plantation, etc.). We learned at the County Commission Land Development meeting that during this clearing, the berm that protected the lakes in the SummerBrooke subdivision from runoff pollution and silt was destroyed and **never rebuilt**. The SummberBrooke HOA has been dealing with this atrocity ever since. A biologist assisted the group with their assessment. Therefore, was this done legally? Shouldn't there be some accountability for this environmental impact?
If it's affected the lakes in the last 2 years from this runoff what will be the impact when they start building all the homes/buildings in the future? This needs to be addressed now instead of later.

The other concerns involved in this development relate to the impact that it will have on our local schools. This could overcrowd Hawks Rise, Deerlake, and Chiles. I feel the Leon County School

Board needs to be involved in the request of this zone changing. Traffic congestion on Bannerman Road is already horrendous and adding a new development will make it even more frustrating since we have been told it could take 7 or 8 years before Bannerman Road is expanded.

Again, for these reasons, please re-consider rezoning this property on Bannerman Road or at least make sure the development of this property is done in a responsible way. Thank you for your consideration and assistance.

Becky Mitchell

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Thursday, April 05, 2018 8:59 AM
To: Snyder, Russell; Haley, Jiwuan; Perrine, Beth
Subject: Fw: Rezoning of Property on Bannerman Rd.

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, April 5, 2018 8:56 AM
To: rexanderson5@gmail.com
Cc: McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Rezoning of Property on Bannerman Rd.

Rex, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Rex Anderson <rexanderson5@gmail.com> 4/5/2018 8:26 AM >>>
Dear Mr. Desloge,

I received information regarding the potential rezoning of property located on Bannerman Road near SummerBrooke subdivision. This property is currently zoned for 2 homes per acre and the developer is requesting the property be rezoned to build additional homes per acre. As a resident of SummerBrooke subdivision, I would strongly oppose any manner of rezoning that would increase the housing density in this area. We already have too much traffic on Bannerman road and the schools are already overcrowded. We should not allow a greedy developer to make things worse for the current residents.

Thank you for your support in fighting this potential rezoning error and as serving as our Commissioner.

Rex Anderson

1352 Conservancy Dr. E.

Tallahassee, FL 32312

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Thursday, April 05, 2018 9:00 AM
To: Snyder, Russell; Haley, Jiwuan; Perrine, Beth
Subject: Fw: Rezoning of the parcel of land at the corner of Bull Headley and Bannerman Road

---

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, April 5, 2018 8:58 AM
To: chodyla@yahoo.com
Cc: McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Rezoning of the parcel of land at the corner of Bull Headley and Bannerman Road

Bernard, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> bernard chodyla <chodyla@yahoo.com> 4/4/2018 5:34 PM >>>
Dear Mr Desloge,

i would like to voice my opposition to rezoning of the parcel of land at the corner of Bull Headley and Bannerman Road from 2 homes per acre to high density housing.

Regards

Bernard Chodyla

SummerBrook homeowner

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Friday, April 06, 2018 12:08 PM
To: Perrine, Beth; Snyder, Russell; Haley, Jiwuan
Subject: FW: Scanned Opposition on Bannerman Rezoning Distributed to Commissioners
Attachments: Scanned from a Xerox Multifunction Printer.pdf

I believe this is what we were mailed, but just making sure so it is recorded.

From: Ken Morris [mailto:MorrisK@leoncountyfl.gov]
Sent: Tuesday, April 03, 2018 6:56 PM
To: McDevitt, David; Wilcox, Barry; Bryant, Cherie (Planning)
Subject: Fwd: Scanned Opposition on Bannerman Rezoning Distributed to Commissioners

fyi. The attachment includes a three page cover letter listing Summerbrooke's objections to the rezoning and questions about the impact to the area. They appear to be the same objections/questions we reviewed on Friday but now we have them in writing. The rest of the attachment is the information packet that we were handed on Friday which is attached to the agenda item.

Ken Morris
Assistant County Administrator
Leon County, FL
301 S. Monroe St.
Tallahassee, FL 32301
(850) 606-5300

>>> Stephanie Holloway 4/3/2018 12:40 PM >>>
Please find the attached document which was distributed to Commissioners today regarding the April 10th Public Hearing.

Stephanie Holloway
Senior Executive Assistant
Leon County Administration
301 South Monroe Street
Tallahassee, FL 32301
Office: 850.606.5319
Fax: 850.606.5301

www.LeonCountyFL.gov

"People Focused. Performance Driven."

Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

>>> <CAdm_ExecAsst2@leoncountyfl.gov> 4/3/2018 12:16 PM >>>

Please open the attached document. It was scanned and sent to you using the CAdm_ExecAsst2 Xerox Multifunction Printer.

Sent by: Guest [CAdm_ExecAsst2@leoncountyfl.gov]
Number of Images: 22
Attachment File Type: pdf, Multi-Page

Multifunction Printer Location:
Device Name: CAdm-ExecAsst2
Device Serial Number: E1B982161
Multifunction Printer IP Address: 10.101.50.180
Device MAC Address: 9c:93:4e:48:90:c0

April 2, 2018

MEMO TO:

Bryan Desloge, County Commissioner, Dist. 4

John Dailey, County Commissioner, District 3

Kristin Dozier, County Commissioner, District 5

Jimbo Jackson, County Commissioner, District 2

Mary Ann Lindley, County Commissioner, At-large

Nick Maddox, County Commissioner, At-large

Bill Proctor, County Commissioner, Dist. 1

Subject:

Rezoning application for 1665 Bannerman Rd. for 30.9 acres from LP to LPN.

Public hearing will be held on April 10, 2018 in County chambers at 6:00 pm.

Ladies & Gentlemen,

I am listing a summary of why the Summer Brooke community is **so strongly opposed** to this rezoning request. Our concerns are as follows:

> **"Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood." VISION STATEMENT AND IMPLEMENTATION (REV. EFF.7/26/06; REV. EFF. 1/7/10)**

This rezoning application ignores the entire Vision statement as referenced above including but not limited to: natural beauty, degradation of County's natural resources, orderly growth, leap frog development, traffic safety and flow, plan's purpose to preserve, protect and enhance quality of life for all citizens, natural environment, aesthetic environment, eliminated unwise land use decisions paid for by the general populace, perception of a constant assault on neighborhoods, maintain integrity of existing neighborhoods, linkage between land use and infrastructure AND the belief the Comprehensive Plan is a living document.

1. **This rezoning application ignores the Vision statement, Land Use Goals & Objectives, Goal 1: [L] (EFF. 7/16/90). The Comprehensive Plan shall protect and enhance the quality of life in this community by providing economically sound educational, employment, and cultural, recreational, commercial, industrial, & professional opportunities to its citizens while channeling inevitable growth into locations and activities that protect the natural and aesthetic environments and residential neighborhoods.**

2. **Policy 1.4.5: [L] (REV. EFF. 12/10/91)**

C: Any request for a change in zoning use classification and specific zoning district mapping within a future land use category shall be evaluated for consistency with the adopted Goals, Objectives, and Policies of the Plan as well as consistency with and the furtherance of the intent of the future land use category in which it is located.

3. **Policy 2.2.18: [L] LAKE PROTECTION (REV.EFF.12/22/95;REV.EFF.7/26/06;RENUMBERED 3/14/07;REV.EFF.7/14/14;REV.EFF.7/6/15)**

INTENT:

Lake Jackson is both an Outstanding Florida Water and Aquatic Preserve, unique waterway, has historically suffered from water quality issues associated with rapid urbanization and largescale roadway projects, is designated "IMPAIRED" by FDOEP.

4. **The Smart Growth principles do NOT apply to this area due to inability to create walkable neighborhoods, unable to foster distinctive, attractive communities with strong sense of place, preserve natural beauty, and critical environmental areas, will not provide a variety of transportation choices, and does not make development decisions that are predictable, fair and cost effective**

Objection #1:

The impact high density development and the increase in density of homes per acre will allow for lower income residents, allow for smaller homes with minimal square footage , thus causing a decrease in our property values.

Objection #2:

Daily traffic count on Bannerman Rd. averages 17, 200 vehicles according to FDOT report dated 2016. (Included as ATT 3 in packet). County officials have indicated the Blueprint Sales Tax will not take place until 2020 to even consider widening Bannerman Rd and then only to Tekesta.

Objection #3:

School Impact Analysis Form is (included as ATT4 in packet.) This is the data that was included in packet that the Leon County Planning Commission received dated 2/28/18.

The following is the current data provided by Leon County Schools for:

Hawks Rise at 878 students (96%) capacity;

Killearn Lakes Elementary 866 (90%)capacity

Deerlake Middle School 987 (78%)capacity

Chiles 2044 (102%).over capacity

The NE quadrant of Leon County continues to experience RAPID, CONTINUAL GROWTH .

What impact will this have on the schools, neighborhoods, families and children living in the Southern Quadrant? They must be feeling claustrophobic, trapped, and unable to escape their situation.

Will any of these schools in the SE Quadrant have to close?

If this rezoning is approved, when will the schools in NE quadrant feel the impact?

In closing, I respectfully encourage each of you to realize the **oath of office** you took before undertaking the duties as County Commissioners. You agreed to be faithful and impartial when performing the duties of this office.

Respectfully submitted,

Pamela Briggs

Pamela Briggs

1213 Conservancy Dr. E

Tallahassee, FL 32312

Leon County Government Organization Chart

People Focused. Performance Driven.



Citizens of Leon County

VOTER ELECTED
- Judicial
- Clerk of the Court Circuit and Comptroller
- Property Appraiser
- Supervisor of Elections
- Tax Collector
- Sheriff

Board of County Commissioners



Herbert W. A. Thiele
County Attorney



Vincent S. Long
County Administrator



Wanda Hunter
Assistant County Administrator
Citizen Services



Maddew Cavell
Assistant to the County Administrator
Community Relations and Resilience



Alan Rosenzweig
Deputy County Administrator



Andrew Johnson
Assistant to the County Administrator
Legislative and Strategic Initiatives



Candice Wilson
Director
Human Resources



Ken Morris
Assistant County Administrator
Community Development



Cay Hohenstein
Director

Library Services
- Branch Libraries
- Ask a Librarian and Reference
- Community Programming
- Learning Resources
- Technology and Media



Teresa Broxton
Director

Office of Intervention and Detention Alternatives
- Probation
- Supervised Pretrial Release
- Drug and Alcohol Testing
- PSCC
- Liaison - Judiciary, State Attorney, Public Defender, Law Enforcement



Shington Lamy
Director

Office of Human Services and Community Partnerships
- Housing Services
- Human Services
- Primary Healthcare
- Veteran Services
- CHSP
- VolunteerLEON



Chad Abrams
Chief

Office of Public Safety
- Emergency Medical Services
- Consolidated Dispatch Agency
- Animal Control



Britney Smith
Manager

Community and Media Relations
- Public Information
- Citizen Engagement
- Social Media Outreach
- Special Event Coordination and Planning



Kevin Peters
Director

Emergency Management
- Disaster Preparedness and Response
- 9-1-1 Operations
- Disaster Plan Review
- Emergency Exercises and Trainings



Pat Curtis
Director

Office of Information and Technology
- Management Information Services
- Geographical Information Systems



Scott Ross
Director

Office of Financial Stewardship
- OMB
- Risk Management
- Purchasing
- Real Estate Management



Maggie Theriot
Director

Office of Resource Stewardship
- Sustainability
  - Recycling
- Parks and Recreation
  - Community Centers
- Facilities Management
- Solid Waste
- Cooperative Extension



David McDevitt
Director

Department of Development Support and Environmental Mgmt.
- Environmental Services
  - Petroleum Storage Tanks
- Development Services
- Building Plans Review and Inspection
- Permit/Code Services



Ben Pingree
Director

Department of P.L.A.C.E. (Planning, Land Management and Community Enhancement)
- Planning
- Blueprint
- Office of Economic Vitality
- M/WSBE



Tony Park
Director

Department of Public Works
- Operations
  - Mosquito Control
- Engineering Services
  - Construction Management
- Fleet Management



Kerri Post
Director

Tourism Development
- Destination Marketing
- Sports Tourism
- Signature Event Grants
- Amphitheater Concert Series
- Culture and Arts

"Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood". VISION STATEMENT AND IMPLEMENTATION (REV. EFF. 7/26/06; REV. EFF. 1/7/10)

Presentation given at joint meeting on March 30, 2018

In opposition of rezoning request of 30.9 acres at 1665 Bannerman Rd. Tallahassee, FL

Prepared by:

Pam Briggs

Summer Brooke HOA Board Member

VISION STATEMENT AND IMPLEMENTATION (REV. EFF. 7/26/06; REV. EFF. 1/7/10)

We are fortunate to have retained the natural beauty that inspired the sitting of Florida's state capital. The community relies upon the comprehensive plan to protect the natural resources and scenic beauty while encouraging the responsible, healthy growth of Tallahassee and Leon County. The comprehensive plan seeks to balance the management of growth with environmental protection but gives precedence to environmental protection.

Evolving land use patterns within the County have exhibited sprawl characteristics. Sprawl is, perhaps, the most inefficient pattern of land use. Costs associated with the provision of both capital and social infrastructure are higher than more compact patterns. This must be taken into consideration when local government is faced with limited fiscal resources and increasing demand for services.

Sprawl encourages degradation of the County's natural resources by prematurely committing vast areas to the impact of urbanization. Phased, orderly growth mitigates this situation by comprehensively addressing development impacts to our natural systems. Leap frog development associated with sprawl is piecemeal in nature and is detrimental to any type of comprehensive framework.

Another aspect of urban sprawl is the tendency toward strip commercial development, i.e., the commercialization along major streets which occurs as infill between sprawled developments. This strip development negatively affects traffic safety and flow, as well as creating aesthetic problems associated with advertising signs. While many of the negative effects of strip development can be controlled to some extent by regulatory means, a more positive approach is to prevent its spread by means of land use policies. The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens.

The plan encourages and supports economically sound residential, educational, employment, and cultural, recreational, commercial and industrial opportunities for the citizens. This is facilitated by systematically planning for growth, development and redevelopment

The natural environment is one of the many criteria which, when combined, form the community's perceived quality of life. **The natural environment is a major component in the quality of life equation for Leon County. As such, it must be protected. Development and the ancillary activities associated with it must be channeled into locations that protect the natural and aesthetic environment. Unwise land use decisions which ultimately require expensive environmental retrofitting, paid for by the general populace, must be eliminated**. In order to achieve this, it is the intent of this Plan to include strong environmental objectives and policies within the Land Use Element and other applicable portions of the Plan.

The residential environment is also one of many criteria which form the community's perceived quality of life and must be protected. An economic base of stable public employment has fostered development of stable residential neighborhoods. **Citizens identify with and value their neighborhoods in all parts** of the community and at all income levels. Containing sprawl will necessarily increase density and intensity in the existing urban area. **Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood.** Not only actual changes, but also the perception of a constant assault on a neighborhood undermines an otherwise desirable residential environment. Development and its ancillary activities should be channeled into locations that offer the greater opportunity for the higher density and mixture of uses that a policy of urban containment encourages. **It is the intent of the plan to maintain the integrity of existing neighborhoods while encouraging new residential developments to incorporate a wider range of nonresidential uses.**

Essential for planning are objectives and policies that protect and enhance the natural environment, water resources, the canopy roads, and residential neighborhoods. To this end, regulatory tools such as concurrency management, urban service area designation, planned unit developments and special protection zones are used to foster the community's vision. **An underlying premise is the linkage between land use and infrastructure**. The plan is based on the principle that development should pay for itself and this vision is implemented, in part, through the accomplishment of several strategies described below.

Our comprehensive plan is a living document, used every day in decisions made by local governments. It is regularly reviewed and amended to ensure that it remains current and consistent with our community vision.

LAND USE GOALS, OBJECTIVES AND POLICIES

Goal 1: [L] (EFF. 7/16/90)

The Comprehensive Plan shall protect and enhance the quality of life in this community by providing economically sound educational, employment, and cultural, recreational, commercial, industrial and professional opportunities to its citizens while channeling inevitable growth into locations and activities that protect the natural and aesthetic environments and residential neighborhoods.

Policy 1.1.1: [L] (REV. EFF. 7/20/05)

In order to discourage urban sprawl, new development shall be concentrated in the urban service area plus in the Woodville Rural Community future land use category and the rural communities of Capitola, Chaires, Ft. Braden and Miccosukee, as designated on the future land use map.

GROWTH MANAGEMENT/ URBAN SERVICES AREA Objective 1.1: [L] (EFF.7/16/90; REV. EFF. 7/26/06; REV. EFF. 12/24/10)

Direct development to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and the service capacity to accommodate growth in an environmentally acceptable manner.

This shall be accomplished in part through the establishment and maintenance of an Urban Service Area (USA) concept. This **Urban Service Area (USA) concept is based upon a desire to have Tallahassee and Leon County grow in a responsible manner, with infrastructure provided economically and efficiently, and surrounding forest and agricultural lands protected from unwarranted and premature conversion to urban land use.** An urban service strategy provides for well-managed, orderly growth, which preserves natural resources and promotes fiscal responsibility. The location and size of the USA shall be depicted on the Future **Land Use Map** and is based upon the area necessary to accommodate 90% of new residential dwelling units within the County by the Plan Horizon; **the ability to provide urban infrastructure; and, the presence of environmentally sensitive lands and water bodies, requiring protection from the impacts of urban development.**

Policy 1.1.8: [L] (EFF. 7/26/06; REV. EFF. 12/24/10)

The integrity of the USA concept is maintained by strict adherence to the premise of not funding or scheduling major capital improvement projects outside the USA, Rural Communities or the Woodville Rural Community in conjunction with a policy of discouraging premature use and underutilization of land designated for urban development. Additionally, **the size of the USA should be limited to reflect the ability of the public to provide infrastructure, limitations of environmental constraints and existing development and to provide for a phasing mechanism to the Plan Horizon.**

Policy 1.4.1: [L] (REV. EFF. 12/10/91)

Density and intensity incentives shall be established within the required land development regulations to encourage growth in areas which minimize and mitigate development's negative impact on the natural and aesthetic environment.

Policy 1.4.5: [L] (REV. EFF. 3/14/07)

(c) Any request for a change in zoning use classification and specific zoning district mapping within a future land use category shall be evaluated for consistency with the adopted Goals, Objectives, and Policies of the Plan as well as consistency with and the furtherance of the intent of the future land use category in which it is located;

Policy 2.2.1: [L] RURAL/AGRICULTURE (REV. EFF. 8/17/92; REV. EFF. 7/26/06; REV. EFF. 12/24/10; REV. EFF. 7/6/15

The intent of the Rural category is to maintain and promote agriculture, silviculture, and natural resource-based activities, to preserve natural systems and ecosystem functions, and to protect the scenic vistas and pastoral development patterns that typify Leon County's rural areas. Typical land uses within this category shall include agriculture, silviculture, and natural resource-based activities. Due to the very low intensity development pattern that is intended for the category, urban services are not planned or programmed for the area. To promote infill and redevelopment within the Urban Service Area (USA) and Rural Communities, higher density residential, and non-residential activities that are not functionally related to and supportive of agriculture, silviculture and other natural resource based activities shall be prohibited within the Rural category.

Non-residential uses functionally related to and directly in support of agricultural, silvicultural, and other natural resource based activities, including ecotourism activities, may be permitted at a maximum intensity of 2,000 sq. ft. per gross acre. The location of such uses shall be limited to the intersection of major collector and arterial or arterial and arterial designated roadways. Total development at any one intersection shall not exceed 10,000 sq. ft.

Policy 2.2.18: [L] LAKE PROTECTION (REV. EFF. 12/22/95; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 7/14/14; REV. EFF. 7/6/15)

INTENT Lake Jackson designated both an Outstanding Florida Water (OFW) and Aquatic Preserve, is one of the most unique waterways in Florida. Historically, the lake has suffered from water quality issues associated with rapid urbanization and largescale roadway projects. Lake Jackson's water quality has improved since adoption of the Comprehensive Plan, due in large part to the adoption of stringent storm water treatment standards and the implementation of capital projects; however, **nutrient levels in the Lake remain elevated and the Lake continues to be designated "Impaired" by the Florida Department of Environmental Protection. The intent of the Lake Protection category is to ensure that development within the Lake Jackson basin occurs in a sustainable** and environmentally sound manner with minimal impact to water quality. **The Lake Protection category is the basis for regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin.** The bounds of this category are to be the Lake Jackson basin boundary adjusted to include contributing watersheds but excluding existing, more intensely developed areas south of Interstate 10 and areas outside the Urban Service Area.

ALLOWABLE USES, DENSITIES, AND INTENSITIES 1. Residential The Lake Protection category shall allow for residential uses at a base density of one (1) dwelling unit per two (2) gross acres.

1 To encourage compact and efficient development, two density bonus options are available for properties within the category:

i) A residential density of up to two (2) dwelling units per gross acre may be permitted within developments designed as a Clustered Subdivision.

ii) **A residential density of up to eight (8) dwelling units per gross acre may be permitted within the Lake Protection Node (LPN) zoning district**

2. **Mixed-use & Non-residential**

Non-residential and mixed-use development (including, but not limited to, office and commercial uses) within the Lake Protection category may only be permitted within areas designated with the Lake Protection Node (LPN) zoning district. Within this district, single use, non-residential development shall be allowed at a maximum intensity of 10,000 square feet (S.F.) per gross acre. Projects containing a vertical mixture of uses, including any combination of office, commercial and residential uses, may receive a bonus of 2,500 S.F. per gross acre, for a total of 12,500 S.F. per gross acre.

SPECIAL CONDITIONS

The following special conditions shall apply to the Lake Protection Future Land Use category: 1. The Lake Protection Node zoning district shall only be permitted at the following intersections:

- Highway 27 North and Sessions Road
- Highway 27 North and Capital Circle NW/Old Bainbridge Road
- Highway 27 North and Fred George Road
- Bannerman Road and Bull Headley Road.

The exact extent of these Nodes shall be specified in the City of Tallahassee and Leon County land development regulations, but generally shall not extend beyond ¼ mile from the respective intersection and shall not include areas within a Special Development Zone (SDZ) or existing single family subdivisions.

In contrast, the Comprehensive Plan calls for an Urban Service Area average of no less than two residential units per one acre, which is four times the allowed density in Lake Protection. However, the current Lake Protection policy does not support the larger goal of more compact development in the Urban Service Area. **While it may not be feasible to increase the density throughout the Lake Protection category without impacting Lake Jackson, targeted areas based on the Smart Growth principles would help in supporting the larger goals for a compact community that preserves green space and rural lands further from the urban core.**

The Smart Growth principles were selected for this analysis based on the quality of the information available, specific focus on local government, broad support, and consistency with existing Comprehensive Plan and Board direction. Attachment #2 provides information on why communities select Smart Growth (adapted from "This is Smart Growth," published by ICMA and EPA in 2006).

The ten Smart Growth principles identified by the Smart Growth Network include:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. **Create walkable neighborhoods**

5. **Foster distinctive, attractive communities with a strong sense of place**

6. **Preserve open space, farmland, natural beauty, and critical environmental areas**

7. **Strengthen and direct development towards existing communities**

8. **Provide a variety of transportation choices**

9. **Make development decisions predictable, fair, and cost effective**

10. **Encourage community and stakeholder collaboration in development decisions**

Recommendation A: Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection storm water standards.

This recommendation is based on the Smart Growth principle of allowing mixed land uses to create more vibrant, diverse, and walkable communities. The provision of active living opportunities, where residents and visitors can easily and regularly walk or bicycle to everyday destinations, supports healthy movement and could lower health care costs. Local areas, like Midtown and Market Square, have a mix of commercial, office, and residential uses, and are arguably some of the most attractive areas to shop, live, and invest in locally.

Development concentrated into geographic nodes is a planning tool that is gaining popularity both locally and elsewhere. The concept involves allowing higher development rights around major intersections rather than along commercial strips that stretch miles down either side of roads.

Such nodes, through concentrating commercial, office, and higher density residential uses tied together with sidewalks and bicycle lanes and paths can help reduce automobile trips, decrease the need for widened roadways to accommodate these trips, and provide convenient and attractive walking and bicycling connections to adjacent or nearby residential areas.

The 2006 U.S. Environmental Protection Agency report "Protecting Water Resources with Higher-Density Development" focuses on the idea that more compact development can help save more land to protect water resources. **The following graphic from the report demonstrates how the same number of homes can be accommodated in less land area when the land per home is reduced. The graphic is simplified to help illustrate the concept. Staff recognizes that the Lake Jackson basin is complex and that significant development already exists in the basin. However, this concept can still be utilized in new policies to guide future development toward designated nodes**

Land uses are significantly limited in Lake Protection. **The incorporated area of Lake Protection (within the City Limits) does not presently allow non-residential uses**. The unincorporated area allows some non-residential uses (minor office and minor commercial), but only within a Planned Unit Development process that requires Board approval.

The establishment of nodal areas by the application of a new zoning district could be allowed at identified intersections of major roadways similar to that established along Mahan Drive between Capital Circle and Interstate – 10. Potential locations are identified on the following map with ¼-mile radius circles and may include U.S. Hwy 27 and Capital Circle Northwest, U.S. Hwy 27 and Fred George Road, U.S. Hwy 27 and Sessions Road, the Market Square area, and the intersection of Bannerman and Bull Headley roads.

This new zoning district would specify permitted uses, and urban design and other development standards, including current Lake Protection storm water standards and requirements and perhaps a cap on total acres in the Lake Jackson Basin that can be placed in the new district.

Properties that could be considered for rezoning to new Lake Protection Node would include nonconforming uses, vacant properties whose highest and best use may be commercial or office to serve the surrounding residential areas, and other properties suitable for higher density housing. The extent of these nodal areas would ideally be within a radius of ¼ mile of a main intersection, which is a five-minute walk for most people.

This recommendation is also consistent with the following Smart Growth principles:

- Compact building design
- Range of housing opportunities and choices
- Walkable neighborhoods
- Sense of place
- Direct development towards existing communities
- Variety of transportation choices
- Make development decisions predictable, fair, and cost effective

The Lake Protection land use category in the Comprehensive Plan (Policy 2.2.18 in the Land Use Element) currently specifies a base density of one residential unit per two acres (~2-acre lot size). This large lot size was used partly based on the idea that lower-density housing equals less impervious surface.

However, in practice, large lot sizes often result in large quantities of land being cleared, affecting runoff and natural habitat, and require extensive support infrastructure due to the distance between homes.

Walkability is more than just sidewalks, but they are fundamental to being able to walk to a destination within urban areas. At present, Section 10-7.529(3) f of the County's Land Development Code exempts sidewalks in new residential developments within the Lake Protection zoning district. With some limited exceptions, much of the older development patterns within the Lake Protection district are not very walkable. Both the City and the County are retrofitting certain areas of the urban area with sidewalks where feasible and affordable. These include proposed sidewalks within the Lake Protection district along Maclay and Timberlane roads. The recently updated City/County Greenways Master Plan also proposes several multiuse trails that have the strong potential to improve pedestrian and bicycle connectivity in areas of the Lake Protection district. However, **true walkability also requires more mixed-use developments with good pedestrian design.**

Providing a variety of transportation choices is a vital component of sustainable development. These should include mass transit, bicycling, and walking. **Automobiles will continue to be a major transportation mode for longer trips. Nevertheless, mix of uses and improved connectivity makes walking and bicycling more realistic transportation options because destinations can be placed at closer distances, and more direct routes can allow pedestrians to reach a given destination.**

Allowing more and/or different kinds of growth within Lake Protection, even confined to nodal areas, will likely be controversial among some residents, landowners, and developers, as well as environmental advocates for the Lake. However, this kind of development is increasingly attractive to growing numbers of homebuyers and renters who prefer to live in walkable mixed use communities.

In order for the principles of smart growth to be acceptable, it is critical that residents, landowners, developers, and other stakeholders, have the opportunity to develop a common understanding of the concepts presented within this agenda item. Therefore, stakeholder collaboration will be an important part of evaluating and shaping any policy changes that are developed.

Sustainable Growth

The 1987 World Commission on Environment and Development established the most often used definition of sustainable development: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." While this definition is widely utilized, it is challenging to directly apply to policy decisions. As such, the definition has been the subject of many efforts to develop implementing principles.

The Planning Department selected "Smart Growth" as the body of work and implementing principles to provide a framework for this project. The Smart Growth principles were established by the Smart Growth Network in 1996 and were the subject of four publications developed cooperatively with the International City/County Management Association. The Smart Growth Network has a broad partnership base including the National Association of Counties, ICLEI-Local Governments for Sustainability, Institute of Transportation Engineers, American Planning Association, Florida Department of Health, and the National Association of Realtors. Both Leon County and the City of Tallahassee are members of ICLEI.

The Smart Growth principles were selected for this project based on the quality of the information available, specific focus on local government, broad support, and consistency with existing Comprehensive Plan and County Commission direction.

The ten Smart Growth principles identified by the Smart Growth Network include:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

These principles, Planning Department analysis, and the policy examples provided in "Getting to Smart Growth: 100 Policies for Implementation" and "Getting to Smart Growth II: 100 More Policies for Implementation" were used to develop the concepts for the Lake Jackson Sustainable Development Project.

Sidewalks in Lake Protection

Walkability is more than just sidewalks, but they are fundamental to being able to walk to a destination within urban areas. At present, Section 10-7.529(3)f of the County's Land Development Code exempts sidewalks in new residential developments within the Lake Protection zoning district. This portion of the project will review the existing sidewalk exemption in Lake Protection and evaluate the potential use of locational standards such as proximity to the Lake Protection Node zoning, potential connection to existing or proposed

ATTACHMENT 1

sidewalks or greenways, and sewer availability to determine when sidewalks would be required. Options may include retaining the exemption for isolated residential areas with little or no walkability potential.

Both the City and the County are retrofitting certain urban areas with sidewalks where feasible and affordable. These include proposed sidewalks within the Lake Protection district along Maclay and Timberlane roads. The recently updated City/County Greenways Master Plan also proposes several multiuse trails that have the strong potential to improve pedestrian and bicycle connectivity in areas of the Lake Protection district. Requiring new development in potentially walkable areas to install sidewalks will help prevent these costs from being shifted to future tax payers in from of public projects.

The benefits of walkability include the ability to age in place, lowered transportation costs, improved personal health and fitness, and expanded choices on how to get around.

ATTACHMENT 2

FLORIDA DEPARTMENT OF TRANSPORTATION
2016 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 55 LEON

SITE	SITE TYPE	DESCRIPTION	DIRECTION 1		DIRECTION 2		AADT TWO-WAY	"K" FCTR	"D" FCTR	"T" FCTR
3060		SR 10 (US90) - 1000' E OF BUCK LAKE RD	E	10500	W	11000	21500 C	9.0	66.5F	5.4A
3061		SR 261(CAP CIR) - BETWEEN I-10 AND KILLEARN CTR	N	19500		0	19500 C	9.0	99.9W	2.9P
3062		CR 148(TIMBERLANE RD) - 525' W OF SR 61(THOMASVI	E	8100	W	7000	15100 C	9.0	72.2F	3.1A
3063		SR 61 (US 319) - 925' S OF CR 342(BANNERMAN RD)	N	18000	S	19000	37000 C	9.0	66.5F	4.6P
3064		CR 259 (TRAM RD) - 375' E OF SR 261 (CAP CIR SE)	E	0	W	0	4100 C	9.5	72.2F	3.5F
3065		SR 263(CAP CIRCLE NW) - 700' S OF COMMONWEATH	N	16500	S	16500	33000 C	9.0	66.5F	8.3A
3066		SR 263(CAP CIR NW) - 0.55 MILE N OF SR 8(I-10) (	N	8100	S	8600	16700 C	9.0	66.5F	8.5A
3067		SR 61 - BETWEEN I-10 AND TIMBERLANE RD	N	26000	S	27500	53500 C	9.0	66.5F	2.7F
3068		SR 263(CAP CIR NW) - 725' N OF CR 158 (THARPE ST	N	17000	S	17000	34000 C	9.0	66.5F	7.3P
3069		SR 63(US27) - 1000' N OF SESSIONS RD	N	19000	S	18000	37000 C	9.0	66.5F	5.0A
3070		BRADFORDVILLE RD - 950' E OF SR 61(THOMASVILLE R	E	4000	W	5300	9300 C	9.0	66.5F	3.5F
3071		BANNERMAN RD - 1100' W OF SR 61 (THOMASVILLE RD)	E	8800	W	8400	17200 C	9.0	66.5F	3.5F
3072		CR 0353 (DEMPSEY MAYO RD) - 500' N OF SR 10 (US	N	2200	S	2700	4900 C	9.0	66.5F	3.0A
3073		CR 2203(SPRINGHILL RD) - 125' S OF CYPRESS POIN	N	1800	S	1600	3400 C	9.0	72.2F	4.7A
3074		FRED GEORGE RD - 225' E OF SR 263 (CAP CIR NW)	E	2600	W	2600	5200 C	9.0	66.5F	4.2A
3075		CR 0361(OLD BAINBRIDGE RD) -350' N OF SR 63(US27	N	0	S	0	7300 C	9.0	66.5F	3.5F

SITE TYPE : BLANK= PORTABLE; T= TELEMETERED
"K" FACTOR : DEPARTMENT ADOPTED STANDARD K FACTOR BEGINING WITH COUNT YEAR 2011
AADT FLAGS : C= COMPUTED; E= MANUAL EST; F= FIRST YEAR EST; S= SECOND YEAR EST; T= THIRD YEAR EST; R= FOURTH YEAR EST; V= FIFTH YEAR EST; 6= SIXTH YEAR EST; X= UNKNOWN
"D/T" FLAGS : A= ACTUAL; F= FACTOR CATG; D= DIST FUNCL; P= PRIOR YEAR; S= STATEWIDE DEFAULT; W= ONE-WAY ROAD; X= CROSS REF

15-MAR-2017 14:57:19 PAGE -09- 622UPD 3_55_CAADT.TXT

ATT. 3

SCHOOL IMPACT ANALYSIS FORM

Agent Name: Greenman-Pedersen, Inc. **Applicant Name**: Cawthon Family Properties, LLC **Address:** 2504 Hariman Circle Tallahassee, FL 32308	**Date**: 02-19-18 **Telephone:** 668-5211 **Fax:** **Email:**

① Location of the proposed Comprehensive Plan Amendment or Rezoning:

Tax ID #: 14-08-20-408-0000 & 14-08-20-409-0000 (30.9 +/- ac)
Property address: **1665 Bannerman Road**
Related Application(s):

② Type of requested change (check one):

☐ Comprehensive plan land use amendment that permits residential development.
☒ Rezoning that permits residential development.
☐ Nonresidential land use amendment adjacent to existing residential development.
☐ Nonresidential rezoning adjacent to existing residential development. *

③ Proposed change in Future Land Use or Zoning classification:

☐ *Comprehensive plan land use* From: _____ To: _____

☒ *Zoning* From: Lake Protection (LP) To: Lake Protection Node (LPN)

Planning Department staff use only:

④ Maximum potential number of dwelling units permitted by the request:

Number of dwelling units: 8 du per acre max 247 Units
Type(s) of dwelling units: single-family detached, single family attached, multi-family residential and mixed-use development.

Leon County Schools staff use only:

⑤ School concurrency service areas (attendance zones) in which property is located.
School Board approved at the February 27, 2018 meeting.

	***Elementary:* Hawks Rise**	***Middle: Deerlake***	***High:* Chiles**
Present capacity	148	364	126
Post Development capacity	100	343	103

Calculations based on maximum possible students-single family<1000 base square feet

This form is required by §8.3 of the Public School Concurrency and Facility Planning Interlocal Agreement as adopted on September 1, 2006 by the City of Tallahassee, Leon County, and Leon County School Board. Pursuant to §6.4 of the Agreement, the City or County will transmit the School Impact Analysis Form to a designated employee of the School Board for review at the same time the application is submitted to all departments for review.

TLCPD
Tallahassee-Leon County Planning Department

ATT 4

School Impact Analysis Form (Sept. 2007)

BOARD OF COUNTY COMMISSIONERS
MEMORANDUM

TO: Honorable Chairman and Board of County Commissioners

FROM: for Herbert W.A. Thiele, County Attorney

DATE: April 6, 2018

SUBJECT: Additional Attachment for Agenda Item # 10 – Additional Citizen Comments

---

Enclosed please find an additional attachment to Agenda Item # 10, First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning District from the Lake Protection (LP) Zoning District to the Lake Protection Node (LPN) Zoning District.

This attachment is Attachment #14, Citizen Comments through April 5, 2018.

The additional citizen comments were received as *ex parte* communications and are being included in the Agenda Item so they may be considered and reviewed by all interested parties. Should you receive additional *ex parte* communications, please continue to send same to my office so they may be placed on the record.

Enclosure

cc: Vincent S. Long, County Administrator
Cherie Bryant, Director of Planning

April 2, 2018

MEMO TO:

Bryan Desloge, County Commissioner, Dist. 4
John Dailey, County Commissioner, District 3
Kristin Dozier, County Commissioner, District 5
Jimbo Jackson, County Commissioner, District 2
Mary Ann Lindley, County Commissioner, At-large
Nick Maddox, County Commissioner, At-large
Bill Proctor, County Commissioner, Dist. 1

Subject:

Rezoning application for 1665 Bannerman Rd. for 30.9 acres from LP to LPN.

Public hearing will be held on April 10, 2018 in County chambers at 6:00 pm.

Ladies & Gentlemen,

I am listing a summary of why the Summer Brooke community is **so strongly opposed** to this rezoning request. Our concerns are as follows:

> **"Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood." VISION STATEMENT AND IMPLEMENTATION (REV. EFF.7/26/06; REV. EFF. 1/7/10)**

This rezoning application ignores the entire Vision statement as referenced above including but not limited to: natural beauty, degradation of County's natural resources, orderly growth, leap frog development, traffic safety and flow, plan's purpose to preserve, protect and enhance quality of life for all citizens, natural environment, aesthetic environment, eliminated unwise land use decisions paid for by the general populace, perception of a constant assault on neighborhoods, maintain integrity of existing neighborhoods, linkage between land use and infrastructure AND the belief the Comprehensive Plan is a living document.

1. **This rezoning application ignores the Vision statement, Land Use Goals & Objectives, Goal 1: [L] (EFF. 7/16/90). The Comprehensive Plan shall protect and enhance the quality of life in this community by providing economically sound educational, employment, and cultural, recreational, commercial, industrial, & professional opportunities to its citizens while channeling inevitable growth into locations and activities that protect the natural and aesthetic environments and residential neighborhoods.**

2. **Policy 1.4.5: [L] (REV. EFF. 12/10/91)**

C: Any request for a change in zoning use classification and specific zoning district mapping within a future land use category shall be evaluated for consistency with the adopted Goals, Objectives, and Policies of the Plan as well as consistency with and the furtherance of the intent of the future land use category in which it is located.

3. **Policy 2.2.18: [L] LAKE PROTECTION (REV.EFF.12/22/95;REV.EFF.7/26/06;RENUMBERED 3/14/07;REV.EFF.7/14/14;REV.EFF.7/6/15)**

INTENT:

Lake Jackson is both an Outstanding Florida Water and Aquatic Preserve, unique waterway, has historically suffered from water quality issues associated with rapid urbanization and largescale roadway projects, is designated "IMPAIRED" by FDOEP.

4. **The Smart Growth principles do NOT apply to this area due to inability to create walkable neighborhoods, unable to foster distinctive, attractive communities with strong sense of place, preserve natural beauty, and critical environmental areas, will not provide a variety of transportation choices, and does not make development decisions that are predictable, fair and cost effective**

Objection #1:

The impact high density development and the increase in density of homes per acre will allow for lower income residents, allow for smaller homes with minimal square footage , thus causing a decrease in our property values.

Objection #2:

Daily traffic count on Bannerman Rd. averages 17, 200 vehicles according to FDOT report dated 2016. (Included as ATT 3 in packet). County officials have indicated the Blueprint Sales Tax will not take place until 2020 to even consider widening Bannerman Rd and then only to Tekesta.

Objection #3:

School Impact Analysis Form is (included as ATT4 in packet.) This is the data that was included in packet that the Leon County Planning Commission received dated 2/28/18.

The following is the current data provided by Leon County Schools for:

Hawks Rise at 878 students (96%) capacity;

Killearn Lakes Elementary 866 (90%)capacity

Deerlake Middle School 987 (78%)capacity

Chiles 2044 (102%).over capacity

The NE quadrant of Leon County continues to experience RAPID, CONTINUAL GROWTH .

What impact will this have on the schools, neighborhoods, families and children living in the Southern Quadrant? They must be feeling claustrophobic, trapped, and unable to escape their situation.

Will any of these schools in the SE Quadrant have to close?

If this rezoning is approved, when will the schools in NE quadrant feel the impact?

In closing, I respectfully encourage each of you to realize the **oath of office** you took before undertaking the duties as County Commissioners. You agreed to be faithful and impartial when performing the duties of this office.

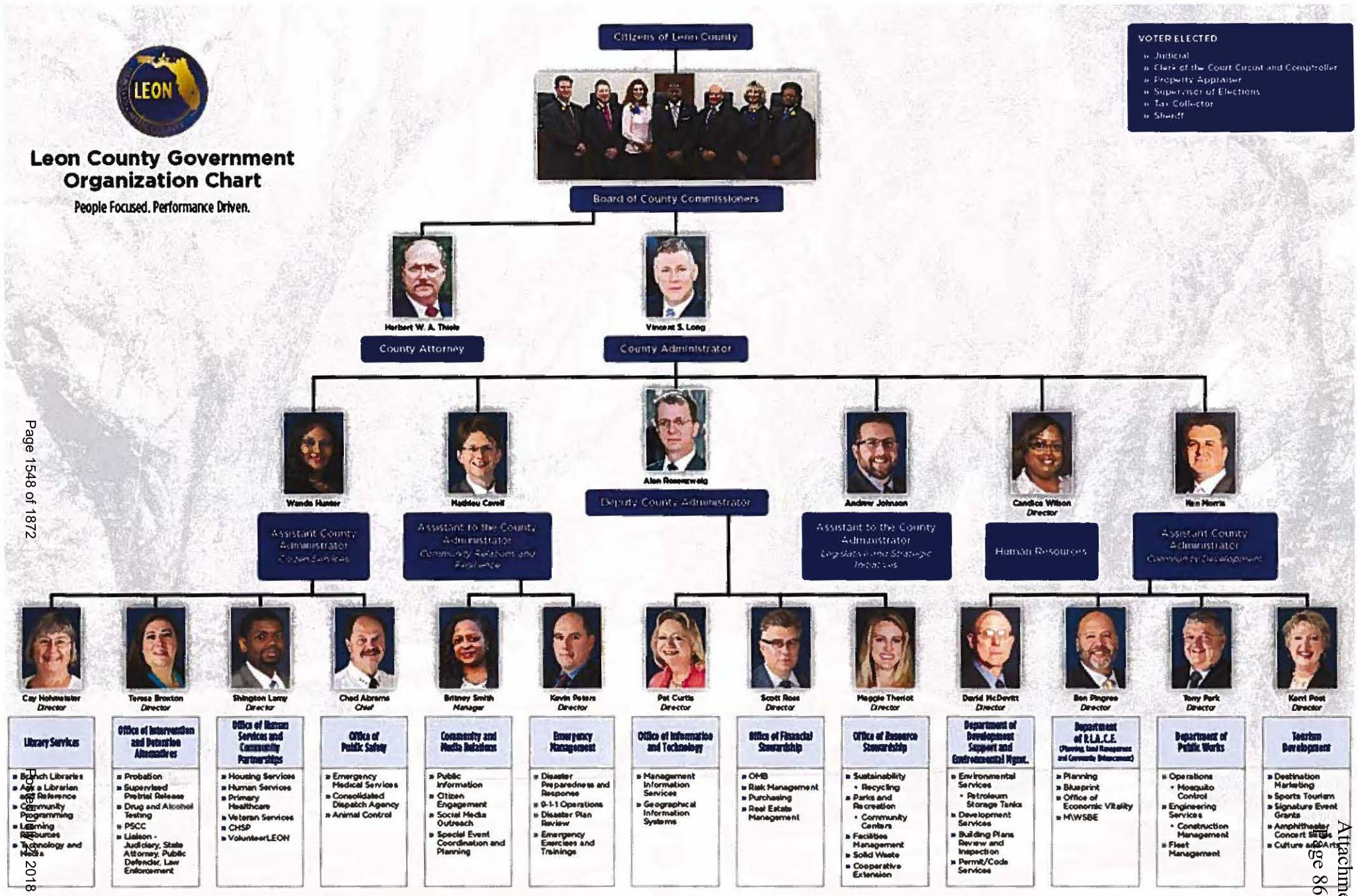
Respectfully submitted,

Pamela Briggs

Pamela Briggs

1213 Conservancy Dr. E

Tallahassee, FL 32312


Leon County Government Organization Chart
People Focused. Performance Driven.
Citizens of Leon County
Board of County Commissioners
VOTER ELECTED
» Judicial
» Clerk of the Court Circuit and Comptroller
» Property Appraiser
» Supervisor of Elections
» Tax Collector
» Sheriff
Herbert W. A. Thiele
County Attorney
Vincent S. Long
County Administrator
Wanda Hunter
Assistant County Administrator
Citizen Services
Mathieu Cavell
Assistant to the County Administrator
Community Relations and Resilience
Alan Rosenzweig
Deputy County Administrator
Andrew Johnson
Assistant to the County Administrator
Legislative and Strategic Initiatives
Candice Wilson
Director
Human Resources
Ken Morris
Assistant County Administrator
Community Development
Cay Hohmeister
Director
Library Services
» Branch Libraries
» Ask a Librarian and Reference
» Community Programming
» Learning Resources
» Technology and Media
Teresa Broxton
Director
Office of Intervention and Detention Alternatives
» Probation
» Supervised Pretrial Release
» Drug and Alcohol Testing
» PSCC
» Liaison - Judiciary, State Attorney, Public Defender, Law Enforcement
Shington Lamy
Director
Office of Human Services and Community Partnerships
» Housing Services
» Human Services
» Primary Healthcare
» Veteran Services
» CHSP
» VolunteerLEON
Chad Abrams
Chief
Office of Public Safety
» Emergency Medical Services
» Consolidated Dispatch Agency
» Animal Control
Britney Smith
Manager
Community and Media Relations
» Public Information
» Citizen Engagement
» Social Media Outreach
» Special Event Coordination and Planning
Kevin Peters
Director
Emergency Management
» Disaster Preparedness and Response
» 9-1-1 Operations
» Disaster Plan Review
» Emergency Exercises and Trainings
Pat Curtis
Director
Office of Information and Technology
» Management Information Services
» Geographical Information Systems
Scott Ross
Director
Office of Financial Stewardship
» OMB
» Risk Management
» Purchasing
» Real Estate Management
Maggie Theriot
Director
Office of Resource Stewardship
» Sustainability
• Recycling
» Parks and Recreation
• Community Centers
» Facilities Management
» Solid Waste
» Cooperative Extension
David McDevitt
Director
Department of Development Support and Environmental Mgmt.
» Environmental Services
• Petroleum Storage Tanks
» Development Services
» Building Plans Review and Inspection
» Permit/Code Services
Ben Pingree
Director
Department of P.L.A.C.E.
(Planning, Land Management and Community Enhancement)
» Planning
» Blueprint
» Office of Economic Vitality
» M\WSBE
Tony Park
Director
Department of Public Works
» Operations
• Mosquito Control
» Engineering Services
• Construction Management
» Fleet Management
Karri Post
Director
Tourism Development
» Destination Marketing
» Sports Tourism
» Signature Event Grants
» Amphitheater Concert Series
» Culture and Arts

"Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood". VISION STATEMENT AND IMPLEMENTATION (REV. EFF. 7/26/06; REV. EFF. 1/7/10)

Presentation given at joint meeting on March 30, 2018

In opposition of rezoning request of 30.9 acres at 1665 Bannerman Rd. Tallahassee, FL

Prepared by:

Pam Briggs

Summer Brooke HOA Board Member

VISION STATEMENT AND IMPLEMENTATION (REV. EFF. 7/26/06; REV. EFF. 1/7/10)

We are fortunate to have retained the natural beauty that inspired the sitting of Florida's state capital. The community relies upon the comprehensive plan to protect the natural resources and scenic beauty while encouraging the responsible, healthy growth of Tallahassee and Leon County. The comprehensive plan seeks to balance the management of growth with environmental protection but gives precedence to environmental protection.

Evolving land use patterns within the County have exhibited sprawl characteristics. Sprawl is, perhaps, the most inefficient pattern of land use. Costs associated with the provision of both capital and social infrastructure are higher than more compact patterns. This must be taken into consideration when local government is faced with limited fiscal resources and increasing demand for services.

Sprawl encourages degradation of the County's natural resources by prematurely committing vast areas to the impact of urbanization. Phased, orderly growth mitigates this situation by comprehensively addressing development impacts to our natural systems. Leap frog development associated with sprawl is piecemeal in nature and is detrimental to any type of comprehensive framework.

Another aspect of urban sprawl is the tendency toward strip commercial development, i.e., the commercialization along major streets which occurs as infill between sprawled developments. This strip development negatively affects traffic safety and flow, as well as creating aesthetic problems associated with advertising signs. While many of the negative effects of strip development can be controlled to some extent by regulatory means, a more positive approach is to prevent its spread by means of land use policies. The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens.

The plan encourages and supports economically sound residential, educational, employment, and cultural, recreational, commercial and industrial opportunities for the citizens. This is facilitated by systematically planning for growth, development and redevelopment

The natural environment is one of the many criteria which, when combined, form the community's perceived quality of life. **The natural environment is a major component in the quality of life equation for Leon County. As such, it must be protected. Development and the ancillary activities associated with it must be channeled into locations that protect the natural and aesthetic environment. Unwise land use decisions which ultimately require expensive environmental retrofitting, paid for by the general populace, must be eliminated**. In order to achieve this, it is the intent of this Plan to include strong environmental objectives and policies within the Land Use Element and other applicable portions of the Plan.

The residential environment is also one of many criteria which form the community's perceived quality of life and must be protected. An economic base of stable public employment has fostered development of stable residential neighborhoods. **Citizens identify with and value their neighborhoods in all parts** of the community and at all income levels. Containing sprawl will necessarily increase density and intensity in the existing urban area. **Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood.** Not only actual changes, but also the perception of a constant assault on a neighborhood undermines an otherwise desirable residential environment. Development and its ancillary activities should be channeled into locations that offer the greater opportunity for the higher density and mixture of uses that a policy of urban containment encourages. **It is the intent of the plan to maintain the integrity of existing neighborhoods while encouraging new residential developments to incorporate a wider range of nonresidential uses.**

Essential for planning are objectives and policies that protect and enhance the natural environment, water resources, the canopy roads, and residential neighborhoods. To this end, regulatory tools such as concurrency management, urban service area designation, planned unit developments and special protection zones are used to foster the community's vision. **An underlying premise is the linkage between land use and infrastructure**. The plan is based on the principle that development should pay for itself and this vision is implemented, in part, through the accomplishment of several strategies described below.

Our comprehensive plan is a living document, used every day in decisions made by local governments. It is regularly reviewed and amended to ensure that it remains current and consistent with our community vision.

LAND USE GOALS, OBJECTIVES AND POLICIES

Goal 1: [L] (EFF. 7/16/90)

The Comprehensive Plan shall protect and enhance the quality of life in this community by providing economically sound educational, employment, and cultural, recreational, commercial, industrial and professional opportunities to its citizens while channeling inevitable growth into locations and activities that protect the natural and aesthetic environments and residential neighborhoods.

Policy 1.1.1: [L] (REV. EFF. 7/20/05)

In order to discourage urban sprawl, new development shall be concentrated in the urban service area plus in the Woodville Rural Community future land use category and the rural communities of Capitola, Chaires, Ft. Braden and Miccosukee, as designated on the future land use map.

GROWTH MANAGEMENT/ URBAN SERVICES AREA Objective 1.1: [L] (EFF.7/16/90; REV. EFF. 7/26/06; REV. EFF. 12/24/10)

Direct development to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and the service capacity to accommodate growth in an environmentally acceptable manner.

This shall be accomplished in part through the establishment and maintenance of an Urban Service Area (USA) concept. This **Urban Service Area (USA) concept is based upon a desire to have Tallahassee and Leon County grow in a responsible manner, with infrastructure provided economically and efficiently, and surrounding forest and agricultural lands protected from unwarranted and premature conversion to urban land use**. An urban service strategy provides for well-managed, orderly growth, which preserves natural resources and promotes fiscal responsibility. The location and size of the USA shall be depicted on the Future **Land Use Map** and is based upon the area necessary to accommodate 90% of new residential dwelling units within the County by the Plan Horizon; **the ability to provide urban infrastructure; and, the presence of environmentally sensitive lands and water bodies, requiring protection from the impacts of urban development.**

Policy 1.1.8: [L] (EFF. 7/26/06; REV. EFF. 12/24/10)

The integrity of the USA concept is maintained by strict adherence to the premise of not funding or scheduling major capital improvement projects outside the USA, Rural Communities or the Woodville Rural Community in conjunction with a policy of discouraging premature use and underutilization of land designated for urban development. Additionally, **the size of the USA should be limited to reflect the ability of the public to provide infrastructure, limitations of environmental constraints and existing development and to provide for a phasing mechanism to the Plan Horizon.**

Policy 1.4.1: [L] (REV. EFF. 12/10/91)

Density and intensity incentives shall be established within the required land development regulations to encourage growth in areas which minimize and mitigate development's negative impact on the natural and aesthetic environment.

Policy 1.4.5: [L] (REV. EFF. 3/14/07)

(c) Any request for a change in zoning use classification and specific zoning district mapping within a future land use category shall be evaluated for consistency with the adopted Goals, Objectives, and Policies of the Plan as well as consistency with and the furtherance of the intent of the future land use category in which it is located;

Policy 2.2.1: [L] RURAL/AGRICULTURE (REV. EFF. 8/17/92; REV. EFF. 7/26/06; REV. EFF. 12/24/10; REV. EFF. 7/6/15

The intent of the Rural category is to maintain and promote agriculture, silviculture, and natural resource-based activities, to preserve natural systems and ecosystem functions, and to protect the scenic vistas and pastoral development patterns that typify Leon County's rural areas. Typical land uses within this category shall include agriculture, silviculture, and natural resource-based activities. Due to the very low intensity development pattern that is intended for the category, urban services are not planned or programmed for the area. To promote infill and redevelopment within the Urban Service Area (USA) and Rural Communities, higher density residential, and non-residential activities that are not functionally related to and supportive of agriculture, silviculture and other natural resource based activities shall be prohibited within the Rural category.

Non-residential uses functionally related to and directly in support of agricultural, silvicultural, and other natural resource based activities, including ecotourism activities, may be permitted at a maximum intensity of 2,000 sq. ft. per gross acre. The location of such uses shall be limited to the intersection of major collector and arterial or arterial and arterial designated roadways. Total development at any one intersection shall not exceed 10,000 sq. ft.

Policy 2.2.18: [L] LAKE PROTECTION (REV. EFF. 12/22/95; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 7/14/14; REV. EFF. 7/6/15)

INTENT Lake Jackson designated both an Outstanding Florida Water (OFW) and Aquatic Preserve, is one of the most unique waterways in Florida. Historically, the lake has suffered from water quality issues associated with rapid urbanization and largescale roadway projects. Lake Jackson's water quality has improved since adoption of the Comprehensive Plan, due in large part to the adoption of stringent storm water treatment standards and the implementation of capital projects; however**, nutrient levels in the Lake remain elevated and the Lake continues to be designated "Impaired" by the Florida Department of Environmental Protection. The intent of the Lake Protection category is to ensure that development within the Lake Jackson basin occurs in a sustainable** and environmentally sound manner with minimal impact to water quality. **The Lake Protection category is the basis for regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin.** The bounds of this category are to be the Lake Jackson basin boundary adjusted to include contributing watersheds but excluding existing, more intensely developed areas south of Interstate 10 and areas outside the Urban Service Area.

ALLOWABLE USES, DENSITIES, AND INTENSITIES 1. Residential The Lake Protection category shall allow for residential uses at a base density of one (1) dwelling unit per two (2) gross acres.

1 To encourage compact and efficient development, two density bonus options are available for properties within the category:

i) A residential density of up to two (2) dwelling units per gross acre may be permitted within developments designed as a Clustered Subdivision.

ii) **A residential density of up to eight (8) dwelling units per gross acre may be permitted within the Lake Protection Node (LPN) zoning district**

2. **Mixed-use & Non-residential**

Non-residential and mixed-use development (including, but not limited to, office and commercial uses) within the Lake Protection category may only be permitted within areas designated with the Lake Protection Node (LPN) zoning district. Within this district, single use, non-residential development shall be allowed at a maximum intensity of 10,000 square feet (S.F.) per gross acre. Projects containing a vertical mixture of uses, including any combination of office, commercial and residential uses, may receive a bonus of 2,500 S.F. per gross acre, for a total of 12,500 S.F. per gross acre.

SPECIAL CONDITIONS

The following special conditions shall apply to the Lake Protection Future Land Use category: 1. The Lake Protection Node zoning district shall only be permitted at the following intersections:

- Highway 27 North and Sessions Road
- Highway 27 North and Capital Circle NW/Old Bainbridge Road
- Highway 27 North and Fred George Road
- Bannerman Road and Bull Headley Road.

The exact extent of these Nodes shall be specified in the City of Tallahassee and Leon County land development regulations, but generally shall not extend beyond ¼ mile from the respective intersection and shall not include areas within a Special Development Zone (SDZ) or existing single family subdivisions.

In contrast, the Comprehensive Plan calls for an Urban Service Area average of no less than two residential units per one acre, which is four times the allowed density in Lake Protection. However, the current Lake Protection policy does not support the larger goal of more compact development in the Urban Service Area. **While it may not be feasible to increase the density throughout the Lake Protection category without impacting Lake Jackson, targeted areas based on the Smart Growth principles would help in supporting the larger goals for a compact community that preserves green space and rural lands further from the urban core.**

The Smart Growth principles were selected for this analysis based on the quality of the information available, specific focus on local government, broad support, and consistency with existing Comprehensive Plan and Board direction. Attachment #2 provides information on why communities select Smart Growth (adapted from "This is Smart Growth," published by ICMA and EPA in 2006).

The ten Smart Growth principles identified by the Smart Growth Network include:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. **Create walkable neighborhoods**

5. **Foster distinctive, attractive communities with a strong sense of place**

6. **Preserve open space, farmland, natural beauty, and critical environmental areas**

7. **Strengthen and direct development towards existing communities**

8. **Provide a variety of transportation choices**

9. **Make development decisions predictable, fair, and cost effective**

10. **Encourage community and stakeholder collaboration in development decisions**

Recommendation A: Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection storm water standards.

This recommendation is based on the Smart Growth principle of allowing mixed land uses to create more vibrant, diverse, and walkable communities. The provision of active living opportunities, where residents and visitors can easily and regularly walk or bicycle to everyday destinations, supports healthy movement and could lower health care costs. Local areas, like Midtown and Market Square, have a mix of commercial, office, and residential uses, and are arguably some of the most attractive areas to shop, live, and invest in locally.

Development concentrated into geographic nodes is a planning tool that is gaining popularity both locally and elsewhere. The concept involves allowing higher development rights around major intersections rather than along commercial strips that stretch miles down either side of roads.

Such nodes, through concentrating commercial, office, and higher density residential uses tied together with sidewalks and bicycle lanes and paths can help reduce automobile trips, decrease the need for widened roadways to accommodate these trips, and provide convenient and attractive walking and bicycling connections to adjacent or nearby residential areas.

The 2006 U.S. Environmental Protection Agency report "Protecting Water Resources with Higher-Density Development" focuses on the idea that more compact development can help save more land to protect water resources. **The following graphic from the report demonstrates how the same number of homes can be accommodated in less land area when the land per home is reduced. The graphic is simplified to help illustrate the concept. Staff recognizes that the Lake Jackson basin is complex and that significant development already exists in the basin. However, this concept can still be utilized in new policies to guide future development toward designated nodes**

Land uses are significantly limited in Lake Protection. **The incorporated area of Lake Protection (within the City Limits) does not presently allow non-residential uses**. The unincorporated area allows some non-residential uses (minor office and minor commercial), but only within a Planned Unit Development process that requires Board approval.

The establishment of nodal areas by the application of a new zoning district could be allowed at identified intersections of major roadways similar to that established along Mahan Drive between Capital Circle and Interstate – 10. Potential locations are identified on the following map with ¼-mile radius circles and may include U.S. Hwy 27 and Capital Circle Northwest, U.S. Hwy 27 and Fred George Road, U.S. Hwy 27 and Sessions Road, the Market Square area, and the intersection of Bannerman and Bull Headley roads.

This new zoning district would specify permitted uses, and urban design and other development standards, including current Lake Protection storm water standards and requirements and perhaps a cap on total acres in the Lake Jackson Basin that can be placed in the new district.

Properties that could be considered for rezoning to new Lake Protection Node would include nonconforming uses, vacant properties whose highest and best use may be commercial or office to serve the surrounding residential areas, and other properties suitable for higher density housing. The extent of these nodal areas would ideally be within a radius of ¼ mile of a main intersection, which is a five-minute walk for most people.

This recommendation is also consistent with the following Smart Growth principles:

- Compact building design
- Range of housing opportunities and choices
- Walkable neighborhoods
- Sense of place
- Direct development towards existing communities
- Variety of transportation choices
- Make development decisions predictable, fair, and cost effective

The Lake Protection land use category in the Comprehensive Plan (Policy 2.2.18 in the Land Use Element) currently specifies a base density of one residential unit per two acres (~2-acre lot size). This large lot size was used partly based on the idea that lower-density housing equals less impervious surface.

However, in practice, large lot sizes often result in large quantities of land being cleared, affecting runoff and natural habitat, and require extensive support infrastructure due to the distance between homes.

Walkability is more than just sidewalks, but they are fundamental to being able to walk to a destination within urban areas. At present, Section 10-7.529(3) f of the County's Land Development Code exempts sidewalks in new residential developments within the Lake Protection zoning district. With some limited exceptions, much of the older development patterns within the Lake Protection district are not very walkable. Both the City and the County are retrofitting certain areas of the urban area with sidewalks where feasible and affordable. These include proposed sidewalks within the Lake Protection district along Maclay and Timberlane roads. The recently updated City/County Greenways Master Plan also proposes several multiuse trails that have the strong potential to improve pedestrian and bicycle connectivity in areas of the Lake Protection district. However, **true walkability also requires more mixed-use developments with good pedestrian design.**

Providing a variety of transportation choices is a vital component of sustainable development. These should include mass transit, bicycling, and walking. **Automobiles will continue to be a major transportation mode for longer trips. Nevertheless, mix of uses and improved connectivity makes walking and bicycling more realistic transportation options because destinations can be placed at closer distances, and more direct routes can allow pedestrians to reach a given destination.**

Allowing more and/or different kinds of growth within Lake Protection, even confined to nodal areas, will likely be controversial among some residents, landowners, and developers, as well as environmental advocates for the Lake. However, this kind of development is increasingly attractive to growing numbers of homebuyers and renters who prefer to live in walkable mixed use communities.

In order for the principles of smart growth to be acceptable, it is critical that residents, landowners, developers, and other stakeholders, have the opportunity to develop a common understanding of the concepts presented within this agenda item. Therefore, stakeholder collaboration will be an important part of evaluating and shaping any policy changes that are developed.

Sustainable Growth

The 1987 World Commission on Environment and Development established the most often used definition of sustainable development: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." While this definition is widely utilized, it is challenging to directly apply to policy decisions. As such, the definition has been the subject of many efforts to develop implementing principles.

The Planning Department selected "Smart Growth" as the body of work and implementing principles to provide a framework for this project. The Smart Growth principles were established by the Smart Growth Network in 1996 and were the subject of four publications developed cooperatively with the International City/County Management Association. The Smart Growth Network has a broad partnership base including the National Association of Counties, ICLEI-Local Governments for Sustainability, Institute of Transportation Engineers, American Planning Association, Florida Department of Health, and the National Association of Realtors. Both Leon County and the City of Tallahassee are members of ICLEI.

The Smart Growth principles were selected for this project based on the quality of the information available, specific focus on local government, broad support, and consistency with existing Comprehensive Plan and County Commission direction.

The ten Smart Growth principles identified by the Smart Growth Network include:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

These principles, Planning Department analysis, and the policy examples provided in "Getting to Smart Growth: 100 Policies for Implementation" and "Getting to Smart Growth II: 100 More Policies for Implementation" were used to develop the concepts for the Lake Jackson Sustainable Development Project.

Sidewalks in Lake Protection

Walkability is more than just sidewalks, but they are fundamental to being able to walk to a destination within urban areas. At present, Section 10-7.529(3)f of the County's Land Development Code exempts sidewalks in new residential developments within the Lake Protection zoning district. This portion of the project will review the existing sidewalk exemption in Lake Protection and evaluate the potential use of locational standards such as proximity to the Lake Protection Node zoning, potential connection to existing or proposed

ATTACHMENT 1

sidewalks or greenways, and sewer availability to determine when sidewalks would be required. Options may include retaining the exemption for isolated residential areas with little or no walkability potential.

Both the City and the County are retrofitting certain urban areas with sidewalks where feasible and affordable. These include proposed sidewalks within the Lake Protection district along Maclay and Timberlane roads. The recently updated City/County Greenways Master Plan also proposes several multiuse trails that have the strong potential to improve pedestrian and bicycle connectivity in areas of the Lake Protection district. Requiring new development in potentially walkable areas to install sidewalks will help prevent these costs from being shifted to future tax payers in from of public projects.

The benefits of walkability include the ability to age in place, lowered transportation costs, improved personal health and fitness, and expanded choices on how to get around.

ATTACHMENT 2

FLORIDA DEPARTMENT OF TRANSPORTATION
2016 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 55 LEON

SITE	SITE TYPE	DESCRIPTION	DIRECTION 1		DIRECTION 2		AADT TWO-WAY	"K" FCTR	"D" FCTR	"T" FCTR
3060		SR 10 (US90) - 1000' E OF BUCK LAKE RD	E	10500	W	11000	21500 C	9.0	66.5F	5.4A
3061		SR 261(CAP CIR) - BETWEEN I-10 AND KILLEARN CTR	N	19500		0	19500 C	9.0	99.9W	2.9P
3062		CR 148(TIMBERLANE RD) - 525' W OF SR 61(THOMASVI	E	8100	W	7000	15100 C	9.0	72.2F	3.1A
3063		SR 61 (US 319) - 925' S OF CR 342(BANNERMAN RD)	N	18000	S	19000	37000 C	9.0	66.5F	4.6P
3064		CR 259 (TRAM RD) - 375' E OF SR 261 (CAP CIR SE)	E	0	W	0	4100 C	9.5	72.2F	3.5F
3065		SR 263(CAP CIRCLE NW) - 700' S OF COMMONWEATH	N	16500	S	16500	33000 C	9.0	66.5F	8.3A
3066		SR 263(CAP CIR NW) - 0.55 MILE N OF SR 8(I-10) (	N	8100	S	8600	16700 C	9.0	66.5F	8.5A
3067		SR 61 - BETWEEN I-10 AND TIMBERLANE RD	N	26000	S	27500	53500 C	9.0	66.5F	2.7F
3068		SR 263(CAP CIR NW) - 725' N OF CR 158 (THARPE ST	N	17000	S	17000	34000 C	9.0	66.5F	7.3P
3069		SR 63(US27) - 1000' N OF SESSIONS RD	N	19000	S	18000	37000 C	9.0	66.5F	5.0A
3070		BRADFORDVILLE RD - 950' E OF SR 61(THOMASVILLE R	E	4000	W	5300	9300 C	9.0	66.5F	3.5F
3071		BANNERMAN RD - 1100' W OF SR 61 (THOMASVILLE RD)	E	8800	W	8400	17200 C	9.0	66.5F	3.5F
3072		CR 0353 (DEMPSEY MAYO RD) - 500' N OF SR 10 (US	N	2200	S	2700	4900 C	9.0	66.5F	3.0A
3073		CR 2203(SPRINGHILL RD) - 125' S OF CYPRESS POIN	N	1800	S	1600	3400 C	9.0	72.2F	4.7A
3074		FRED GEORGE RD - 225' E OF SR 263 (CAP CIR NW)	E	2600	W	2600	5200 C	9.0	66.5F	4.2A
3075		CR 0361(OLD BAINBRIDGE RD) -350' N OF SR 63(US27	N	0	S	0	7300 C	9.0	66.5F	3.5F

SITE TYPE : BLANK= PORTABLE; T= TELEMETERED
"K" FACTOR : DEPARTMENT ADOPTED STANDARD K FACTOR BEGINING WITH COUNT YEAR 2011
AADT FLAGS : C= COMPUTED; E= MANUAL EST; F= FIRST YEAR EST; S= SECOND YEAR EST; T= THIRD YEAR EST; R= FOURTH YEAR EST; V= FIFTH YEAR EST; 6= SIXTH YEAR EST; X= UNKNOWN
"D/T" FLAGS : A= ACTUAL; F= FACTOR CATG; D= DIST FUNCL; P= PRIOR YEAR; S= STATEWIDE DEFAULT; W= ONE-WAY ROAD; X= CROSS REF

15-MAR-2017 14:57:19 PAGE -09- 622UPD 3_55_CAADT.TXT

ATT. 3

SCHOOL IMPACT ANALYSIS FORM

Agent Name: Greenman-Pedersen, Inc. **Applicant Name**: Cawthon Family Properties, LLC **Address:** 2504 Hariman Circle Tallahassee, FL 32308	**Date**: 02-19-18 **Telephone:** 668-5211 **Fax:** **Email:**

① Location of the proposed Comprehensive Plan Amendment or Rezoning:

Tax ID #: 14-08-20-408-0000 & 14-08-20-409-0000 (30.9 +/- ac)
Property address: **1665 Bannerman Road**
Related Application(s):

② Type of requested change (check one):

☐ Comprehensive plan land use amendment that permits residential development.
☒ Rezoning that permits residential development.
☐ Nonresidential land use amendment adjacent to existing residential development.
☐ Nonresidential rezoning adjacent to existing residential development. *

③ Proposed change in Future Land Use or Zoning classification:

☐ *Comprehensive plan land use* From: _____ To: _____

☒ *Zoning* From: Lake Protection (LP) To: Lake Protection Node (LPN)

Planning Department staff use only:

④ Maximum potential number of dwelling units permitted by the request:

Number of dwelling units: 8 du per acre max 247 Units
Type(s) of dwelling units: single-family detached, single family attached, multi-family residential and mixed-use development.

Leon County Schools staff use only:

⑤ School concurrency service areas (attendance zones) in which property is located.
School Board approved at the February 27, 2018 meeting.

	***Elementary:* Hawks Rise**	***Middle: Deerlake***	***High:* Chiles**
Present capacity	148	364	126
Post Development capacity	100	343	103

Calculations based on maximum possible students-single family<1000 base square feet

This form is required by §8.3 of the Public School Concurrency and Facility Planning Interlocal Agreement as adopted on September 1, 2006 by the City of Tallahassee, Leon County, and Leon County School Board. Pursuant to §6.4 of the Agreement, the City or County will transmit the School Impact Analysis Form to a designated employee of the School Board for review at the same time the application is submitted to all departments for review.

TLCPD
Tallahassee-Leon County Planning Department

ATT 4

School Impact Analysis Form (Sept. 2007)

Jessica Icerman - Fwd: Proposed zoning change for Bull Headley and Bannerman Road intersection.

From: Kristin Dozier
To: Zirin, Gary
Date: 4/4/2018 10:29 AM
Subject: Fwd: Proposed zoning change for Bull Headley and Bannerman Road intersection.

>>> Janet Benesh <beneshj@yahoo.com> 3/29/2018 1:48 PM >>>
Commissioner Dozier,

Please accept my comments regarding the proposed zoning change to be discussed at the April 10 hearing. If changed, existing NE neighborhoods will be adversely impacted.

Currently, a developer would only be able to build 2 homes per acre on that land, since it is part of Tallahassee's Lake Protection Program. However, if the zoning is allowed to be changed as recommended by the Zoning Commission, a developer will be able to build over 8 homes per acre. Below are the impacts this zoning change, if approved, will have on the NE neighborhoods including, Luna Plantation, Killearn Lakes, McBride, Ox Bottom and Summerbrooke.

- There wasn't a site plan included so it's unknown what type of development will be proposed and what impact there will be on the adjacent properties if it is rezoned. Unbeknownst to the NE residents, the land appears to have been cleared approximately 2 years ago, possibly in preparation to start the process of a zoning change and the development of homes.
- Increased traffic and concerns that a connection into Summerbrooke will be made.
- Runoff from development could impact the lakes negatively.
- The impact additional development will have on local schools, parks and the community.

Above are my concerns as a Summerbrooke resident for the hearing on the proposed rezoning application submitted by Greenmen-Pedersen Inc. Any retail and or residential plans for this land portion will be detrimental to the overall congested areas in existence along Bannerman road. Existing rush hour traffic on roads that are only two lanes and the impact on schools that already exceed their capacity provide reason enough for a rejection of this proposed new zoning and any subsequent development plans. The existing growth of retail establishments on Bannerman and the new large residential developments on Ox Bottom will overwhelm the Northeast soon enough. More retail and residential plans are not needed. Rejecting the zoning proposal will go a long way in keeping development responsible.

The Commission should continue to encourage growth of affordable housing and retail development on the South Side of Tallahassee. The NE is over developed.

Thank you very much.

Sincerely,

Jan Benesh
428 Summerbrooke Dr
Tallahassee, Fl 32312

Herb Thiele - Fwd: Rezoning at 1665 Bannerman Rd., (LRZ180001)

From: John Dailey
To: Thiele, Herb
Date: 4/5/2018 10:55 AM
Subject: Fwd: Rezoning at 1665 Bannerman Rd., (LRZ180001)

>>> Nikki Abels <nikki.abels@gmail.com> 3/30/2018 7:46 PM >>>
March 30, 2018

Dear Commissioners,

I am writing to you in hopes you will reconsider the rezoning of 1665 Bannerman Road, (LRZ180001).
I have a number of concerns about this possible rezoning.
First, being a retired public school teacher, I am gravely concerned about the impact that adding so many new residences will have on our current schools. I have read that this has been studied, but I find it difficult to believe that adding so many new students will not adversely affect the local schools.
I am also concerned about the impact of adding so many cars to the local traffic. It is difficult to take a left out of my housing development (Summerbrooke) now. I do not want to even think about what adding hundreds of cars will do.
I am also concerned, as anyone would be, what impact the types of residences being considered will have on our property values. Homes are a big investment for anyone. And having more homes, especially multi-family homes, will certainly impact us. And quite frankly, there are plenty of homes for sale in the area now. We certainly do not need to add more homes to possibly stand empty because there would be too many homes for sale and not enough people to buy them.
I am concerned that this rezoning will allow for commercial buildings. We have plenty of commercial properties very close to the proposed area. And it appears that not all the spaces in Bannerman Crossings are leased. We certainly do not need more empty store spaces. And really, do we need another car wash or mattress store in Tallahassee?
Then there is the matter of light and noise pollution. I moved into this area because it was quiet and the skies at night are beautiful. That may not seem important to you, but it is to me.
And honestly, what are we trying to do to Tallahassee? This is a nice area in which to live. We have access to so much now with our colleges, entertainment, and places to visit. Do we really need to pave over every inch of the county?
I am thinking that this rezoning is only the beginning. It does not seem so much a necessity as it does a way to turn a profit.
When are we going to wake up and stop developing just to develop for its own sake? When will it end? And who will have the courage and conviction to just say no?

Thank you for listening to me.

Sincerely,

Nikki Abels
8123 Viburnum Ct.
Tallahassee, Fl.
32312

Herb Thiele - Fwd: Rezoning on Bannerman Road

From: John Dailey
To: Thiele, Herb
Date: 4/5/2018 10:55 AM
Subject: Fwd: Rezoning on Bannerman Road

>>> Phillip Langdon <pnlangdon@comcast.net> 4/1/2018 10:34 AM >>>
Ladies and Gentlemen of the Board of County Commissioners,

My name is Phillip Langdon and I currently reside in the neighborhood of SummerBrooke in the Northeast section of Tallahassee. Recently the Planning Commission has approved the rezoning of a large area on Bannerman Road to be changed from Lake Protection to Lake Protection Node which would allow for commercial development and/or a large multi-family home development. I have many concerns regarding this and would like to voice my concerns before this is proposed to the County Commissioners.

My number one concern is the traffic on Bannerman Road. Bannerman is already very busy throughout the day and I believe intentionally adding even more cars to Bannerman Road would be a mistake. If you have not driven down this road during rush hour I encourage you to take a ride at 7:00 am or 5:00 pm to see what we already deal with every day. If this rezoning takes place and the 31 acres turns into an apartment complex with another 350+ homes you are adding another 1,000+ cars to this road with no answer for the congestion in the near future. According to the Planning Department the plan to widen Bannerman road is 10 years away.

I know there has not been a site plan proposed so we do not know what would go in there, but with the new zoning such things as a car wash, grocery store, auto parts store and a large restaurant are all possible with the rezoning. This zoning is not suited for the area and surrounding properties and I would ask what you would do if they proposed something of this sort in your backyard?

Another thing that I'm not sure was completely thought about was the runoff and pollution from the new construction. We have 2 lakes in concern. One of the lakes is on the said property with a tributary to a large SummerBrooke lake. These lakes are thriving in our community. We have ducks and geese that come to our lakes and an abundance of fish that are very healthy. If you add new construction with chemicals and pollution, we will loose that environment that our community cherishes.

Lastly, has anyone done a study about how full the schools are in the area? Would adding a large amount children to the current school zone add even more stress to the schools in this area? From what was said at the Planning Department all surrounding schools are at maximum capacity and getting in and out of the school during drop-off and pickup is a nightmare.

I moved to this part of town because there were not large multifamily complexes and this new rezoning threatens the quaint lifestyle that the people of SummerBrooke have come to love. Please think of this as if it were your backyard and stop this rezoning. **I believe that this falls under the reckless and improper growth and development clause under the rezoning proposal.**

This node is obviously misplaced and honestly I believe there was not adequate thought or research done. The residents in our community are needing actions to be taken to stop this reckless growth without the

proper surrounding infrastructure to support it and we are turning to our elected county commissioners to hear our voices and take action. Please deny this zoning request.

Thank you for listening,

Phillip Langdon PA-C
Tallahassee Memorial Healthcare
Bixler Emergency Department
(850) 570-5191

Jessica Icerman - Re: Bannerman/Bull Headley Development and Zoning

From: Bryan Desloge
To: Gard, Shary
Date: 4/2/2018 1:18 PM
Subject: Re: Bannerman/Bull Headley Development and Zoning
Cc: Cherie (Planning) Bryant; Tedder, Wayne; Thiele, Herb; McDevitt, David

Shary, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Shary Gard" <sharygard@embarqmail.com> 4/1/2018 10:39 PM >>>
Dear Commissioner,

I'm writing to ask for your reconsideration regarding the zoning of Bannerman/Bull Headley development. If the development cannot be stopped, I at least encourage you to ensure the property will be developed in a responsible way. The traffic, overcrowding in schools, decreasing my home value and potentially filling our beautiful lakes with runoff pollution are all disconcerting to me as a homeowner in the SummerBrooke neighborhood.

Anything you can do to improve and/or resolve this situation would be appreciated. Thank you for your service as county commissioner.

Shary Gard

From: <gbedonie@aol.com>
To: <proctorb@leoncountyfl.gov>, <gleer@leoncountyfl.gov>, <deslogeb@leoncou...
CC: <bill@leoncountyfl.gov>
Date: 4/1/2018 11:49 AM
Subject: zoning Bannerman Road

FROM:"Glenn Bedonie <gbedonie@aol.com>

Step one-find thirty or more acres of raw land, adjacent to the city limits, with low density zoning. Make an offer for the purchase of the property.
Step two-upon acceptance of the offer to purchase, request a zoning change to allow high density development, regardless of compatibility with the surrounding neighborhood.
Step three-after approval of the re-zoning request, convince the County Commission to approve the zoning change.
Step four-after approvals for high density development by the County Commission, request for a voluntary annexation into the City of Tallahassee.
Step five-after approval for annexation, apply for and receive rebates for the cost of utility and other infra-structure capital costs.
What a wonderful way of making money at the direct expense of the citizens, with full approval of our elected representatives. This is what is currently happening on Ox Bottom and Bannerman Roads.
Be sure to be very vocal when the annexation request is made to the COT to stop this abuse from continuing. And, you thought abuse only occurred at the
Community Re-development Agency-WRONG AGAIN

This message sent from the Leon County Website: www.leoncountyfl.gov

Herb Thiele - Fwd: Bannerman/Bull Headley Development

From: John Dailey
To: Thiele, Herb
Date: 4/5/2018 10:54 AM
Subject: Fwd: Bannerman/Bull Headley Development

>>> Ken Chambers <kenchambers@embarqmail.com> 4/2/2018 3:49 PM >>>

Dear Commissioner,

I'm writing to ask for your reconsideration regarding the zoning of Bannerman/Bull Headley development. If the development cannot be stopped, I at least encourage you to ensure the property will be developed in a responsible way. The traffic, overcrowding in schools, decreasing my home value and potentially filling our beautiful lakes with runoff pollution are all disconcerting to me as a homeowner in the SummerBrooke neighborhood.

Anything you can do to improve and/or resolve this situation would be appreciated. Thank you for your service as county commissioner.

Ken Chambers

Herb Thiele - Fwd: Please do not approve --Proposed Rezoning at Bannerman and Bull Headly Roads

From: John Dailey
To: Thiele, Herb
Date: 4/5/2018 10:47 AM
Subject: Fwd: Please do not approve --Proposed Rezoning at Bannerman and Bull Headly Roads

>>> cecil bragg <cecilbragg@comcast.net> 4/3/2018 11:33 AM >>>

- Actions

I am deeply concerned with the proposed rezoning of a large parcel of land that adjoins my neighborhood of SummerBrooke. The current zoning of the property for a maximum of 2 homes per acre is compatible with the land use in the surrounding area. The proposed rezoning to a much higher density of 8 homes per acre will have a significant negative impact on the surrounding residents. I am concerned with the increased traffic, increased demand on the public schools and especially our lake basin environment. SummerBrooke has a chain of lakes that feed into Lake Jackson. Our lakes have already been negatively affected by the run off from the clearing of the land in the proposed rezoning area. The building of a high density neighborhood will certainly further damage the surrounding watershed and lakes.
Please do not approve the proposed rezoning that is scheduled for your April 10th meeting.
Cecil Bragg
1136 Spinney Court
Tallahassee, FL 32312
850-509-0497

Jessica Icerman - Re: Rezoning at 1665 Bannerman Road

From: Bryan Desloge
To: MITCHELL, BRUCE
Date: 4/4/2018 3:01 PM
Subject: Re: Rezoning at 1665 Bannerman Road
Cc: Cherie (Planning) Bryant; Tedder, Wayne; McDevitt, David; Thiele, Herb

Bruce, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> BRUCE MITCHELL <bmitchell7@comcast.net> 4/3/2018 1:57 PM >>>
Dear Commissioners,

We would like to request that you **oppose** the rezoning request at 1665 Bannerman Road. There are 4 major reasons that we are concerned with this development. The first reason is if this property is rezoned to LPN the potential of high density building could occur which could mean a developer could build 8 homes per acre. This could mean eventually 1000 homes could be developed on this property. This could bring down the value of our homes in the surrounding neighborhoods, especially the ones that back up to this parcel. We learned that the property owner cleared almost all of the trees on that parcel of land, paving the way for the development approximately 2 years ago. This clearing was not known to the surrounding neighborhoods (SummerBrooke, Killearn Lakes, McBride, Oxbottom, Luna Plantation, etc.). We learned at the County Commission Land Development meeting that during this clearing, the berm that protected the lakes in the SummerBrooke subdivision from runoff pollution and silt was destroyed and **never rebuilt**. The SummberBrooke HOA has been dealing with this atrocity ever since. A biologist assisted the group with their assessment. Therefore, was this done legally? Shouldn't there be some accountability for this environmental impact?
If it's affected the lakes in the last 2 years from this runoff what will be the impact when they start building all the homes/buildings in the future? This needs to be addressed now instead of later.

The other concerns involved in this development relate to the impact that it will have on our local schools. This could overcrowd Hawks Rise, Deerlake, and Chiles. I feel the Leon County School Board needs to be involved in the request of this zone changing.

Traffic congestion on Bannerman Road is already horrendous and adding a new development will make it even more frustrating since we have been told it could take 7 or 8 years before Bannerman Road is expanded.

Again, for these reasons, please re-consider rezoning this property on Bannerman Road or at least make sure the development of this property is done in a responsible way. Thank you for your consideration and assistance.

Becky Mitchell

Jessica Icerman - Re: Rezoning of the parcel of land at the corner of Bull Headley and Bannerman Road

From: Bryan Desloge
To: chodyla, bernard
Date: 4/5/2018 8:58 AM
Subject: Re: Rezoning of the parcel of land at the corner of Bull Headley and Bannerman Road
Cc: Cherie (Planning) Bryant; Tedder, Wayne; McDevitt, David; Thiele, Herb

Bernard, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> bernard chodyla <chodyla@yahoo.com> 4/4/2018 5:34 PM >>>
Dear Mr Desloge,

i would like to voice my opposition to rezoning of the parcel of land at the corner of Bull Headley and Bannerman Road from 2 homes per acre to high density housing.

Regards

Bernard Chodyla

SummerBrook homeowner

Jessica Icerman - Re: Against rezoning Bull Headley and Bannerman Road

From: Bryan Desloge
To: GMAIL(riordantim1
Date: 4/4/2018 2:54 PM
Subject: Re: Against rezoning Bull Headley and Bannerman Road
Cc: Cherie (Planning) Bryant; Tedder, Wayne; Thiele, Herb; McDevitt, David

Tim, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "GMAIL(riordantim1" <riordantim1@gmail.com> 4/4/2018 11:33 AM >>>

I am a SummerBrooke resident for 28 years and I am against the rezoning of subject area to 8 houses per acre!

Meridian and Bannerman Roads are at full capacity at morning and evening work times as is.

Please respond,
Tim Riordan
7014 Upland Glade
Tallahassee, FL 32312
850-545-9393

Jessica Icerman - Re: Rezoning of Property on Bannerman Rd.

From: Bryan Desloge
To: Anderson, Rex
Date: 4/5/2018 8:55 AM
Subject: Re: Rezoning of Property on Bannerman Rd.
Cc: Cherie (Planning) Bryant; Tedder, Wayne; McDevitt, David; Thiele, Herb

Rex, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Rex Anderson <rexanderson5@gmail.com> 4/5/2018 8:26 AM >>>
Dear Mr. Desloge,

I received information regarding the potential rezoning of property located on Bannerman Road near SummerBrooke subdivision. This property is currently zoned for 2 homes per acre and the developer is requesting the property be rezoned to build additional homes per acre. As a resident of SummerBrooke subdivision, I would strongly oppose any manner of rezoning that would increase the housing density in this area. We already have too much traffic on Bannerman road and the schools are already overcrowded. We should not allow a greedy developer to make things worse for the current residents.

Thank you for your support in fighting this potential rezoning error and as serving as our Commissioner.

Rex Anderson

1352 Conservancy Dr. E.

Tallahassee, FL 32312

From: <euridge@gmail.com>
To: <proctorb@leoncountyfl.gov>, <gleer@leoncountyfl.gov>, <deslogeb@leoncountyfl.gov>, <tannerb@leoncountyfl.gov>, <daileyj@leoncountyfl.gov>, <harrisona@leoncountyfl.gov>, <DozierK@leoncountyfl.gov>, <ziring@leoncountyfl.gov>, <maddoxn@leoncountyfl.gov>, <jonesc@leoncountyfl.gov>, <lindleym@leoncountyfl.gov>, <craigd@leoncountyfl.gov>, <jacksonj@leoncountyfl.gov>, <sirmonske@leoncountyfl.gov>
CC: <bill@leoncountyfl.gov>
Date: 4/5/2018 10:36 AM
Subject: Bannerman Road Development

FROM:"Gareth Euridge <euridge@gmail.com>

Dear Commissioners: I strongly object to your recent decision to re-zone a tract of land at Bull Headley and Bannerman. This is a clear violation of the Lake Protection Program. In addition, the current school system would not be able to absorb the children from this high-density project. I ask you to reconsider this decision. Dr. Gareth Euridge

---
This message sent from the Leon County Website: www.leoncountyfl.gov

Jessica Icerman - Zoning at Bannerman and Bull Headley Roads

From: Sandy Woodruff <slwtlh@comcast.net>
To: <LindleyM@leoncountyfl.gov>
Date: 4/5/2018 6:39 PM
Subject: Zoning at Bannerman and Bull Headley Roads

I am writing in strong opposition to liberalizing the zoning restrictions for the large parcel of land at the corner of Bull Headley and Bannerman Roads. I understand this matter will be voted on by the County Commission on 4/10/18.

Currently, a developer is allowed to build only two houses per acre on that land, which is part of Tallahassee's Lake Protection Program. However, if the zoning is changed, a developer will be able to build over 8 homes per acre.

Such a change would constitute reckless growth and development that will threaten sensitive wetlands and wildlife habitat and increase problems with flooding. Also, where is the infrastructure to support all of these homes? The existing roads cannot efficiently handle the additional traffic. And how would this impact schools?

The rate at which we are losing green space in Leon County and Tallahassee is tragic and detrimental to our quality of life. The commission should oppose allowing more than two homes per acre on this parcel.

Sandra Woodruff
1431 Lloyds Cove Rd
Tallahassee FL 32312

Jessica Icerman - Fwd: Please vote NO on rezoning at Bull Headley and Bannerman

From: Kristin Dozier
To: Zirin, Gary
Date: 4/6/2018 10:22 AM
Subject: Fwd: Please vote NO on rezoning at Bull Headley and Bannerman

>>> Victoria Langley Heller <vlheller@outlook.com> 4/5/2018 9:50 PM >>>
Dear Ms. Dozier,

Please vote NO on rezoning at Bull Headley and Bannerman roads on Tallahassee's north side.

We moved to the Summerbrooke neighborhood after living on the northwest side of town for 10 years because we loved the peace of Meridian Road, the large lots that provided a bit more privacy between homes, the beautiful forests and undeveloped rolling hills, and the great schools. We bought a foreclosure four years ago and fixed it up.

In the four years we've been here, commercial and residential development have exploded all around us. Large new neighborhoods are being built off the four major roads bordering ours – Thomasville, Bannerman, Meridian and Ox Bottom, there's a huge new shopping and dining center with more retail planned, and traffic has become significantly more of an issue during peak commute times. Already crowded, Hawks Rise Elementary School only recently replaced several portable structures with permanent buildings to accommodate a growing student population. Displaced wildlife, particularly coyotes, are creating tragic scenarios for pet owners and motorists.

The neighbors I have spoken with, along with my family, are strongly opposed to the rezoning of property at the corner of Bull Headley and Bannerman roads. The infrastructure is not in place to accommodate thousands of new residents, motorists and school children. Nor do residents wish it to be. Residents have chosen to live on Tallahassee's north side to be farther away from heavily populated urban areas, which are wonderful for the citizens who chose to live in them but are not wonderful for those who are seeking to be in quieter, less congested and more natural area. We understand and appreciate the rights of property owners to use or sell their property, as they see fit and as is allowed by zoning restrictions, but we are being told a change in zoning laws would now allow a high-density residential development that would not previously have been allowed on the Bull Headley-Bannerman property.

We are extremely concerned about the negative impact on water quality in surrounding lakes and streams, traffic and school crowding such a development would bring. There are already multiple housing developments in varying stages of progress in this area, and new homes being built in existing neighborhoods. These existing projects are already providing a significant stock of new housing, and having an impact on traffic congestion. The north side of Tallahassee does not need more at this time.

Please vote NO on rezoning the Bull Headley-Bannerman property, and continue to be our champion for protection of the quality of life that means so much to your constituents. With huge new housing developments underway throughout this city, there are no compelling reasons to pursue this proposal, and thousands of families who will be hurt if it moves forward.

Please feel free to contact me if I may ever be of assistance,

Victoria Heller
80-294-3293

Jessica Icerman - Re: Rezoning - Bannerman Rd at Bull Headley

From: John Dailey
To: PIPKIN, TOMMY
Date: 4/6/2018 10:13 AM
Subject: Re: Rezoning - Bannerman Rd at Bull Headley

Thank you for your email regarding the rezoning of the Bannerman parcel. This issue is quasi-judicial and as such discussion is not allowed, but your email has been read and it will be given consideration when the matter comes before the Board.

John

>>> TOMMY PIPKIN <jtpipkin@bellsouth.net> 4/6/2018 9:35 AM >>>
The Tallahassee - Leon County Mission Statement calls for responsible growth. This proposed rezoning on Bannerman Road from LP to LPN is IRRESPONSIBLE. The infrastructure can not handle the high density construction allowed under the LPN designation. The roads, the schools, the water quality and the environment will be overwhelmed.

Please be responsible and VOTE NO on the rezoning issue this Tuesday night.

Tommy Pipkin
7140 Wooded Gorge Rd
Tallahassee, FL 32312

Jessica Icerman - Fwd: Public hearing April 10, 2018

From: Nick Maddox
To: Thiele, Herb
Date: 4/6/2018 11:19 AM
Subject: Fwd: Public hearing April 10, 2018
Cc: Icerman, Jessica

>>> Joseph Briggs <pandjbriggs012@gmail.com> 4/6/2018 9:36 AM >>>

---------- Forwarded message ----------
From: **Joseph Briggs** <pandjbriggs012@gmail.com>
Date: Fri, Apr 6, 2018 at 9:33 AM
Subject: Public hearing April 10, 2018
To: MaddoxN@leoncountyfl.gov, Bryan Desloge <DeslogeB@leoncountyfl.gov>, DaileyJ@leoncountyfl.gov, JacksonJ@leoncountyfl.gov, LindleyM@leoncountyfl.gov, DozierK@leoncountyfl.gov, ProctorB@leoncountyfl.gov, TOMMY PIPKIN <jtpipkin@bellsouth.net>, Jeremy Anderson <Janderson@andersongivens.com>

Chairman Maddox, Bryan Desloge and other County Commissioners,

As you are aware, there are two highly controversial issues on the agenda for this Tuesday's Leon County Commission meeting. One involves the Gun issues and the other is the Rezoning of 30.9 acres on Bannerman Rd.
It is concerning that with both of these issues listed on the agenda, the citizens will not get the opportunity to express themselves to the Commission.

I would like to request the rezoning of the 30.9 acres be deferred to a later date should this meeting exceed 9:00 pm.

After this time, a person's ability to sustain attention is diminished considerably, losing the interest, focus and attention of the audience. This will create an unfair playing field for everyone, including the Commissioners, as well as the citizens of Leon County.

Your serious consideration will be greatly appreciated.

Pamela Briggs
1213 Conservancy Dr. E
Tallahassee, FL 32312

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Friday, April 06, 2018 2:47 PM
To: Snyder, Russell; Haley, Jiwuan
Subject: FW: Additional Attachment for Agenda Item # 10 - Bannerman Rezoning
Attachments: Memo re Bannerman Rezoning.pdf; Additional Attachment # 14.pdf

---

From: Jessica Icerman [mailto:IcermanJ@leoncountyfl.gov]
Sent: Friday, April 06, 2018 2:42 PM
To: Smach, Mary
Cc: Long, Vince; Morris, Ken; Rosenzweig, Alan; Bryant, Cherie (Planning)
Subject: Additional Attachment for Agenda Item # 10 - Bannerman Rezoning

Mary,

Attached is a Memorandum from Herb and an Additional Attachment #14 for Agenda Item #10 for distribution.

Thanks,

Jessica M. Icerman
Assistant County Attorney
Leon County Attorney's Office
301 South Monroe St. #202
Tallahassee, Florida 32301
(850) 606-2500 (phone)
(850) 606-2501 (fax)

Legal Notice: Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

BOARD OF COUNTY COMMISSIONERS
MEMORANDUM

TO: Honorable Chairman and Board of County Commissioners

FROM: for Herbert W.A. Thiele, County Attorney

DATE: April 6, 2018

SUBJECT: Additional Attachment for Agenda Item # 10 – Additional Citizen Comments

---

Enclosed please find an additional attachment to Agenda Item # 10, First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning District from the Lake Protection (LP) Zoning District to the Lake Protection Node (LPN) Zoning District.

This attachment is Attachment #14, Citizen Comments through April 5, 2018.

The additional citizen comments were received as *ex parte* communications and are being included in the Agenda Item so they may be considered and reviewed by all interested parties. Should you receive additional *ex parte* communications, please continue to send same to my office so they may be placed on the record.

Enclosure

cc: Vincent S. Long, County Administrator
Cherie Bryant, Director of Planning

April 2, 2018

MEMO TO:

Bryan Desloge, County Commissioner, Dist. 4

John Dailey, County Commissioner, District 3

Kristin Dozier, County Commissioner, District 5

Jimbo Jackson, County Commissioner, District 2

Mary Ann Lindley, County Commissioner, At-large

Nick Maddox, County Commissioner, At-large

Bill Proctor, County Commissioner, Dist. 1

Subject:

Rezoning application for 1665 Bannerman Rd. for 30.9 acres from LP to LPN.

Public hearing will be held on April 10, 2018 in County chambers at 6:00 pm.

Ladies & Gentlemen,

I am listing a summary of why the Summer Brooke community is **so strongly opposed** to this rezoning request. Our concerns are as follows:

> **"Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood." VISION STATEMENT AND IMPLEMENTATION (REV. EFF.7/26/06; REV. EFF. 1/7/10)**

This rezoning application ignores the entire Vision statement as referenced above including but not limited to: natural beauty, degradation of County's natural resources, orderly growth, leap frog development, traffic safety and flow, plan's purpose to preserve, protect and enhance quality of life for all citizens, natural environment, aesthetic environment, eliminated unwise land use decisions paid for by the general populace, perception of a constant assault on neighborhoods, maintain integrity of existing neighborhoods, linkage between land use and infrastructure AND the belief the Comprehensive Plan is a living document.

1. **This rezoning application ignores the Vision statement, Land Use Goals & Objectives, Goal 1: [L] (EFF. 7/16/90). The Comprehensive Plan shall protect and enhance the quality of life in this community by providing economically sound educational, employment, and cultural, recreational, commercial, industrial, & professional opportunities to its citizens while channeling inevitable growth into locations and activities that protect the natural and aesthetic environments and residential neighborhoods.**

2. **Policy 1.4.5: [L] (REV. EFF. 12/10/91)**

C: Any request for a change in zoning use classification and specific zoning district mapping within a future land use category shall be evaluated for consistency with the adopted Goals, Objectives, and Policies of the Plan as well as consistency with and the furtherance of the intent of the future land use category in which it is located.

3. **Policy 2.2.18: [L] LAKE PROTECTION (REV.EFF.12/22/95;REV.EFF.7/26/06;RENUMBERED 3/14/07;REV.EFF.7/14/14;REV.EFF.7/6/15)**

INTENT:

Lake Jackson is both an Outstanding Florida Water and Aquatic Preserve, unique waterway, has historically suffered from water quality issues associated with rapid urbanization and largescale roadway projects, is designated "IMPAIRED" by FDOEP.

4. **The Smart Growth principles do NOT apply to this area due to inability to create walkable neighborhoods, unable to foster distinctive, attractive communities with strong sense of place, preserve natural beauty, and critical environmental areas, will not provide a variety of transportation choices, and does not make development decisions that are predictable, fair and cost effective**

Objection #1:

The impact high density development and the increase in density of homes per acre will allow for lower income residents, allow for smaller homes with minimal square footage , thus causing a decrease in our property values.

Objection #2:

Daily traffic count on Bannerman Rd. averages 17, 200 vehicles according to FDOT report dated 2016. (Included as ATT 3 in packet). County officials have indicated the Blueprint Sales Tax will not take place until 2020 to even consider widening Bannerman Rd and then only to Tekesta.

Objection #3:

School Impact Analysis Form is (included as ATT4 in packet.) This is the data that was included in packet that the Leon County Planning Commission received dated 2/28/18.

The following is the current data provided by Leon County Schools for:

Hawks Rise at 878 students (96%) capacity;

Killearn Lakes Elementary 866 (90%)capacity

Deerlake Middle School 987 (78%)capacity

Chiles 2044 (102%).over capacity

The NE quadrant of Leon County continues to experience RAPID, CONTINUAL GROWTH .

What impact will this have on the schools, neighborhoods, families and children living in the Southern Quadrant? They must be feeling claustrophobic, trapped, and unable to escape their situation.

Will any of these schools in the SE Quadrant have to close?

If this rezoning is approved, when will the schools in NE quadrant feel the impact?

In closing, I respectfully encourage each of you to realize the **oath of office** you took before undertaking the duties as County Commissioners. You agreed to be faithful and impartial when performing the duties of this office.

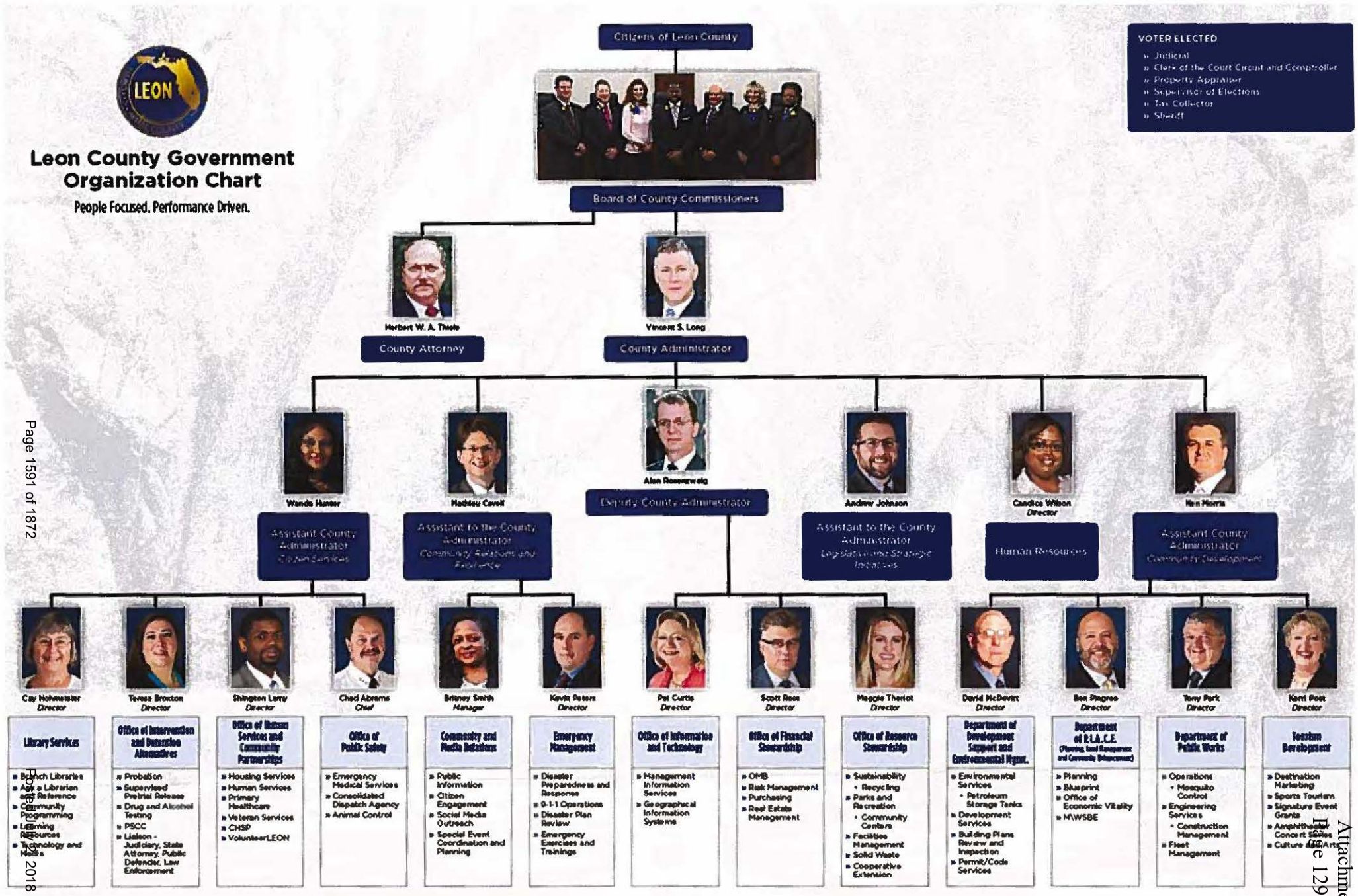
Respectfully submitted,

Pamela Briggs

Pamela Briggs

1213 Conservancy Dr. E

Tallahassee, FL 32312


Leon County Government Organization Chart
People Focused. Performance Driven.
Citizens of Leon County
Board of County Commissioners
VOTER ELECTED
» Judicial
» Clerk of the Court Circuit and Comptroller
» Property Appraiser
» Supervisor of Elections
» Tax Collector
» Sheriff
Herbert W. A. Thiele
County Attorney
Vincent S. Long
County Administrator
Wanda Hunter
Assistant County Administrator
Citizen Services
Mathieu Cavell
Assistant to the County Administrator
Community Relations and Resilience
Alan Rosenzweig
Deputy County Administrator
Andrew Johnson
Assistant to the County Administrator
Legislative and Strategic Initiatives
Candice Wilson
Director
Human Resources
Ken Morris
Assistant County Administrator
Community Development
Cay Hohmeister
Director
Library Services
» Branch Libraries
» Ask a Librarian and Reference
» Community Programming
» Learning Resources
» Technology and Media
Teresa Broxton
Director
Office of Intervention and Detention Alternatives
» Probation
» Supervised Pretrial Release
» Drug and Alcohol Testing
» PSCC
» Liaison - Judiciary, State Attorney, Public Defender, Law Enforcement
Shington Lamy
Director
Office of Human Services and Community Partnerships
» Housing Services
» Human Services
» Primary Healthcare
» Veteran Services
» CHSP
» VolunteerLEON
Chad Abrams
Chief
Office of Public Safety
» Emergency Medical Services
» Consolidated Dispatch Agency
» Animal Control
Britney Smith
Manager
Community and Media Relations
» Public Information
» Citizen Engagement
» Social Media Outreach
» Special Event Coordination and Planning
Kevin Peters
Director
Emergency Management
» Disaster Preparedness and Response
» 9-1-1 Operations
» Disaster Plan Review
» Emergency Exercises and Trainings
Pat Curtis
Director
Office of Information and Technology
» Management Information Services
» Geographical Information Systems
Scott Ross
Director
Office of Financial Stewardship
» OMB
» Risk Management
» Purchasing
» Real Estate Management
Maggie Theriot
Director
Office of Resource Stewardship
» Sustainability
• Recycling
» Parks and Recreation
• Community Centers
» Facilities Management
» Solid Waste
» Cooperative Extension
David McDevitt
Director
Department of Development Support and Environmental Mgmt.
» Environmental Services
• Petroleum Storage Tanks
» Development Services
» Building Plans Review and Inspection
» Permit/Code Services
Ben Pingree
Director
Department of P.L.A.C.E.
(Planning, Land Management and Community Enhancement)
» Planning
» Blueprint
» Office of Economic Vitality
» M\WSBE
Tony Park
Director
Department of Public Works
» Operations
• Mosquito Control
» Engineering Services
• Construction Management
» Fleet Management
Karri Post
Director
Tourism Development
» Destination Marketing
» Sports Tourism
» Signature Event Grants
» Amphitheater Concert Series
» Culture and Arts

"Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood". VISION STATEMENT AND IMPLEMENTATION (REV. EFF. 7/26/06; REV. EFF. 1/7/10)

Presentation given at joint meeting on March 30, 2018

In opposition of rezoning request of 30.9 acres at 1665 Bannerman Rd. Tallahassee, FL

Prepared by:

Pam Briggs

Summer Brooke HOA Board Member

VISION STATEMENT AND IMPLEMENTATION (REV. EFF. 7/26/06; REV. EFF. 1/7/10)

We are fortunate to have retained the natural beauty that inspired the sitting of Florida's state capital. The community relies upon the comprehensive plan to protect the natural resources and scenic beauty while encouraging the responsible, healthy growth of Tallahassee and Leon County. The comprehensive plan seeks to balance the management of growth with environmental protection but gives precedence to environmental protection.

Evolving land use patterns within the County have exhibited sprawl characteristics. Sprawl is, perhaps, the most inefficient pattern of land use. Costs associated with the provision of both capital and social infrastructure are higher than more compact patterns. This must be taken into consideration when local government is faced with limited fiscal resources and increasing demand for services.

Sprawl encourages degradation of the County's natural resources by prematurely committing vast areas to the impact of urbanization. Phased, orderly growth mitigates this situation by comprehensively addressing development impacts to our natural systems. Leap frog development associated with sprawl is piecemeal in nature and is detrimental to any type of comprehensive framework.

Another aspect of urban sprawl is the tendency toward strip commercial development, i.e., the commercialization along major streets which occurs as infill between sprawled developments. This strip development negatively affects traffic safety and flow, as well as creating aesthetic problems associated with advertising signs. While many of the negative effects of strip development can be controlled to some extent by regulatory means, a more positive approach is to prevent its spread by means of land use policies. The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens.

The plan encourages and supports economically sound residential, educational, employment, and cultural, recreational, commercial and industrial opportunities for the citizens. This is facilitated by systematically planning for growth, development and redevelopment

The natural environment is one of the many criteria which, when combined, form the community's perceived quality of life. **The natural environment is a major component in the quality of life equation for Leon County. As such, it must be protected. Development and the ancillary activities associated with it must be channeled into locations that protect the natural and aesthetic environment. Unwise land use decisions which ultimately require expensive environmental retrofitting, paid for by the general populace, must be eliminated**. In order to achieve this, it is the intent of this Plan to include strong environmental objectives and policies within the Land Use Element and other applicable portions of the Plan.

The residential environment is also one of many criteria which form the community's perceived quality of life and must be protected. An economic base of stable public employment has fostered development of stable residential neighborhoods. **Citizens identify with and value their neighborhoods in all parts** of the community and at all income levels. Containing sprawl will necessarily increase density and intensity in the existing urban area. **Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood.** Not only actual changes, but also the perception of a constant assault on a neighborhood undermines an otherwise desirable residential environment. Development and its ancillary activities should be channeled into locations that offer the greater opportunity for the higher density and mixture of uses that a policy of urban containment encourages. **It is the intent of the plan to maintain the integrity of existing neighborhoods while encouraging new residential developments to incorporate a wider range of nonresidential uses.**

Essential for planning are objectives and policies that protect and enhance the natural environment, water resources, the canopy roads, and residential neighborhoods. To this end, regulatory tools such as concurrency management, urban service area designation, planned unit developments and special protection zones are used to foster the community's vision. **An underlying premise is the linkage between land use and infrastructure**. The plan is based on the principle that development should pay for itself and this vision is implemented, in part, through the accomplishment of several strategies described below.

Our comprehensive plan is a living document, used every day in decisions made by local governments. It is regularly reviewed and amended to ensure that it remains current and consistent with our community vision.

LAND USE GOALS, OBJECTIVES AND POLICIES

Goal 1: [L] (EFF. 7/16/90)

The Comprehensive Plan shall protect and enhance the quality of life in this community by providing economically sound educational, employment, and cultural, recreational, commercial, industrial and professional opportunities to its citizens while channeling inevitable growth into locations and activities that protect the natural and aesthetic environments and residential neighborhoods.

Policy 1.1.1: [L] (REV. EFF. 7/20/05)

In order to discourage urban sprawl, new development shall be concentrated in the urban service area plus in the Woodville Rural Community future land use category and the rural communities of Capitola, Chaires, Ft. Braden and Miccosukee, as designated on the future land use map.

GROWTH MANAGEMENT/ URBAN SERVICES AREA Objective 1.1: [L] (EFF.7/16/90; REV. EFF. 7/26/06; REV. EFF. 12/24/10)

Direct development to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and the service capacity to accommodate growth in an environmentally acceptable manner.

This shall be accomplished in part through the establishment and maintenance of an Urban Service Area (USA) concept. This **Urban Service Area (USA) concept is based upon a desire to have Tallahassee and Leon County grow in a responsible manner, with infrastructure provided economically and efficiently, and surrounding forest and agricultural lands protected from unwarranted and premature conversion to urban land use**. An urban service strategy provides for well-managed, orderly growth, which preserves natural resources and promotes fiscal responsibility. The location and size of the USA shall be depicted on the Future **Land Use Map** and is based upon the area necessary to accommodate 90% of new residential dwelling units within the County by the Plan Horizon; **the ability to provide urban infrastructure; and, the presence of environmentally sensitive lands and water bodies, requiring protection from the impacts of urban development.**

Policy 1.1.8: [L] (EFF. 7/26/06; REV. EFF. 12/24/10)

The integrity of the USA concept is maintained by strict adherence to the premise of not funding or scheduling major capital improvement projects outside the USA, Rural Communities or the Woodville Rural Community in conjunction with a policy of discouraging premature use and underutilization of land designated for urban development. Additionally, **the size of the USA should be limited to reflect the ability of the public to provide infrastructure, limitations of environmental constraints and existing development and to provide for a phasing mechanism to the Plan Horizon.**

Policy 1.4.1: [L] (REV. EFF. 12/10/91)

Density and intensity incentives shall be established within the required land development regulations to encourage growth in areas which minimize and mitigate development's negative impact on the natural and aesthetic environment.

Policy 1.4.5: [L] (REV. EFF. 3/14/07)

(c) Any request for a change in zoning use classification and specific zoning district mapping within a future land use category shall be evaluated for consistency with the adopted Goals, Objectives, and Policies of the Plan as well as consistency with and the furtherance of the intent of the future land use category in which it is located;

Policy 2.2.1: [L] RURAL/AGRICULTURE (REV. EFF. 8/17/92; REV. EFF. 7/26/06; REV. EFF. 12/24/10; REV. EFF. 7/6/15

The intent of the Rural category is to maintain and promote agriculture, silviculture, and natural resource-based activities, to preserve natural systems and ecosystem functions, and to protect the scenic vistas and pastoral development patterns that typify Leon County's rural areas. Typical land uses within this category shall include agriculture, silviculture, and natural resource-based activities. Due to the very low intensity development pattern that is intended for the category, urban services are not planned or programmed for the area. To promote infill and redevelopment within the Urban Service Area (USA) and Rural Communities, higher density residential, and non-residential activities that are not functionally related to and supportive of agriculture, silviculture and other natural resource based activities shall be prohibited within the Rural category.

Non-residential uses functionally related to and directly in support of agricultural, silvicultural, and other natural resource based activities, including ecotourism activities, may be permitted at a maximum intensity of 2,000 sq. ft. per gross acre. The location of such uses shall be limited to the intersection of major collector and arterial or arterial and arterial designated roadways. Total development at any one intersection shall not exceed 10,000 sq. ft.

Policy 2.2.18: [L] LAKE PROTECTION (REV. EFF. 12/22/95; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 7/14/14; REV. EFF. 7/6/15)

INTENT Lake Jackson designated both an Outstanding Florida Water (OFW) and Aquatic Preserve, is one of the most unique waterways in Florida. Historically, the lake has suffered from water quality issues associated with rapid urbanization and largescale roadway projects. Lake Jackson's water quality has improved since adoption of the Comprehensive Plan, due in large part to the adoption of stringent storm water treatment standards and the implementation of capital projects; however**, nutrient levels in the Lake remain elevated and the Lake continues to be designated "Impaired" by the Florida Department of Environmental Protection. The intent of the Lake Protection category is to ensure that development within the Lake Jackson basin occurs in a sustainable** and environmentally sound manner with minimal impact to water quality. **The Lake Protection category is the basis for regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin.** The bounds of this category are to be the Lake Jackson basin boundary adjusted to include contributing watersheds but excluding existing, more intensely developed areas south of Interstate 10 and areas outside the Urban Service Area.

ALLOWABLE USES, DENSITIES, AND INTENSITIES 1. Residential The Lake Protection category shall allow for residential uses at a base density of one (1) dwelling unit per two (2) gross acres.

1 To encourage compact and efficient development, two density bonus options are available for properties within the category:

i) A residential density of up to two (2) dwelling units per gross acre may be permitted within developments designed as a Clustered Subdivision.

ii) **A residential density of up to eight (8) dwelling units per gross acre may be permitted within the Lake Protection Node (LPN) zoning district**

2. **Mixed-use & Non-residential**

Non-residential and mixed-use development (including, but not limited to, office and commercial uses) within the Lake Protection category may only be permitted within areas designated with the Lake Protection Node (LPN) zoning district. Within this district, single use, non-residential development shall be allowed at a maximum intensity of 10,000 square feet (S.F.) per gross acre. Projects containing a vertical mixture of uses, including any combination of office, commercial and residential uses, may receive a bonus of 2,500 S.F. per gross acre, for a total of 12,500 S.F. per gross acre.

SPECIAL CONDITIONS

The following special conditions shall apply to the Lake Protection Future Land Use category: 1. The Lake Protection Node zoning district shall only be permitted at the following intersections:

- Highway 27 North and Sessions Road
- Highway 27 North and Capital Circle NW/Old Bainbridge Road
- Highway 27 North and Fred George Road
- Bannerman Road and Bull Headley Road.

The exact extent of these Nodes shall be specified in the City of Tallahassee and Leon County land development regulations, but generally shall not extend beyond ¼ mile from the respective intersection and shall not include areas within a Special Development Zone (SDZ) or existing single family subdivisions.

In contrast, the Comprehensive Plan calls for an Urban Service Area average of no less than two residential units per one acre, which is four times the allowed density in Lake Protection. However, the current Lake Protection policy does not support the larger goal of more compact development in the Urban Service Area. **While it may not be feasible to increase the density throughout the Lake Protection category without impacting Lake Jackson, targeted areas based on the Smart Growth principles would help in supporting the larger goals for a compact community that preserves green space and rural lands further from the urban core.**

The Smart Growth principles were selected for this analysis based on the quality of the information available, specific focus on local government, broad support, and consistency with existing Comprehensive Plan and Board direction. Attachment #2 provides information on why communities select Smart Growth (adapted from "This is Smart Growth," published by ICMA and EPA in 2006).

The ten Smart Growth principles identified by the Smart Growth Network include:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. **Create walkable neighborhoods**

5. **Foster distinctive, attractive communities with a strong sense of place**

6. **Preserve open space, farmland, natural beauty, and critical environmental areas**

7. **Strengthen and direct development towards existing communities**

8. **Provide a variety of transportation choices**

9. **Make development decisions predictable, fair, and cost effective**

10. **Encourage community and stakeholder collaboration in development decisions**

Recommendation A: Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection storm water standards.

This recommendation is based on the Smart Growth principle of allowing mixed land uses to create more vibrant, diverse, and walkable communities. The provision of active living opportunities, where residents and visitors can easily and regularly walk or bicycle to everyday destinations, supports healthy movement and could lower health care costs. Local areas, like Midtown and Market Square, have a mix of commercial, office, and residential uses, and are arguably some of the most attractive areas to shop, live, and invest in locally.

Development concentrated into geographic nodes is a planning tool that is gaining popularity both locally and elsewhere. The concept involves allowing higher development rights around major intersections rather than along commercial strips that stretch miles down either side of roads.

Such nodes, through concentrating commercial, office, and higher density residential uses tied together with sidewalks and bicycle lanes and paths can help reduce automobile trips, decrease the need for widened roadways to accommodate these trips, and provide convenient and attractive walking and bicycling connections to adjacent or nearby residential areas.

The 2006 U.S. Environmental Protection Agency report "Protecting Water Resources with Higher-Density Development" focuses on the idea that more compact development can help save more land to protect water resources. **The following graphic from the report demonstrates how the same number of homes can be accommodated in less land area when the land per home is reduced. The graphic is simplified to help illustrate the concept. Staff recognizes that the Lake Jackson basin is complex and that significant development already exists in the basin. However, this concept can still be utilized in new policies to guide future development toward designated nodes**

Land uses are significantly limited in Lake Protection. **The incorporated area of Lake Protection (within the City Limits) does not presently allow non-residential uses**. The unincorporated area allows some non-residential uses (minor office and minor commercial), but only within a Planned Unit Development process that requires Board approval.

The establishment of nodal areas by the application of a new zoning district could be allowed at identified intersections of major roadways similar to that established along Mahan Drive between Capital Circle and Interstate – 10. Potential locations are identified on the following map with ¼-mile radius circles and may include U.S. Hwy 27 and Capital Circle Northwest, U.S. Hwy 27 and Fred George Road, U.S. Hwy 27 and Sessions Road, the Market Square area, and the intersection of Bannerman and Bull Headley roads.

This new zoning district would specify permitted uses, and urban design and other development standards, including current Lake Protection storm water standards and requirements and perhaps a cap on total acres in the Lake Jackson Basin that can be placed in the new district.

Properties that could be considered for rezoning to new Lake Protection Node would include nonconforming uses, vacant properties whose highest and best use may be commercial or office to serve the surrounding residential areas, and other properties suitable for higher density housing. The extent of these nodal areas would ideally be within a radius of ¼ mile of a main intersection, which is a five-minute walk for most people.

This recommendation is also consistent with the following Smart Growth principles:

- Compact building design
- Range of housing opportunities and choices
- Walkable neighborhoods
- Sense of place
- Direct development towards existing communities
- Variety of transportation choices
- Make development decisions predictable, fair, and cost effective

The Lake Protection land use category in the Comprehensive Plan (Policy 2.2.18 in the Land Use Element) currently specifies a base density of one residential unit per two acres (~2-acre lot size). This large lot size was used partly based on the idea that lower-density housing equals less impervious surface.

However, in practice, large lot sizes often result in large quantities of land being cleared, affecting runoff and natural habitat, and require extensive support infrastructure due to the distance between homes.

Walkability is more than just sidewalks, but they are fundamental to being able to walk to a destination within urban areas. At present, Section 10-7.529(3) f of the County's Land Development Code exempts sidewalks in new residential developments within the Lake Protection zoning district. With some limited exceptions, much of the older development patterns within the Lake Protection district are not very walkable. Both the City and the County are retrofitting certain areas of the urban area with sidewalks where feasible and affordable. These include proposed sidewalks within the Lake Protection district along Maclay and Timberlane roads. The recently updated City/County Greenways Master Plan also proposes several multiuse trails that have the strong potential to improve pedestrian and bicycle connectivity in areas of the Lake Protection district. However, **true walkability also requires more mixed-use developments with good pedestrian design.**

Providing a variety of transportation choices is a vital component of sustainable development. These should include mass transit, bicycling, and walking. **Automobiles will continue to be a major transportation mode for longer trips. Nevertheless, mix of uses and improved connectivity makes walking and bicycling more realistic transportation options because destinations can be placed at closer distances, and more direct routes can allow pedestrians to reach a given destination.**

Allowing more and/or different kinds of growth within Lake Protection, even confined to nodal areas, will likely be controversial among some residents, landowners, and developers, as well as environmental advocates for the Lake. However, this kind of development is increasingly attractive to growing numbers of homebuyers and renters who prefer to live in walkable mixed use communities.

In order for the principles of smart growth to be acceptable, it is critical that residents, landowners, developers, and other stakeholders, have the opportunity to develop a common understanding of the concepts presented within this agenda item. Therefore, stakeholder collaboration will be an important part of evaluating and shaping any policy changes that are developed.

Sustainable Growth

The 1987 World Commission on Environment and Development established the most often used definition of sustainable development: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." While this definition is widely utilized, it is challenging to directly apply to policy decisions. As such, the definition has been the subject of many efforts to develop implementing principles.

The Planning Department selected "Smart Growth" as the body of work and implementing principles to provide a framework for this project. The Smart Growth principles were established by the Smart Growth Network in 1996 and were the subject of four publications developed cooperatively with the International City/County Management Association. The Smart Growth Network has a broad partnership base including the National Association of Counties, ICLEI-Local Governments for Sustainability, Institute of Transportation Engineers, American Planning Association, Florida Department of Health, and the National Association of Realtors. Both Leon County and the City of Tallahassee are members of ICLEI.

The Smart Growth principles were selected for this project based on the quality of the information available, specific focus on local government, broad support, and consistency with existing Comprehensive Plan and County Commission direction.

The ten Smart Growth principles identified by the Smart Growth Network include:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

These principles, Planning Department analysis, and the policy examples provided in "Getting to Smart Growth: 100 Policies for Implementation" and "Getting to Smart Growth II: 100 More Policies for Implementation" were used to develop the concepts for the Lake Jackson Sustainable Development Project.

Sidewalks in Lake Protection

Walkability is more than just sidewalks, but they are fundamental to being able to walk to a destination within urban areas. At present, Section 10-7.529(3)f of the County's Land Development Code exempts sidewalks in new residential developments within the Lake Protection zoning district. This portion of the project will review the existing sidewalk exemption in Lake Protection and evaluate the potential use of locational standards such as proximity to the Lake Protection Node zoning, potential connection to existing or proposed

ATTACHMENT 1

sidewalks or greenways, and sewer availability to determine when sidewalks would be required. Options may include retaining the exemption for isolated residential areas with little or no walkability potential.

Both the City and the County are retrofitting certain urban areas with sidewalks where feasible and affordable. These include proposed sidewalks within the Lake Protection district along Maclay and Timberlane roads. The recently updated City/County Greenways Master Plan also proposes several multiuse trails that have the strong potential to improve pedestrian and bicycle connectivity in areas of the Lake Protection district. Requiring new development in potentially walkable areas to install sidewalks will help prevent these costs from being shifted to future tax payers in from of public projects.

The benefits of walkability include the ability to age in place, lowered transportation costs, improved personal health and fitness, and expanded choices on how to get around.

ATTACHMENT 2

FLORIDA DEPARTMENT OF TRANSPORTATION
2016 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 55 LEON

SITE	SITE TYPE	DESCRIPTION	DIRECTION 1		DIRECTION 2		AADT TWO-WAY	"K" FCTR	"D" FCTR	"T" FCTR
3060		SR 10 (US90) - 1000' E OF BUCK LAKE RD	E	10500	W	11000	21500 C	9.0	66.5F	5.4A
3061		SR 261(CAP CIR) - BETWEEN I-10 AND KILLEARN CTR	N	19500		0	19500 C	9.0	99.9W	2.9P
3062		CR 148(TIMBERLANE RD) - 525' W OF SR 61(THOMASVI	E	8100	W	7000	15100 C	9.0	72.2F	3.1A
3063		SR 61 (US 319) - 925' S OF CR 342(BANNERMAN RD)	N	18000	S	19000	37000 C	9.0	66.5F	4.6P
3064		CR 259 (TRAM RD) - 375' E OF SR 261 (CAP CIR SE)	E	0	W	0	4100 C	9.5	72.2F	3.5F
3065		SR 263(CAP CIRCLE NW) - 700' S OF COMMONWEATH	N	16500	S	16500	33000 C	9.0	66.5F	8.3A
3066		SR 263(CAP CIR NW) - 0.55 MILE N OF SR 8(I-10) (	N	8100	S	8600	16700 C	9.0	66.5F	8.5A
3067		SR 61 - BETWEEN I-10 AND TIMBERLANE RD	N	26000	S	27500	53500 C	9.0	66.5F	2.7F
3068		SR 263(CAP CIR NW) - 725' N OF CR 158 (THARPE ST	N	17000	S	17000	34000 C	9.0	66.5F	7.3P
3069		SR 63(US27) - 1000' N OF SESSIONS RD	N	19000	S	18000	37000 C	9.0	66.5F	5.0A
3070		BRADFORDVILLE RD - 950' E OF SR 61(THOMASVILLE R	E	4000	W	5300	9300 C	9.0	66.5F	3.5F
3071		BANNERMAN RD - 1100' W OF SR 61 (THOMASVILLE RD)	E	8800	W	8400	17200 C	9.0	66.5F	3.5F
3072		CR 0353 (DEMPSEY MAYO RD) - 500' N OF SR 10 (US	N	2200	S	2700	4900 C	9.0	66.5F	3.0A
3073		CR 2203(SPRINGHILL RD) - 125' S OF CYPRESS POIN	N	1800	S	1600	3400 C	9.0	72.2F	4.7A
3074		FRED GEORGE RD - 225' E OF SR 263 (CAP CIR NW)	E	2600	W	2600	5200 C	9.0	66.5F	4.2A
3075		CR 0361(OLD BAINBRIDGE RD) -350' N OF SR 63(US27	N	0	S	0	7300 C	9.0	66.5F	3.5F

SITE TYPE : BLANK= PORTABLE; T= TELEMETERED
"K" FACTOR : DEPARTMENT ADOPTED STANDARD K FACTOR BEGINING WITH COUNT YEAR 2011
AADT FLAGS : C= COMPUTED; E= MANUAL EST; F= FIRST YEAR EST; S= SECOND YEAR EST; T= THIRD YEAR EST; R= FOURTH YEAR EST; V= FIFTH YEAR EST; 6= SIXTH YEAR EST; X= UNKNOWN
"D/T" FLAGS : A= ACTUAL; F= FACTOR CATG; D= DIST FUNCL; P= PRIOR YEAR; S= STATEWIDE DEFAULT; W= ONE-WAY ROAD; X= CROSS REF

15-MAR-2017 14:57:19 PAGE -09- 622UPD 3_55_CAADT.TXT

ATT. 3

SCHOOL IMPACT ANALYSIS FORM

Agent Name: Greenman-Pedersen, Inc. **Applicant Name**: Cawthon Family Properties, LLC **Address:** 2504 Hariman Circle Tallahassee, FL 32308	**Date**: 02-19-18 **Telephone:** 668-5211 **Fax:** **Email:**

① Location of the proposed Comprehensive Plan Amendment or Rezoning:

Tax ID #: 14-08-20-408-0000 & 14-08-20-409-0000 (30.9 +/- ac)
Property address: **1665 Bannerman Road**
Related Application(s):

② Type of requested change (check one):

☐ Comprehensive plan land use amendment that permits residential development.
☒ Rezoning that permits residential development.
☐ Nonresidential land use amendment adjacent to existing residential development.
☐ Nonresidential rezoning adjacent to existing residential development. *

③ Proposed change in Future Land Use or Zoning classification:

☐ *Comprehensive plan land use* From: _____ To: _____

☒ *Zoning* From: Lake Protection (LP) To: Lake Protection Node (LPN)

Planning Department staff use only:

④ Maximum potential number of dwelling units permitted by the request:

Number of dwelling units: 8 du per acre max 247 Units
Type(s) of dwelling units: single-family detached, single family attached, multi-family residential and mixed-use development.

Leon County Schools staff use only:

⑤ School concurrency service areas (attendance zones) in which property is located.
School Board approved at the February 27, 2018 meeting.

	***Elementary:* Hawks Rise**	***Middle: Deerlake***	***High:* Chiles**
Present capacity	148	364	126
Post Development capacity	100	343	103

Calculations based on maximum possible students-single family<1000 base square feet

This form is required by §8.3 of the Public School Concurrency and Facility Planning Interlocal Agreement as adopted on September 1, 2006 by the City of Tallahassee, Leon County, and Leon County School Board. Pursuant to §6.4 of the Agreement, the City or County will transmit the School Impact Analysis Form to a designated employee of the School Board for review at the same time the application is submitted to all departments for review.

TLCPD
Tallahassee-Leon County Planning Department

ATT 4

School Impact Analysis Form (Sept. 2007)

Jessica Icerman - Fwd: Proposed zoning change for Bull Headley and Bannerman Road intersection.

From: Kristin Dozier
To: Zirin, Gary
Date: 4/4/2018 10:29 AM
Subject: Fwd: Proposed zoning change for Bull Headley and Bannerman Road intersection.

>>> Janet Benesh <beneshj@yahoo.com> 3/29/2018 1:48 PM >>>
Commissioner Dozier,

Please accept my comments regarding the proposed zoning change to be discussed at the April 10 hearing. If changed, existing NE neighborhoods will be adversely impacted.

Currently, a developer would only be able to build 2 homes per acre on that land, since it is part of Tallahassee's Lake Protection Program. However, if the zoning is allowed to be changed as recommended by the Zoning Commission, a developer will be able to build over 8 homes per acre. Below are the impacts this zoning change, if approved, will have on the NE neighborhoods including, Luna Plantation, Killearn Lakes, McBride, Ox Bottom and Summerbrooke.

- There wasn't a site plan included so it's unknown what type of development will be proposed and what impact there will be on the adjacent properties if it is rezoned. Unbeknownst to the NE residents, the land appears to have been cleared approximately 2 years ago, possibly in preparation to start the process of a zoning change and the development of homes.
- Increased traffic and concerns that a connection into Summerbrooke will be made.
- Runoff from development could impact the lakes negatively.
- The impact additional development will have on local schools, parks and the community.

Above are my concerns as a Summerbrooke resident for the hearing on the proposed rezoning application submitted by Greenmen-Pedersen Inc. Any retail and or residential plans for this land portion will be detrimental to the overall congested areas in existence along Bannerman road. Existing rush hour traffic on roads that are only two lanes and the impact on schools that already exceed their capacity provide reason enough for a rejection of this proposed new zoning and any subsequent development plans. The existing growth of retail establishments on Bannerman and the new large residential developments on Ox Bottom will overwhelm the Northeast soon enough. More retail and residential plans are not needed. Rejecting the zoning proposal will go a long way in keeping development responsible.

The Commission should continue to encourage growth of affordable housing and retail development on the South Side of Tallahassee. The NE is over developed.

Thank you very much.

Sincerely,

Jan Benesh
428 Summerbrooke Dr
Tallahassee, Fl 32312

Herb Thiele - Fwd: Rezoning at 1665 Bannerman Rd., (LRZ180001)

From: John Dailey
To: Thiele, Herb
Date: 4/5/2018 10:55 AM
Subject: Fwd: Rezoning at 1665 Bannerman Rd., (LRZ180001)

>>> Nikki Abels <nikki.abels@gmail.com> 3/30/2018 7:46 PM >>>
March 30, 2018

Dear Commissioners,

I am writing to you in hopes you will reconsider the rezoning of 1665 Bannerman Road, (LRZ180001).
I have a number of concerns about this possible rezoning.
First, being a retired public school teacher, I am gravely concerned about the impact that adding so many new residences will have on our current schools. I have read that this has been studied, but I find it difficult to believe that adding so many new students will not adversely affect the local schools.
I am also concerned about the impact of adding so many cars to the local traffic. It is difficult to take a left out of my housing development (Summerbrooke) now. I do not want to even think about what adding hundreds of cars will do.
I am also concerned, as anyone would be, what impact the types of residences being considered will have on our property values. Homes are a big investment for anyone. And having more homes, especially multi-family homes, will certainly impact us. And quite frankly, there are plenty of homes for sale in the area now. We certainly do not need to add more homes to possibly stand empty because there would be too many homes for sale and not enough people to buy them.
I am concerned that this rezoning will allow for commercial buildings. We have plenty of commercial properties very close to the proposed area. And it appears that not all the spaces in Bannerman Crossings are leased. We certainly do not need more empty store spaces. And really, do we need another car wash or mattress store in Tallahassee?
Then there is the matter of light and noise pollution. I moved into this area because it was quiet and the skies at night are beautiful. That may not seem important to you, but it is to me.
And honestly, what are we trying to do to Tallahassee? This is a nice area in which to live. We have access to so much now with our colleges, entertainment, and places to visit. Do we really need to pave over every inch of the county?
I am thinking that this rezoning is only the beginning. It does not seem so much a necessity as it does a way to turn a profit.
When are we going to wake up and stop developing just to develop for its own sake? When will it end? And who will have the courage and conviction to just say no?

Thank you for listening to me.

Sincerely,

Nikki Abels
8123 Viburnum Ct.
Tallahassee, Fl.
32312

Herb Thiele - Fwd: Rezoning on Bannerman Road

From: John Dailey
To: Thiele, Herb
Date: 4/5/2018 10:55 AM
Subject: Fwd: Rezoning on Bannerman Road

>>> Phillip Langdon <pnlangdon@comcast.net> 4/1/2018 10:34 AM >>>
Ladies and Gentlemen of the Board of County Commissioners,

My name is Phillip Langdon and I currently reside in the neighborhood of SummerBrooke in the Northeast section of Tallahassee. Recently the Planning Commission has approved the rezoning of a large area on Bannerman Road to be changed from Lake Protection to Lake Protection Node which would allow for commercial development and/or a large multi-family home development. I have many concerns regarding this and would like to voice my concerns before this is proposed to the County Commissioners.

My number one concern is the traffic on Bannerman Road. Bannerman is already very busy throughout the day and I believe intentionally adding even more cars to Bannerman Road would be a mistake. If you have not driven down this road during rush hour I encourage you to take a ride at 7:00 am or 5:00 pm to see what we already deal with every day. If this rezoning takes place and the 31 acres turns into an apartment complex with another 350+ homes you are adding another 1,000+ cars to this road with no answer for the congestion in the near future. According to the Planning Department the plan to widen Bannerman road is 10 years away.

I know there has not been a site plan proposed so we do not know what would go in there, but with the new zoning such things as a car wash, grocery store, auto parts store and a large restaurant are all possible with the rezoning. This zoning is not suited for the area and surrounding properties and I would ask what you would do if they proposed something of this sort in your backyard?

Another thing that I'm not sure was completely thought about was the runoff and pollution from the new construction. We have 2 lakes in concern. One of the lakes is on the said property with a tributary to a large SummerBrooke lake. These lakes are thriving in our community. We have ducks and geese that come to our lakes and an abundance of fish that are very healthy. If you add new construction with chemicals and pollution, we will loose that environment that our community cherishes.

Lastly, has anyone done a study about how full the schools are in the area? Would adding a large amount children to the current school zone add even more stress to the schools in this area? From what was said at the Planning Department all surrounding schools are at maximum capacity and getting in and out of the school during drop-off and pickup is a nightmare.

I moved to this part of town because there were not large multifamily complexes and this new rezoning threatens the quaint lifestyle that the people of SummerBrooke have come to love. Please think of this as if it were your backyard and stop this rezoning. **I believe that this falls under the reckless and improper growth and development clause under the rezoning proposal.**

This node is obviously misplaced and honestly I believe there was not adequate thought or research done. The residents in our community are needing actions to be taken to stop this reckless growth without the

proper surrounding infrastructure to support it and we are turning to our elected county commissioners to hear our voices and take action. Please deny this zoning request.

Thank you for listening,

Phillip Langdon PA-C
Tallahassee Memorial Healthcare
Bixler Emergency Department
(850) 570-5191

Jessica Icerman - Re: Bannerman/Bull Headley Development and Zoning

From: Bryan Desloge
To: Gard, Shary
Date: 4/2/2018 1:18 PM
Subject: Re: Bannerman/Bull Headley Development and Zoning
Cc: Cherie (Planning) Bryant; Tedder, Wayne; Thiele, Herb; McDevitt, David

Shary, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Shary Gard" <sharygard@embarqmail.com> 4/1/2018 10:39 PM >>>
Dear Commissioner,

I'm writing to ask for your reconsideration regarding the zoning of Bannerman/Bull Headley development. If the development cannot be stopped, I at least encourage you to ensure the property will be developed in a responsible way. The traffic, overcrowding in schools, decreasing my home value and potentially filling our beautiful lakes with runoff pollution are all disconcerting to me as a homeowner in the SummerBrooke neighborhood.

Anything you can do to improve and/or resolve this situation would be appreciated. Thank you for your service as county commissioner.

Shary Gard

From: <gbedonie@aol.com>
To: <proctorb@leoncountyfl.gov>, <gleer@leoncountyfl.gov>, <deslogeb@leoncou...
CC: <bill@leoncountyfl.gov>
Date: 4/1/2018 11:49 AM
Subject: zoning Bannerman Road

FROM:"Glenn Bedonie <gbedonie@aol.com>

Step one-find thirty or more acres of raw land, adjacent to the city limits, with low density zoning. Make an offer for the purchase of the property.
Step two-upon acceptance of the offer to purchase, request a zoning change to allow high density development, regardless of compatibility with the surrounding neighborhood.
Step three-after approval of the re-zoning request, convince the County Commission to approve the zoning change.
Step four-after approvals for high density development by the County Commission, request for a voluntary annexation into the City of Tallahassee.
Step five-after approval for annexation, apply for and receive rebates for the cost of utility and other infra-structure capital costs.
What a wonderful way of making money at the direct expense of the citizens, with full approval of our elected representatives. This is what is currently happening on Ox Bottom and Bannerman Roads.
Be sure to be very vocal when the annexation request is made to the COT to stop this abuse from continuing. And, you thought abuse only occurred at the
Community Re-development Agency-WRONG AGAIN

This message sent from the Leon County Website: www.leoncountyfl.gov

Herb Thiele - Fwd: Bannerman/Bull Headley Development

From: John Dailey
To: Thiele, Herb
Date: 4/5/2018 10:54 AM
Subject: Fwd: Bannerman/Bull Headley Development

>>> Ken Chambers <kenchambers@embarqmail.com> 4/2/2018 3:49 PM >>>

Dear Commissioner,

I'm writing to ask for your reconsideration regarding the zoning of Bannerman/Bull Headley development. If the development cannot be stopped, I at least encourage you to ensure the property will be developed in a responsible way. The traffic, overcrowding in schools, decreasing my home value and potentially filling our beautiful lakes with runoff pollution are all disconcerting to me as a homeowner in the SummerBrooke neighborhood.

Anything you can do to improve and/or resolve this situation would be appreciated. Thank you for your service as county commissioner.

Ken Chambers

Herb Thiele - Fwd: Please do not approve --Proposed Rezoning at Bannerman and Bull Headly Roads

From: John Dailey
To: Thiele, Herb
Date: 4/5/2018 10:47 AM
Subject: Fwd: Please do not approve --Proposed Rezoning at Bannerman and Bull Headly Roads

>>> cecil bragg <cecilbragg@comcast.net> 4/3/2018 11:33 AM >>>

- Actions

I am deeply concerned with the proposed rezoning of a large parcel of land that adjoins my neighborhood of SummerBrooke. The current zoning of the property for a maximum of 2 homes per acre is compatible with the land use in the surrounding area. The proposed rezoning to a much higher density of 8 homes per acre will have a significant negative impact on the surrounding residents. I am concerned with the increased traffic, increased demand on the public schools and especially our lake basin environment. SummerBrooke has a chain of lakes that feed into Lake Jackson. Our lakes have already been negatively affected by the run off from the clearing of the land in the proposed rezoning area. The building of a high density neighborhood will certainly further damage the surrounding watershed and lakes.
Please do not approve the proposed rezoning that is scheduled for your April 10th meeting.
Cecil Bragg
1136 Spinney Court
Tallahassee, FL 32312
850-509-0497

Jessica Icerman - Re: Rezoning at 1665 Bannerman Road

From: Bryan Desloge
To: MITCHELL, BRUCE
Date: 4/4/2018 3:01 PM
Subject: Re: Rezoning at 1665 Bannerman Road
Cc: Cherie (Planning) Bryant; Tedder, Wayne; McDevitt, David; Thiele, Herb

Bruce, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> BRUCE MITCHELL <bmitchell7@comcast.net> 4/3/2018 1:57 PM >>>
Dear Commissioners,

We would like to request that you **oppose** the rezoning request at 1665 Bannerman Road. There are 4 major reasons that we are concerned with this development. The first reason is if this property is rezoned to LPN the potential of high density building could occur which could mean a developer could build 8 homes per acre. This could mean eventually 1000 homes could be developed on this property. This could bring down the value of our homes in the surrounding neighborhoods, especially the ones that back up to this parcel. We learned that the property owner cleared almost all of the trees on that parcel of land, paving the way for the development approximately 2 years ago. This clearing was not known to the surrounding neighborhoods (SummerBrooke, Killearn Lakes, McBride, Oxbottom, Luna Plantation, etc.). We learned at the County Commission Land Development meeting that during this clearing, the berm that protected the lakes in the SummerBrooke subdivision from runoff pollution and silt was destroyed and **never rebuilt**. The SummberBrooke HOA has been dealing with this atrocity ever since. A biologist assisted the group with their assessment. Therefore, was this done legally? Shouldn't there be some accountability for this environmental impact?
If it's affected the lakes in the last 2 years from this runoff what will be the impact when they start building all the homes/buildings in the future? This needs to be addressed now instead of later.

The other concerns involved in this development relate to the impact that it will have on our local schools. This could overcrowd Hawks Rise, Deerlake, and Chiles. I feel the Leon County School Board needs to be involved in the request of this zone changing.

Traffic congestion on Bannerman Road is already horrendous and adding a new development will make it even more frustrating since we have been told it could take 7 or 8 years before Bannerman Road is expanded.

Again, for these reasons, please re-consider rezoning this property on Bannerman Road or at least make sure the development of this property is done in a responsible way. Thank you for your consideration and assistance.

Becky Mitchell

Jessica Icerman - Re: Rezoning of the parcel of land at the corner of Bull Headley and Bannerman Road

From: Bryan Desloge
To: chodyla, bernard
Date: 4/5/2018 8:58 AM
Subject: Re: Rezoning of the parcel of land at the corner of Bull Headley and Bannerman Road
Cc: Cherie (Planning) Bryant; Tedder, Wayne; McDevitt, David; Thiele, Herb

Bernard, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> bernard chodyla <chodyla@yahoo.com> 4/4/2018 5:34 PM >>>
Dear Mr Desloge,

i would like to voice my opposition to rezoning of the parcel of land at the corner of Bull Headley and Bannerman Road from 2 homes per acre to high density housing.

Regards

Bernard Chodyla

SummerBrook homeowner

Jessica Icerman - Re: Against rezoning Bull Headley and Bannerman Road

From: Bryan Desloge
To: GMAIL(riordantim1
Date: 4/4/2018 2:54 PM
Subject: Re: Against rezoning Bull Headley and Bannerman Road
Cc: Cherie (Planning) Bryant; Tedder, Wayne; Thiele, Herb; McDevitt, David

Tim, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "GMAIL(riordantim1" <riordantim1@gmail.com> 4/4/2018 11:33 AM >>>

I am a SummerBrooke resident for 28 years and I am against the rezoning of subject area to 8 houses per acre!

Meridian and Bannerman Roads are at full capacity at morning and evening work times as is.

Please respond,
Tim Riordan
7014 Upland Glade
Tallahassee, FL 32312
850-545-9393

Jessica Icerman - Re: Rezoning of Property on Bannerman Rd.

From: Bryan Desloge
To: Anderson, Rex
Date: 4/5/2018 8:55 AM
Subject: Re: Rezoning of Property on Bannerman Rd.
Cc: Cherie (Planning) Bryant; Tedder, Wayne; McDevitt, David; Thiele, Herb

Rex, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Rex Anderson <rexanderson5@gmail.com> 4/5/2018 8:26 AM >>>
Dear Mr. Desloge,

I received information regarding the potential rezoning of property located on Bannerman Road near SummerBrooke subdivision. This property is currently zoned for 2 homes per acre and the developer is requesting the property be rezoned to build additional homes per acre. As a resident of SummerBrooke subdivision, I would strongly oppose any manner of rezoning that would increase the housing density in this area. We already have too much traffic on Bannerman road and the schools are already overcrowded. We should not allow a greedy developer to make things worse for the current residents.

Thank you for your support in fighting this potential rezoning error and as serving as our Commissioner.

Rex Anderson

1352 Conservancy Dr. E.

Tallahassee, FL 32312

From: <euridge@gmail.com>
To: <proctorb@leoncountyfl.gov>, <gleer@leoncountyfl.gov>, <deslogeb@leoncountyfl.gov>, <tannerb@leoncountyfl.gov>, <daileyj@leoncountyfl.gov>, <harrisona@leoncountyfl.gov>, <DozierK@leoncountyfl.gov>, <ziring@leoncountyfl.gov>, <maddoxn@leoncountyfl.gov>, <jonesc@leoncountyfl.gov>, <lindleym@leoncountyfl.gov>, <craigd@leoncountyfl.gov>, <jacksonj@leoncountyfl.gov>, <sirmonske@leoncountyfl.gov>
CC: <bill@leoncountyfl.gov>
Date: 4/5/2018 10:36 AM
Subject: Bannerman Road Development

FROM:"Gareth Euridge <euridge@gmail.com>

Dear Commissioners: I strongly object to your recent decision to re-zone a tract of land at Bull Headley and Bannerman. This is a clear violation of the Lake Protection Program. In addition, the current school system would not be able to absorb the children from this high-density project. I ask you to reconsider this decision. Dr. Gareth Euridge

---
This message sent from the Leon County Website: www.leoncountyfl.gov

Jessica Icerman - Zoning at Bannerman and Bull Headley Roads

From: Sandy Woodruff <slwtlh@comcast.net>
To: <LindleyM@leoncountyfl.gov>
Date: 4/5/2018 6:39 PM
Subject: Zoning at Bannerman and Bull Headley Roads

I am writing in strong opposition to liberalizing the zoning restrictions for the large parcel of land at the corner of Bull Headley and Bannerman Roads. I understand this matter will be voted on by the County Commission on 4/10/18.

Currently, a developer is allowed to build only two houses per acre on that land, which is part of Tallahassee's Lake Protection Program. However, if the zoning is changed, a developer will be able to build over 8 homes per acre.

Such a change would constitute reckless growth and development that will threaten sensitive wetlands and wildlife habitat and increase problems with flooding. Also, where is the infrastructure to support all of these homes? The existing roads cannot efficiently handle the additional traffic. And how would this impact schools?

The rate at which we are losing green space in Leon County and Tallahassee is tragic and detrimental to our quality of life. The commission should oppose allowing more than two homes per acre on this parcel.

Sandra Woodruff
1431 Lloyds Cove Rd
Tallahassee FL 32312

Jessica Icerman - Fwd: Please vote NO on rezoning at Bull Headley and Bannerman

From: Kristin Dozier
To: Zirin, Gary
Date: 4/6/2018 10:22 AM
Subject: Fwd: Please vote NO on rezoning at Bull Headley and Bannerman

>>> Victoria Langley Heller <vlheller@outlook.com> 4/5/2018 9:50 PM >>>
Dear Ms. Dozier,

Please vote NO on rezoning at Bull Headley and Bannerman roads on Tallahassee's north side.

We moved to the Summerbrooke neighborhood after living on the northwest side of town for 10 years because we loved the peace of Meridian Road, the large lots that provided a bit more privacy between homes, the beautiful forests and undeveloped rolling hills, and the great schools. We bought a foreclosure four years ago and fixed it up.

In the four years we've been here, commercial and residential development have exploded all around us. Large new neighborhoods are being built off the four major roads bordering ours – Thomasville, Bannerman, Meridian and Ox Bottom, there's a huge new shopping and dining center with more retail planned, and traffic has become significantly more of an issue during peak commute times. Already crowded, Hawks Rise Elementary School only recently replaced several portable structures with permanent buildings to accommodate a growing student population. Displaced wildlife, particularly coyotes, are creating tragic scenarios for pet owners and motorists.

The neighbors I have spoken with, along with my family, are strongly opposed to the rezoning of property at the corner of Bull Headley and Bannerman roads. The infrastructure is not in place to accommodate thousands of new residents, motorists and school children. Nor do residents wish it to be. Residents have chosen to live on Tallahassee's north side to be farther away from heavily populated urban areas, which are wonderful for the citizens who chose to live in them but are not wonderful for those who are seeking to be in quieter, less congested and more natural area. We understand and appreciate the rights of property owners to use or sell their property, as they see fit and as is allowed by zoning restrictions, but we are being told a change in zoning laws would now allow a high-density residential development that would not previously have been allowed on the Bull Headley-Bannerman property.

We are extremely concerned about the negative impact on water quality in surrounding lakes and streams, traffic and school crowding such a development would bring. There are already multiple housing developments in varying stages of progress in this area, and new homes being built in existing neighborhoods. These existing projects are already providing a significant stock of new housing, and having an impact on traffic congestion. The north side of Tallahassee does not need more at this time.

Please vote NO on rezoning the Bull Headley-Bannerman property, and continue to be our champion for protection of the quality of life that means so much to your constituents. With huge new housing developments underway throughout this city, there are no compelling reasons to pursue this proposal, and thousands of families who will be hurt if it moves forward.

Please feel free to contact me if I may ever be of assistance,

Victoria Heller
80-294-3293

Jessica Icerman - Re: Rezoning - Bannerman Rd at Bull Headley

From: John Dailey
To: PIPKIN, TOMMY
Date: 4/6/2018 10:13 AM
Subject: Re: Rezoning - Bannerman Rd at Bull Headley

Thank you for your email regarding the rezoning of the Bannerman parcel. This issue is quasi-judicial and as such discussion is not allowed, but your email has been read and it will be given consideration when the matter comes before the Board.

John

>>> TOMMY PIPKIN <jtpipkin@bellsouth.net> 4/6/2018 9:35 AM >>>
The Tallahassee - Leon County Mission Statement calls for responsible growth. This proposed rezoning on Bannerman Road from LP to LPN is IRRESPONSIBLE. The infrastructure can not handle the high density construction allowed under the LPN designation. The roads, the schools, the water quality and the environment will be overwhelmed.

Please be responsible and VOTE NO on the rezoning issue this Tuesday night.

Tommy Pipkin
7140 Wooded Gorge Rd
Tallahassee, FL 32312

Jessica Icerman - Fwd: Public hearing April 10, 2018

From: Nick Maddox
To: Thiele, Herb
Date: 4/6/2018 11:19 AM
Subject: Fwd: Public hearing April 10, 2018
Cc: Icerman, Jessica

>>> Joseph Briggs <pandjbriggs012@gmail.com> 4/6/2018 9:36 AM >>>

---------- Forwarded message ----------
From: **Joseph Briggs** <pandjbriggs012@gmail.com>
Date: Fri, Apr 6, 2018 at 9:33 AM
Subject: Public hearing April 10, 2018
To: MaddoxN@leoncountyfl.gov, Bryan Desloge <DeslogeB@leoncountyfl.gov>, DaileyJ@leoncountyfl.gov, JacksonJ@leoncountyfl.gov, LindleyM@leoncountyfl.gov, DozierK@leoncountyfl.gov, ProctorB@leoncountyfl.gov, TOMMY PIPKIN <jtpipkin@bellsouth.net>, Jeremy Anderson <Janderson@andersongivens.com>

Chairman Maddox, Bryan Desloge and other County Commissioners,

As you are aware, there are two highly controversial issues on the agenda for this Tuesday's Leon County Commission meeting. One involves the Gun issues and the other is the Rezoning of 30.9 acres on Bannerman Rd.
It is concerning that with both of these issues listed on the agenda, the citizens will not get the opportunity to express themselves to the Commission.

I would like to request the rezoning of the 30.9 acres be deferred to a later date should this meeting exceed 9:00 pm.

After this time, a person's ability to sustain attention is diminished considerably, losing the interest, focus and attention of the audience. This will create an unfair playing field for everyone, including the Commissioners, as well as the citizens of Leon County.

Your serious consideration will be greatly appreciated.

Pamela Briggs
1213 Conservancy Dr. E
Tallahassee, FL 32312

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Sunday, April 08, 2018 10:52 PM
To: Haley, Jiwuan; Perrine, Beth; Snyder, Russell
Subject: Fw: Zoning Change at Bull Headley and Bannerman Rd

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Saturday, April 7, 2018 9:03 PM
To: brianchaywood@gmail.com
Cc: Long, Vince; McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning)
Subject: Re: Zoning Change at Bull Headley and Bannerman Rd

Brian, I am one of seven County commissioners who will be taking public input on this rezoning request. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is deemed quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good evening!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Brian Haywood <brianchaywood@gmail.com> 4/6/2018 10:17 PM >>>
Mr. Desloge,
Good evening. I received you information from a flyer that I received about the recent proposal. Historically, I have not interjected or even cared about zoning, or the consequences that it would have on myself and my family. However, the recent inquires about zoning near my neighborhood have spun my interest. I live in Summerbrooke. I work on Apalachee Parkway and on a daily basis, I look forward to my drive home. I love where we live and one of the most pleasant aspects about it is the amount of residents or traffic. I often think about the commute that I had living in the suburbs of Atlanta and how unpleasant the arteries of traffic were.
I am assuming since your name was highlighted, that i am reaching a person of influence. Meridian Road already has some challenges with the amount of traffic flow. I believe changing the zoning to a more dense area will cause the roads to swell and cause unwanted stress. I plead that you consider voting against the change and let another developer use the land as it was originally plotted for.
Thanks for the consideration.

Brian Haywood and family

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Sunday, April 08, 2018 10:53 PM
To: Snyder, Russell; Haley, Jiwuan; Perrine, Beth
Subject: Fw: Opposed to high density housing: corner Bull Headley and Bannerman

---

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Saturday, April 7, 2018 8:59 PM
To: spfeiffe.sp@gmail.com
Cc: McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning)
Subject: Re: Opposed to high density housing: corner Bull Headley and Bannerman

Drs. Jan and Steven, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Steven Pfeiffer <spfeiffe.sp@gmail.com> 4/7/2018 2:57 PM >>>
Dear County Commissioner Bryan Desloge:

We live in SummerBrooke development. We are writing to express our concern and opposition to Premier homes being allowed to build high density housing on the parcel of land bordering Bull Headley and Bannerman Roads. This will lead to overcrowded conditions, traffic congestion, decreased property value, and a negative impact on our precious environment.

We implore you as our representative to stop any plan for high density housing in this area of our community, and only support responsible and modest growth and development in our neighborhood.

Respectfully,

Drs. Jan and Steven Pfeiffer
1132 Greensward Drive
Tallahassee, FL
850-321-1720

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Sunday, April 08, 2018 10:53 PM
To: Haley, Jiwuan; Snyder, Russell; Perrine, Beth
Subject: Fw: Bull Headley& Bannerman Road Zoning

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Saturday, April 7, 2018 8:59 PM
To: dennismccurdy@comcast.net
Cc: Long, Vince; McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning)
Subject: Re: Bull Headley& Bannerman Road Zoning

Dennis, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Dennis McCurdy <dennismccurdy@comcast.net> 4/7/2018 2:02 PM >>>
I would like to voice my concerns on the zoning of property on the corner of Bull Headley & Bannerman Road

1. Bannerman Road is already impossible to travel in the mornings and afternoons. Traffic west bound in the hours 5-6:30 PM is backed up all the way to the roundabout many days of the week. Increasing traffic would just about cripple traffic flow. Any new development without the widening of the road would not be smart

2. I am concerned also about property values due to possible High density homes decreasing the overall desirability of the area due to architectural differences in the neighborhoods.

3. Our lakes are a very important part of our neighborhood and lake runoff has a definite effect on them. Builders are in a hurry to build and collect profits. Neighborhoods are left with issues long after builders are gone.

4. Planning is a responsibility for all. Please insure that careful and prudent process is used and that residents have approval before builders and tax dollar revenue steam roll this zoning.

Thank You

Dennis McCurdy
850-339-5991

dennismccurdy@comcast.net

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Monday, April 09, 2018 9:58 AM
To: Snyder, Russell; Perrine, Beth; Haley, Jiwuan
Subject: Fw: Bannerman development

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Monday, April 9, 2018 9:40 AM
To: bfrielin@uga.edu
Cc: Long, Vince; McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Bannerman development

Tom and Barbara, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it has been determined to be quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Barbara Frieling <bfrielin@uga.edu> 4/9/2018 9:35 AM >>>
Dear Mr. Desloge,

We would like to our express our opposition to the proposed high density development off of Bannerman Road and ask that as our elected representative that you vote against it.

Respectfully yours,
Tom and Barbara Frieling

Sent from my iPhone

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Tuesday, April 10, 2018 12:31 AM
To: Haley, Jiwuan; Perrine, Beth; Snyder, Russell
Subject: Fw: Bannerman Road LPN Rezoning

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Monday, April 9, 2018 1:08 PM
To: doug@flaports.org
Cc: Long, Vince; McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Bannerman Road LPN Rezoning

Doug, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it has been determined to be quasi judicial. I'm forwarding your email to staff with the request that your email be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Doug Wheeler <doug@flaports.org> 4/9/2018 12:01 PM >>>
Dear Commissioners,

I write to you to in complete opposition to an issue regarding a zoning change for the corner of Bull Headley and Bannerman Road. As you know, the zoning change would convert roughly two parcels on the south side of Bannerman and Bull Headley Road from Lake Protection to a Lake Protection Node — making room for more development possibilities including retail and nearly any type of residential. This change will basically increase the density of development and adversely affect many quality of life factors for the area, including Lake Iamonia, traffic on Bannerman Road, which is already congested thanks to Bannerman Crossings (more homes and apartments to come) to the east and new toll road and residential development to west. It will also impact Thomasville and Meridian Roads. Additionally, the schools in this area are already at capacity. I remember when you couldn't build anything in Bradfordville, a new plan was put in place and now growth seems out of control and nothing is being done to accommodate the growth from an infrastructure standpoint.

The area is NOT currently ready for new projects until Bannerman Road can be widened from Thomasville to Meridian. There also needs to be a (long) turn lane added at Bannerman and Tekesta. Major improvements would be needed for the intersection in question as well. Additionally, the school capacity issue needs to be addressed and like the traffic issue, *prior* to the growth. I have not even gotten started on the lake quality that will undoubtedly suffer which is why this land was designated as such- Lake Protection. Development cannot continue to go on unchecked without adversely

affecting the quality of life for existing (and future) residents, quality of the schools and the quality of Lake Iamonia and of the many lakes in the Killearn Lakes, Golden Eagle, Summerbrooke, and McBride neighborhoods.

I urge you to take serious pause and give strong consideration of my concerns expressed on this issue and **OPPOSE** changing the zoning designation at this time.

Thank you

Doug

Doug Wheeler
Cell 850.322.8850
9825 Thunder Hill Trail
Tallahassee, FL

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Tuesday, April 10, 2018 12:31 AM
To: Haley, Jiwuan; Snyder, Russell; Perrine, Beth
Subject: Fw: Please Vote No Bannerman Rezoning!

From: "Amanda C. Hammerli" <abc98k@yahoo.com>
Sent: Monday, April 9, 2018 1:19 PM
To: Desloge, Bryan
Cc: Long, Vince; McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Please Vote No Bannerman Rezoning!

I appreciate your quick response and thank you for your consideration.

Thank you, Amanda

On Monday, April 9, 2018, 1:06:24 PM EDT, Bryan Desloge <DeslogeB@leoncountyfl.gov> wrote:

Amanda, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it has been determined to be quasi judicial. I'm forwarding your email to staff with the request that your email be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Amanda C. Hammerli" <abc98k@yahoo.com> 4/9/2018 12:43 PM >>>
Commissioner Desloge,
Please vote NO for Bannerman rezoning. We do not want this type of development in our backyards. Keep Leon Co Green! I spent 6 years in Atlanta watching development like this reunion communities to fill the pockets of developers. Please block this type of development. Over 400 individuals have signed the petition in a very short amount of time. This should tell our elected officials something. We care about our little slice of Leon Co and truly want to see a development that meets the needs of the area and not creates more problems for the area. Please listen to those of us who live here.

Thank you,

Amanda Hammerli

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Tuesday, April 10, 2018 12:30 AM
To: Perrine, Beth; Snyder, Russell; Haley, Jiwuan
Subject: Fw: Re-zoning issue on Bannerman & Bull Headley Parcel

---

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Monday, April 9, 2018 1:04 PM
To: pahbl@comcast.net
Cc: Long, Vince; McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Re-zoning issue on Bannerman & Bull Headley Parcel

Patti, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it has been determined to be quasi judicial. I'm forwarding your email to staff with the request that your email be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Patti Lee <pahbl@comcast.net> 4/9/2018 12:58 PM >>>
Dear Commissioner Desloge,
I am a resident of SummerBrooke and I ask that you strongly consider voting "no" on the issue of re-zoning the parcel of land at Bannerman and Bull Headley from Lake Protection to Lake Protection Node.
There are many factors that play into my concern on this issue. One issue is that with a potential for a very high increase in family households, SummerBrooke and OxBottom will be used as a shortcut to Hawks Rise Elementary school, thus increasing safety issues with the much higher traffic flow. Also, Bannerman Road will have a huge increase in traffic leading to much more congestion than already exists during the rush hour time periods. And the possibility of commercial properties will add to these traffic problems; it also does not fit in with the residential feel of this area. There are other issues, of course, including school overcrowding, property values, environment. With these many concerns in mind, and considering the number of people and properties that this decision will affect, again please consider voting "no."
Sincerely,
Patti Lee
7609 Refuge Road

Tallahassee, FL 32312

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Tuesday, April 10, 2018 11:07 AM
To: Snyder, Russell; Haley, Jiwuan; Perrine, Beth
Subject: Fw: please support Bannerman proposal

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Tuesday, April 10, 2018 10:45 AM
To: allisonfinn@aol.com
Cc: McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning)
Subject: Re: please support Bannerman proposal

Allison, have to tell you that you are the only person who has indicated any support at all for this project! With that said though, I wish I could talk with you about this project, but I'm prohibited from discussing it outside the confines of the County Commission Public Hearing as it has been determined to be quasi judicial. I'm forwarding your email to staff with the request that your email be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!
>>> <allisonfinn@aol.com> 4/8/2018 6:42 PM >>>

Hi, Bryan. Long time no see!

I am sending you this email because I will be unable to attend the public hearing and would like to express my support for the Bannerman development project that would bring higher density to a parcel in this area.

Having lived in Tallahassee for quite a long time now, I am delighted to see the changes in a direction of more people living closer together and more amenities, especially the fact that for us in Bradfordville it is really no longer necessary to go downtown for a great deal of what makes life interesting.

I am sure you will have many naysayers at the hearing. But please keep in mind that, as you probably know well already, people contented with a plan are less likely to come out than those who are unhappy.

You will be moving in the right direction if you approve this plan. It's clear, as I am sure you have read in the media, that all around the country more and more Americans like urban living, walkable neighborhoods and shops and restaurants close at hand.

You are already moving in the right direction with the Bradfordville Crossings project. It's a shame that some businesses have not been able to make a go of it, no doubt because we in this area still do not quite have the population density to make certain concerns a go.

(I particularly regret the loss of Japanese restaurant Miyako and Chinese restaurant Zheng's Mansion, probably killed by the Lucy Ho project Dao, regrettably a pretty dreadful and fake Asian eatery, unlike the delightful competitors it has wrecked.) (If this area had a Miracle 5 type cinema and a little performing arts center, why, it'd be practically perfect!)

In any case, please go for it! I'd certainly attend if I were not going to be a few thousand miles away. Please let me know if there is anyway I can help make this plan not only a reality but a high-quality project of which we can all be proud.

Best regards,

Allison Finn
3750 Kimmer Rowe Drive 32309
850-893-0095

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Tuesday, April 10, 2018 11:08 AM
To: Snyder, Russell; Perrine, Beth; Haley, Jiwuan
Subject: Fw: Please Vote No Bannerman Rezoning!

From: "Amanda C. Hammerli" <abc98k@yahoo.com>
Sent: Tuesday, April 10, 2018 10:22 AM
To: Desloge, Bryan
Cc: Long, Vince; McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Tedder, Wayne
Subject: Re: Please Vote No Bannerman Rezoning!

Good morning,

Checking the petition site this morning we have gone from 400 signatures to over 700 in less than 24 hours. VOTE NO! This is your district, these are your voters. They will vote you out if you do not listen to them. Over 700 signatures mean 700 households with multiple adults who are voters. I'm trying to figure out who will buy these homes? I'm trying to figure out what large economic driver is bringing enough good paying jobs to Leon Co for folks to move here and buy these homes. Again, I lived in Atlanta for 6 years and Tallahassee is being set up by developers who have already done this in larger areas. This will destroy our quality of life. Please listen to those who live here.

Thank you for your time and consideration. Please do the right thing.

Amanda Hammerli

On Monday, April 9, 2018, 1:06:24 PM EDT, Bryan Desloge <DeslogeB@leoncountyfl.gov> wrote:

Amanda, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it has been determined to be quasi judicial. I'm forwarding your email to staff with the request that your email be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Amanda C. Hammerli" <abc98k@yahoo.com> 4/9/2018 12:43 PM >>>
Commissioner Desloge,
Please vote NO for Bannerman rezoning. We do not want this type of development in our backyards. Keep Leon Co Green! I spent 6 years in Atlanta watching development like this reunion communities to fill the pockets of developers. Please block this type of development. Over 400 individuals have signed the petition in a very short amount of time. This should tell our elected officials something. We care about our little slice of Leon Co and truly want to see a development that meets the needs of the area and not creates more problems for the area. Please listen to those of us who live here.

Thank you,

Amanda Hammerli

Haley, Jiwuan

From: Jeremy Anderson <janderson@andersongivens.com>
Sent: Tuesday, April 10, 2018 2:37 PM
To: Haley, Jiwuan; Perrine, Beth
Subject: Additional Written documents For the Record of Tonight's Rezone Hearing
Attachments: P18075-18-04-08 Depew Report.pdf; DWD 2017 Resume.pdf

Please see the attached. This shall be considered one submission. Thank you.

Jeremy V. Anderson, Esquire
Anderson | Givens
www.AndersonGivens.com
Office: (850) 692 8900
Fax: (850) 224 2440

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this e-mail message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this e-mail message, or if this e-mail message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this e-mail message and its attachments. Do not deliver, distribute or copy this e-mail message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments. Notwithstanding anything contained in this e-mail or the provisions of any "electronic signature" law, no offer is intended to be extended or accepted hereby and it is the intention of the sender that a contract may only be formed by a document physically signed by an appropriate representative of Anderson & Givens, P.A.

NOTICE TO HOMEOWNERS' ASSOCIATION AND CONDOMINIUM ASSOCIATION CLIENTS: This communication (and any attachments) may include privileged communications between attorney and client that are exempt from disclosure and/or protected pursuant to Sections 90.502, 718.111(12) and/or 720.303(4), Fla. Stat. In such event and to protect the privileged nature of this communication, this communication should not be made accessible to the members of the association as part of the official records of the association pursuant to Sections 718.111(12) or 720.303(4), Fla. Stat., as applicable, until such time as the board of directors has determined to make its contents accessible to the members of the association as part of the official records of the association.

FAIR DEBT COLLECTION PRACTICES ACT: Please be advised that the law firm of Anderson & Givens, P.A. is engaged in the practice of debt collection and any information obtained by Anderson & Givens, P.A. may or will be used to effect collection of a debt.

From: Jeremy Anderson
Sent: Tuesday, April 10, 2018 2:06 PM
To: Haley, Jiwuan <Jiwuan.Haley@talgov.com>; 'Perrine, Beth' <Mary.Perrine@talgov.com>
Subject: For the Record of Tonight's Rezone Hearing

Good Afternoon,

Will submittal to you via email be sufficient for inclusion into record at the rezone hearing scheduled for tonight? If not, please let me know where to send.

Thank you.

Jeremy V. Anderson, Esquire
Anderson | Givens
www.AndersonGivens.com
Office: (850) 692 8900
Fax: (850) 224 2440

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this e-mail message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this e-mail message, or if this e-mail message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this e-mail message and its attachments. Do not deliver, distribute or copy this e-mail message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments. Notwithstanding anything contained in this e-mail or the provisions of any "electronic signature" law, no offer is intended to be extended or accepted hereby and it is the intention of the sender that a contract may only be formed by a document physically signed by an appropriate representative of Anderson & Givens, P.A.

NOTICE TO HOMEOWNERS' ASSOCIATION AND CONDOMINIUM ASSOCIATION CLIENTS: This communication (and any attachments) may include privileged communications between attorney and client that are exempt from disclosure and/or protected pursuant to Sections 90.502, 718.111(12) and/or 720.303(4), Fla. Stat. In such event and to protect the privileged nature of this communication, this communication should not be made accessible to the members of the association as part of the official records of the association pursuant to Sections 718.111(12) or 720.303(4), Fla. Stat., as applicable, until such time as the board of directors has determined to make its contents accessible to the members of the association as part of the official records of the association.

FAIR DEBT COLLECTION PRACTICES ACT: Please be advised that the law firm of Anderson & Givens, P.A. is engaged in the practice of debt collection and any information obtained by Anderson & Givens, P.A. may or will be used to effect collection of a debt.

MORRIS DEPEW
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS
495 Grand Boulevard Suite 206 | Miramar Beach, Florida
Phone Toll Free: (866) 337-7341
www.morris-depew.com

Memorandum

To: Leon County Board of Commissioners
From: David W. Depew, PhD, AICP, LEED® AP
Date: April 8, 2018
Subject: 1665 Bannerman Road LPN Rezoning Request

Representing the SUMMERBROOKE PROPERTY OWNERS ASSOCIATION, INC., this memorandum is intended to provide an independent review of the request for a rezoning of the property located at 1665 Bannerman Road.[1] The application, by Greenman-Pedersen, Inc., requests an amendment to the Official Zoning Map to change the zoning classification from the Lake Protection (LP) zoning district to the Lake Protection Node (LPN) zoning district. There are two parcels in the application for a total of 101.7± acres, located on the south side of Bannerman Road, approximately 89 feet south of the intersection with Bull Headley Road. Staff has determined that only a 30.9± acre portion of the property is eligible for Lake Protection Node (LPN) zoning.

Background

The subject property has been zoned Lake Protection (LP) since 1992. According to Section 10-6.616 of the Leon County Land Development Code (LDC), "The purpose and intent of the Lake Protection (LP) zoning district is to allow for the regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin **in a manner that improves water quality within the lake** [emphasis added]. The bounds of the category include the Lake Jackson Basin and contributing watersheds and limited to the urban service area. Intensely developed properties and areas south of Interstate 10 (I-10) have been excluded from the boundary." A full review of the language associated with this zoning designation indicates that the intent of the district is to promote improvements to water quality and provide protection to the environmentally sensitive areas within the Lake Jackson Basin.

[1] The Author's resume is attached, providing his educational, work experience and general background expertise in land planning and zoning issues.



Figure 1: Aerial Location Map

The subject property is currently vacant and was cleared at some point between May 2014 and December 2015. Figures 2 and 3 show the difference between the before and after clearing efforts on the subject property. Additionally, topographic maps of the area demonstrate that the predominant flow of stormwater is from the north to the south. There is a lake and flowway located along the southerly boundary of the subject property which ultimately drains, through culverts under Preservation Road, into what is shown as Lake Alyssa in Figure 1. Federal Emergency Management Agency maps show this flowway area as being within an area of Special Flood Hazard.

Policy 2.2.18 of the Plan discusses the Lake Protection designation. The description of the LP zoning designation in the LDC reflects the Plan which states,

"The intent of the Lake Protection category is to ensure that development within the Lake Jackson basin occurs in a sustainable and environmentally sound manner with minimal impact to water quality. The Lake Protection category is the basis for regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin. The bounds of this category are to be the Lake Jackson basin boundary adjusted to include contributing watersheds but excluding existing, more intensely developed areas south of Interstate 10 and areas outside the Urban Service Area."

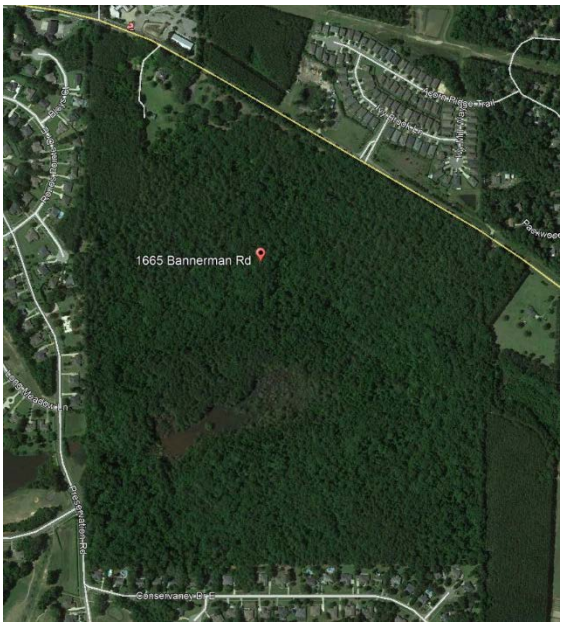


Figure 2: May 2014 Aerial

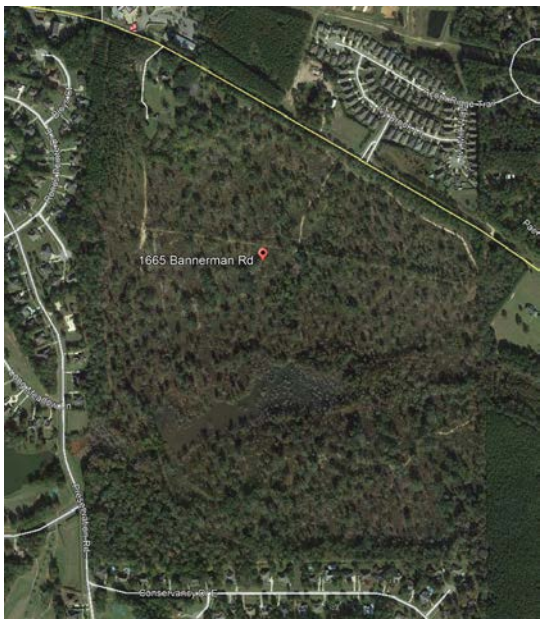


Figure 3: December 2015 Aerial

The Policy places conditions on development within the Lake Protection category, also establishing a Lake Protection Node (LPN) sub-category as a potential designation for certain areas. The intersection of Bannerman Road and Bull Headley Road, located just northwest of the subject property, is one of the areas in which the LPN designation can be obtained. The Plan indicates that the LDC shall specify the extent of the nodes so long as they do not extend beyond ¼ mile from the intersection.

Additional development parameters include a volume control based stormwater treatment standard to be required for all development and redevelopment within the Lake Protection land use category. This standard shall ensure that runoff volumes greater than pre-development runoff volumes must be retained for all

storm events up to a 100-year, 24-hour duration storm. Additional development standards deemed necessary to protect Lake Jackson from further degradation and/or improve existing water quality are permitted in the land development code. Residential densities up to eight (8) units per acre may be permitted in the LPN designation, along with non-residential uses up to a maximum intensity of 10,000 SF per gross acre.

Applying the LDC development parameters in Section 10-6.660, for the 30.9-acre area proposed to be designated as LPN would potentially allow placement of 247 dwelling units or 309,000 SF of non-residential uses. For projects containing vertical mixed uses, the non-residential uses may be increased to 12,500 SF per gross acre for a maximum of 386,250 SF of non-residential use in addition to the residential use. Buildings would be limited to four (4) stories in height, and with a total floor area of not more than 30,000 SF for the vertical mixed-use structures. Maximizing the ground floor non-residential development would provide not less than 26 vertical mixed-use buildings, each of which would have a total of ±29,712 SF in floor area, with commercial use at ground level and residential uses above. This would provide ±14,855 SF of ground floor non-residential beneath ±6 dwelling units. This would provide the entirety of the non-residential use and allow for 156 residential units. Anticipating the balance of the residential units in multi-family structures not greater than 15,000 SF in floor area, would yield an additional 12-20 buildings on the site, depending upon the final floor area within each of the units. For full development of the site as a mixed-use project, it is anticipated that between 38 and 46 buildings, between two and three stories in height, would be the likely development scenario.

ITE 8th Edition Land Use	Density/ Intensity	ADT Rate	PM Rate	% PM Enter	% PM Exit	ADT's	PM PHT's	PM Entering	PM Exiting
Low Rise Apartment (LUC 221)	247	6.59	0.58	65	35	1,628	143	93	50
Retail (Shopping Center; LUC 820)	150,000	42.94/1 000	3.37/10 00	49	51	6,441	506	248	258
General Office (LUC 750)	150,000	11.01/1 000	1.49/10 00	17	83	1,652	224	38	186
Medical Office (LUC 720)	86,259	36.13/1 000	3.46/10 00	27	73	3,117	298	81	218
Total Trips						**12,837**	**1,171**	**459**	**711**

Table 1: Projected Traffic at Maximum Development

Although a full traffic study was not included in the request, Table 1 shows the estimated traffic impacts to be anticipated by the maximum build-out scenario. At

build-out the anticipated average daily traffic will amount to 12,837 trips, with 1,171 evening peak hour trips. There has been no analysis of the Bannerman/Bull Headley intersection, nor any analysis of the entering and exiting movements and their impact upon traffic along Bannerman.

Surrounding Land Uses

Figure 4 (below) provides a graphic representation of the surrounding land uses abutting and proximate to the subject property. Directly north of the property is the Bull Headley-Bannerman commercial node consisting of a convenience store with gasoline pumps, a veterinary office and the Lifeway Church. Adjacent to the west is Fire Station #15 and Summerbrooke, a large lot residential development that extends south along the west boundary of the subject property. Directly south of the subject property is another undeveloped parcel and then more of the Summerbrooke development. To the east are large lot residential with some agricultural activities along with additional residential development. Lake Alyssa and Somerset Lake are located to the southwest, and it appears that drainage outfalls directly impact these water bodies. There are no multi-family developments proximate to the subject property, nor do there appear to be any residential structures more than two stories in height.



Figure 4: Surrounding Land Uses

The Staff Report provides a summary of the surrounding zoning and land use in Table 3. While accurate in its description, Figure 4 provides additional context for the analysis of compatibility between the proposed use and the existing uses.

Table 3: Surrounding Zoning and Future Land Use

Area	Zoning	Future Land Use	Physical Use	Comments
Subject Parcel	**LP**	**Lake Protection**	**Single Family Home**	**N/A**
North	LP/LPN/RP	Lake Protection; Lake Protection Node; Residential Preservation	Single Family Subdivisions and Office Parks	Sable Chase Subdivision; Bull Headley Commercial Subdivision; Bannerman Commercial Subdivision
South	LP/R-1/RP	Lake Protection; Single Family Detached Residential; Residential Preservation	Vacant	Timberland/Undeveloped; Summerbrooke Subdivision
West	LP	Lake Protection	Single Family Homes	Summerbrooke Subdivision
East	LP	Lake Protection	Single Family Homes	N/A

Figure 5: Staff Report, Page 7, Table 3

Analysis

1. Comprehensive Plan Consistency.

The term 'compatible' or 'compatibility' is repeatedly referenced by the Leon County Plan but is not a defined term. Florida Statutes, Section 163.3164(9) states, "Compatibility means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." A determination is necessary to ascertain whether the proposed rezoning request will be able to coexist over time with the proximate uses in a manner such that the uses and conditions will not unduly impacted, directly or indirectly.

The introduction to the Plan states, "The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens. The plan encourages and supports economically sound residential, educational, employment, cultural, recreational, commercial and industrial opportunities for the citizens. This is facilitated by systematically planning for growth, development and redevelopment." For a development to be consistent with the Plan, it must

therefore demonstrate that it will preserve, protect and enhance the quality of life for all citizens. This is a specific charge established by the Plan and must be demonstrated in a tangible fashion that can be objectively determined by a review of a request for development approval. The Plan further states, “The residential environment is also one of many criteria which form the community’s perceived quality of life and must be protected.”

Development that is vague, lacks specific details for evaluation, or creates uncertainty cannot preserve, protect and enhance a residential neighborhood. The Plan suggests, “Essential for planning are objectives and policies that protect and enhance the natural environment, water resources, the canopy roads, and residential neighborhoods. To this end, regulatory tools such as concurrency management, urban service area designation, planned unit developments and special protection zones are used to foster the community’s vision.” Absent a more detailed site plan and development conditions that can be applied to assure that the residential environment will be preserved, protected and enhanced, this development request cannot be determined to meet these goals established by the Plan.

The Staff Report (See Figure 5, above.) indicates that there are Residential Preservation areas to the north and south of the subject property. Policy 2.2.3 of the Plan states, in part, “In order to preserve existing stable and viable residential neighborhoods within the Residential Preservation land use category, development and redevelopment activities in and adjoining Residential Preservation areas shall be guided by the following principles: a) The creation of transitional development area (TDA) for low density residential developments. Higher density residential developments proposed for areas adjoining an established neighborhood within the residential preservation land use category shall provide a transitional development area along the shared property line in the higher density residential development. The development density in the transitional development area shall be the maximum density allowed in the Residential Preservation land use category. Development within the transitional development area shall be designed, sized and scaled to be compatible with the adjoining residential preservation area.” Thus, a transitional area in accordance with the Plan should be required for the requested development in which land

uses will be designed, sized, and scaled to achieve compatibility. There are no criteria included in the request or the Staff Report, however, that would provide objective, measurable standards for the transition area.

The Policy continues, noting that, "Transitional development areas shall be non-mapped areas and shall be approved at the time of site plan approval. The factors cited in paragraph (e) below shall be considered when determining the size of transitional development areas." The Policy states, "A number of factors shall be considered when determining a land use compatible with the residential preservation land use category. At a minimum, the following factors shall be considered to determine whether a proposed development is compatible with existing or proposed low density residential uses and with the intensity, density, and scale of surrounding development within residential preservation areas: proposed use(s); intensity; density; scale; building size, mass, bulk, height and orientation; lot coverage; lot size/ configuration; architecture; screening; buffers, including vegetative buffers; setbacks; signage; lighting; traffic circulation patterns; loading area locations; operating hours; noise; and odor. These factors shall also be used to determine the size of transitional development areas." According to the Policy, these same factors must be applied to commercial uses adjoining residential preservation designated areas, and only those commercial activities which are compatible with low density residential development in terms of size and appearance shall be allowed." As noted above, the Plan fails to provide measurable, objective criteria against which the requested rezoning may be evaluated to determine the extent to which conditions may be imposed as part of the site plan approval process.

Policy 2.2.26 provides a land use development matrix depicting set performance criteria for measurement of the development potential of any property. The matrix measures a property based upon a parcel's designation on the FLUM, its potential compatibility – although, as noted above, that term is undefined – with surrounding existing land uses, accessibility (for commercial uses), road functionality, environmental constraints, and water/sewer availability. The policy states, "Each cell of the matrix contains an inherent policy based on the relationship between the propose land use for that parcel (vertical axis) and a performance standard (horizontal axis). An 'X' in that cell indicates that the

proposed use would be allowed. Conversely, an 'O' indicates that the proposed use is not allowed."

The Lake Protection land use designation is one of the categories delineated on Table 6 contained within Policy 2.2.26. With sewer availability, minor commercial and office uses are allowable, as are low density residential uses, passive and active recreational uses, community services, and light infrastructure. For minor commercial, site area should be two (2) acres or less, gross floor area not more than 20,000 SF, and possessing access located within 330' of the centerline of the required intersection, in this case Bannerman and Bull Headley. The permitted uses for the LPN district, however, jump the total potential commercial and office use up to 386,250 SF, a substantial increase over that normally anticipated for the LP district. That level of non-residential development would qualify for a Regional Commercial designation, according to the standards found in Plan Policy 3.1.2. It is not at all clear how such an intense commercial use could be permitted on the subject property while retaining compatibility with the adjoining and proximate land uses. The Staff Report does not provide insight into how this will be achieved, nor does it indicate what the ultimate development plan will become. There do not appear to be limitations on the density or intensity of uses, other than the maximums articulated by the Plan.

Staff declares the request consistent with the Plan, stating, "The subject property is located in the Lake Protection (LP) Future Land Use Map (FLUM) Category. According to Land Use Policy 2.2.18 (Attachment #8), the intent of the LP FLUM Category 'is to ensure that development within the Lake Jackson basin occurs in a sustainable and environmentally sound manner with minimal impact to water quality'." This is a conclusion, however, and does not provide any insight into how development on the subject property will be managed during the permitting process. Lacking measurable and objective criteria by which the development will be evaluated to determine the full extent to which development may occur, it must be assumed that granting the request will permit the subject property to be developed to the fullest extent permissible under the LPN designation. At that level of development, it cannot be asserted that the request is fully consistent with all the applicable goals, objectives, and policies of the Plan.

2. Conformance with the LDC

The Staff Report indicates that there are stringent design standards associated with the LPN zoning district intended to minimize potential adverse impacts upon nearby neighborhoods (p. 7). Techniques such as buffering, screening, and lighting requirements are provided as examples. Also referenced is the intent of the LPN district stating that buffers, transitioning building mass and scale, and careful site design should be used to facilitate compatibility.

The Staff Report reiterates the potential for development of up to eight (8) dwelling units per gross acre and up to 12,500 SF per gross acre of office, retail services, and community facilities. There is then provided a table with a significant number of uses permissible in the LPN district, most of which do not currently exist anywhere in proximity to the subject property. Finally, Table 2 confirms that an increase of 231 dwelling units and 386,250 SF of non-residential floor area is the net increase in density and intensity that will be allowed by the proposed rezoning request.

At no point in the development process has the request attempted to demonstrate a compact mixed-use development design, nor has it provided a pattern of development that is supportive of transit services. There is no discussion as to how the project will minimize environmental impacts or minimize automobile dependency and reducing vehicle miles traveled. There has been no demonstration of a development design in which travel by foot and bicycle is safe, convenient, and comfortable. There has been nothing provided to demonstrate minimization of stormwater runoff by limiting surface area devoted to parking and requiring strict volume control stormwater facilities. Finally, there are no conditions or guarantees to suggest that the development design will facilitate compatibility with nearby neighborhoods through buffers, transitioning building mass and scale, and through careful site design.

Other than the Staff assertion that the development intensity being approved does not exceed the maximum density and intensity permitted in the LPN district, there is no evidence that the request complies with, or can be made to comply with, the provisions of the LDC.

3. Changed Conditions

The Staff Report indicates that, "The subject site's future land use category and zoning districts have been the same since they were updated by the adoption of the Tallahassee-Leon County Comprehensive Plan in 1992." However, that is not an accurate interpretation of the metric in question. The answer to the question of whether the land use and development conditions have changed since the effective date of the existing zoning district regulations is quite simply, "Yes." The area has developed as low density residential during the intervening years, without any multi-family uses, and very limited commercial activity. A review of aerial photographs demonstrates that Summerbrooke, Coventry Banks, large areas of Killearn Lakes Plantation, Greystone, and Sable Chase were not part of the surrounding neighborhood. Further, the commercial area on the northeast corner of Bannerman and Bull Headley was not part of the community at that time. A review of the aerial photographs from the early 1990's up to the present clearly show that the dominant land use for the area is a clustered subdivision model characterized by single-family residences intended to create discrete neighborhoods. By 2018, a developed, clustered low density residential type of land form has been established for this portion of the County.

Introduction of an intensive development such as that represented by the current request is not consistent with the existing land use and development conditions without consideration of all related aspects of the proposed development plan. The changed conditions of the neighborhood in which the proposed development is to be located must be fully addressed as part of the application and properly considered by Staff.

4. Land Use Compatibility

The Staff Report indicates that there are stringent design standards associated with the LPN zoning district intended to minimize potential adverse impacts upon nearby neighborhoods (p. 7). Techniques such as buffering, screening, and lighting requirements are provided as examples. Also referenced is the intent of the LPN district stating that buffers, transitioning building mass and scale, and careful site design should be used to facilitate compatibility. As noted above, however, the "stringent design standards" lack specificity that would provide real insight into the ultimate development program. Objective standards include a 35' maximum building height for multi-family uses, a 5'-15' minimum front setback, 10'-15' side

setbacks (40’ for property adjoining RP designated lands), and 20’ rear setbacks (40’ adjoining single-family). For commercial uses and mixed-use development, a 4-story height limitation is imposed, with similar setbacks.

Additionally, multi-family development is limited to 15,000 SF maximum building size while mixed-use development can develop up to 30,000 SF of building floor area. Stand-alone non-residential is limited to a maximum of 14,000 SF of building area. There are additional generalized design criteria related to access, block sizes, frontage, sidewalks, street plantings, parking, building position, facades, transparency, building materials, roofs, buffers (none of which would exceed a ‘D’ type of buffer), lighting, signage, and stormwater management. However, the creation of an intense development with an anticipated 38-46 two, three and four-story buildings on a 30.9-acre site along a rural, two-lane roadway with no sidewalks and significant potential impacts on the area’s surface water regime is in no way consistent with existing land use patterns. The problem with the LDC design requirements is that they are geared toward an intense, town center style of development that is utterly out of character with the development pattern that has emerged along Bannerman and Bull Headley over the past decades.

There are no standards that demonstrate how a development as intense as that which is being proposed will be made compatible with the existing land uses the surround the proposed rezoning, and nothing that provides any insight as to why such a development will not overwhelm the available infrastructure. As noted above, for a development scenario with a 38-46 building mix of residential, retail, general office, and medical office, there will be an estimated 12,831 daily vehicle trips created by this proposed development at build-out. This translates into 1,171 PM peak hour trips on a two-lane roadway with open drainage and no sidewalks or bicycle lanes in front of the proposed development and open drainage along both Bannerman and Bull Headley. The proposed land use will certainly not coexist in relative proximity to existing large-lot and clustered development in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition without specific conditions related to compatibility and design. Any approval granted without additional conditions relating to the design, density and intensity of the proposed development fails to achieve the mandated compatibility required by LDC Section 10.660(1)(7) to, “Facilitate compatibility with nearby neighborhoods

through buffers, transitioning building mass and scale, and through careful site design."

5. School Considerations

It is noted that the impacts to the school system were reported, but concurrency determinations were contingent upon School Board approval scheduled for 2/27/2018.

6. Other Matters

As noted throughout this analysis, the lack of conditions that could be imposed to provide assurances of compatible development on the subject property is a significant flaw in the request. Without added specificity that could be agreed upon regarding the development design, the existing neighborhoods in the vicinity of the request cannot be guaranteed that a fully compatible development, consistent with all the implied guarantees of the LDC and the Plan, could be constructed on the subject property. The sheer size of the potential entitlements being granted by the rezoning request will have profound impacts upon an area of established homes and families. Absent a much more detailed request, it is not possible to see how this application complies with the requirements of the Plan and the LDC.

7. Florida Statutes, Section 163.3194 Legal status of comprehensive plan

According to Section 163.3194(1)(a), F. S., "After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted." The actions taken by the Board in approving a development request must be determined to be consistent with its Plan, and all the provisions contained therein. Section 163.3194(1)(b), F. S. goes further to explicitly state, "All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof…"

Section 163.3194(3)(a), F. S. provides that, "A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies,

land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government." Proposing to place 247 dwelling units and 386,250 SF of commercial and office uses on 30.9 acres in an existing neighborhood of large lot and clustered single-family residential uses is, on its face, incompatible with the existing development patterns established for decades in this area. Because the development proposal is lacking in measurable and objective criteria by which the development will be evaluated to determine the full extent to which development may occur, it must be assumed that granting the request will permit the subject property to be developed to the fullest extent permissible under the LPN designation. At that level of development, it cannot be asserted that the request is fully consistent with all the applicable goals, objectives, and policies of the Plan without additional demonstration by the applicant of the manner by which the proposed development will meet all the applicable elements of the design parameters.

Section 163.3194(3)(b), F. S. states, "A development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government." The applicant must demonstrate to Leon County how a development consisting of 38-46 buildings, 247 dwelling units, and a regional level commercial development of 386,250 SF of commercial and office uses will be able to meet the requirements for access, preservation of the watershed qualities associated with the Lake Jackson Basin, separation and buffering of adjoining properties, inter-connectivity with surrounding development, and how the residential environment which forms the community's perceived quality of life will be protected.

Policy 1.1.5 of the FLUE of the Plan states, "Future Land Use Map densities and intensities are intended to reflect the availability of capital infrastructure. Capital infrastructure, which supports higher land use densities and intensities, consists of sewer and water, roads, mass transit, solid waste, drainage, and parks." There has been no analysis of the County's ability to support the intensity and density of the proposed development at this location, with access to a two-lane roadway and at the headwaters of the Lake Jackson Basin. Policy 1.1.7 reinforces this policy by stating, "Higher density and mixed use development and its ancillary activities

shall be channeled into locations which have proper access to the existing transportation system; minimal environmental constraints; sufficient stormwater treatment capacity; compatible existing land use and readily available sewer and water infrastructure." The County has indicated that intensive development such as that proposed by the applicant will be directed into areas with which such development would be compatible and for which adequate facilities and support services exist.

FLUE Policy 1.2.1 states, "Emphasize land use location that minimizes topographical changes. The proposed land use should fit the site location. The location should not be substantially altered to fit the proposed land use." Similarly, Policy 1.2.2 states, "The type, intensity and structural design of any development proposed for a site shall be appropriate to the existing natural topography. Site alterations will be limited to the absolute minimum necessary to develop a site safely. Design criteria in the land development regulations will emphasize site designs that fit the topography, not changing the topography to fit the design. Minimum grade changes typically associated with site development include those necessary for the safety of a building including parking, road right-of-way, handicapped access or utilities. Criteria for approval of development in areas with significant and severe grades will be limited to the type of land use that requires the least disturbance of sloped areas." The application has not demonstrated how such an intense set of uses will fit the location amidst the large lot and clustered single-family subdivisions that characterize the existing land uses. Neither has it shown how it will protect the watershed in which it is located without substantially altering the existing topography.

FLUE Policy 1.3.1 indicates that, "Before a development order or permit is issued, local government shall ensure that the adopted level of service standards for the affected public facilities will be maintained in accordance with the Concurrency Management System." The placement of 247 dwelling units and 386,250 SF of commercial and office uses at this location will have a significant impact upon the levels of service for Bannerman and Bull Headley. There are no provisions for multi-modal interconnectivity proposed for the development and the surrounding land uses. The proposal has not demonstrated compliance with this Plan policy.

Policy 1.3.2 of the FLUE states, "Residential density and/or non-residential intensity of development allowed for individual sites shall be determined by the

degree of compliance with the goals, objectives and policies of the Comprehensive Plan and the land use development matrix, which is intended to be a pictorial representation of existing policies in the plan, as implemented by the land development regulations. Overall densities and intensities should be consistent with capital facilities and services being available at the adopted level." The request does not provide the level of detail necessary for a full evaluation of the impacts that will be created. Neither does it provide the necessary information to determine whether the overall density and intensity is consistent with the capital facilities and services available at the adopted level. The Staff analysis has not provided this information either, and without it, approvals may not be granted.

Policy 1.4.1 of the FLUE indicates that, "Density and intensity incentives shall be established within the required land development regulations to encourage growth in areas which minimize and mitigate development's negative impact on the natural and aesthetic environment." Leon County has committed to provide regulations that minimize and mitigate a development's negative impacts upon the natural and aesthetic environment. Staff has not provided any conditions, mechanisms, or criteria by which this application will be regulated to minimize and mitigate its negative impacts. In fact, a full analysis of the potential negative impacts has not been conducted as part of the development review, and the application and its analysis is therefore defective.

FLUE Policy 1.4.12(a) states, "…Neighborhood and inter-site compatibility shall be implemented through site planning and design criteria that require objectionable impacts of particular land use activities to be internally located within site or building designs, rather than relying exclusively on standard landscape and setback buffering methods to reduce perimeter oriented objectionable impacts." There is no indication in the Staff Report or submitted by the applicant that indicates the site planning and design criteria to be used in mitigating the objectionable impacts such an intense and out of character development will have upon the surrounding neighborhood. Without such information to review, the application cannot be determined to meet the requirements of this Plan policy.

FLUE Policy 2.1.1 states that the County will, "Protect existing residential areas from encroachment of incompatible uses that are destructive to the character

and integrity of the residential environment." Neither Staff nor the applicant have provided any objective evidence regarding how the placement of such an intense development on the subject property would be consistent with the County's commitment to protect existing residential areas from encroachment of such incompatible uses as those which would be permitted by the request. The policy goes on to state that one of the methods by which the protection of existing residential areas will be accomplished will be, "Limitations on future commercial intensities adjoining low density residential areas. Such limitations are to result in effective visual and sound buffering (either through vegetative buffering or other design techniques) between the commercial uses and the low density residential uses; and are to allow only those commercial activities which are compatible with low density residential development in terms of size and appearance." There is nothing contained within the request or analysis that would serve to provide limitations that are consistent with the existing development patterns when compared to the proposed development density and intensity.

Conclusion

Based upon the foregoing analysis, it is my professional opinion that the application is deficient in its attempt to demonstrate compliance with the Plan and the LDC. I believe that the proper motion for the Board of Commissioners would be to find the proposed request inconsistent with the Tallahassee-Leon County Comprehensive Plan. Further, that the Board of County Commissioners not adopt the proposed ordinance, and not amend the Official Zoning Map, based on the findings of fact and conclusions of law related to the evidence submitted at this hearing. At a minimum, the request should be found lacking in specificity regarding compliance with required compatibility, infrastructure impacts, and design elements that must be satisfied as part of the permitting process, and the applicant should be directed to amend the application to provide details regarding the development design that can be evaluated fully in light of the requirements of the Plan.



_____

David W. Depew, PhD, AICP, LEED® AP

PROFESSIONAL QUALIFICATIONS



David W. Depew, PhD, AICP, LEED® AP
Principal

EDUCATION

University of Florida, BA, Honors, Political Science, 1972
McMaster University, MA, Comparative Political Development, 1973
Johns Hopkins University, PhD coursework and all doctoral exams completed successfully in Policy Analysis and Public Administration, 1973-1976
Kennedy-Western University, PhD coursework and dissertation completed, Public Administration, 1997-2004[1]

PROFESSIONAL REGISTRATION

Certified Planner, American Institute of Certified Planners, 1983
Leadership in Energy and Environmental Design (LEED®) Accredited Professional, 2008.

AFFILIATIONS & HONORS

Member, American Institute of Certified Planners
Member, American Planning Association
Member, Florida Planning and Zoning Association
Associate Member, Urban Land Institute.
Member, Institute of Transportation Engineers
Member/Vice President/President, Association of Eminent Domain Professionals
Member/Chairman, Fort Myers Historic Preservation Commission, 1999-2006
Member, Fort Myers Charter Review Commission
Chairman, Lee County Local Planning Agency, 1982-1984
Member, Real Estate Investment Society
Charter Member, Director, Southwest Florida Tiger Bay Club

AREA OF EXPERTISE

Land planning, development permitting, zoning, comprehensive planning, transportation planning, traffic analysis, policy analysis, eminent domain-related planning issues, demographics and statistical modeling.

CURRENT RESPONSIBILITIES

As a principal of Morris-Depew Associates, David Depew is involved in the management of a variety of land use planning and project permitting efforts. He is also responsible for the development of research methodology, staff supervision, regulatory agency contacts, marketing and client relations. His duties also include assistance with the ongoing business management of the firm. Dr. Depew has also previously served as an Adjunct Faculty member at Florida Gulf Coast University in Fort Myers, Florida, is currently Chair of the Legislative Affairs Committee of the Walton County Area Chamber of Commerce, and a member of the Florida Planning Association's Legislative Policy Committee.

[1] Kennedy Western University is no longer in operation; Dr. Depew's degree was obtained as part of continuing education and professional development coursework along with his dissertation.

RELEVANT EXPERIENCE

David Depew has acquired extensive experience over more than 25 years in the management of significant planning and permitting projects. Much of his experience has been acquired in Southwest Florida since 1980 where he served as the primary planning manager and consultant for a number of large public and private organizations. He is an acknowledged expert on regional planning and permitting issues and has been certified as an expert witness in a variety of legal and administrative proceedings in numerous jurisdictions across Florida. Prior to founding Morris-Depew Associates, he was a planning, permitting, and financial consultant to a variety of public and private clients throughout Southwest Florida.

David Depew was previously the Director of Community Development for Lee County with responsibility for all planning and permitting activities. In this position, he successfully supervised major revisions to Lee County's Land Development Regulations and Comprehensive Plan, both of which were recognized state-wide for quality, as well as the development of a new series of permitting procedures, various sub-area studies, and development review policies. During that period of time, he served as Lee County's Local Planning Agency, supervised the Metropolitan Planning Organization's staff efforts, and initiated Lee County's first efforts at comprehensive growth management legislation.

He also served in the following high-level positions: Acting Director and Senior Planner, Long Range Planning Department, Lee County, Florida; Assistant Manager, and Research Associate II, Mayor's Office of Manpower Resources, Baltimore, Maryland; Computer Applications Consultant, Geneva, Switzerland; and Instructor, The American College, Leysin, Switzerland.

REPRESENTATIVE PROJECTS & CLIENTS

Comprehensive & Site Planning

- **Lee County Port Authority;** acquisition consultant for Airport Expansion; Fort Myers, FL; S. Woodward Hanson
- **Gulf Harbour Yacht and Country Club;** golf course/ marina residential DRI; Fort Myers, FL; Florida Design Communities, Inc.
- **Pueblo Bonito;** farm worker housing development; Bonita Springs, FL; Donald E. Franck

REPRESENTIVE PROJECTS & CLIENTS (CONTINUED)

- **International Center;** mixed use commercial, industrial, residential development; Fort Myers, FL; W. Parkinson Myers
- **American U-Store It;** urban redevelopment and adaptive re-use of existing facilities; Fort Myers, FL; Thomas R. Branham
- **Cypress Lake Center;** urban redevelopment and adaptive re-use of existing shopping center; Fort Myers, FL; LEFMARK, Inc.
- **Manor Care Skilled Nursing Facility;** ALF development; Fort Myers, FL; Manor Care
- **McGregor Baptist Church;** religious facility; Fort Myers, FL; McGregor Baptist Church
- **Temple Beth-el**; religious facility; Fort Myers, FL; Bruce Gora
- **Faith Fellowship Ministries;** religious facility; Fort Myers, FL; Reverend David T. DeMola
- **Presbyterian Retreat;** religious facility; Sanibel, FL; John Hicks
- **Pineland Marina**, commercial marina DRI; Pine Island, FL; Pineland Holdings
- **Corkscrew Woods;** aggregate mining and residential development, planning and permitting; Cameratta Companies, LLC; Lee County, Florida.
- **Coca Cola Distribution Facility;** commercial/ industrial development; Fort Myers, FL; Charles S. Faller, III, CPM
- **Kelly Greens Homeowners Association**; land use consulting, comprehensive planning; Lee County, FL; Kelly Green Homeowners Assoc., Inc.
- **Edison Park Homeowners Association**; land use consulting; Fort Myers, FL; Edison Park Homeowners Assoc.
- **Airport Technology Center;** industrial planned development; Fort Myers, FL; Bundschu Kraft, Inc.
- **D-75 Commerce Center**; interchange commercial development; Fort Myers, FL; BK Equities, LLC
- **ACT Shelter;** community facility expansion; Fort Myers, FL; Abuse Counseling and Treatment, Inc.
- **Bonita Grande Mine;** aggregate mining and re-use development planning and permitting; Bonita Springs, FL; Bonita Grande Mining, Inc.
- **Vanderbilt Beach Property Owners**; Collier County Ordinance Amendments; Collier County; Vanderbilt Beach Property Owners Assoc.
- **Osceola County**; Comprehensive Plan Amendments; Osceola County, FL; Segundo Fernandez
- **Captiva Community Panel**; preparation of a community plan and Comprehensive Plan Amendments, Lee County, FL; Captiva Island Property Owners Association
- **Boca Grande Community Panel**; preparation of a community plan and Comprehensive Plan Amendments; Charlotte and Lee Counties; Boca Grande Community Planning Assoc., Inc.
- **Town of McIntosh**; Land Development Regulations amendments; McIntosh, FL: Town of McIntosh
- **Charter School Sites**; two charter school sites; Lee County, Florida; J. McGarvey
- **Bokeelia Seaport**, residential re-development and historic preservation efforts; Bokeelia, Florida; Highpoint Tower Development, LLC
- **Spring Hills Development of Regional Impact**; Mixed Use development; Alachua County, Florida; Pennsylvania Real Estate Investment Trust, Inc.
- **Lake Placid Village**; mixed use development; Lake Placid, Florida; HIW Development
- **Gulf Coast Landfill;** sanitary landfill, recycling, solid waste transfer station, and industrial development; Lee County, Florida; Waste Management, Inc.
- **Premier Airport Park**; industrial development; Lee County, Florida; Premier Airport Park, LLP
- **Corkscrew Excavation**; aggregate mining and re-use development; Fort Myers, FL; Resource Conservation Holdings, LLC.
- **Gulf Coast Medical Center**; 800 hospital redevelopment and expansion; Lee memorial Health Systems.
- **Highpoint Tower Technology, Inc.**; Cellular communication towers, various sites; Sarasota and Lee Counties.
- **City of Venice**; LDR revisions and comprehensive plan amendments; Venice, FL.

REPRESENTIVE PROJECTS & CLIENTS (CONTINUED)

- **Lost Grove Mine;** aggregate mine; Alico Land Development, Inc.; Collier County, FL
- **FDOT;** outdoor advertising permit and site analysis; Tallahassee, FL.

Litigation

- **Zemel vs. Lee County;** inverse condemnation case and administrative hearing; representing owner.
- **Southern States Utilities vs. Collier Family Enterprises;** condemnation case; representing condemning authority.
- **Lee County vs. Abdallah;** inverse condemnation; representing owner.
- **Feinstein vs. Johnson Engineering, Inc.;** liability dispute; representing Johnson Engineering, Inc., defendant.
- **FDOT vs. The Landings Homeowners' Association;** right of way acquisition; representing owners.
- **In Re Seago Group;** bankruptcy action; representing plaintiff.
- **FDOT vs. KB Holdings (Boulis);** right of way acquisition; representing owner.
- **FDOT vs. Coral Ridge Cemeter;** right of way acquisition; representing owner.
- **FDOT vs. Mobil Oil;** right of way acquisition; representing condemning authority.
- **FDOT vs. TransNation Title Insurance Co.;** right of way acquisition; representing condemning authority.
- **Collier County vs. Northside Construction;** right of way acquisition; representing owner.
- **Stardial vs. Town of Fort Myers Beach;** land use dispute; representing property owner.
- **Kessler, et. al. vs. City of Naples and Collier Enterprises;** permit challenge; representing Collier Enterprises.
- **Jonesboro, et. al. vs. Alachua County, et. al.;** comprehensive plan challenge; representing Jonesboro Properties, Inc.
- **Crouch vs. City of Newberry;** defense of annexation by City; representing intervener.
- **Batreal, Caron vs. City of Newberry;** ordinance challenge; representing City.
- **Cossu-Cohen vs. Town of Fort Myers Beach;** ordinance challenge; representing Fort Myers Beach.
- **Miami Corporation vs. City of Titusville;** permit challenge; representing Miami Corporation.
- **City of Lakeland vs. Southwest Florida Water Management District;** permit challenge; representing City.
- **White vs. Levy County;** vested rights challenge; representing White Construction.
- **Watson vs. City of Gainesville;** inverse condemnation case: representing Watson Construction.
- **Lee County vs. Colico**; eminent domain action; representing the owner.
- **LPH, LLC vs. Lee County**; inverse condemnation action; representing plaintiff.
- **Rotonda Project, LLC vs. Charlotte County**; inverse condemnation representing plaintiff.
- **Collier County vs. Blocker**; land use dispute; representing Collier County.
- **Alachua Land Investors v City of Gainesville;** inverse condemnation representing land owner
- **FDOT v Miami Gardens Shopping Plaza, Ltd., et. al.;** eminent domain action representing property owner.
- **FDOT v Holiday Plaza Condominium;** eminent domain action representing property owners.
- **Edwards CDS, et. al. v City of Delray Beach;** inverse case representing property owner.
- **Kahama, LLC v HJH, LLC et. al.;** title dispute representing plaintiff.
- **Gulf Power Co. v Little Oyster Bar Point, LLC;** eminent domain action representing condemning authority.
- **1000 Friends of Fla. et. al. v Walton County;** comprehensive plan amendment challenge representing Walton Co.
- **SFWMD v Bauer et. al.;** eminent domain action representing property owners.

Haley, Jiwuan

From: Jeremy Anderson <janderson@andersongivens.com>
Sent: Tuesday, April 10, 2018 2:06 PM
To: Haley, Jiwuan; Perrine, Beth
Subject: For the Record of Tonight's Rezone Hearing
Attachments: Rezone.Memo.For.Record.4.10.18.pdf

Good Afternoon,

Will submittal to you via email be sufficient for inclusion into record at the rezone hearing scheduled for tonight? If not, please let me know where to send.

Thank you.

Jeremy V. Anderson, Esquire
Anderson | Givens
www.AndersonGivens.com
Office: (850) 692 8900
Fax: (850) 224 2440

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this e-mail message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this e-mail message, or if this e-mail message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this e-mail message and its attachments. Do not deliver, distribute or copy this e-mail message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments. Notwithstanding anything contained in this e-mail or the provisions of any "electronic signature" law, no offer is intended to be extended or accepted hereby and it is the intention of the sender that a contract may only be formed by a document physically signed by an appropriate representative of Anderson & Givens, P.A.

NOTICE TO HOMEOWNERS' ASSOCIATION AND CONDOMINIUM ASSOCIATION CLIENTS: This communication (and any attachments) may include privileged communications between attorney and client that are exempt from disclosure and/or protected pursuant to Sections 90.502, 718.111(12) and/or 720.303(4), Fla. Stat. In such event and to protect the privileged nature of this communication, this communication should not be made accessible to the members of the association as part of the official records of the association pursuant to Sections 718.111(12) or 720.303(4), Fla. Stat., as applicable, until such time as the board of directors has determined to make its contents accessible to the members of the association as part of the official records of the association.

FAIR DEBT COLLECTION PRACTICES ACT: Please be advised that the law firm of Anderson & Givens, P.A. is engaged in the practice of debt collection and any information obtained by Anderson & Givens, P.A. may or will be used to effect collection of a debt.

ANDERSON | GIVENS
ATTORNEYS AND COUNSELORS AT LAW

P.O. Box 12613
Tallahassee, Fl 32317
Direct: 850-692-8900
janderson@andersongivens.com
jgivens@andersongivens.com

April 10, 2018

Leon County Board of County Commissioners
301 S Monroe St
Tallahassee, FL 32301

By email to: Jiwuan.Haley@talgov.com *and* Mary.Perrine@talgov.com *for the record*

Re: **Opposition to the Proposed Rezone of 1665 Bannerman Road from Lake Protection (LP) zoning district to the Lake Protection Node (LPN) zoning district**

Dear Commissioners:

This firm represents SUMMERBROOKE PROPERTY OWNERS ASSOCIATION, INC. (herein "Association"), the entity responsible for the operation and administration of the Summerbrooke subdivision. The Summerbrooke subdivision is located adjacent to 1665 Bannerman Road, which is subject to the proposed rezoning from the Lake Protection (LP) zoning district to the Lake Protection Node (LPN) zoning district.

The Association and its membership oppose the proposed rezoning. On behalf of the Association and its members, this is to hereby request that this Commission make a finding that the proposed rezone: 1) is inconsistent with the Comprehensive Plan; 2) would result in incompatible land uses; 3) fails to conform with the substantive requirements of the Land Development Code (LDC); and 4) is contrary to well-established land uses and development conditions (changes in conditions since 1992 to LP and other adjacent districts).

This Commission must deny the proposed rezoning application for 1665 Bannerman Road.

As you will see from a separate seventeen (17) page memorandum prepared by the Association's land planning expert, David W. Depew, PhD, AICP, LEED® AP, the basis of denial of this proposed rezone is supported by competent substantial evidence on the record. This memorandum is hereby submitted in support thereof, as an enclosure thereto and incorporated.

PROPOSED REZONE IS INCONSISTENT WITH THE COMPREHENSIVE PLAN

Section 163.3194(3)(a), Florida Statutes, which defines "consistency" as it relates to the Comprehensive Plan requires this Commission to deny this proposed rezoning if the land uses, densities or intensities, and other aspects of proposed rezoning are not compatible with and further the objectives, policies, land uses, and densities or intensities stated in the Comprehensive Plan. This definition alone requires more than simply determining whether the property falls within one of the Lake Protection "nodes" adopted in 2015. In fact, the Comprehensive Plan language establishing the "nodes" is permissive in nature and does not operate to guarantee that some or any of the area within the ¼ mile radius may actually be rezoned to "node" status.

Stated another way, a consistency analysis for a proposed rezoning does not cease simply because a parcel is located within a potential "node" area. State law governing "consistency review" requires a much deeper and thoughtful analysis of our Comprehensive Plan, which as you know serves as our "constitution" for land development in Leon County. Each and every Goal, Policy and Objective must be reviewed for consistency. If the proposed rezoning fails to be consistent with each and every Goal, Policy and Objective of the Comprehensive Plan, the proposed rezoning must be denied.

The proposed rezoning is **contrary** to the County's stated "Vision Statement and Implementation" provision of the Comprehensive Plan, which provides in pertinent part that:

> The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens".

The proposed rezone fails to preserve, protect or enhance the quality of life for the residents of Summerbrooke and other surrounding communities. The proposed rezoning will result in negative development impacts that will degrade the quality of life in existing residential communities, including by: 1) substantially increasing vehicle traffic on an already congested two-lane roadway, 2) straining the capacities of area schools; and 3) resulting in appreciable increases in noise levels, light pollution, and other deleterious impacts that are associated with higher density residential developments and intense commercial and office uses.

The "Vision Statement and Implementation" provision of the Comprehensive Plan also recognizes that:

> Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood. Not only actual changes, but also the perception of a constant assault on a neighborhood undermines an otherwise desirable residential environment. . . it is the intent of the plan to maintain the integrity of existing neighborhoods . . ."

The proposed rezone will destroy the integrity of existing adjacent residential neighborhoods and will permanently alter their character. This proposed rezone is another assault on our existing neighborhoods and undermines what has been a long-established and desirable residential environment.

As you should know, Goal 1 of the FLUE of the Comprehensive Plan requires the protection and enhancement of the quality of life in Leon County by:

> channeling inevitable growth into locations and activities that protect . . . residential neighborhoods.

The proposed rezoning does the opposite by channeling of up to 247 dwelling units and 386,250 SF of commercial and office uses onto a thirty (30) acre parcel immediately adjacent to a low density established residential neighborhood.

Policy 1.1.7, of the FLUE of the Comprehensive Plan specifically requires that:

> Higher density and mixed use development and its ancillary activities shall be channeled into locations which have proper access to the existing transportation system; minimal environmental constraints; sufficient stormwater treatment capacity; compatible existing land use and readily available sewer and water infrastructure."

The proposed rezoning is not consistent with Policy 1.1.7. Not only will the channeling of up to 247 dwelling units and 386,250 SF of commercial and office uses on a thirty (30) acre parcel have a significant impact upon the traffic of Bannerman and Bull Headley, the proposed land uses (likely multi-family and intense commercial and office) are incompatible with the adjacent land uses of Summerbrooke and other neighborhoods, which are residential uses comprised of low density single-family home developments.

The proposed rezone is also inconsistent with the Objective 2.1 (Residential Land Use) of the Comprehensive Plan because the proposed development **fails** to:

> Enhance the livability of existing neighborhoods . . .

Further, Policy 2.1.1 of the FLUE of the Comprehensive Plan requires that this Commission, which would apply to rezone considerations:

> Protect existing residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

In fact, Policy 2.1.1 protects residential communities by:

> allowing only those commercial activities which are compatible with low density residential development in terms of size and appearance.

If approved, the up to 386,250 SF of commercial and office uses will be permitted immediately adjacent to an existing residential development. These uses would be located in numerous multi-story buildings (4 stories) which clearly do not share the same characteristics as the existing adjoining or nearby residential developments as it relates to size and appearance.

Policy 1.1.5 of the FLUE of the Comprehensive Plan states:

> Future Land Use Map densities and intensities are intended to reflect the availability of capital infrastructure. Capital infrastructure, which supports higher land use densities and intensities, consists of sewer and water, roads, mass transit, solid waste, drainage, and parks."

The County has failed to show consistency with Policy 1.1.5 by its **failure** to provide any analysis of the it's ability to support the intensity and density of the proposed development at this location. If approved and if developed anywhere near to maximum density and intensity, the development would exacerbate the already poor level of service experienced on the existing two-lane roadway. It is estimated that there will be an additional 12,831 daily vehicle trips created by this proposed development at build-out, which translates into 1,171 PM peak hour trips.

Based upon the foregoing and the additional inconsistencies described by the Association's expert, David Depew, in writing prior to the hearing and through his oral testimony, my client requests that this Commission deny the requested rezone.

PROPOSED REZONE WILL RESULT IN INCOMPATIBLE LAND USES

The area of the proposed rezone is adjacent to two existing residential subdivisions and is very close to numerous other subdivisions, each of which having a residential land use consisting of low density single-family subdivisions. For this proposed rezoning to be approved, the proposed rezoning **must** be shown to be compatible with said adjacent or nearby land uses. Since the Comprehensive Plan fails to define compatibility, it is proper to use the statutory definition as a guide. *See Katherine's Bay, LLC v. Fagan,* 52 So. 3d 19 (Fl. 1st DCA, 2010). Specifically, Section 163.3164(9), Florida Statutes defines "compatibility" as meaning:

> a condition in which land uses **or** conditions can coexist in relative proximity to each other in a stable fashion over time such that no use **or** condition is unduly negatively impacted directly or indirectly by another use **or** condition. [Emphasis Added].

The Summerbrooke subdivision and the other adjacent or nearby subdivisions will be forever unduly negatively impacted by the proposed uses and conditions that will be permitted if this proposed rezoning is approved. It is **incontrovertible** that any development with up to 247 dwelling units and up to 386,250 SF of commercial and office uses on just thirty (30) acres will have permanent unduly negative impacts on adjacent land uses comprised of low density single-family residential uses. The conditions created by extremely dense multi-family structures and the intensity of commercial and office uses will have a permanent unduly negative impact on the Summerbrooke subdivision and other adjacent and nearby subdivisions. Specifically, the conditions permitted by the rezone which are incompatible to Summerbrooke and other adjacent and nearby subdivisions include substantial differences in building bulk, size, mass, height, coverage and setbacks. In addition, high density multi-family uses and large and intense commercial and office uses will most certainly result in an increase in objectionable light and noise pollution.

Based upon the foregoing and the additional incompatibilities described by the Association's expert, David Depew, in writing prior to the hearing and through his oral testimony, my client requests that this Commission deny the proposed rezone.

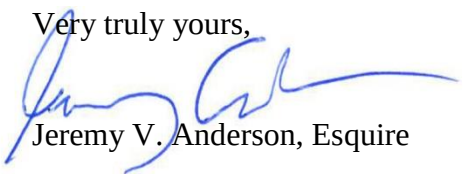
ESTABLISHED LAND USES AND DEVELOPMENT CONDITIONS CONTRARY TO PROPOSED REZONE (CHANGED CONDITIONS)

The criteria for rezoning review requires this Commission to analyze whether the land use and development conditions have changed since the effective date of the existing zoning district regulations involved and which are relevant to the properties. County Staff answers in the negative. This is simply incorrect. County Staff failed to provide the proper analysis, which requires a review of changes over time (since 1992) to the Lake Preservation District and its land uses, as well as actual development in the surrounding area. A proper analysis shows that conditions have in fact changed. A significant change in conditions is that the previously undeveloped lands have been developed into numerous single-family subdivisions that make up the bulk of development around the proposed rezone property. As stated previously, the Comprehensive Plan requires the protection of existing neighborhoods. Notably, there are no multi-family home developments and commercial development has been very limited. These are all factors that are relevant to the proposed rezoning, but not properly considered by County Staff or included in the County Staff report for you to properly consider.

These facts are relevant because they underscore the fact that the introduction of such intensive development abilities such as that represented by the proposed rezoning request is not consistent with the existing land uses and development conditions. Approval of the proposed rezoning will result in a new zoning designation and eventual development that are both inconsistent with the Comprehensive Plan and which are wholly incompatible with adjacent or nearby single-family residential developments, including Summerbrooke.

Again, SUMMERBROOKE PROPERTY OWNERS ASSOCIATION, INC., and its membership request that this Commission deny the requested rezone.

Very truly yours,



Jeremy V. Anderson, Esquire

Haley, Jiwuan

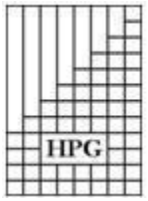
From: J. Scott Henderson <hendersonjscott@gmail.com>
Sent: Tuesday, April 10, 2018 3:28 PM
To: Haley, Jiwuan
Subject: Proposed Rezoning - 1665 Bannerman Road
Attachments: 1665 Bannerman Rd rezoning- Leon County Board Of County Commissioners.docx

Jiwuan:

Thanks for your assistance in reviewing the Bannerman Rd rezoning matter.

As indicated, I will not be attending the hearing but wanted to offer input on a variety of the technical matters that are appropriate to consider in this case.

Thanks,
Scott



J. Scott Henderson
Henderson Planning Group, LLC (Ret.)
599 Tung Hill Dr.
Tallahassee, Fl 32317
(850) 519-9134
www.hendersonplanninggroup.com

From: Haley, Jiwuan [mailto:Jiwuan.Haley@talgov.com]
Sent: Monday, April 09, 2018 1:49 PM
To: hendersonjscott@gmail.com
Subject: Proposed Rezoning - 1665 Bannerman Road

Good afternoon Scott,

The proposed 1665 Bannerman Road LPN rezoning is scheduled to be heard at the Leon County Board of County Commissioners' meeting tomorrow evening, April 10th. Per your request, please see the following:

Rezoning Application: See attached.

Links:

- 1665 Bannerman Road Leon County BCC item (see pgs. 941-1125): http://www2.leoncountyfl.gov/coadmin/agenda/. The 2015 Lake Protection FLUM Amendment staff report is included as part of this agenda item (see Attachment #6, pg. 1005).
- Northeast Connector Corridor: http://www.leonpenny.org/?project=northeast-connector-corridor-bannerman-road.
- Capital Improvements Schedule (FY 2018 – FY 2022): http://www.talgov.com/Uploads/Public/Documents/planning/pdf/compln/cisf18-22.pdf.
- Bannerman Road Corridor Study: http://www.leoncountyfl.gov/bannermanroad/project/

Staff contact information for Leon County Department of Development Support and Environmental Management (DSEM) Phone: 850-606-1300:

- Ryan Guffey, Concurrency Management Planner, Development Services Email: guffeyr@leoncountyfl.gov
- Nawfal Ezzagaghi, Environmental Review Supervisor, Environmental Management Email: EzzagaghiN@leoncountyfl.gov
- Shawna Martin, Principal Planner, Development Services Email: MartinS@leoncountyfl.gov
- Barry Wilcox, Chief Development Resources Officer, Leon County DSEM Email: WilcoxB@leoncountyfl.gov – Oversaw the processing of the 2015 Lake Protection FLUM Amendment

If you have any additional questions please let me know.

Thank you,

Jiwuan Haley, AICP
Senior Planner, Land Use Division
Tallahassee-Leon County Planning Department
435 North Macomb Street, Tallahassee, FL 32301
850.891.6400 • jiwuan.haley@talgov.com
http://www.talgov.com/place/planning.aspx

PLANNING DEPARTMENT
a division of PLACE

Thank you for your email. Please note that under Florida's Public Records laws, most written communications to or from local government staff or officials regarding City or County business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

Leon County Board Of County Commissioners: April 10, 2018

Re 1665 Bannerman Rd rezoning:

Recommendation: Continue this zoning application until such time as the transportations issues addressed herein are properly addressed and reported back to the Public in community meetings and then brought back to the Commission for final review.

1. **Premature Application**- The issue before you in this rezoning is not restricted to the consistency with the Comp Plan but rather the timing. The Comp Plan is a 20 year planning documents with zoning as an implementation tool to be used during that 20 year period to implement the timing of development under the Future Land Use Map. The Lake Protection Node (LPN) Land Use was established for this area less than 3 years ago. An LPN application was approved on the NW corner of this intersection yet, no development has proceeded. An application to allow up to 309,000 SF of Retail development is therefore, unjustified at this time and therefore, premature. A review of the zoning application and the Staff Report offers no justification for this application proceeding at this time. Other factors as presented below further support the premature nature of this application at this time.

2. **Transportation** -

    a. A. Bannerman Rd Capacity- Bannerman Rd is over capacity with NO programmed improvements to relieve the current capacity deficiencies, well alone any new traffic that would be generated by development intensification of the subject property.

    b. Bannerman Rd Capacity Designation- The Concurrency Inventory designates Bannerman Rd as a Major Collector with a PM / Peak Hour directional capacity of 1,140 trips. This volume of capacity is questioned as being excessive in light of the conditions of many segments of Bannerman Rd being a Substandard Width condition. If Bannerman were rated for concurrency similar to other roads in our community, the degree to which the road is over capacity would be even more obvious as it is to the area residents. Here are a few examples of other roads in our community with similar characteristics yet significantly lower capacity ratings than the 1,140 directional trip capacity of Bannerman Rd:
        i. Meridian Road – Bannerman Rd to Ox Bottom- 400 (SB) / 833 (N B) Trips
        ii. McClay Rd – 594 Trips
        iii. Centerville Rd – 430 trips
        iv. Buck Lake Rd -820 trips

v. Capital Circle – Old Bambridge Rd to Fred George Rd – 880 trips. Bannerman Rd Classification and Capacity ranking should be re-evaluated prior to further action on this application.

c. The Significant Benefit Project Priority List – As contained in the Comp Plan identifies Bannerman Rd for long Range improvement with a stated Justification: Alternate route to relieve Thomasville Rd". If Bannerman Rd is improved with the intent of relieving Thomasville Rd (a North South roadway) how much traffic is anticipated to be redirected. This will also direct additional traffic onto Meridian Rd with no capacity and no option for improvement. This is fundamentally conflict with the designation of Meridian Rd. It appears that the community is totally unaware of this being the intent of the Comp Plan and believe that there would be significant objection, if properly understood.

d. Meridian Rd Capacity- Meridian Rd is over capacity on a various links yet there is NO capability to improve the road. In addition, and more importantly, the Comp Plan clearly designates Meridian Rd as a Canopy Rd which WILL NOT be 4 laned, therefore, additional capacity improvements are not possible. Development of the subject Property at an intensity permitted by this application would produce traffic with impacts on Meridian Rd.

i. The common solution to over capacity is to pay a Significant Benefit Fee and proceed with development. However, considering that both the North South roadways (Thomasville Rd and Meridian Rd ar4e over capacity with extremely to no capabilities to accommodate additional traffic, how will funding thru the Significant Benefit Projects do anything to actually resolve the issues on Meridian Rd. At what point will the County simply declare that Meridian road does not have the capacity to add any more trips. If not now, then it is incumbent for the Commission to specifically declare how many more trips can be added to Meridian. This is the fundamental issue that is established under the Florida Comprehensive Planning Law that ties together Land Use and Concurrency specifically, that development can NOT proceed without adequate infrastructure to support development. Vacant land along Bannerman Rd and Meridian Rd should be analyzed to allocate trips reserved to allow for development prior to allowing any intensification of other properties that would consume these trips and thereby render other properties unable to develop.

ii. Before the County acts on this application to SIGNIFICANTLY increase the development intensity of the subject

property, the traffic issues and traffic planning for Bannerman Rd and the development and transportation impacts for both Bannerman Rd and Meridian Rd should be analyzed in a comprehensive traffic analysis addressing these issues. These traffic questions have significant implications to the communities along Bannerman Rd as well as those along Meridian Rd and should be presented to the community for review prior to adoption in the Comp Plan. As structured, the transportation issues contained in the current Comp Plan have conflicting positions that should be addressed and resolved prior to this application proceeding. Again, this Application is premature until such time as these transportation issues and conflicts are addressed.

3. **Lake Protection Node (LPN) Land Use Designation**:
   a. Intensity of Development- A review of the LPN classification raises a variety of concerns, While the concept of node planning is a sound principal, the application of the LPN as structured presents a development intensity that is both Incompatible and Inconsistent with the Character and Nature of the Bannerman Rd / Bull Headley area. Allowing for development up to 309,000 Sf of retail is simply and clearly well beyond the character of the area and incompatible with the area. I challenge the Staff to offer examples of retail centers in the Leon County of a similar size (250,000- 300,000 Sf) to allow you to judge the character of those properties and their location as compared with the subject property. Development at an intensity of 10,000 sf/ac is clearly too intense for ANY node development in this character of the community. The LPN designation is simply being used as a back door to create a high intensity commercial development in a very low intensity development area. Of you were to apply of the Comp Plan locational criteria for retail development of this size and character outside the LPN approach, this location would not qualify and therefore, a clear indication that the LPN is not appropriately applied in this location. It is suggested that the intensity of a development node in this character of area should be in the range of 10-15% of the proposed intensity. Especially in consideration for the existing and planned commercial development at this intersection. The application of standard ratios of retail to population standards to this area simply does not justify the amount of commercial suggested in this LPN location.
   b. LPN Storm Water- If the future land use designation of Lake Protection is a development intensity of 1 du / 2 acres has a fundamental basis to protect Lake Jackson, then the dramatic increased intensity of development of the subject property is directly contrary to the fundamental intent of the Lake Protection concept. The current LPN storm water regulations are insufficient to meet the intent of the Lake Protection policies in the adopted

c. Comp Plan. If development intensity are as permitted under the LPN district then the volume of storm water management criteria currently applied to this Lake Protection property should be modified by mandating that the storm water runoff retention requirements should be that No More storm water to be generated from the subject property than that which would be produced from the underlying Lake Protection designation of 1 du / 2 acres. Any storm water generated beyond this base Lake Protection intensity should be 100% held on site based on a 72 hour storm event.
d. LPN Design Standards- A review of the design standards in the LPN district also raise concerns as to their incompatibility with the adjacent Lake Protection designation. For example, LPN development could be 3 stories of Commercial/ Office or Multi Family development with only a 40 ft. setback. This setback to adjacent 2 acre lot development is simply incompatible and should be modified to establish a sliding scale setback to height of development or landscaped buffers with under canopy and tree canopy standards.. Also, Signage is required to be ground mounted but still allows electronic message center signs which is also out of character with the low intensity residential character of the area. There are other issues of design compatibility that are appropriate for LPN which should be further evaluated and fine-tuned.

Findings-

1. The application of LPN at this time is Premature.
2. Sufficient vacant (zoned) LPN land exists at this intersection to meet the current needs of this area.
3. Insufficient justification has been presented to support the intensity and demand for the land uses permitted under the LPN designation in this location.
4. Insufficient traffic capacity exists in the community infrastructure nor programmed to accommodate the applications intensity of development.
5. Due to the classification of Meridian Rd as a Canopy Road, with no significant improvement capabilities to accommodate additional traffic, the significant increase in development intensity under this application, additional analysis under concurrency principals must be undertaken prior to proceeding with intensification rezoning in this area which impact Meridian Rd and Bannerman Rd.
6. The application of the LPN and the permitted intensities are incompatible and inconsistent with the character and nature to the area.
7. The potential for a 309,000 sf retail center on the subject property does not meet the adopted Comprehensive Plan locational criteria for retail centers of such a size at this location.

Recommendation: Continue this application, until such time as the issues addressed above have been addressed and a comprehensive report, presented to the community for public input and brought back to the Commission for consideration. This study and analysis period shall not to exceed 9 months.

Thank you for the opportunity to address this matter.

Haley, Jiwuan

From: Bryant, Cherie (Planning)
Sent: Thursday, May 10, 2018 3:44 PM
To: Perrine, Beth; Snyder, Russell; Haley, Jiwuan
Subject: FW: please support Bannerman proposal

I had forwarded the earlier email conversation. Not clear if I send this followup.

From: allisonfinn@aol.com [mailto:allisonfinn@aol.com]
Sent: Wednesday, April 11, 2018 1:16 AM
To: Desloge, Bryan
Cc: McDevitt, David; Thiele, Herb; Bryant, Cherie (Planning); Lindley, Mary Ann
Subject: Re: please support Bannerman proposal

That's just amazing! I assme the opponents are mostly upset about traffic, though I guess they will throw in the environment too. Seems so misguided to me. Don't they realize that we had so little in Bradfordville until sufficient population growth made things like the Publix, library possible? And even now we just don't have enough to make "Bradfordville crossings" a success.
This may be heresy to the development community, and not what public officials want to hear either, but the time may have come to put decent public transportation between B'ville and downtown, by which I don't mena the occasional bus. I guess you will have to vote against this project in July, but I hope not. Regards, Allison

-----Message d'origine-----
De : Bryan Desloge <DeslogeB@leoncountyfl.gov>
À: allisonfinn <allisonfinn@aol.com>
Cc: David McDevitt <McDevittD@leoncountyfl.gov>; Herb Thiele <ThieleH@leoncountyfl.gov>; Cherie Bryant <Cherie.Bryant@talgov.com>
Envoyés: Tue, Apr 10, 2018 04:50 PM
Sujet: Re: please support Bannerman proposal

Allison, have to tell you that you are the only person who has indicated any support at all for this project! With that said though, I wish I could talk with you about this project, but I'm prohibited from discussing it outside the confines of the County Commission Public Hearing as it has been determined to be quasi judicial. I'm forwarding your email to staff with the request that your email be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!
>>> <allisonfinn@aol.com> 4/8/2018 6:42 PM >>>

Hi, Bryan. Long time no see!

I am sending you this email because I will be unable to attend the public hearing and would like to express my support for the Bannerman development project that would bring higher density to a parcel in this area.

Having lived in Tallahassee for quite a long time now, I am delighted to see the changes in a direction of more people living closer together and more amenities, especially the fact that for us in Bradfordville it is really no longer necessary to go downtown for a great deal of what makes life interesting.

I am sure you will have many naysayers at the hearing. But please keep in mind that, as you probably know well already, people contented with a plan are less likely to come out than those who are unhappy.

You will be moving in the right direction if you approve this plan. It's clear, as I am sure you have read in the media, that all around the country more and more Americans like urban living, walkable neighborhoods and shops and restaurants close at hand.

You are already moving in the right direction with the Bradfordville Crossings project. It's a shame that some businesses have not been able to make a go of it, no doubt because we in this area still do not quite have the population density to make certain concerns a go.

(I particularly regret the loss of Japanese restaurant Miyako and Chinese restaurant Zheng's Mansion, probably killed by the Lucy Ho project Dao, regrettably a pretty dreadful and fake Asian eatery, unlike the delightful competitors it has wrecked.) (If this area had a Miracle 5 type cinema and a little performing arts center, why, it'd be practically perfect!)

In any case, please go for it! I'd certainly attend if I were not going to be a few thousand miles away. Please let me know if there is anyway I can help make this plan not only a reality but a high-quality project of which we can all be proud.

Best regards,

Allison Finn
3750 Kimmer Rowe Drive 32309
850-893-0095

BOARD OF COUNTY COMMISSIONERS
MEMORANDUM

TO: Honorable Chairman and Board of County Commissioners

FROM: for Herbert W.A. Thiele, County Attorney

DATE: April 6, 2018

SUBJECT: Additional Attachment for Agenda Item # 10 – Additional Citizen Comments

---

Enclosed please find an additional attachment to Agenda Item # 10, First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning District from the Lake Protection (LP) Zoning District to the Lake Protection Node (LPN) Zoning District.

This attachment is Attachment #14, Citizen Comments through April 5, 2018.

The additional citizen comments were received as *ex parte* communications and are being included in the Agenda Item so they may be considered and reviewed by all interested parties. Should you receive additional *ex parte* communications, please continue to send same to my office so they may be placed on the record.

Enclosure

cc: Vincent S. Long, County Administrator
Cherie Bryant, Director of Planning

April 2, 2018

MEMO TO:

Bryan Desloge, County Commissioner, Dist. 4
Mary Ann Lindley, County Commissioner, At-large
John Dailey, County Commissioner, District 3
Nick Maddox, County Commissioner, At-large
Kristin Dozier, County Commissioner, District 5
Bill Proctor, County Commissioner, Dist. 1
Jimbo Jackson, County Commissioner, District 2

Subject:

Rezoning application for 1665 Bannerman Rd. for 30.9 acres from LP to LPN.

Public hearing will be held on April 10, 2018 in County chambers at 6:00 pm.

Ladies & Gentlemen,

I am listing a summary of why the Summer Brooke community is **so strongly opposed** to this rezoning request. Our concerns are as follows:

> **"Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood." VISION STATEMENT AND IMPLEMENTATION (REV. EFF.7/26/06; REV. EFF. 1/7/10)**

This rezoning application ignores the entire Vision statement as referenced above including but not limited to: natural beauty, degradation of County's natural resources, orderly growth, leap frog development, traffic safety and flow, plan's purpose to preserve, protect and enhance quality of life for all citizens, natural environment, aesthetic environment, eliminated unwise land use decisions paid for by the general populace, perception of a constant assault on neighborhoods, maintain integrity of existing neighborhoods, linkage between land use and infrastructure AND the belief the Comprehensive Plan is a living document.

1. **This rezoning application ignores the Vision statement, Land Use Goals & Objectives, Goal 1: [L] (EFF. 7/16/90). The Comprehensive Plan shall protect and enhance the quality of life in this community by providing economically sound educational, employment, and cultural, recreational, commercial, industrial, & professional opportunities to its citizens while channeling inevitable growth into locations and activities that protect the natural and aesthetic environments and residential neighborhoods.**

2. **Policy 1.4.5: [L] (REV. EFF. 12/10/91)**

C: Any request for a change in zoning use classification and specific zoning district mapping within a future land use category shall be evaluated for consistency with the adopted Goals, Objectives, and Policies of the Plan as well as consistency with and the furtherance of the intent of the future land use category in which it is located.

3. **Policy 2.2.18: [L] LAKE PROTECTION (REV.EFF.12/22/95;REV.EFF.7/26/06;RENUMBERED 3/14/07;REV.EFF.7/14/14;REV.EFF.7/6/15)**

INTENT:

Lake Jackson is both an Outstanding Florida Water and Aquatic Preserve, unique waterway, has historically suffered from water quality issues associated with rapid urbanization and largescale roadway projects, is designated "IMPAIRED" by FDOEP.

4. **The Smart Growth principles do NOT apply to this area due to inability to create walkable neighborhoods, unable to foster distinctive, attractive communities with strong sense of place, preserve natural beauty, and critical environmental areas, will not provide a variety of transportation choices, and does not make development decisions that are predictable, fair and cost effective**

Objection #1:

The impact high density development and the increase in density of homes per acre will allow for lower income residents, allow for smaller homes with minimal square footage , thus causing a decrease in our property values.

Objection #2:

Daily traffic count on Bannerman Rd. averages 17, 200 vehicles according to FDOT report dated 2016. (Included as ATT 3 in packet). County officials have indicated the Blueprint Sales Tax will not take place until 2020 to even consider widening Bannerman Rd and then only to Tekesta.

Objection #3:

School Impact Analysis Form is (included as ATT4 in packet.) This is the data that was included in packet that the Leon County Planning Commission received dated 2/28/18.

The following is the current data provided by Leon County Schools for:

Hawks Rise at 878 students (96%) capacity;

Killearn Lakes Elementary 866 (90%)capacity

Deerlake Middle School 987 (78%)capacity

Chiles 2044 (102%).over capacity

The NE quadrant of Leon County continues to experience RAPID, CONTINUAL GROWTH .

What impact will this have on the schools, neighborhoods, families and children living in the Southern Quadrant? They must be feeling claustrophobic, trapped, and unable to escape their situation.

Will any of these schools in the SE Quadrant have to close?

If this rezoning is approved, when will the schools in NE quadrant feel the impact?

In closing, I respectfully encourage each of you to realize the **oath of office** you took before undertaking the duties as County Commissioners. You agreed to be faithful and impartial when performing the duties of this office.

Respectfully submitted,

Pamela Briggs

Pamela Briggs

1213 Conservancy Dr. E

Tallahassee, FL 32312

Leon County Government Organization Chart

People Focused. Performance Driven.

VOTER ELECTED
- Judicial
- Clerk of the Court Circuit and Comptroller
- Property Appraiser
- Supervisor of Elections
- Tax Collector
- Sheriff

Citizens of Leon County



Board of County Commissioners



Herbert W. A. Thiele
County Attorney



Vincent S. Long
County Administrator



Wanda Hunter
Assistant County Administrator
Citizen Services



Madikou Cavell
Assistant to the County Administrator
Community Relations and Resilience



Alan Rosenzweig
Deputy County Administrator



Andrew Johnson
Assistant to the County Administrator
Legislative and Strategic Initiatives



Candice Wilson
Director
Human Resources



Ken Morris
Assistant County Administrator
Community Development



Cay Hohenstein
Director
Library Services
- Branch Libraries
- Ask a Librarian and Reference
- Community Programming
- Learning Resources
- Technology and Media



Teresa Broxton
Director
Office of Intervention and Detention Alternatives
- Probation
- Supervised Pretrial Release
- Drug and Alcohol Testing
- PSCC
- Liaison - Judiciary, State Attorney, Public Defender, Law Enforcement



Shington Lamy
Director
Office of Human Services and Community Partnerships
- Housing Services
- Human Services
- Primary Healthcare
- Veteran Services
- CHSP
- VolunteerLEON



Chad Abrams
Chief
Office of Public Safety
- Emergency Medical Services
- Consolidated Dispatch Agency
- Animal Control



Britney Smith
Manager
Community and Media Relations
- Public Information
- Citizen Engagement
- Social Media Outreach
- Special Event Coordination and Planning



Kevin Peters
Director
Emergency Management
- Disaster Preparedness and Response
- 9-1-1 Operations
- Disaster Plan Review
- Emergency Exercises and Trainings



Pat Curtis
Director
Office of Information and Technology
- Management Information Services
- Geographical Information Systems



Scott Ross
Director
Office of Financial Stewardship
- OMB
- Risk Management
- Purchasing
- Real Estate Management



Maggie Theriot
Director
Office of Resource Stewardship
- Sustainability
  - Recycling
- Parks and Recreation
  - Community Centers
- Facilities Management
- Solid Waste
- Cooperative Extension



David McDevitt
Director
Department of Development Support and Environmental Mgmt.
- Environmental Services
  - Petroleum Storage Tanks
- Development Services
- Building Plans Review and Inspection
- Permit/Code Services



Ben Pingree
Director
Department of P.L.A.C.E. (Planning, Land Management and Community Enhancement)
- Planning
- Blueprint
- Office of Economic Vitality
- M/WSBE



Tony Park
Director
Department of Public Works
- Operations
  - Mosquito Control
- Engineering Services
  - Construction Management
- Fleet Management



Kent Post
Director
Tourism Development
- Destination Marketing
- Sports Tourism
- Signature Event Grants
- Amphitheater Concert Series
- Culture and Arts

"Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood". VISION STATEMENT AND IMPLEMENTATION (REV. EFF. 7/26/06; REV. EFF. 1/7/10)

Presentation given at joint meeting on March 30, 2018

In opposition of rezoning request of 30.9 acres at 1665 Bannerman Rd. Tallahassee, FL

Prepared by:

Pam Briggs

Summer Brooke HOA Board Member

VISION STATEMENT AND IMPLEMENTATION (REV. EFF. 7/26/06; REV. EFF. 1/7/10)

We are fortunate to have retained the natural beauty that inspired the sitting of Florida's state capital. The community relies upon the comprehensive plan to protect the natural resources and scenic beauty while encouraging the responsible, healthy growth of Tallahassee and Leon County. The comprehensive plan seeks to balance the management of growth with environmental protection but gives precedence to environmental protection.

Evolving land use patterns within the County have exhibited sprawl characteristics. Sprawl is, perhaps, the most inefficient pattern of land use. Costs associated with the provision of both capital and social infrastructure are higher than more compact patterns. This must be taken into consideration when local government is faced with limited fiscal resources and increasing demand for services.

Sprawl encourages degradation of the County's natural resources by prematurely committing vast areas to the impact of urbanization. Phased, orderly growth mitigates this situation by comprehensively addressing development impacts to our natural systems. Leap frog development associated with sprawl is piecemeal in nature and is detrimental to any type of comprehensive framework.

Another aspect of urban sprawl is the tendency toward strip commercial development, i.e., the commercialization along major streets which occurs as infill between sprawled developments. This strip development negatively affects traffic safety and flow, as well as creating aesthetic problems associated with advertising signs. While many of the negative effects of strip development can be controlled to some extent by regulatory means, a more positive approach is to prevent its spread by means of land use policies. The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens.

The plan encourages and supports economically sound residential, educational, employment, and cultural, recreational, commercial and industrial opportunities for the citizens. This is facilitated by systematically planning for growth, development and redevelopment

The natural environment is one of the many criteria which, when combined, form the community's perceived quality of life. **The natural environment is a major component in the quality of life equation for Leon County. As such, it must be protected. Development and the ancillary activities associated with it must be channeled into locations that protect the natural and aesthetic environment. Unwise land use decisions which ultimately require expensive environmental retrofitting, paid for by the general populace, must be eliminated**. In order to achieve this, it is the intent of this Plan to include strong environmental objectives and policies within the Land Use Element and other applicable portions of the Plan.

The residential environment is also one of many criteria which form the community's perceived quality of life and must be protected. An economic base of stable public employment has fostered development of stable residential neighborhoods. **Citizens identify with and value their neighborhoods in all parts** of the community and at all income levels. Containing sprawl will necessarily increase density and intensity in the existing urban area. **Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood.** Not only actual changes, but also the perception of a constant assault on a neighborhood undermines an otherwise desirable residential environment. Development and its ancillary activities should be channeled into locations that offer the greater opportunity for the higher density and mixture of uses that a policy of urban containment encourages. **It is the intent of the plan to maintain the integrity of existing neighborhoods while encouraging new residential developments to incorporate a wider range of nonresidential uses.**

Essential for planning are objectives and policies that protect and enhance the natural environment, water resources, the canopy roads, and residential neighborhoods. To this end, regulatory tools such as concurrency management, urban service area designation, planned unit developments and special protection zones are used to foster the community's vision. **An underlying premise is the linkage between land use and infrastructure**. The plan is based on the principle that development should pay for itself and this vision is implemented, in part, through the accomplishment of several strategies described below.

Our comprehensive plan is a living document, used every day in decisions made by local governments. It is regularly reviewed and amended to ensure that it remains current and consistent with our community vision.

LAND USE GOALS, OBJECTIVES AND POLICIES

Goal 1: [L] (EFF. 7/16/90)

The Comprehensive Plan shall protect and enhance the quality of life in this community by providing economically sound educational, employment, and cultural, recreational, commercial, industrial and professional opportunities to its citizens while channeling inevitable growth into locations and activities that protect the natural and aesthetic environments and residential neighborhoods.

Policy 1.1.1: [L] (REV. EFF. 7/20/05)

In order to discourage urban sprawl, new development shall be concentrated in the urban service area plus in the Woodville Rural Community future land use category and the rural communities of Capitola, Chaires, Ft. Braden and Miccosukee, as designated on the future land use map.

GROWTH MANAGEMENT/ URBAN SERVICES AREA Objective 1.1: [L] (EFF.7/16/90; REV. EFF. 7/26/06; REV. EFF. 12/24/10)

Direct development to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and the service capacity to accommodate growth in an environmentally acceptable manner.

This shall be accomplished in part through the establishment and maintenance of an Urban Service Area (USA) concept. This **Urban Service Area (USA) concept is based upon a desire to have Tallahassee and Leon County grow in a responsible manner, with infrastructure provided economically and efficiently, and surrounding forest and agricultural lands protected from unwarranted and premature conversion to urban land use**. An urban service strategy provides for well-managed, orderly growth, which preserves natural resources and promotes fiscal responsibility. The location and size of the USA shall be depicted on the Future **Land Use Map** and is based upon the area necessary to accommodate 90% of new residential dwelling units within the County by the Plan Horizon; **the ability to provide urban infrastructure; and, the presence of environmentally sensitive lands and water bodies, requiring protection from the impacts of urban development.**

Policy 1.1.8: [L] (EFF. 7/26/06; REV. EFF. 12/24/10)

The integrity of the USA concept is maintained by strict adherence to the premise of not funding or scheduling major capital improvement projects outside the USA, Rural Communities or the Woodville Rural Community in conjunction with a policy of discouraging premature use and underutilization of land designated for urban development. Additionally, **the size of the USA should be limited to reflect the ability of the public to provide infrastructure, limitations of environmental constraints and existing development and to provide for a phasing mechanism to the Plan Horizon.**

Policy 1.4.1: [L] (REV. EFF. 12/10/91)

Density and intensity incentives shall be established within the required land development regulations to encourage growth in areas which minimize and mitigate development's negative impact on the natural and aesthetic environment.

Policy 1.4.5: [L] (REV. EFF. 3/14/07)

(c) Any request for a change in zoning use classification and specific zoning district mapping within a future land use category shall be evaluated for consistency with the adopted Goals, Objectives, and Policies of the Plan as well as consistency with and the furtherance of the intent of the future land use category in which it is located;

Policy 2.2.1: [L] RURAL/AGRICULTURE (REV. EFF. 8/17/92; REV. EFF. 7/26/06; REV. EFF. 12/24/10; REV. EFF. 7/6/15

The intent of the Rural category is to maintain and promote agriculture, silviculture, and natural resource-based activities, to preserve natural systems and ecosystem functions, and to protect the scenic vistas and pastoral development patterns that typify Leon County's rural areas. Typical land uses within this category shall include agriculture, silviculture, and natural resource-based activities. Due to the very low intensity development pattern that is intended for the category, urban services are not planned or programmed for the area. To promote infill and redevelopment within the Urban Service Area (USA) and Rural Communities, higher density residential, and non-residential activities that are not functionally related to and supportive of agriculture, silviculture and other natural resource based activities shall be prohibited within the Rural category.

Non-residential uses functionally related to and directly in support of agricultural, silvicultural, and other natural resource based activities, including ecotourism activities, may be permitted at a maximum intensity of 2,000 sq. ft. per gross acre. The location of such uses shall be limited to the intersection of major collector and arterial or arterial and arterial designated roadways. Total development at any one intersection shall not exceed 10,000 sq. ft.

Policy 2.2.18: [L] LAKE PROTECTION (REV. EFF. 12/22/95; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 7/14/14; REV. EFF. 7/6/15)

INTENT Lake Jackson designated both an Outstanding Florida Water (OFW) and Aquatic Preserve, is one of the most unique waterways in Florida. Historically, the lake has suffered from water quality issues associated with rapid urbanization and largescale roadway projects. Lake Jackson's water quality has improved since adoption of the Comprehensive Plan, due in large part to the adoption of stringent storm water treatment standards and the implementation of capital projects; however**, nutrient levels in the Lake remain elevated and the Lake continues to be designated "Impaired" by the Florida Department of Environmental Protection. The intent of the Lake Protection category is to ensure that development within the Lake Jackson basin occurs in a sustainable** and environmentally sound manner with minimal impact to water quality. **The Lake Protection category is the basis for regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin.** The bounds of this category are to be the Lake Jackson basin boundary adjusted to include contributing watersheds but excluding existing, more intensely developed areas south of Interstate 10 and areas outside the Urban Service Area.

ALLOWABLE USES, DENSITIES, AND INTENSITIES 1. Residential The Lake Protection category shall allow for residential uses at a base density of one (1) dwelling unit per two (2) gross acres.

1 To encourage compact and efficient development, two density bonus options are available for properties within the category:

i) A residential density of up to two (2) dwelling units per gross acre may be permitted within developments designed as a Clustered Subdivision.

ii) **A residential density of up to eight (8) dwelling units per gross acre may be permitted within the Lake Protection Node (LPN) zoning district**

2. **Mixed-use & Non-residential**

Non-residential and mixed-use development (including, but not limited to, office and commercial uses) within the Lake Protection category may only be permitted within areas designated with the Lake Protection Node (LPN) zoning district. Within this district, single use, non-residential development shall be allowed at a maximum intensity of 10,000 square feet (S.F.) per gross acre. Projects containing a vertical mixture of uses, including any combination of office, commercial and residential uses, may receive a bonus of 2,500 S.F. per gross acre, for a total of 12,500 S.F. per gross acre.

SPECIAL CONDITIONS

The following special conditions shall apply to the Lake Protection Future Land Use category: 1. The Lake Protection Node zoning district shall only be permitted at the following intersections:

- Highway 27 North and Sessions Road
- Highway 27 North and Capital Circle NW/Old Bainbridge Road
- Highway 27 North and Fred George Road
- Bannerman Road and Bull Headley Road.

The exact extent of these Nodes shall be specified in the City of Tallahassee and Leon County land development regulations, but generally shall not extend beyond ¼ mile from the respective intersection and shall not include areas within a Special Development Zone (SDZ) or existing single family subdivisions.

In contrast, the Comprehensive Plan calls for an Urban Service Area average of no less than two residential units per one acre, which is four times the allowed density in Lake Protection. However, the current Lake Protection policy does not support the larger goal of more compact development in the Urban Service Area. **While it may not be feasible to increase the density throughout the Lake Protection category without impacting Lake Jackson, targeted areas based on the Smart Growth principles would help in supporting the larger goals for a compact community that preserves green space and rural lands further from the urban core.**

The Smart Growth principles were selected for this analysis based on the quality of the information available, specific focus on local government, broad support, and consistency with existing Comprehensive Plan and Board direction. Attachment #2 provides information on why communities select Smart Growth (adapted from "This is Smart Growth," published by ICMA and EPA in 2006).

The ten Smart Growth principles identified by the Smart Growth Network include:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. **Create walkable neighborhoods**

5. **Foster distinctive, attractive communities with a strong sense of place**

6. **Preserve open space, farmland, natural beauty, and critical environmental areas**

7. **Strengthen and direct development towards existing communities**

8. **Provide a variety of transportation choices**

9. **Make development decisions predictable, fair, and cost effective**

10. **Encourage community and stakeholder collaboration in development decisions**

Recommendation A: Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection storm water standards.

This recommendation is based on the Smart Growth principle of allowing mixed land uses to create more vibrant, diverse, and walkable communities. The provision of active living opportunities, where residents and visitors can easily and regularly walk or bicycle to everyday destinations, supports healthy movement and could lower health care costs. Local areas, like Midtown and Market Square, have a mix of commercial, office, and residential uses, and are arguably some of the most attractive areas to shop, live, and invest in locally.

Development concentrated into geographic nodes is a planning tool that is gaining popularity both locally and elsewhere. The concept involves allowing higher development rights around major intersections rather than along commercial strips that stretch miles down either side of roads.

Such nodes, through concentrating commercial, office, and higher density residential uses tied together with sidewalks and bicycle lanes and paths can help reduce automobile trips, decrease the need for widened roadways to accommodate these trips, and provide convenient and attractive walking and bicycling connections to adjacent or nearby residential areas.

The 2006 U.S. Environmental Protection Agency report "Protecting Water Resources with Higher-Density Development" focuses on the idea that more compact development can help save more land to protect water resources. **The following graphic from the report demonstrates how the same number of homes can be accommodated in less land area when the land per home is reduced. The graphic is simplified to help illustrate the concept. Staff recognizes that the Lake Jackson basin is complex and that significant development already exists in the basin. However, this concept can still be utilized in new policies to guide future development toward designated nodes**

Land uses are significantly limited in Lake Protection. **The incorporated area of Lake Protection (within the City Limits) does not presently allow non-residential uses**. The unincorporated area allows some non-residential uses (minor office and minor commercial), but only within a Planned Unit Development process that requires Board approval.

The establishment of nodal areas by the application of a new zoning district could be allowed at identified intersections of major roadways similar to that established along Mahan Drive between Capital Circle and Interstate – 10. Potential locations are identified on the following map with ¼-mile radius circles and may include U.S. Hwy 27 and Capital Circle Northwest, U.S. Hwy 27 and Fred George Road, U.S. Hwy 27 and Sessions Road, the Market Square area, and the intersection of Bannerman and Bull Headley roads.

This new zoning district would specify permitted uses, and urban design and other development standards, including current Lake Protection storm water standards and requirements and perhaps a cap on total acres in the Lake Jackson Basin that can be placed in the new district.

Properties that could be considered for rezoning to new Lake Protection Node would include nonconforming uses, vacant properties whose highest and best use may be commercial or office to serve the surrounding residential areas, and other properties suitable for higher density housing. The extent of these nodal areas would ideally be within a radius of ¼ mile of a main intersection, which is a five-minute walk for most people.

This recommendation is also consistent with the following Smart Growth principles:

- Compact building design
- Range of housing opportunities and choices
- Walkable neighborhoods
- Sense of place
- Direct development towards existing communities
- Variety of transportation choices
- Make development decisions predictable, fair, and cost effective

The Lake Protection land use category in the Comprehensive Plan (Policy 2.2.18 in the Land Use Element) currently specifies a base density of one residential unit per two acres (~2-acre lot size). This large lot size was used partly based on the idea that lower-density housing equals less impervious surface.

However, in practice, large lot sizes often result in large quantities of land being cleared, affecting runoff and natural habitat, and require extensive support infrastructure due to the distance between homes.

Walkability is more than just sidewalks, but they are fundamental to being able to walk to a destination within urban areas. At present, Section 10-7.529(3) f of the County's Land Development Code exempts sidewalks in new residential developments within the Lake Protection zoning district. With some limited exceptions, much of the older development patterns within the Lake Protection district are not very walkable. Both the City and the County are retrofitting certain areas of the urban area with sidewalks where feasible and affordable. These include proposed sidewalks within the Lake Protection district along Maclay and Timberlane roads. The recently updated City/County Greenways Master Plan also proposes several multiuse trails that have the strong potential to improve pedestrian and bicycle connectivity in areas of the Lake Protection district. However, **true walkability also requires more mixed-use developments with good pedestrian design.**

Providing a variety of transportation choices is a vital component of sustainable development. These should include mass transit, bicycling, and walking. **Automobiles will continue to be a major transportation mode for longer trips. Nevertheless, mix of uses and improved connectivity makes walking and bicycling more realistic transportation options because destinations can be placed at closer distances, and more direct routes can allow pedestrians to reach a given destination.**

Allowing more and/or different kinds of growth within Lake Protection, even confined to nodal areas, will likely be controversial among some residents, landowners, and developers, as well as environmental advocates for the Lake. However, this kind of development is increasingly attractive to growing numbers of homebuyers and renters who prefer to live in walkable mixed use communities.

In order for the principles of smart growth to be acceptable, it is critical that residents, landowners, developers, and other stakeholders, have the opportunity to develop a common understanding of the concepts presented within this agenda item. Therefore, stakeholder collaboration will be an important part of evaluating and shaping any policy changes that are developed.

Sustainable Growth

The 1987 World Commission on Environment and Development established the most often used definition of sustainable development: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." While this definition is widely utilized, it is challenging to directly apply to policy decisions. As such, the definition has been the subject of many efforts to develop implementing principles.

The Planning Department selected "Smart Growth" as the body of work and implementing principles to provide a framework for this project. The Smart Growth principles were established by the Smart Growth Network in 1996 and were the subject of four publications developed cooperatively with the International City/County Management Association. The Smart Growth Network has a broad partnership base including the National Association of Counties, ICLEI-Local Governments for Sustainability, Institute of Transportation Engineers, American Planning Association, Florida Department of Health, and the National Association of Realtors. Both Leon County and the City of Tallahassee are members of ICLEI.

The Smart Growth principles were selected for this project based on the quality of the information available, specific focus on local government, broad support, and consistency with existing Comprehensive Plan and County Commission direction.

The ten Smart Growth principles identified by the Smart Growth Network include:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

These principles, Planning Department analysis, and the policy examples provided in "Getting to Smart Growth: 100 Policies for Implementation" and "Getting to Smart Growth II: 100 More Policies for Implementation" were used to develop the concepts for the Lake Jackson Sustainable Development Project.

Sidewalks in Lake Protection

Walkability is more than just sidewalks, but they are fundamental to being able to walk to a destination within urban areas. At present, Section 10-7.529(3)f of the County's Land Development Code exempts sidewalks in new residential developments within the Lake Protection zoning district. This portion of the project will review the existing sidewalk exemption in Lake Protection and evaluate the potential use of locational standards such as proximity to the Lake Protection Node zoning, potential connection to existing or proposed

ATTACHMENT 1

sidewalks or greenways, and sewer availability to determine when sidewalks would be required. Options may include retaining the exemption for isolated residential areas with little or no walkability potential.

Both the City and the County are retrofitting certain urban areas with sidewalks where feasible and affordable. These include proposed sidewalks within the Lake Protection district along Maclay and Timberlane roads. The recently updated City/County Greenways Master Plan also proposes several multiuse trails that have the strong potential to improve pedestrian and bicycle connectivity in areas of the Lake Protection district. Requiring new development in potentially walkable areas to install sidewalks will help prevent these costs from being shifted to future tax payers in from of public projects.

The benefits of walkability include the ability to age in place, lowered transportation costs, improved personal health and fitness, and expanded choices on how to get around.

ATTACHMENT 2

FLORIDA DEPARTMENT OF TRANSPORTATION
2016 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 55 LEON

SITE	SITE TYPE	DESCRIPTION	DIRECTION 1		DIRECTION 2		AADT TWO-WAY	"K" FCTR	"D" FCTR	"T" FCTR
3060		SR 10 (US90) - 1000' E OF BUCK LAKE RD	E	10500	W	11000	21500 C	9.0	66.5F	5.4A
3061		SR 261(CAP CIR) - BETWEEN I-10 AND KILLEARN CTR	N	19500		0	19500 C	9.0	99.9W	2.9P
3062		CR 148(TIMBERLANE RD) - 525' W OF SR 61(THOMASVI	E	8100	W	7000	15100 C	9.0	72.2F	3.1A
3063		SR 61 (US 319) - 925' S OF CR 342(BANNERMAN RD)	N	18000	S	19000	37000 C	9.0	66.5F	4.6P
3064		CR 259 (TRAM RD) - 375' E OF SR 261 (CAP CIR SE)	E	0	W	0	4100 C	9.5	72.2F	3.5F
3065		SR 263(CAP CIRCLE NW) - 700' S OF COMMONWEATH	N	16500	S	16500	33000 C	9.0	66.5F	8.3A
3066		SR 263(CAP CIR NW) - 0.55 MILE N OF SR 8(I-10) (	N	8100	S	8600	16700 C	9.0	66.5F	8.5A
3067		SR 61 - BETWEEN I-10 AND TIMBERLANE RD	N	26000	S	27500	53500 C	9.0	66.5F	2.7F
3068		SR 263(CAP CIR NW) - 725' N OF CR 158 (THARPE ST	N	17000	S	17000	34000 C	9.0	66.5F	7.3P
3069		SR 63(US27) - 1000' N OF SESSIONS RD	N	19000	S	18000	37000 C	9.0	66.5F	5.0A
3070		BRADFORDVILLE RD - 950' E OF SR 61(THOMASVILLE R	E	4000	W	5300	9300 C	9.0	66.5F	3.5F
3071		BANNERMAN RD - 1100' W OF SR 61 (THOMASVILLE RD)	E	8800	W	8400	17200 C	9.0	66.5F	3.5F
3072		CR 0353 (DEMPSEY MAYO RD) - 500' N OF SR 10 (US	N	2200	S	2700	4900 C	9.0	66.5F	3.0A
3073		CR 2203(SPRINGHILL RD) - 125' S OF CYPRESS POIN	N	1800	S	1600	3400 C	9.0	72.2F	4.7A
3074		FRED GEORGE RD - 225' E OF SR 263 (CAP CIR NW)	E	2600	W	2600	5200 C	9.0	66.5F	4.2A
3075		CR 0361(OLD BAINBRIDGE RD) -350' N OF SR 63(US27	N	0	S	0	7300 C	9.0	66.5F	3.5F

SITE TYPE : BLANK= PORTABLE; T= TELEMETERED
"K" FACTOR : DEPARTMENT ADOPTED STANDARD K FACTOR BEGINING WITH COUNT YEAR 2011
AADT FLAGS : C= COMPUTED; E= MANUAL EST; F= FIRST YEAR EST; S= SECOND YEAR EST; T= THIRD YEAR EST; R= FOURTH YEAR EST; V= FIFTH YEAR EST; 6= SIXTH YEAR EST; X= UNKNOWN
"D/T" FLAGS : A= ACTUAL; F= FACTOR CATG; D= DIST FUNCL; P= PRIOR YEAR; S= STATEWIDE DEFAULT; W= ONE-WAY ROAD; X= CROSS REF

15-MAR-2017 14:57:19 PAGE -09- 622UPD 3_55_CAADT.TXT

ATT. 3

Attachment #10
Page 1 of 1

SCHOOL IMPACT ANALYSIS FORM

Agent Name: Greenman-Pedersen, Inc. **Applicant Name**: Cawthon Family Properties, LLC **Address:** 2504 Hariman Circle Tallahassee, FL 32308	**Date**: 02-19-18 **Telephone:** 668-5211 **Fax:** **Email:**

① Location of the proposed Comprehensive Plan Amendment or Rezoning:

Tax ID #: 14-08-20-408-0000 & 14-08-20-409-0000 (30.9 +/- ac)
Property address: **1665 Bannerman Road**
Related Application(s):

② Type of requested change (check one):

☐ Comprehensive plan land use amendment that permits residential development.
☒ Rezoning that permits residential development.
☐ Nonresidential land use amendment adjacent to existing residential development.
☐ Nonresidential rezoning adjacent to existing residential development. *

③ Proposed change in Future Land Use or Zoning classification:

☐ *Comprehensive plan land use* From: _____ To: _____

☒ *Zoning* From: Lake Protection (LP) To: Lake Protection Node (LPN)

Planning Department staff use only:

④ Maximum potential number of dwelling units permitted by the request:

Number of dwelling units: 8 du per acre max 247 Units
Type(s) of dwelling units: single-family detached, single family attached, multi-family residential and mixed-use development.

Leon County Schools staff use only:

⑤ School concurrency service areas (attendance zones) in which property is located.
School Board approved at the February 27, 2018 meeting.

	***Elementary:* Hawks Rise**	***Middle: Deerlake***	***High:* Chiles**
Present capacity	148	364	126
Post Development capacity	100	343	103

Calculations based on maximum possible students-single family<1000 base square feet

This form is required by §8.3 of the Public School Concurrency and Facility Planning Interlocal Agreement as adopted on September 1, 2006 by the City of Tallahassee, Leon County, and Leon County School Board. Pursuant to §6.4 of the Agreement, the City or County will transmit the School Impact Analysis Form to a designated employee of the School Board for review at the same time the application is submitted to all departments for review.

TLCPD
Tallahassee-Leon County Planning Department

ATT 4

School Impact Analysis Form (Sept. 2007)

Jessica Icerman - Fwd: Proposed zoning change for Bull Headley and Bannerman Road intersection.

From: Kristin Dozier
To: Zirin, Gary
Date: 4/4/2018 10:29 AM
Subject: Fwd: Proposed zoning change for Bull Headley and Bannerman Road intersection.

>>> Janet Benesh <beneshj@yahoo.com> 3/29/2018 1:48 PM >>>
Commissioner Dozier,

Please accept my comments regarding the proposed zoning change to be discussed at the April 10 hearing. If changed, existing NE neighborhoods will be adversely impacted.

Currently, a developer would only be able to build 2 homes per acre on that land, since it is part of Tallahassee's Lake Protection Program. However, if the zoning is allowed to be changed as recommended by the Zoning Commission, a developer will be able to build over 8 homes per acre. Below are the impacts this zoning change, if approved, will have on the NE neighborhoods including, Luna Plantation, Killearn Lakes, McBride, Ox Bottom and Summerbrooke.

- There wasn't a site plan included so it's unknown what type of development will be proposed and what impact there will be on the adjacent properties if it is rezoned. Unbeknownst to the NE residents, the land appears to have been cleared approximately 2 years ago, possibly in preparation to start the process of a zoning change and the development of homes.
- Increased traffic and concerns that a connection into Summerbrooke will be made.
- Runoff from development could impact the lakes negatively.
- The impact additional development will have on local schools, parks and the community.

Above are my concerns as a Summerbrooke resident for the hearing on the proposed rezoning application submitted by Greenmen-Pedersen Inc. Any retail and or residential plans for this land portion will be detrimental to the overall congested areas in existence along Bannerman road. Existing rush hour traffic on roads that are only two lanes and the impact on schools that already exceed their capacity provide reason enough for a rejection of this proposed new zoning and any subsequent development plans. The existing growth of retail establishments on Bannerman and the new large residential developments on Ox Bottom will overwhelm the Northeast soon enough. More retail and residential plans are not needed. Rejecting the zoning proposal will go a long way in keeping development responsible.

The Commission should continue to encourage growth of affordable housing and retail development on the South Side of Tallahassee. The NE is over developed.

Thank you very much.

Sincerely,

Jan Benesh
428 Summerbrooke Dr
Tallahassee, Fl 32312

Herb Thiele - Fwd: Rezoning at 1665 Bannerman Rd., (LRZ180001)

From: John Dailey
To: Thiele, Herb
Date: 4/5/2018 10:55 AM
Subject: Fwd: Rezoning at 1665 Bannerman Rd., (LRZ180001)

>>> Nikki Abels <nikki.abels@gmail.com> 3/30/2018 7:46 PM >>>
March 30, 2018

Dear Commissioners,

I am writing to you in hopes you will reconsider the rezoning of 1665 Bannerman Road, (LRZ180001).
I have a number of concerns about this possible rezoning.
First, being a retired public school teacher, I am gravely concerned about the impact that adding so many new residences will have on our current schools. I have read that this has been studied, but I find it difficult to believe that adding so many new students will not adversely affect the local schools.
I am also concerned about the impact of adding so many cars to the local traffic. It is difficult to take a left out of my housing development (Summerbrooke) now. I do not want to even think about what adding hundreds of cars will do.
I am also concerned, as anyone would be, what impact the types of residences being considered will have on our property values. Homes are a big investment for anyone. And having more homes, especially multi-family homes, will certainly impact us. And quite frankly, there are plenty of homes for sale in the area now. We certainly do not need to add more homes to possibly stand empty because there would be too many homes for sale and not enough people to buy them.
I am concerned that this rezoning will allow for commercial buildings. We have plenty of commercial properties very close to the proposed area. And it appears that not all the spaces in Bannerman Crossings are leased. We certainly do not need more empty store spaces. And really, do we need another car wash or mattress store in Tallahassee?
Then there is the matter of light and noise pollution. I moved into this area because it was quiet and the skies at night are beautiful. That may not seem important to you, but it is to me.
And honestly, what are we trying to do to Tallahassee? This is a nice area in which to live. We have access to so much now with our colleges, entertainment, and places to visit. Do we really need to pave over every inch of the county?
I am thinking that this rezoning is only the beginning. It does not seem so much a necessity as it does a way to turn a profit.
When are we going to wake up and stop developing just to develop for its own sake? When will it end? And who will have the courage and conviction to just say no?

Thank you for listening to me.

Sincerely,

Nikki Abels
8123 Viburnum Ct.
Tallahassee, Fl.
32312

Herb Thiele - Fwd: Rezoning on Bannerman Road

From: John Dailey
To: Thiele, Herb
Date: 4/5/2018 10:55 AM
Subject: Fwd: Rezoning on Bannerman Road

>>> Phillip Langdon <pnlangdon@comcast.net> 4/1/2018 10:34 AM >>>
Ladies and Gentlemen of the Board of County Commissioners,

My name is Phillip Langdon and I currently reside in the neighborhood of SummerBrooke in the Northeast section of Tallahassee. Recently the Planning Commission has approved the rezoning of a large area on Bannerman Road to be changed from Lake Protection to Lake Protection Node which would allow for commercial development and/or a large multi-family home development. I have many concerns regarding this and would like to voice my concerns before this is proposed to the County Commissioners.

My number one concern is the traffic on Bannerman Road. Bannerman is already very busy throughout the day and I believe intentionally adding even more cars to Bannerman Road would be a mistake. If you have not driven down this road during rush hour I encourage you to take a ride at 7:00 am or 5:00 pm to see what we already deal with every day. If this rezoning takes place and the 31 acres turns into an apartment complex with another 350+ homes you are adding another 1,000+ cars to this road with no answer for the congestion in the near future. According to the Planning Department the plan to widen Bannerman road is 10 years away.

I know there has not been a site plan proposed so we do not know what would go in there, but with the new zoning such things as a car wash, grocery store, auto parts store and a large restaurant are all possible with the rezoning. This zoning is not suited for the area and surrounding properties and I would ask what you would do if they proposed something of this sort in your backyard?

Another thing that I'm not sure was completely thought about was the runoff and pollution from the new construction. We have 2 lakes in concern. One of the lakes is on the said property with a tributary to a large SummerBrooke lake. These lakes are thriving in our community. We have ducks and geese that come to our lakes and an abundance of fish that are very healthy. If you add new construction with chemicals and pollution, we will loose that environment that our community cherishes.

Lastly, has anyone done a study about how full the schools are in the area? Would adding a large amount children to the current school zone add even more stress to the schools in this area? From what was said at the Planning Department all surrounding schools are at maximum capacity and getting in and out of the school during drop-off and pickup is a nightmare.

I moved to this part of town because there were not large multifamily complexes and this new rezoning threatens the quaint lifestyle that the people of SummerBrooke have come to love. Please think of this as if it were your backyard and stop this rezoning. **I believe that this falls under the reckless and improper growth and development clause under the rezoning proposal.**

This node is obviously misplaced and honestly I believe there was not adequate thought or research done. The residents in our community are needing actions to be taken to stop this reckless growth without the

proper surrounding infrastructure to support it and we are turning to our elected county commissioners to hear our voices and take action. Please deny this zoning request.

Thank you for listening,

Phillip Langdon PA-C
Tallahassee Memorial Healthcare
Bixler Emergency Department
(850) 570-5191

Jessica Icerman - Re: Bannerman/Bull Headley Development and Zoning

From: Bryan Desloge
To: Gard, Shary
Date: 4/2/2018 1:18 PM
Subject: Re: Bannerman/Bull Headley Development and Zoning
Cc: Cherie (Planning) Bryant; Tedder, Wayne; Thiele, Herb; McDevitt, David

Shary, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Shary Gard" <sharygard@embarqmail.com> 4/1/2018 10:39 PM >>>
Dear Commissioner,

I'm writing to ask for your reconsideration regarding the zoning of Bannerman/Bull Headley development. If the development cannot be stopped, I at least encourage you to ensure the property will be developed in a responsible way. The traffic, overcrowding in schools, decreasing my home value and potentially filling our beautiful lakes with runoff pollution are all disconcerting to me as a homeowner in the SummerBrooke neighborhood.

Anything you can do to improve and/or resolve this situation would be appreciated. Thank you for your service as county commissioner.

Shary Gard

From: <gbedonie@aol.com>
To: <proctorb@leoncountyfl.gov>, <gleer@leoncountyfl.gov>, <deslogeb@leoncou...
CC: <bill@leoncountyfl.gov>
Date: 4/1/2018 11:49 AM
Subject: zoning Bannerman Road

FROM:"Glenn Bedonie <gbedonie@aol.com>

Step one-find thirty or more acres of raw land, adjacent to the city limits, with low density zoning. Make an offer for the purchase of the property.
Step two-upon acceptance of the offer to purchase, request a zoning change to allow high density development, regardless of compatibility with the surrounding neighborhood.
Step three-after approval of the re-zoning request, convince the County Commission to approve the zoning change.
Step four-after approvals for high density development by the County Commission, request for a voluntary annexation into the City of Tallahassee.
Step five-after approval for annexation, apply for and receive rebates for the cost of utility and other infra-structure capital costs.
What a wonderful way of making money at the direct expense of the citizens, with full approval of our elected representatives. This is what is currently happening on Ox Bottom and Bannerman Roads.
Be sure to be very vocal when the annexation request is made to the COT to stop this abuse from continuing. And, you thought abuse only occurred at the
Community Re-development Agency-WRONG AGAIN

This message sent from the Leon County Website: www.leoncountyfl.gov

Herb Thiele - Fwd: Bannerman/Bull Headley Development

From: John Dailey
To: Thiele, Herb
Date: 4/5/2018 10:54 AM
Subject: Fwd: Bannerman/Bull Headley Development

>>> Ken Chambers <kenchambers@embarqmail.com> 4/2/2018 3:49 PM >>>

Dear Commissioner,

I'm writing to ask for your reconsideration regarding the zoning of Bannerman/Bull Headley development. If the development cannot be stopped, I at least encourage you to ensure the property will be developed in a responsible way. The traffic, overcrowding in schools, decreasing my home value and potentially filling our beautiful lakes with runoff pollution are all disconcerting to me as a homeowner in the SummerBrooke neighborhood.

Anything you can do to improve and/or resolve this situation would be appreciated. Thank you for your service as county commissioner.

Ken Chambers

Herb Thiele - Fwd: Please do not approve --Proposed Rezoning at Bannerman and Bull Headly Roads

From: John Dailey
To: Thiele, Herb
Date: 4/5/2018 10:47 AM
Subject: Fwd: Please do not approve --Proposed Rezoning at Bannerman and Bull Headly Roads

>>> cecil bragg <cecilbragg@comcast.net> 4/3/2018 11:33 AM >>>

- Actions

I am deeply concerned with the proposed rezoning of a large parcel of land that adjoins my neighborhood of SummerBrooke. The current zoning of the property for a maximum of 2 homes per acre is compatible with the land use in the surrounding area. The proposed rezoning to a much higher density of 8 homes per acre will have a significant negative impact on the surrounding residents. I am concerned with the increased traffic, increased demand on the public schools and especially our lake basin environment. SummerBrooke has a chain of lakes that feed into Lake Jackson. Our lakes have already been negatively affected by the run off from the clearing of the land in the proposed rezoning area. The building of a high density neighborhood will certainly further damage the surrounding watershed and lakes.
Please do not approve the proposed rezoning that is scheduled for your April 10th meeting.

Cecil Bragg
1136 Spinney Court
Tallahassee, FL 32312
850-509-0497

Jessica Icerman - Re: Rezoning at 1665 Bannerman Road

From: Bryan Desloge
To: MITCHELL, BRUCE
Date: 4/4/2018 3:01 PM
Subject: Re: Rezoning at 1665 Bannerman Road
Cc: Cherie (Planning) Bryant; Tedder, Wayne; McDevitt, David; Thiele, Herb

Bruce, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> BRUCE MITCHELL <bmitchell7@comcast.net> 4/3/2018 1:57 PM >>>
Dear Commissioners,

We would like to request that you **oppose** the rezoning request at 1665 Bannerman Road. There are 4 major reasons that we are concerned with this development. The first reason is if this property is rezoned to LPN the potential of high density building could occur which could mean a developer could build 8 homes per acre. This could mean eventually 1000 homes could be developed on this property. This could bring down the value of our homes in the surrounding neighborhoods, especially the ones that back up to this parcel. We learned that the property owner cleared almost all of the trees on that parcel of land, paving the way for the development approximately 2 years ago. This clearing was not known to the surrounding neighborhoods (SummerBrooke, Killearn Lakes, McBride, Oxbottom, Luna Plantation, etc.). We learned at the County Commission Land Development meeting that during this clearing, the berm that protected the lakes in the SummerBrooke subdivision from runoff pollution and silt was destroyed and **never rebuilt**. The SummberBrooke HOA has been dealing with this atrocity ever since. A biologist assisted the group with their assessment. Therefore, was this done legally? Shouldn't there be some accountability for this environmental impact?
If it's affected the lakes in the last 2 years from this runoff what will be the impact when they start building all the homes/buildings in the future? This needs to be addressed now instead of later.

The other concerns involved in this development relate to the impact that it will have on our local schools. This could overcrowd Hawks Rise, Deerlake, and Chiles. I feel the Leon County School Board needs to be involved in the request of this zone changing.

Traffic congestion on Bannerman Road is already horrendous and adding a new development will make it even more frustrating since we have been told it could take 7 or 8 years before Bannerman Road is expanded.

Again, for these reasons, please re-consider rezoning this property on Bannerman Road or at least make sure the development of this property is done in a responsible way. Thank you for your consideration and assistance.

Becky Mitchell

Jessica Icerman - Re: Rezoning of the parcel of land at the corner of Bull Headley and Bannerman Road

From: Bryan Desloge
To: chodyla, bernard
Date: 4/5/2018 8:58 AM
Subject: Re: Rezoning of the parcel of land at the corner of Bull Headley and Bannerman Road
Cc: Cherie (Planning) Bryant; Tedder, Wayne; McDevitt, David; Thiele, Herb

Bernard, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> bernard chodyla <chodyla@yahoo.com> 4/4/2018 5:34 PM >>>
Dear Mr Desloge,

i would like to voice my opposition to rezoning of the parcel of land at the corner of Bull Headley and Bannerman Road from 2 homes per acre to high density housing.

Regards

Bernard Chodyla

SummerBrook homeowner

Jessica Icerman - Re: Against rezoning Bull Headley and Bannerman Road

From: Bryan Desloge
To: GMAIL(riordantim1
Date: 4/4/2018 2:54 PM
Subject: Re: Against rezoning Bull Headley and Bannerman Road
Cc: Cherie (Planning) Bryant; Tedder, Wayne; Thiele, Herb; McDevitt, David

Tim, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "GMAIL(riordantim1" <riordantim1@gmail.com> 4/4/2018 11:33 AM >>>

I am a SummerBrooke resident for 28 years and I am against the rezoning of subject area to 8 houses per acre!

Meridian and Bannerman Roads are at full capacity at morning and evening work times as is.

Please respond,
Tim Riordan
7014 Upland Glade
Tallahassee, FL 32312
850-545-9393

Jessica Icerman - Re: Rezoning of Property on Bannerman Rd.

From: Bryan Desloge
To: Anderson, Rex
Date: 4/5/2018 8:55 AM
Subject: Re: Rezoning of Property on Bannerman Rd.
Cc: Cherie (Planning) Bryant; Tedder, Wayne; McDevitt, David; Thiele, Herb

Rex, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Rex Anderson <rexanderson5@gmail.com> 4/5/2018 8:26 AM >>>
Dear Mr. Desloge,

I received information regarding the potential rezoning of property located on Bannerman Road near SummerBrooke subdivision. This property is currently zoned for 2 homes per acre and the developer is requesting the property be rezoned to build additional homes per acre. As a resident of SummerBrooke subdivision, I would strongly oppose any manner of rezoning that would increase the housing density in this area. We already have too much traffic on Bannerman road and the schools are already overcrowded. We should not allow a greedy developer to make things worse for the current residents.

Thank you for your support in fighting this potential rezoning error and as serving as our Commissioner.

Rex Anderson

1352 Conservancy Dr. E.

Tallahassee, FL 32312

From: <euridge@gmail.com>
To: <proctorb@leoncountyfl.gov>, <gleer@leoncountyfl.gov>, <deslogeb@leoncountyfl.gov>, <tannerb@leoncountyfl.gov>, <daileyj@leoncountyfl.gov>, <harrisona@leoncountyfl.gov>, <DozierK@leoncountyfl.gov>, <ziring@leoncountyfl.gov>, <maddoxn@leoncountyfl.gov>, <jonesc@leoncountyfl.gov>, <lindleym@leoncountyfl.gov>, <craigd@leoncountyfl.gov>, <jacksonj@leoncountyfl.gov>, <sirmonske@leoncountyfl.gov>
CC: <bill@leoncountyfl.gov>
Date: 4/5/2018 10:36 AM
Subject: Bannerman Road Development

FROM:"Gareth Euridge <euridge@gmail.com>

Dear Commissioners: I strongly object to your recent decision to re-zone a tract of land at Bull Headley and Bannerman. This is a clear violation of the Lake Protection Program. In addition, the current school system would not be able to absorb the children from this high-density project. I ask you to reconsider this decision. Dr. Gareth Euridge

---
This message sent from the Leon County Website: www.leoncountyfl.gov

Jessica Icerman - Zoning at Bannerman and Bull Headley Roads

From: Sandy Woodruff <slwtlh@comcast.net>
To: <LindleyM@leoncountyfl.gov>
Date: 4/5/2018 6:39 PM
Subject: Zoning at Bannerman and Bull Headley Roads

I am writing in strong opposition to liberalizing the zoning restrictions for the large parcel of land at the corner of Bull Headley and Bannerman Roads. I understand this matter will be voted on by the County Commission on 4/10/18.

Currently, a developer is allowed to build only two houses per acre on that land, which is part of Tallahassee's Lake Protection Program. However, if the zoning is changed, a developer will be able to build over 8 homes per acre.

Such a change would constitute reckless growth and development that will threaten sensitive wetlands and wildlife habitat and increase problems with flooding. Also, where is the infrastructure to support all of these homes? The existing roads cannot efficiently handle the additional traffic. And how would this impact schools?

The rate at which we are losing green space in Leon County and Tallahassee is tragic and detrimental to our quality of life. The commission should oppose allowing more than two homes per acre on this parcel.

Sandra Woodruff
1431 Lloyds Cove Rd
Tallahassee FL 32312

Jessica Icerman - Fwd: Please vote NO on rezoning at Bull Headley and Bannerman

From: Kristin Dozier
To: Zirin, Gary
Date: 4/6/2018 10:22 AM
Subject: Fwd: Please vote NO on rezoning at Bull Headley and Bannerman

>>> Victoria Langley Heller <vlheller@outlook.com> 4/5/2018 9:50 PM >>>
Dear Ms. Dozier,

Please vote NO on rezoning at Bull Headley and Bannerman roads on Tallahassee's north side.

We moved to the Summerbrooke neighborhood after living on the northwest side of town for 10 years because we loved the peace of Meridian Road, the large lots that provided a bit more privacy between homes, the beautiful forests and undeveloped rolling hills, and the great schools. We bought a foreclosure four years ago and fixed it up.

In the four years we've been here, commercial and residential development have exploded all around us. Large new neighborhoods are being built off the four major roads bordering ours – Thomasville, Bannerman, Meridian and Ox Bottom, there's a huge new shopping and dining center with more retail planned, and traffic has become significantly more of an issue during peak commute times. Already crowded, Hawks Rise Elementary School only recently replaced several portable structures with permanent buildings to accommodate a growing student population. Displaced wildlife, particularly coyotes, are creating tragic scenarios for pet owners and motorists.

The neighbors I have spoken with, along with my family, are strongly opposed to the rezoning of property at the corner of Bull Headley and Bannerman roads. The infrastructure is not in place to accommodate thousands of new residents, motorists and school children. Nor do residents wish it to be. Residents have chosen to live on Tallahassee's north side to be farther away from heavily populated urban areas, which are wonderful for the citizens who chose to live in them but are not wonderful for those who are seeking to be in quieter, less congested and more natural area. We understand and appreciate the rights of property owners to use or sell their property, as they see fit and as is allowed by zoning restrictions, but we are being told a change in zoning laws would now allow a high-density residential development that would not previously have been allowed on the Bull Headley-Bannerman property.

We are extremely concerned about the negative impact on water quality in surrounding lakes and streams, traffic and school crowding such a development would bring. There are already multiple housing developments in varying stages of progress in this area, and new homes being built in existing neighborhoods. These existing projects are already providing a significant stock of new housing, and having an impact on traffic congestion. The north side of Tallahassee does not need more at this time.

Please vote NO on rezoning the Bull Headley-Bannerman property, and continue to be our champion for protection of the quality of life that means so much to your constituents. With huge new housing developments underway throughout this city, there are no compelling reasons to pursue this proposal, and thousands of families who will be hurt if it moves forward.

Please feel free to contact me if I may ever be of assistance,

Victoria Heller
80-294-3293

Jessica Icerman - Re: Rezoning - Bannerman Rd at Bull Headley

From: John Dailey
To: PIPKIN, TOMMY
Date: 4/6/2018 10:13 AM
Subject: Re: Rezoning - Bannerman Rd at Bull Headley

Thank you for your email regarding the rezoning of the Bannerman parcel. This issue is quasi-judicial and as such discussion is not allowed, but your email has been read and it will be given consideration when the matter comes before the Board.

John

>>> TOMMY PIPKIN <jtpipkin@bellsouth.net> 4/6/2018 9:35 AM >>>
The Tallahassee - Leon County Mission Statement calls for responsible growth. This proposed rezoning on Bannerman Road from LP to LPN is IRRESPONSIBLE. The infrastructure can not handle the high density construction allowed under the LPN designation. The roads, the schools, the water quality and the environment will be overwhelmed.

Please be responsible and VOTE NO on the rezoning issue this Tuesday night.

Tommy Pipkin
7140 Wooded Gorge Rd
Tallahassee, FL 32312

Jessica Icerman - Fwd: Public hearing April 10, 2018

From: Nick Maddox
To: Thiele, Herb
Date: 4/6/2018 11:19 AM
Subject: Fwd: Public hearing April 10, 2018
Cc: Icerman, Jessica

>>> Joseph Briggs <pandjbriggs012@gmail.com> 4/6/2018 9:36 AM >>>

---------- Forwarded message ----------
From: **Joseph Briggs** <pandjbriggs012@gmail.com>
Date: Fri, Apr 6, 2018 at 9:33 AM
Subject: Public hearing April 10, 2018
To: MaddoxN@leoncountyfl.gov, Bryan Desloge <DeslogeB@leoncountyfl.gov>, DaileyJ@leoncountyfl.gov, JacksonJ@leoncountyfl.gov, LindleyM@leoncountyfl.gov, DozierK@leoncountyfl.gov, ProctorB@leoncountyfl.gov, TOMMY PIPKIN <jtpipkin@bellsouth.net>, Jeremy Anderson <Janderson@andersongivens.com>

Chairman Maddox, Bryan Desloge and other County Commissioners,

As you are aware, there are two highly controversial issues on the agenda for this Tuesday's Leon County Commission meeting. One involves the Gun issues and the other is the Rezoning of 30.9 acres on Bannerman Rd.
It is concerning that with both of these issues listed on the agenda, the citizens will not get the opportunity to express themselves to the Commission.

I would like to request the rezoning of the 30.9 acres be deferred to a later date should this meeting exceed 9:00 pm.

After this time, a person's ability to sustain attention is diminished considerably, losing the interest, focus and attention of the audience. This will create an unfair playing field for everyone, including the Commissioners, as well as the citizens of Leon County.

Your serious consideration will be greatly appreciated.

Pamela Briggs
1213 Conservancy Dr. E
Tallahassee, FL 32312

BOARD OF COUNTY COMMISSIONERS
MEMORANDUM

TO: Honorable Chairman and Board of County Commissioners

FROM: Herbert W.A. Thiele, County Attorney

DATE: April 10, 2018

SUBJECT: Additional Attachment for Agenda Item # 10 – Additional Citizen Comments

---

Enclosed please find an additional attachment to Agenda Item # 10, First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning District from the Lake Protection (LP) Zoning District to the Lake Protection Node (LPN) Zoning District.

This attachment is Attachment #15, Citizen Comments from April 5, 2018 through Noon on April 10, 2018.

The additional citizen comments were received as *ex parte* communications and are being included in the Agenda Item so they may be considered and reviewed by all interested parties. Should you receive additional *ex parte* communications, please continue to send same to my office so they may be placed on the record.

Enclosure

cc: Vincent S. Long, County Administrator
Cherie Bryant, Director of Planning

L15-171
\\Cycomweb\cycom\WPDocs\D006\P003\00051589.DOC

Jessica Icerman - Re: Zoning Change at Bull Headley and Bannerman Rd

From: Bryan Desloge
To: Haywood, Brian
Date: 4/7/2018 9:03 PM
Subject: Re: Zoning Change at Bull Headley and Bannerman Rd
Cc: Thiele, Herb; Cherie (Planning) Bryant; Long, Vince; McDevitt, David

Brian, I am one of seven County commissioners who will be taking public input on this rezoning request. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is deemed quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good evening!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Brian Haywood <brianchaywood@gmail.com> 4/6/2018 10:17 PM >>>
Mr. Desloge,
Good evening. I received you information from a flyer that I received about the recent proposal. Historically, I have not interjected or even cared about zoning, or the consequences that it would have on myself and my family. However, the recent inquires about zoning near my neighborhood have spun my interest. I live in Summerbrooke. I work on Apalachee Parkway and on a daily basis, I look forward to my drive home. I love where we live and one of the most pleasant aspects about it is the amount of residents or traffic. I often think about the commute that I had living in the suburbs of Atlanta and how unpleasant the arteries of traffic were.
I am assuming since your name was highlighted, that i am reaching a person of influence. Meridian Road already has some challenges with the amount of traffic flow. I believe changing the zoning to a more dense area will cause the roads to swell and cause unwanted stress. I plead that you consider voting against the change and let another developer use the land as it was originally plotted for.
Thanks for the consideration.

Brian Haywood and family

Jessica Icerman - Re: Fwd: Zoning Change at Bull Headley and Bannerman Rd

From: Nick Maddox
To: Haywood, Brian
Date: 4/9/2018 2:30 PM
Subject: Re: Fwd: Zoning Change at Bull Headley and Bannerman Rd
Cc: Thiele, Herb; Icerman, Jessica

Mr. Haywood,

Thank you for your email. I am not allowed to comment on the issue until the public hearing tomorrow night as it is considered quasi-judicial. I will forward your email to the County Attorney for the public record.

Best,
Nick

Nick Maddox, Commissioner At-Large
Leon County Board of County Commissioners
301 South Monroe Street
Tallahassee, Florida 32301
(850) 606-5367
maddoxn@leoncountyfl.gov

Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

>>> Brian Haywood <brianchaywood@gmail.com> 4/9/2018 2:18 PM >>>
Team,
Good afternoon. I wanted share my thoughts on the rezoning of the Bannnerman Rd and Bull Headley Rd intersection. I sent this email to Mr. Desloge and he said that he is apart of a group that will decide on this issue soon.
I hope you take my comments into consideration.

Thank you for your time.

Brian Haywood and family

On Fri, Apr 6, 2018 at 10:17 PM, Brian Haywood <brianchaywood@gmail.com> wrote:

> Mr. Desloge,
> Good evening. I received you information from a flyer that I received about the recent proposal. Historically, I have not interjected or even cared about zoning, or the consequences that it would have on myself and my family. However, the recent inquires about zoning near my neighborhood have spun my interest. I live in Summerbrooke. I work on Apalachee Parkway and on a daily basis, I look forward to my drive home. I love where we live and one of the most pleasant aspects about it is the amount of residents

or traffic. I often think about the commute that I had living in the suburbs of Atlanta and how unpleasant the arteries of traffic were.
I am assuming since your name was highlighted, that i am reaching a person of influence. Meridian Road already has some challenges with the amount of traffic flow. I believe changing the zoning to a more dense area will cause the roads to swell and cause unwanted stress. I plead that you consider voting against the change and let another developer use the land as it was originally plotted for.
Thanks for the consideration.

Brian Haywood and family

Jessica Icerman - Re: Bull Headley& Bannerman Road Zoning

From: Bryan Desloge
To: McCurdy, Dennis
Date: 4/7/2018 8:59 PM
Subject: Re: Bull Headley& Bannerman Road Zoning
Cc: Thiele, Herb; Cherie (Planning) Bryant; McDevitt, David; Long, Vince

Dennis, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it is quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Dennis McCurdy <dennismccurdy@comcast.net> 4/7/2018 2:02 PM >>>
I would like to voice my concerns on the zoning of property on the corner of Bull Headley & Bannerman Road

1. Bannerman Road is already impossible to travel in the mornings and afternoons. Traffic west bound in the hours 5-6:30 PM is backed up all the way to the roundabout many days of the week. Increasing traffic would just about cripple traffic flow. Any new development without the widening of the road would not be smart

2. I am concerned also about property values due to possible High density homes decreasing the overall desirability of the area due to architectural differences in the neighborhoods.

3. Our lakes are a very important part of our neighborhood and lake runoff has a definite effect on them. Builders are in a hurry to build and collect profits. Neighborhoods are left with issues long after builders are gone.

4. Planning is a responsibility for all. Please insure that careful and prudent process is used and that residents have approval before builders and tax dollar revenue steam roll this zoning.

Thank You

Dennis McCurdy
850-339-5991

dennismccurdy@comcast.net

Jessica Icerman - Fwd: Opposed to high density housing: corner Bull Headley and Bannerman

From: John Dailey <daileyj@leoncountyfl.gov>
To: <ThieleH@leoncountyfl.gov>
Date: 4/7/2018 3:14 PM
Subject: Fwd: Opposed to high density housing: corner Bull Headley and Bannerman

Begin forwarded message:

From: "Steven Pfeiffer" <spfeiffe.sp@gmail.com>
Date: April 7, 2018 at 2:58:09 PM EDT
To: "Bryan Desloge" <DeslogeB@leoncountyfl.gov>
Cc: "John Dailey" <DaileyJ@leoncountyfl.gov>, "Kristin Dozier" <DozierK@leoncountyfl.gov>, "Bill Proctor" <PROCTORB@leoncountyfl.gov>, "Jan Pfeiffer" <850janp@gmail.com>
Subject: Opposed to high density housing: corner Bull Headley and Bannerman

Dear County Commissioner Bryan Desloge:

We live in SummerBrooke development. We are writing to express our concern and opposition to Premier homes being allowed to build high density housing on the parcel of land bordering Bull Headley and Bannerman Roads. This will lead to overcrowded conditions, traffic congestion, decreased property value, and a negative impact on our precious environment.

We implore you as our representative to stop any plan for high density housing in this area of our community, and only support responsible and modest growth and development in our neighborhood.

Respectfully,

Drs. Jan and Steven Pfeiffer
1132 Greensward Drive
Tallahassee, FL
850-321-1720

Jessica Icerman - Fwd: Restrict Growth and Development in Bradfordville

From: Kristin Dozier
To: Zirin, Gary
Date: 4/9/2018 8:42 AM
Subject: Fwd: Restrict Growth and Development in Bradfordville

>>> Susan Koehler <susankoehler@hotmail.com> 4/7/2018 9:28 PM >>>
Commissioner Desloge,

National Geographic explorer and author Dan Buettner has identified San Luis Obispo, California, as one of this country's happiest cities (*Thrive: Finding Happiness the Blue Zones Way,* 2010). In a recent National Public Radio story, the current happiness of area citizens was traced back to decisions made in the 1970s. At that time, Ken Schwatrz, a university professor, became mayor of San Luis Obispo. Rather than focusing on ideas for promoting growth and yielding to developers, he focused on ideas that improved quality of life. Four decades later, his legacy is one of integrity and human value. I hope we can look back and say the same for you.

Property adjacent to Summerbrooke is in danger of changing from Lake Protection to Lake Protection Node. Already, significant tree removal from this property has created run-off that is polluting a Summerbrooke lake and habitat encroachment that has decreased songbird population in our neighborhood and displaced coyotes into a suburban hunting territory. The current proposal before the County Commission would lead to high-density housing that will increase run-off and strain the community's infrastructure. Responsible growth would allow for one or two homes per acre; the current proposal seeks eight homes per acre. Responsible growth would restrict this parcel to single-family homes; the current proposal seeks to add retail establishments, even though just up the road, New Leaf Market is empty, Giggles is empty, Mary Madison is empty, and Kohls is empty. A high-density housing development with retail establishments is not wise and is not in the best interest of the environment or the citizens of the Bradfordville area. As a community leader and decision-maker, I implore you to consider the legacy you will leave behind. It is my hope that your legacy will be one that promotes a kind of growth that respects the environment and encourages a happy, healthy lifestyle for citizens.

Maintain Lake Protection and allow responsible development of no more than two homes per acre. Keep unnecessary retail establishments out of this area where so many others have failed and their buildings sit empty. Refuse to overpopulate two-lane roads and existing schools, placing a strain on all citizens of the area and thereby greatly reducing quality of life. Restrict harmful run-off by ensuring adequate green space. Set an example in this area that can be followed throughout Leon County. Let us create a Leon County that values quality of life over profit. Throughout our community, let us focus on ideas that improve quality of life. Let us establish integrity and human value as the guideposts that shape our decisions. Imagine a Leon County that is identified as one of this country's happiest places. Forty years from now, imagine what your legacy might be.

Susan Koehler
Summerbrooke Resident

cc: John Dailey, Kristin Dozier, Jimbo Jackson, Mary Ann Lindley, Nick Maddox, Bill Proctor,

Jessica Icerman - Re: please support Bannerman proposal

From: Bryan Desloge
To: allisonfinn@aol.com
Date: 4/10/2018 10:45 AM
Subject: Re: please support Bannerman proposal
Cc: Cherie (Planning) Bryant; Thiele, Herb; McDevitt, David

Allison, have to tell you that you are the only person who has indicated any support at all for this project! With that said though, I wish I could talk with you about this project, but I'm prohibited from discussing it outside the confines of the County Commission Public Hearing as it has been determined to be quasi judicial. I'm forwarding your email to staff with the request that your email be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!
>>> <allisonfinn@aol.com> 4/8/2018 6:42 PM >>>

Hi, Bryan. Long time no see!

I am sending you this email because I will be unable to attend the public hearing and would like to express my support for the Bannerman development project that would bring higher density to a parcel in this area.

Having lived in Tallahassee for quite a long time now, I am delighted to see the changes in a direction of more people living closer together and more amenities, especially the fact that for us in Bradfordville it is really no longer necessary to go downtown for a great deal of what makes life interesting.

I am sure you will have many naysayers at the hearing. But please keep in mind that, as you probably know well already, people contented with a plan are less likely to come out than those who are unhappy.

You will be moving in the right direction if you approve this plan. It's clear, as I am sure you have read in the media, that all around the country more and more Americans like urban living, walkable neighborhoods and shops and restaurants close at hand.

You are already moving in the right direction with the Bradfordville Crossings project. It's a shame that some businesses have not been able to make a go of it, no doubt because we in this area still do not quite have the population density to make certain concerns a go.

(I particularly regret the loss of Japanese restaurant Miyako and Chinese restaurant Zheng's Mansion, probably killed by the Lucy Ho project Dao, regrettably a pretty dreadful and fake Asian eatery, unlike the delightful competitors it has wrecked.) (If this area had a Miracle 5 type cinema and a little performing arts center, why, it'd be practically perfect!)

In any case, please go for it! I'd certainly attend if I were not going to be a few thousand miles away. Please let me know if there is anyway I can help make this plan not only a reality but a high-quality project of which we can all be proud.

Best regards,

Allison Finn
3750 Kimmer Rowe Drive 32309
850-893-0095

From: Mskundra<mskundra@gmail.com>
To: Mary Ann Lindley<LindleyM@leoncountyfl.gov>
Date: 4/9/2018 6:10 AM
Subject: Bannerman expansion opposition

We bought Property in north side of the town for oaks, open neighborhood and great private street where we feel safe in golf carts, bikes , running any time of the day and night . Traffic has increased tremendously in last few years and we don't want to go up any more . We do not want any expansion .

Manju's IPhone - 8502127755
Typo error forgiven!

Jessica Icerman - Re: Upcoming meeting about Bannerman Road

From: Nick Maddox
To: Newman, Michelle
Date: 4/9/2018 11:04 AM
Subject: Re: Upcoming meeting about Bannerman Road
Cc: Thiele, Herb; Icerman, Jessica

Ms. Newman,

I appreciate your email. I am unable to respond to you because this is a quasi-judicial hearing and I am only able to make comments at the public hearing tomorrow evening. I am forwarding your email to staff for inclusion in the public comments.

Best,
Nick

Nick Maddox, Commissioner At-Large
Leon County Board of County Commissioners
301 South Monroe Street
Tallahassee, Florida 32301
(850) 606-5367
maddoxn@leoncountyfl.gov

Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

>>> Michelle Newman <ldsmom02@gmail.com> 4/9/2018 10:24 AM >>>
Dear Gentleman,

Oh what a tangled web we weave.....

I think that everyone on the county commission should stop and think just a bit about what they are doing up here on the north side. Maybe you need a copy of Dr. Seuss' ***Lorax***? Because from where I sit we have a similar situation going on here. Cutting down all of the Truffula trees to make thneeds which "nobody wants and nobody needs" until it is too late. And the whole time to commission is saying "business is business and business must grow, in spite of crummies in tummies you know." Until it is too late.

Gentlemen, this area cannot survive any more of your meddling and your "code." It cannot handle the traffic. It is a suburban/rural area and the people live here for that reason. Your code is corrupt and the people who made it were corrupt. It's time for you to stop.

Everyone in this area is fuming. This isn't about a "not in my backyard" attitude. This is about our homes and our neighborhoods being adversely affected by your lack of foresight and your lack of ethical and moral behavior.

Let's talk first about the lies about the Brookside Development. First, the School Impact Analysis form provided is the poster child for data manipulation. Rocky Hanna tried to distance himself for the misinformation by stating that the school currently has 100 children who are not zoned for Hawks Rise. So, those 100 students are being taken to school in cars by their parents who are driving right down our main street to get here. These cars come every morning into this subdivision mostly through the Ox Bottom Manor Drive entrance. But, Hawks Rise is not at capacity, so Rocky says. So, when new homes are built is Rocky just going to tell those people they can't come to Hawks Rise anymore? I bet he won't do that. The principal herself stated to us that she cannot take but maybe 31 more students and then they better all be in one class or she's going to have to create more classrooms because, gentlemen, she has to follow the law too. She has 9 kindergartens already. She has to hire a new teacher whenever the number of kids in a classroom becomes too great.

Let's move on to the traffic study that was done but not for the Brookside Development. Well, we found out about that traffic study and I currently have a copy of it. This is in regards to the complaint filed by people on Spencer Drive who conveniently got the road changed to 35 which is ridiculous because it can handle 45 easily. One of the reasons the speed reduction change was done was in part because of the new Ox Bottom Crest neighborhood and the Brookside Development that was going in and that extra traffic it would bring. Yet, we were told the traffic study wasn't necessary to talk about because Brookside wasn't going to have enough traffic. Hmmm. Lie number two.

Then, Mr. Ghazvini was allowed to use some law to break the law about what kind of houses go in here. Let's see. Up here between these two neighborhoods there isn't supposed to be anything that would be called "high density." But, another law(?) gives the developer the right to use the entire property when declaring density. Funny how 10 houses on a lot isn't high density because it certainly is, but poor Mr. Ghazvini gets to use the whole acreage even though about half of it won't have a house on it. Looks pretty suspicious, don't you think? And he will get to do it again on Bannerman Road.

And how about all of the apologizing to Mr. Ghazvini. Poor Mr. Ghazvini who had to wait two whole years to get this development approved. Poor Mr. Ghazvini who hasn't set foot on that property since your decision. Nothing. Nada. It's just sitting there. Probably because he's just waiting to get the approval from you for the other property. Poor guy. He had to wait so long.

So, let's talk about now. Now you want to allow more housing to go in and possibly apartments on Bannerman Road. And where will these children go to school? Hawks Rise? That's the zone. We don't have the room there and we don't have the ability to have car after car after car after car come in through Summerbrooke and then into Ox Bottom on Meadow Ridge Drive and then come at the school from two other sides and try and get into the school. That is 3 different ways that are already crowded every morning.

You should come, please, and talk to the crossing guards. I think you will get an earful. Couple that with all of the busses trying to navigate these streets to pick up Deerlake students. Which I am certain Deerlake is at capacity.

Gentlemen, especially, you Mr. Desloge. Do you intend to run for public office? Do you intend to be a Commissioner forever? Do you? Because you are angering those in your District. We have had enough. We have had enough of you hiding behind the corrupt "code." This isn't about growth and progress.

This area of town cannot handle any more of your rampant, indiscriminate and just plain stupid development. You have the ability to shoot it down and I suggest you do so. Both of you. Tell your buddies in the Commission that they need to get on board.

Time to tell the Ghazvini's it's over and they need to stop. Maybe someday this area will need to expand with more houses, but UNTIL YOU PROVIDE BETTER ROADS, MORE SCHOOLS, and the other necessities to do this, I suggest you stop now.

Tell me, Gentlemen, what happens to public figures that anger entire swaths of their districts?

Stop now. Like I told you, Mr. Desloge. It's time to do what is right. What you are doing is not right. Summerbrooke is already experiencing runoff from the devastation of this property which has been clear cut already.

Meetings are being held. The Democrat has made this issue known now to the whole community. Debbie Lightsey has already written an op-ed about it and all you guys are doing is talking about how growth can be painful.

Well, losing your public office can be painful too. A movement is afoot gentlemen. Time to rein in the County Commission. Time to be good moral individuals and stop this nonsense. Otherwise, it's time to get a new job.

I am disgusted with both of you and the entire commission. You are all corrupt.

Michelle Newman
6015 Quail Ridge Drive
Tallahassee, FL 32312
850-510-3065

Jessica Icerman - Re: Bannerman Road LPN Rezoning

From: Nick Maddox
To: Wheeler, Doug
Date: 4/9/2018 12:23 PM
Subject: Re: Bannerman Road LPN Rezoning
Cc: Thiele, Herb; Icerman, Jessica

Mr. Wheeler,

Thank you for your email and input. I am unable to make comments outside of the public hearing since this issue is considered quasi-judicial. I am forwarding your comments to the County Attorney for inclusion in the public record.

Best,
Nick

Nick Maddox, Commissioner At-Large
Leon County Board of County Commissioners
301 South Monroe Street
Tallahassee, Florida 32301
(850) 606-5367
maddoxn@leoncountyfl.gov

Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

>>> Doug Wheeler <doug@flaports.org> 4/9/2018 12:01 PM >>>
Dear Commissioners,

I write to you to in complete opposition to an issue regarding a zoning change for the corner of Bull Headley and Bannerman Road. As you know, the zoning change would convert roughly two parcels on the south side of Bannerman and Bull Headley Road from Lake Protection to a Lake Protection Node — making room for more development possibilities including retail and nearly any type of residential. This change will basically increase the density of development and adversely affect many quality of life factors for the area, including Lake Iamonia, traffic on Bannerman Road, which is already congested thanks to Bannerman Crossings (more homes and apartments to come) to the east and new toll road and residential development to west. It will also impact Thomasville and Meridian Roads. Additionally, the schools in this area are already at capacity. I remember when you couldn't build anything in Bradfordville, a new plan was put in place and now growth seems out of control and nothing is being done to accommodate the growth from an infrastructure standpoint.

The area is NOT currently ready for new projects until Bannerman Road can be widened from Thomasville to Meridian. There also needs to be a (long) turn lane added at Bannerman and Tekesta. Major

improvements would be needed for the intersection in question as well. Additionally, the school capacity issue needs to be addressed and like the traffic issue, *prior* to the growth. I have not even gotten started on the lake quality that will undoubtedly suffer which is why this land was designated as such- Lake Protection. Development cannot continue to go on unchecked without adversely affecting the quality of life for existing (and future) residents, quality of the schools and the quality of Lake Iamonia and of the many lakes in the Killearn Lakes, Golden Eagle, Summerbrooke, and McBride neighborhoods.

I urge you to take serious pause and give strong consideration of my concerns expressed on this issue and **OPPOSE** changing the zoning designation at this time.

Thank you

Doug

Doug Wheeler
Cell 850.322.8850
9825 Thunder Hill Trail
Tallahassee, FL

Jessica Icerman - Re: Please Vote No Bannerman Rezoning!

From: "Amanda C. Hammerli" <abc98k@yahoo.com>
To: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Date: 4/10/2018 10:22 AM
Subject: Re: Please Vote No Bannerman Rezoning!
Cc: Vince Long <LongV@leoncountyfl.gov>, David McDevitt <McDevittD@leoncount...

Good morning,

Checking the petition site this morning we have gone from 400 signatures to over 700 in less than 24 hours. VOTE NO! This is your district, these are your voters. They will vote you out if you do not listen to them. Over 700 signatures mean 700 households with multiple adults who are voters. I'm trying to figure out who will buy these homes? I'm trying to figure out what large economic driver is bringing enough good paying jobs to Leon Co for folks to move here and buy these homes. Again, I lived in Atlanta for 6 years and Tallahassee is being set up by developers who have already done this in larger areas. This will destroy our quality of life. Please listen to those who live here.

Thank you for your time and consideration. Please do the right thing.

Amanda Hammerli

On Monday, April 9, 2018, 1:06:24 PM EDT, Bryan Desloge <DeslogeB@leoncountyfl.gov> wrote:

Amanda, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it has been determined to be quasi judicial. I'm forwarding your email to staff with the request that your email be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Amanda C. Hammerli" <abc98k@yahoo.com> 4/9/2018 12:43 PM >>>
Commissioner Desloge,
Please vote NO for Bannerman rezoning. We do not want this type of development in our backyards. Keep Leon Co Green! I spent 6 years in Atlanta watching development like this reunion communities to fill the pockets of developers. Please block this type of development. Over 400 individuals have signed the petition in a very short amount of time. This should tell our elected officials something. We care about our little slice of Leon Co and truly want to see a development that meets the needs of the area and not creates more problems for the area. Please listen to those of us who live here.

Thank you,

Amanda Hammerli

Jessica Icerman - Re: Road / Proposed Rezoning

From: Nick Maddox
To: Mountin, Eric
Date: 4/9/2018 1:13 PM
Subject: Re: Road / Proposed Rezoning
Cc: Thiele, Herb; Icerman, Jessica

Mr. and Mrs. Mountin,

Thank you for your email and input. I am not allowed to make comments outside of the public hearing tomorrow evening due to the fact this is a quasi-judicial proceeding. I will forward your comments to the County Attorney for inclusion in the public record.

Best,
Nick

Nick Maddox, Commissioner At-Large
Leon County Board of County Commissioners
301 South Monroe Street
Tallahassee, Florida 32301
(850) 606-5367
maddoxn@leoncountyfl.gov

Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

>>> Eric Mountin <emountin@msn.com> 4/9/2018 12:47 PM >>>
Mr. Maddox, Mr. Desloge;

I read with dismay the news item in the Tallahassee Democrat regarding the proposed re-zoming of an area of Bannerman Road near Bull Headley which would permit building of a scope and nature totally outside the nature of this area and surrounding communities. This will now represent two major developments/changes in the areas surrounding the neighborhood I live in, Ox Bottom Manor (referring to the Brookside development, which was recently proposed and approved). While I understand that development in a growing community like Tallahassee is inevitable, these two developments/projects seems far outside the environment which exists in the existing/established neighborhoods. I am not ashamed to say that I worked long and hard to be able to afford to purchase a home in Ox Bottom, and did so because of the lot size/connection to greenspace in the area, and the good area public schools. Now, with what is proposed-all that I saved to be a part of is being uprooted in the name of "progress" and "development." Just the sheer traffic flow alone that will be necessarily generated and move through our neighborhood for

students attending Hawksrise Elementary is beyond troubling, to say the least--not withstanding the overcrowding that it will bring.

I watched with dismay how the "process" worked in the Brookside development, and how all of the concerns of the surrounding neighborhoods were ultimately ignored in the face of statements that current zoning rules were being complied with, and 'we're following the law." I fear that the decision about this new proposal is essentially a done deal, particularly in light of the comments attributed to each of you in the news article which certainly indicate in what direction you are both leaning. I find it hard to believe that your constituents in this area "support" these projects-in fact, all evidence to the contrary. It would be particularly refreshing to see both of you take a stand and do what is right, what the people who elected you want. Do not support and approve this project.

Eric & Gina Mountin
6018 Quail Ridge Drive
Tallahassee, FL

Jessica Icerman - Fwd: Re-zoning issue on Bannerman & Bull Headley Parcel

From: Herb Thiele <thieleh@leoncountyfl.gov>
To: <IcermanJ@leoncountyfl.gov>
Date: 4/9/2018 3:39 PM
Subject: Fwd: Re-zoning issue on Bannerman & Bull Headley Parcel

Sent from my iPad

Begin forwarded message:

From: "Bryan Desloge" <DeslogeB@leoncountyfl.gov>
Date: April 9, 2018 at 1:04:23 PM EDT
To: "Lee Patti" <pahbl@comcast.net>
Cc: "David McDevitt" <McDevittD@leoncountyfl.gov>, "Herb Thiele" <ThieleH@leoncountyfl.gov>, "Vince Long" <LongV@leoncountyfl.gov>, "Wayne Tedder" <Wayne.Tedder@talgov.com>, "Cherie Bryant" <Cherie.Bryant@talgov.com>
Subject: Re: Re-zoning issue on Bannerman & Bull Headley Parcel

Patti, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it has been determined to be quasi judicial. I'm forwarding your email to staff with the request that your email be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Patti Lee <pahbl@comcast.net> 4/9/2018 12:58 PM >>>
Dear Commissioner Desloge,
I am a resident of SummerBrooke and I ask that you strongly consider voting "no" on the issue of re-zoning the parcel of land at Bannerman and Bull Headley from Lake Protection to Lake Protection Node.

There are many factors that play into my concern on this issue. One issue is that with a potential for a very high increase in family households, SummerBrooke and OxBottom will be used as a shortcut to Hawks Rise Elementary school, thus increasing safety issues with the much higher traffic flow. Also, Bannerman Road will have a huge increase in traffic leading to much more congestion than already exists during the rush hour time periods. And the possibility of commercial properties will add to these traffic problems; it also does not fit in with the residential feel of this area. There are other issues, of course, including school overcrowding, property values, environment. With these many concerns in mind, and considering the number of people and properties that this decision will affect, again please consider voting "no."
Sincerely,
Patti Lee
7609 Refuge Road
Tallahassee, FL 32312

Jessica Icerman - Fwd: Please Vote No Bannerman Rezoning!

From: Herb Thiele <thieleh@leoncountyfl.gov>
To: <IcermanJ@leoncountyfl.gov>
Date: 4/9/2018 3:40 PM
Subject: Fwd: Please Vote No Bannerman Rezoning!

Sent from my iPad

Begin forwarded message:

From: "Bryan Desloge" <DeslogeB@leoncountyfl.gov>
Date: April 9, 2018 at 1:06:18 PM EDT
To: "Hammerli Amanda C." <abc98k@yahoo.com>
Cc: "David McDevitt" <McDevittD@leoncountyfl.gov>, "Herb Thiele" <ThieleH@leoncountyfl.gov>, "Vince Long" <LongV@leoncountyfl.gov>, "Wayne Tedder" <Wayne.Tedder@talgov.com>, "Cherie Bryant" <Cherie.Bryant@talgov.com>
Subject: Re: Please Vote No Bannerman Rezoning!

Amanda, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it has been determined to be quasi judicial. I'm forwarding your email to staff with the request that your email be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Amanda C. Hammerli" <abc98k@yahoo.com> 4/9/2018 12:43 PM >>>
Commissioner Desloge,
Please vote NO for Bannerman rezoning. We do not want this type of development in our backyards. Keep Leon Co Green! I spent 6 years in Atlanta watching development like this reunion communities to fill the pockets of developers. Please block this type of development. Over 400 individuals have signed the petition in a very short amount of time. This should tell our elected officials something. We care about our little slice of Leon Co and truly want to see

a development that meets the needs of the area and not creates more problems for the area. Please listen to those of us who live here.

Thank you,

Amanda Hammerli

Jessica Icerman - Fwd: NO to Bannerman Development

From: Nick Maddox
To: Icerman, Jessica
Date: 4/9/2018 3:58 PM
Subject: Fwd: NO to Bannerman Development

>>> Scott Gorczycki <scott.gorczycki@comcast.net> 4/9/2018 2:41 PM >>>
Have either of you ever driven through the area of Summer Brooke and Ox Bottom? Different times of the day? Building houses at the proposed allotment (on top of each other basically) is not what the area needs or wants. Schools are full already, traffic is pretty bad at high traffic times, and most of all these homes will turn into low income housing in 6 years tops (HUD). I have seen it happen personally to several places Ive lived over the years. Allow development yes, but 1/2 acre parcels per home is what it needs to be. Ive already suggested we turn Summer Brooke into a gated community should this plan go through, and pray it will happen.

Jessica Icerman - Fwd: Proposed development along Bannerman road

From: Kristin Dozier
To: Zirin, Gary
Date: 4/10/2018 9:05 AM
Subject: Fwd: Proposed development along Bannerman road

>>> Eric Holmes <ehholmes@fsu.edu> 4/9/2018 6:32 PM >>>
Kristin-

I was surprised to learn of a public meeting concerning high density development in a 32 acre area south of Bull Headley on Bannerman. More particularly that this was poorly advertised and there would be only one such meeting. Why? It seems the residents impacted by the Gateway project got much more attention and were able to have some impacts on it. Whether this is a good idea or not is not the point right now. I hope the county will take a step back and look at the full implications of this, allowing a high density pocket in the middle of a more rural area. What about concurrency? Have there been any traffic studies? What is the plan for widening Bannerman back to Thomasville?

People live in that area because of quality of life and although it is building, traffic is manageable. I have seen this style of growth management before wherein developers make the decisions based on their best interest and impose that on the community. If anyone has any question on this I invite them to visit what used to be rural Bothell, WA. It is now the natural consequence of developers being allowed to make the decisions and the county officials go along with it due to the increased tax base. Little or nothing has been done on road capacity. Two lane rural roads (like Bannerman) are treated as though they have infinite capacity. Concurrency is a joke. Morning Rush hour traffic flows last until after 10am and start again about 2pm. Five mile backups on major roads off freeways are a daily occurrence. People living there try to run their lives between 10 and 2. This is no exaggeration. Patchwork development that ultimately merges together is a disaster. Don't even get started down that path until the roads are prepared for it first. Again, I highly recommend a field trip there to see what this type of thing becomes.

I hope the county will not be in such a hurry and will consider the needs of existing residents over the immediate interests of developers who will be gone once the project is completed.

Sincerely,

Eric

Get Outlook for iOS

Jessica Icerman - Re: SummerBrooke Rezoning

From: Nick Maddox
To: Warren, Vicki
Date: 4/10/2018 11:50 AM
Subject: Re: SummerBrooke Rezoning
Cc: Icerman, Jessica

Ms. Warren,

Thank you for your email. Due to the quasi-judicial nature of this proceeding, I am unable to comment outside of the public hearing tonight. I am forwarding your remarks to the County Attorney for inclusion in the public record.

Best,
Nick

Nick Maddox, Commissioner At-Large
Leon County Board of County Commissioners
301 South Monroe Street
Tallahassee, Florida 32301
(850) 606-5367
maddoxn@leoncountyfl.gov

Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

>>> Vicki Warren <vickibwarren@gmail.com> 4/9/2018 7:11 PM >>>
I oppose the rezoning!!! This city lets developers come in and control our city and you are responsible! Instead of expanding and developing our city, why don't you concentrate on creating jobs for the graduates out of the universities. This is why our young graduates leave this city.

Vicki Warren
SummerBrooke Resident

Jessica Icerman - Fwd: Petition in Opposition of Rezoning

From: Gary Zirin <ziring@leoncountyfl.gov>
To: Herb Thiele
Date: 4/10/2018 7:23 AM
Subject: Fwd: Petition in Opposition of Rezoning
Attachments: Summerbrooke Rezoning Petition.pdf

Sent from my iPhone

Begin forwarded message:

From: "Kristin Dozier" <dozierk@leoncountyfl.gov>
Date: April 10, 2018 at 7:11:29 AM EDT
To: "Gary Zirin" <ZirinG@leoncountyfl.gov>
Subject: Fwd: Petition in Opposition of Rezoning

Sent from my iPhone

Begin forwarded message:

From: "Joseph Briggs" <pandjbriggs012@gmail.com>
Date: April 9, 2018 at 8:10:35 PM EDT
To: "John Dailey" <DaileyJ@leoncountyfl.gov>, "Bryan Desloge" <DeslogeB@leoncountyfl.gov>, "Kristin Dozier" <DozierK@leoncountyfl.gov>, "Jimbo Jackson" <JacksonJ@leoncountyfl.gov>, "Mary Ann Lindley" <LindleyM@leoncountyfl.gov>, "Nick Maddox" <MaddoxN@leoncountyfl.gov>, "Bill Proctor" <PROCTORB@leoncountyfl.gov>, "Jeremy Anderson" <Janderson@andersongivens.com>, "TOMMY PIPKIN" <jtpipkin@bellsouth.net>
Subject: Petition in Opposition of Rezoning

Good evening,

Attached please find the petition in opposition of the rezoning application scheduled for public hearing on April 10, 2018 at 6:00 pm at Leon County Courthouse, 5th floor.

Thank you.

Pam Briggs



This petition has collected
678 signatures
using the online tools at www.ipetitions.com

Printed on 2018-04-09

Bannerman Rezoning

About this petition

Are you worried about your home's value decreasing?

Are you ready for traffic on Bannerman Road to get worse....a lot worse?

Are you OK with your children's school being overcrowded?

Do you mind having our area lakes filled with runoff pollution and silt?

On March 6th, the Tallahassee-Leon County Planning Commission approved a zoning change for the large parcel of land at the corner of Bull Headley and Bannerman Roads. The final zoning change now falls to the County Commission meeting on April 10, 2018. Show your support for responsible growth and development by signing now. Join your neighbors April 10 for the Commission meeting. 6pm, Leon County Courthouse, 5th Floor Commission Chambers! Let's make a difference!

Signatures

1. Name: Cynthia Cowen (cynthiacowen777@gmail.com) on 2018-03-28 23:06:48
Comments: The beautiful North Leon County that I moved to 18 years ago is barely recognizable. How much more development can it stand?

---

2. Name: Staton Atkins (state37@outlook.com) on 2018-03-28 23:12:02
Comments:

---

3. Name: David Amato (daveamato61261@gmail.com) on 2018-03-28 23:12:17
Comments: I am agaiinst rezoning!

---

4. Name: Pam Briggs (pandjbriggs012@gmail.com) on 2018-03-28 23:13:03
Comments: The Comprehesive Plan DICTATES everything that LEON County has planned. Please sign this petition, make comments. All this will become part of the official record. April 10th is when the Board of County Commissioners votes on this rezoning.

---

5. Name: Ryan Butler (ryanpbutler@earthlink.net) on 2018-03-28 23:14:48
Comments:

---

6. Name: Rhonda Wilder (rdwandddw@aol.com) on 2018-03-28 23:15:42
Comments:

---

7. Name: Lisa Foran (lisa@hinkleforan.com) on 2018-03-28 23:17:35
Comments: The landscape of our beautiful city/county is being ruined by needless development. I am against rezoning.

---

8. Name: Andrea Baker (andreab196@yahoo.com) on 2018-03-28 23:19:43
Comments:

---

9. Name: Athena Gill (athenag@gmail.com) on 2018-03-28 23:19:48
Comments:

---

10. Name: Jeannette Andrews (jandrews@andrewscrsbtree.com) on 2018-03-28 23:20:09
Comments:

---

11. Name: Karen Gaden (karenlh248@hotmail.com) on 2018-03-28 23:21:48
Comments:

---

12. Name: John Gaden (rgaden@comcast.net) on 2018-03-28 23:22:25
Comments:

---

13. Name: Christine Hornsleth (cparrh@aol.com) on 2018-03-28 23:22:55
Comments:

---

14. Name: Bob DiBartolomeo (BDiBart499@gmail.com) on 2018-03-28 23:26:26
Comments: I am not in favor of changing the zoning

---

15. Name: Julie Tomlinson (tomlinson.julie@gmail.com) on 2018-03-28 23:33:55
Comments:

---

16. Name: Jennifer Pearce (jenniferpearce@hotmail.com) on 2018-03-28 23:34:44
Comments: The current zoning allows for development and there has been no legitimate reason produced for the rezoning request.

---

17. Name: Rosalind Baxley (Jbbroz1916@embarqmail.com) on 2018-03-28 23:44:59
Comments:

---

18. Name: Jane Snyder (jbsnyder32607@yahoo.com) on 2018-03-28 23:48:32
Comments:

---

19. Name: Deborah Matney (ezbreezy025@yahoo.com) on 2018-03-29 00:06:46
Comments: I am against rezoning this property. I am against additional building on or off of Bannerman Road. Bannerman Road already has too many cars travelling on a daily basis which creates too much traffic on this road. Traffic backs up on this road. Often I have counted more than 100 cars in one direction backed up from both traffic lights (where it becomes a two-lane road). Additionally I have seen minor accidents from cars stopping and/or turning unto side streets since there are more streets that don't have turning lanes than the few that do.

---

20. Name: Jan Pfeiffer (850janp@gmail.com) on 2018-03-29 00:07:19
Comments:

---

21. Name: Shane Dawson (20sdawson14@gmail.com) on 2018-03-29 00:18:17
Comments:

---

22. Name: Alyssa Grant (alyssabgrant13@gmail.com) on 2018-03-29 00:20:27
Comments: Please, for once, listen to your constituents. This development is reckless for our schools and dangerous for our already overcrowded roads!

---

23. Name: Randall Grant (randy230k@yahoo.com) on 2018-03-29 00:23:27
Comments: Without widening bannerman road and expanding capacity at the zoned schools, this is going to be disastrous. The schools are already crowded and beginning to lose rating. The congestion on Bannerman is maddening. Please reconsider the zoning change

---

24. Name: Jan pearce (pearcetal@comcast.net) on 2018-03-29 00:27:05
Comments: Please consider the impact of a zoning decision without sufficient infrastructure to support it.

---

25. Name: Jon Templar (jtemplarwork@gmail.com) on 2018-03-29 00:28:27
Comments:

---

26. Name: Jon Templar (jtemplarwork@gmail.com) on 2018-03-29 00:29:25
Comments:

---

27. Name: Kim loebig (loebigkim@gmail.com) on 2018-03-29 00:30:15
Comments:

---

28. Name: Douglas Fredericks (dkfreder@comcast.net) on 2018-03-29 00:44:39
Comments:

---

29. Name: Mandy Pagan (mandyl.ling@gmail.com) on 2018-03-29 00:52:02
Comments:

---

30. Name: Jimmy Jordan (jordangi@embarqmail.com) on 2018-03-29 01:18:05
Comments:

---

31. Name: Matt Mariscal (memaris@hotmail.com) on 2018-03-29 01:21:08
Comments:

---

32. Name: Sarah Zimmerman (fourzimmers@comcast.net) on 2018-03-29 01:24:34
Comments:

---

33. Name: Ashlee (ashlee.comber@gmail.com) on 2018-03-29 01:32:37
Comments: Supporting our neighbors.

---

34. Name: Michelle J Newman (ldsmom02@gmail.com) on 2018-03-29 01:33:40
Comments: The rampant unrestricted development in this part of Tallahassee has led to school overcrowding, unmanageable traffic situations on main roads and in already established subdivisions. You do not have the proper infrastructure in place.

---

35. Name: Laura Mullinax (winterle3@aol.com) on 2018-03-29 01:35:58
Comments: Enough is enough! We are getting carried away

---

36. Name: Lynn Williams (lynn@rose.net) on 2018-03-29 01:39:18
Comments:

---

37. Name: Katie Pernell (katenole1@yahoo.com) on 2018-03-29 01:39:35
Comments:

---

38. Name: Pam Briggs (pandjbriggs012@gmail.com) on 2018-03-29 02:03:16
Comments:

---

39. Name: Christie Ferris (cgferris23@gmail.com) on 2018-03-29 02:05:06
Comments:

---

40. Name: J ohn Ward (wardfarrell694@gmail.com) on 2018-03-29 02:05:28
Comments: Too much development already

---

41. Name: Vjollca Gery (shkamy@aol.com) on 2018-03-29 02:07:22
Comments:

---

42. Name: Joe Briggs (pandjbriggs012@gmail.com) on 2018-03-29 02:07:32
Comments:

---

43. Name: Vicki Warren (vickibwarren@gmail.com) on 2018-03-29 02:14:22
Comments: Focus on recruiting businesses here not more empty houses

---

44. Name: Erin DeGroff (erindegroff@gmail.com) on 2018-03-29 02:25:50
Comments:

---

45. Name: Andrea Fryk (andreafryk@aol.com) on 2018-03-29 02:30:01
Comments:

---

46. Name: Wendy Amos (michelle.amos123@gmail.com) on 2018-03-29 02:49:32
Comments: This is ridiculous that we have to develop every peice of property available just because money talks! I love this area and neighborhood Summerbrooke because it is quiet and kid friendly!! Please protect our neighborhood and surrounding neighborhoods by leaving the property undeveloped!

---

47. Name: Martha Williams (MarthaWilliams2507@gmail.com) on 2018-03-29 02:54:02
Comments: I purchased a home in Summerbrooke expecting adjacent development in a LAKE PROTECTION ZONE: 1 home/2 acre lot. Construction of dense housing and commerce is NOT ACCEPTABLE. Please stand by the zoning planned and approved by knowledgeable professionals and do not be swayed by developers offering big $$$ returns.

---

48. Name: Aubree Marks (aubreem@msn.com) on 2018-03-29 03:14:08
Comments:

---

49. Name: Debby Terfinko (terfinko@aol.com) on 2018-03-29 03:17:50
Comments:

---

50. Name: Robert Fink (finkre@comcast.net) on 2018-03-29 09:59:30
Comments: This would be insane!!!

---

51. Name: Holly OToole (hcotoole@gmail.com) on 2018-03-29 10:22:36
Comments: Enough is enough

---

52. Name: Donna Trumbower (dtrumbower@fsu.edu) on 2018-03-29 10:35:23
Comments:

---

53. Name: Sara Crayton (smorton87@comcast.net) on 2018-03-29 10:46:06
Comments: I do not want to see more traffic on Bannerman road. It is already over used with all the development along the road.

---

54. Name: David Pierce (davedp66@msn.com) on 2018-03-29 10:56:59
Comments:

---

55. Name: Phillip Langdon (pnlangdon@comcast.net) on 2018-03-29 11:13:01
Comments: This is horrible for both our school system and community.

---

56. Name: Tommy Pipkin (jtpipkin@bellsouth.net) on 2018-03-29 11:24:55
Comments: Your mission statement promotes orderly, responsible growth. This rezoning request is not consistent with that goal. Deny this request.

---

57. Name: William Langdon (wrlangdon16@gmail.com) on 2018-03-29 12:01:21
Comments:

---

58. Name: Tammy Langdon (tllanhdon16@gmail.com) on 2018-03-29 12:02:58
Comments:

---

59. Name: Tammy Langdon (tllangdon@comcast.net) on 2018-03-29 12:02:59
Comments:

---

60. Name: Lynn Pipkin (lmpipkin@bellsouth.net) on 2018-03-29 12:12:55
Comments: The infrastructure can NOT support another high density develop in this area

---

61. Name: Lance Conley (conleylance@yahoo.com) on 2018-03-29 12:14:01
Comments: I’m against it

---

62. Name: Noelle Mahone (noelle_mahone@hotmail.com) on 2018-03-29 12:37:35

Comments: Oppose until our infrastructure has been expanded and/or updated to accommodate more growth.

---

63. Name: Eric Forsthoefel (emfors01@gmail.com) on 2018-03-29 13:32:16
Comments:

---

64. Name: Amanda Hammerli (abc98k@yahoo.com) on 2018-03-29 13:33:52
Comments: No to more development! I agree the infrastructure can not support another high density develop. We live out of the city limits for a reason and that reason is to be surrounded by nature and beautiful land. Keep Leon County Green!

---

65. Name: Paul Letterman (pnl11@comcast.net) on 2018-03-29 13:49:17
Comments:

---

66. Name: Henry Harper (harpers2@embarqmail.com) on 2018-03-29 14:14:51
Comments:

---

67. Name: Fernando Parra-Ferro (Fparraferro@gmail.com) on 2018-03-29 14:39:44
Comments:

---

68. Name: Alex Milton (alexgmilton@gmail.com) on 2018-03-29 14:51:36
Comments:

---

69. Name: Mark Trudeau (stikman11@aol.com) on 2018-03-29 14:52:48
Comments: We elect or appoint professionals to the planning commission and the County commission to protect us from just such things as this. To put this dense of a development next to a neighborhood and in a lake protection zone is exactly what we are supposed to be protected against. Shame on you commissioners for either bowing to the wishes of a developer or selling our neighborhoods out for a "greater good". This is not responsible development as you are charged with insuring! To say we had a chance to understand and object to this earlier when the node concept was approved is a cop out. You knew or should have known that the idea went over the general populaces head. Shame on you! "You" are supposed to guide and protect us from things we might not understand!

---

70. Name: Bev Karmanos (beverleyk@aol.com) on 2018-03-29 15:11:08
Comments:

---

71. Name: Jennifer (roxyjm10@hotmail.com) on 2018-03-29 15:29:29
Comments:

---

72. Name: Kelli Hadden (mhadden37@comcast.net) on 2018-03-29 15:49:44
Comments: Do not approve this land use change and do not sell out to the promises of big revenue returns. The cost vs. benefit of this project will not cover the long-term

infrastructure obligations that this community will be responsible for paying for decades to come. Road widening, easement purchasing, utilitiy upgrades and rerouting, additional classroom space, teachers and program costs, etc. are just a portion of the price to be paid for this project. The unrelenting expansion of urban blight should not extend to all corners of Leon County. Just because this project can be done, does not mean that it should. And just because several thousand dollars of public money was spent on the four identified "Nodes" certainly doesn't justify moving forward with careless development. Please, listen to your constituents and be empathic to those that will have to live with your decisions. You have the power to revert this land use to its responsible original intent and maintain the continuity of our community.

---

73. Name: Ralph Ferrell (rlferrell88@embarqmail.com) on 2018-03-29 16:21:03
Comments:

---

74. Name: Jason Durbin (tennis4545@gmail.com) on 2018-03-29 16:50:10
Comments:

---

75. Name: Sara Hill (shill9357@gmail.com) on 2018-03-29 16:50:55
Comments:

---

76. Name: Thomas C Woods (thomascwoods@gmail.com) on 2018-03-29 16:51:20
Comments: I am a 23 year resident of Summerbrooke and a 40 year Tallahassee Resident. I do not favor the rezoning of Bannerman Road.

---

77. Name: James Hill (jhill9357@gmail.com) on 2018-03-29 16:51:29
Comments:

---

78. Name: Anne Koikos (ak9357@gmail.com) on 2018-03-29 16:52:12
Comments:

---

79. Name: Jason DeGroff (Jasondegroff@gmail.com) on 2018-03-29 16:52:37
Comments:

---

80. Name: Ryan Comber (ryan.comber@gmail.com) on 2018-03-29 16:53:17
Comments:

---

81. Name: Hermon Davis (hermondavis@gmail.com) on 2018-03-29 16:55:07
Comments: Please do not change the current zoning

---

82. Name: Ceasar Douglas (cdouglas@cob.fsu.edu) on 2018-03-29 16:56:10
Comments: We need to have an opportunity to see the owner's plan before we approve the rezoning. How can you expect the home owners to agree to rezoning when we have not seen the plan for the property.

---

83. Name: Patricia Linero (axmpxl@hotmail.com) on 2018-03-29 16:59:54
Comments:

---

84. Name: June Mye (june_mye@yahoo.com) on 2018-03-29 17:00:14
Comments: I am against rezoning.

---

85. Name: Gary Meyer (Gkmeyer2020@yahoo.com) on 2018-03-29 17:00:46
Comments:

---

86. Name: Daniel Cilar (danielcilar@gmail.com) on 2018-03-29 17:01:52
Comments:

---

87. Name: Sanjay Kumar (gaba.receptor@gmail.com) on 2018-03-29 17:06:05
Comments: As residents of Summer Brooke, we are opposed to the proposed rezoning.

---

88. Name: Danni Atkins (datkins7031@yahoo.com) on 2018-03-29 17:06:14
Comments:

---

89. Name: Jan Benesh (beneshj@yahoo.com) on 2018-03-29 17:06:27
Comments: The two lane road persons in this development would need to access cannot support the large influx of traffic. The schools in the zone the development is in are all above capacity. The damage to the nearby lakes due to run off will destroy the habitat for fish and multiple types of birds. This is reckless development that will severely impact the northeast part of Tallahassee and surrounding County land and the existing residents.

---

90. Name: Edric Sanchez (edricsanchez@gmail.com) on 2018-03-29 17:06:50
Comments: I'm absolutely against it.

---

91. Name: Rogers England (rogersengland@comcast.net) on 2018-03-29 17:10:52
Comments: Irresponsible zoning proposal perhaps supported by nefarious motives. The potentially illegal clear cutting of the entire parcel under the guise of “silvaculture” should thoroughly investigated and prosecuted if appropriate.

---

92. Name: Linda England (lindaengland@comcast.net) on 2018-03-29 17:12:44
Comments: No.

---

93. Name: Deborah Sullivan (deblsully@aol.com) on 2018-03-29 17:14:35
Comments:

---

94. Name: Robert Bass (bassra726@yahoo.com) on 2018-03-29 17:16:08
Comments: I am against the rezoning.

---

95. Name: Hao (Lovehaowu@gmail.com) on 2018-03-29 17:19:20

Comments: I'm against it

---

96. Name: Robert Gill (gillbob577@yahoo.com) on 2018-03-29 17:20:46
Comments: Unchecked high density zoning will deteriorate the summerbrooke neighborhood with traffic impact, runoff into lakes as well as impact to schools and all infrastructure. Zoning should be held to same single family as summerbrooke neighborhood.

---

97. Name: Chandresh patel (sarika1729@hotmail.com) on 2018-03-29 17:24:55
Comments:

---

98. Name: Stephen skoropat (skoropat@hotmail.com) on 2018-03-29 17:26:36
Comments:

---

99. Name: Ann and Jerry Mytych (jmytych@yahoo.com) on 2018-03-29 17:26:43
Comments:

---

100. Name: Charles Collins (ccollins430@gmail.com) on 2018-03-29 17:29:40
Comments:

---

101. Name: Jeff Barbacci (jbarbacci2@comcast.net) on 2018-03-29 17:34:09
Comments: We are summerbrooke residents and oppose the rezoning proposal.

---

102. Name: Pierre Feijoo (pierre63rdr@aol.com) on 2018-03-29 17:55:22
Comments:

---

103. Name: James Powell (ap402@comcast.net) on 2018-03-29 18:08:16
Comments:

---

104. Name: Viraj Manocha (viraj.manocha@gmail.com) on 2018-03-29 18:12:21
Comments:

---

105. Name: Gary Watson (sdgw@nettally.com) on 2018-03-29 18:19:45
Comments: This development will create another massive intersection leading to traffic congestion with traffic backed up into Summerbrooke, down Bull Headley, and Bannerman Rd.

---

106. Name: Ethel Dam (etheldam@ymail.com) on 2018-03-29 18:23:17
Comments: This will lead to excessive traffic and school overcrowding. I do not believe this will increase value of nearby properties.

---

107. Name: Barbara L Madigan (blmadigan@comcast.net) on 2018-03-29 18:25:10
Comments:

108. Name: Natalie Collins (nataliecolinse@aol.com) on 2018-03-29 18:26:00
Comments: I am against the rezoning.

109. Name: Frank Flynn (fflynn@wfsu.org) on 2018-03-29 18:43:59
Comments:

110. Name: Walter Sackett (wjsack65@hotmail.com) on 2018-03-29 19:05:27
Comments:

111. Name: Ruffian Tyner (ruffianmarie@hotmail.com) on 2018-03-29 19:05:55
Comments:

112. Name: Billy Sasser (bdtsasser3@comcast.net) on 2018-03-29 19:15:32
Comments:

113. Name: Kaela Marie (kaelawhiddon@gmail.com) on 2018-03-29 19:20:42
Comments:

114. Name: teresa smith (muratoriosmith@gmail.com) on 2018-03-29 19:27:51
Comments: NO to rezoning
We invested in our properties so we were away of this problems.We paid high prices no to deal with this kind of problems.If it pass it are willing to compensate us with money?

115. Name: CHris sanchez (chrispuposanchez@gmail.com) on 2018-03-29 19:28:39
Comments:

116. Name: Ludmila De Faria (Ldefaria668@gmail.com) on 2018-03-29 19:32:06
Comments: I am against rezoning.

117. Name: Bernadine Cosgrove (bc83049@aol.com) on 2018-03-29 19:37:26
Comments: I am against rezoning.

118. Name: David Ornstein (david.ornstein@gmail.com) on 2018-03-29 19:44:42
Comments: I urge Commissioners to vote NO! High density housing is planned for this parcel, not just the 2 homes per acre that "comes with" the LPN zone. This will be severely damaging to the neighborhood. SummerBrooke residents are not bloc voters for everything, but will be for this issue!

119. Name: Pamela Shovlain (pmsd33@aol.com) on 2018-03-29 19:46:05
Comments:

120. Name: Christine Ayotte (cayotte1@comcast.net) on 2018-03-29 20:13:47
Comments:

---

121. Name: James E Jackson (eddiejackson9464@gmail.com) on 2018-03-29 20:14:03
Comments: For numerous reasons this makes no sense except to the developer.

---

122. Name: Arian Collick (atcollick@hotmail.com) on 2018-03-29 20:46:17
Comments:

---

123. Name: Lorin Pratt (lorinpratt@gmail.com) on 2018-03-29 20:51:25
Comments:

---

124. Name: Thomas Friedman (tom10i50@gmail.com) on 2018-03-29 20:52:25
Comments: Whether it's roads or schools, the infrastructure does not exists for the quality of homes planned by the developer. I vigorously oppose approval of this rezoning absent some set aside to deal with the expense of building new schools and widening Bannerman Road. There is now way that such development can be completed without significant financial impact to existing county residents.

---

125. Name: Kim Tucker (kimytucker98@gmail.com) on 2018-03-29 20:53:16
Comments:

---

126. Name: Saravanan Angamuthu (saravanan74@gmail.com) on 2018-03-29 20:56:33
Comments: Strongly oppose high density homes

---

127. Name: Wes Bradle (wesleybradle@hotmail.com) on 2018-03-29 21:11:10
Comments: Is there a solution or compromise that would work for both the developer and existing summerbrooke property owners? Hopefully we can work towards a middle ground that improves the neighborhood, creates jobs, brings new families into our community, and respects the environment.

---

128. Name: Lesa Johnson (lesajo30@gmail.com) on 2018-03-29 21:19:10
Comments:

---

129. Name: Paul Johnson (paulandlesa@comcast.net) on 2018-03-29 21:19:28
Comments:

---

130. Name: Jessica Satterfield (jssatterf@gmail.com) on 2018-03-29 21:26:58
Comments:

---

131. Name: Susan Lampman (sslampman@gmail.com) on 2018-03-29 21:28:17
Comments: The roads cannot support so much additional traffic.

---

132. Name: Frank Coleman Pugh (frankster64@comcast.net) on 2018-03-29 21:28:53
Comments:

---

133. Name: Michael Lampman (lampmanm@icloud.com) on 2018-03-29 21:30:12
Comments: In a major fire 80% of us would die. Too many people with only one escape route. To further increase the population here is dangerous and crazy.

---

134. Name: Chris Kiratzis (chriskiratzis@gmail.com) on 2018-03-29 21:32:54
Comments: I understand the right to subdivide and build on your land. However, the new development should resemble the current developments that are already built in the community.

---

135. Name: Carolyn Norvell (cbnorvell@icloud.com) on 2018-03-29 21:35:46
Comments:

---

136. Name: Kim Peaden (kimpeaden@gmail.com) on 2018-03-29 21:47:25
Comments:

---

137. Name: Kevin Peaden (kevinpeaden@gmail.com) on 2018-03-29 21:53:31
Comments: I urge Commissioners to vote NO on this. Traffic of Bannerman is already high and the schools are maxed as well. This is a burden that can be avoided if this is voted down.

---

138. Name: Paul E Joanos Jr (pjoanos@hotmail.com) on 2018-03-29 21:57:15
Comments:

---

139. Name: Jessica Milton (jessicahmilton@gmail.com) on 2018-03-29 22:16:22
Comments:

---

140. Name: Jennifer Fishback (jjfishback@gmail.com) on 2018-03-29 22:34:43
Comments: Roads do not support this change now.

---

141. Name: Judi Bedonie (judi7524@gmail.com) on 2018-03-29 22:37:14
Comments:

---

142. Name: Sean Yutzy (mbksj4@q.com) on 2018-03-29 23:06:24
Comments: Dangerous-More traffic on a blind hill and miles of congestion at rush hour.

No immediately available collateral flow will make emergency access for major fires and hurricanes virtually impossible.

---

143. Name: James Ayotte (ayotte@comcast.net) on 2018-03-29 23:14:03
Comments: The current infrastructure does not support a higher density use for this parcel of land. The solution is to have a plan in place to widen Bannerman Road first and

then consider rezoning this land once that project has been approved and funded. Rezoning at this time is putting the cart before the horse and will exacerbate traffic congestion on Bannerman Road while increasing cut-through traffic through SummerBrooke. Increased traffic through SummerBrooke will be detrimental to resident safety.

---

144. Name: Shawn Satterfield (satterf@gmail.com) on 2018-03-29 23:38:16
Comments:

---

145. Name: Gary Benesh (gbenesh@comcast.net) on 2018-03-29 23:51:21
Comments: Terrible idea.

---

146. Name: Elizabeth Palmer (bethkp@yahoo.com) on 2018-03-30 00:15:12
Comments:

---

147. Name: Edwin Palmer (palmer6500928@yahoo.com) on 2018-03-30 00:16:13
Comments:

---

148. Name: Lynda Earls (lje13@hotmail.com) on 2018-03-30 00:24:27
Comments: As a SummerBrooke homeowner, I object any rezoning. Please protect our lakes!

---

149. Name: David Perrin (tlhperrin@aol.com) on 2018-03-30 00:47:13
Comments:

---

150. Name: John J Richardson (jjjrich2@hotmail.com) on 2018-03-30 00:57:42
Comments: Seems to me the new land owner of the parcel in question is interested in the bottom line for profit and not at all concerned regarding impact of his decisions. My wife and I are in retirement years and invested a great deal of our savings for security of living in a safe environment. There is already a great deal of "cut through" traffic on Summerbrooke Dr." and "Preservation" with little to no patrol of streets. We experienced a vandal causing a great deal of damage to one of our vehicles. I am grateful for the members of law enforcement who living in our community, but with the sure to be increase influx of traffic... ? HIGH DENSITY HOUSING SHOULD BE OUT OF THE QUESTION FOR THE PROPOSED REZONING!

---

151. Name: Patrick Coney (patrick_coney@hotmail.com) on 2018-03-30 01:05:02
Comments: If this gets approved it will hurt our area greatly.

---

152. Name: Edie Kiratzis (edie.kiratzis@gmail.com) on 2018-03-30 01:07:42
Comments:

---

153. Name: Susan Koehler (susankoehler@hotmail.com) on 2018-03-30 01:12:30
Comments: Let’s work together toward responsible growth that honors our environment,

respects our neighbors, and creates a legacy of which we can be proud.

---

154. Name: Cathy Slayton (cathyhood@yahoo.com) on 2018-03-30 01:23:08
Comments: This proposed rezoning will be disastrous for Summerbrooke and the neighboring communities. If Premier Homes gets this land, you can look forward to a high density housing that is not compatible with our community and will greatly impact our home values, traffic, schools. But what do they care, they don't live here! If you are able, PLEASE attend the County Commission meeting on April 10 at 6pm.

---

155. Name: Stuart Dippie (sjdippie@gmail.com) on 2018-03-30 01:49:29
Comments:

---

156. Name: Kirsten Langdon (kirstymarielangdon@gmail.com) on 2018-03-30 01:52:49
Comments:

---

157. Name: Nikki Abels (nikkiabels@gmail.com) on 2018-03-30 02:20:18
Comments: I came here because it is a quiet and nice area in which to live. We certainly do not need a development which will produce more traffic, over crowd our schools and ruin the atmosphere of our neighborhood. There is truly nothing positive that I can see coming from a decision to allow more homes and businesses in this area. Please do not approve this rezoning

---

158. Name: Sherwood L Brown (Sherwood67@comcast.net) on 2018-03-30 02:38:33
Comments:

---

159. Name: JENNIFER D SLEZIA (jenniferslezia@gmail.com) on 2018-03-30 02:39:03
Comments:

---

160. Name: Patricia Welichko (fkcc@aol.com) on 2018-03-30 02:44:29
Comments: Commisioners, please reconsider voting yes to amend the Leon County ordinance No 92-11. The two-laned Bannerman Road is already congested with bumper to bumper traffic with the current established communities. Rezoning the parcel of land to smaller sized lots to fit in more housing would cause stand still traffic during busy hours. This rezoning would also put a burden on our schools to keep the student/teacher minimums. But I have to advocate more for our environment. Bannerman and Oxbottom areas have gone through an overwhelming growth within the last couple years destroying our natural envirement. This has caused displacement of wild animals chasing them into our neighborhoods eating our cats and dogs as well as becoming a threat to our children. I moved here 12 years ago from tree barron south Florida and loved it up here with all the green trees (which are disappearing exponentially) Please consider stopping this major overgrowth of houses built on top of each other in our community. Thank you.

---

161. Name: Wei Wu (weiwu001@yahoo.com) on 2018-03-30 04:00:40
Comments: The Bannerman rezoning is a terrible proposal. The Summerbrooke community will be seriously hurt.

162. Name: Xiaoxi Miao (xixim1980@yahoo.com) on 2018-03-30 04:13:02
Comments:

163. Name: john clark hughes (clhughes@embarqmail.com) on 2018-03-30 10:47:13
Comments:

164. Name: Kelly Grove (kellygrovegrad@yahoo.com) on 2018-03-30 10:49:54
Comments: Meridian and Thomasville Rd are already too busy and grid locked in the mornings and evenings. No new homes until the commute is fixed!

165. Name: Kambea Chan (kambea26@yahoo.com) on 2018-03-30 10:59:58
Comments:

166. Name: Patricia Lee (pahbl88@gmail.com) on 2018-03-30 12:05:57
Comments:

167. Name: gail mueller (gailmueller@hotmail.com) on 2018-03-30 12:35:58
Comments: We in Summerbrooke do not want more trees cut down, more run-off into our lakes nor more traffic on Bannerman. The first step should have been to make Bannerman four lanes, with a bike lane!!

168. Name: Elinor Peloza (pelozamom@gmail.com) on 2018-03-30 13:04:12
Comments:

169. Name: Casey Snipes (casey.snipes@fchr.myflorida.com) on 2018-03-30 13:08:47
Comments:

170. Name: Stacie Neely (stacieneely@yahoo.com) on 2018-03-30 13:52:36
Comments:

171. Name: March Fisher (march.m.fisher@gmail.com) on 2018-03-30 14:31:44
Comments:

172. Name: Carrie Bassett (beccatoo12@gmail.com) on 2018-03-30 14:34:02
Comments:

173. Name: Judy Miller (milljud@rose.net) on 2018-03-30 14:58:14
Comments: Traffic already ridiculous on Bannerman and Meridian Roads. Infrastructure of roads is ALWAYS way behind in Leon County, yet new housing developments continue to get approved. Please do NOT approve this request.

174. Name: C Tim Riordan (riordantim1@gmail.com) on 2018-03-30 15:17:29
Comments: Say No!

---

175. Name: Kay Menendez (kaylmenendez@gmail.com) on 2018-03-30 15:26:14
Comments:

---

176. Name: Eric Mountin (emountin@msn.com) on 2018-03-30 15:31:05
Comments: Please pay attention to home owners and concerned residents—this proposal is totally out of line with the existing surrounding communities

---

177. Name: howard rich (hrichwood@aol.com) on 2018-03-30 16:03:49
Comments: NO MORE out of control development!
Traffic, noise, waste run off in our lakes will be a detriment to SummerBrooke

---

178. Name: Dan Conrad (danjconrad@gmail.com) on 2018-03-30 16:14:34
Comments: No.

---

179. Name: ROBERT C MULVANEY (robert@mulvaneysinc.net) on 2018-03-30 16:14:35
Comments: we purchased property under the current zoning of the area. change is not always progress. if greed is a motivating factor shame on you.

---

180. Name: Manju Kundra (mskundra@gmail.com) on 2018-03-30 16:15:18
Comments:

---

181. Name: Carolyn Voigt (lynnevcmv65@gmail.com) on 2018-03-30 16:22:55
Comments: Bannerman Road needs to be multi-laned before all this additional development happens.

---

182. Name: Mark Stroud (mark@acstlh.com) on 2018-03-30 16:31:05
Comments: Given the current infrastructure and that the Blueprint 2000 provides for only expanding Bannerman to Tekesta this is an ill advised change.

---

183. Name: John Lindsey (Jacklindsey7@comcast.net) on 2018-03-30 17:10:31
Comments: NO

---

184. Name: Elizabeth Thompson (ctet0731@gmail.com) on 2018-03-30 17:39:20
Comments:

---

185. Name: Virginia McMullen (vsummerell@gmail.com) on 2018-03-30 17:39:29
Comments: No more construction please. Some things should just stay the same. Keep Tallahassee green and beautiful

---

186. Name: Heather Harrell (pooh9371@aol.com) on 2018-03-30 17:49:39

Comments:

---

187. Name: Shelly Harrell (shellyleeharrell@gmail.com) on 2018-03-30 17:49:59
Comments:

---

188. Name: Elizabeth Byington (lizjep@hotmail.com) on 2018-03-30 17:54:46
Comments: This area schools and roads are already crowded enough. Please don't let this move forward.

---

189. Name: Kathleen McKeon (kkmckeon@comcast.net) on 2018-03-30 18:01:14
Comments: Agree, this is too much for this infrastructure.

---

190. Name: Charles Hall (cch01@comcast.net) on 2018-03-30 18:05:42
Comments: Increased density as proposed is totally unacceptable! NO construction should be permitted until Bannerman Road is improved to provide more lanes.

---

191. Name: Walton C Murphree (wmurph9073@msn.com) on 2018-03-30 18:08:42
Comments:

---

192. Name: Candice Ray (ray.candice@gmail.com) on 2018-03-30 18:11:03
Comments:

---

193. Name: Becky Mitchell (bmitchell7@comcast.net) on 2018-03-30 18:17:27
Comments: I am totally against the rezoning of the property located on 1665 Bannerman Road. We do not want this potential rezoning to decrease the value of our homes. The traffic on Bannerman road is already out of control and no plans to further the expansion of the road for 7-8 years according to planning department. This will severely impact our schools that are already at full capacity and the property at this location has already been cleared and the runoff from is affecting our lakes in Summerbrooke and there is no accountability from property owner.

---

194. Name: Patrick Loebig (loebigp@gmail.com) on 2018-03-30 18:22:06
Comments:

---

195. Name: Carol Rosen (carolrosen@hotmail.com) on 2018-03-30 18:40:13
Comments: Do not Rex one to this higher density

---

196. Name: Andrew Woodward (woodwaj@gmail.com) on 2018-03-30 18:48:09
Comments:

---

197. Name: Linda Frohock (LINDAFROHOCK@COMCAST.NET) on 2018-03-30 18:49:17
Comments:

---

198. Name: Jane clark (janesbluepen@gmail.com) on 2018-03-30 18:53:28
Comments:

---

199. Name: Christy Naylor (christyrnaylor@gmail.com) on 2018-03-30 19:02:41
Comments:

---

200. Name: Teresa Little (telfl@aol.com) on 2018-03-30 19:12:15
Comments: Please listen to the residents of the Northeast quadrant of Tallahassee and Leon County. Please don't change the reasons why people want to live in Tallahassee. So far, I am not pleased with recent development that has been allowed. Way to much retail space when retail is declining and old buildings sit empty. Northeast Florida is poised for growth due to available land. Please stop catering to recession starved developers and out of town developers. Please start bringing in more high paying, permanent jobs and companies to the area. Way too many $300-400,000 new houses have been allowed in the northeast. Please work on affordable housing that our younger generations can afford. You say you want more students to stay here in Tallahassee so work on their needs too.

---

201. Name: walburg hutsell (wehbts@gmail.com) on 2018-03-30 19:24:52
Comments:

---

202. Name: Joni Baker (jbnfl@bellsouth.net) on 2018-03-30 19:59:58
Comments:

---

203. Name: Mary Buehler (buehler3@msn.com) on 2018-03-30 20:24:13
Comments:

---

204. Name: Sherry Whitney (sherrywhitney1@gmail.com) on 2018-03-30 20:50:00
Comments: Please don't allow the high density housing to go up near Summer Brooke

---

205. Name: Thomas Hawkins (tallyhawk5@outlook.com) on 2018-03-30 21:02:26
Comments:

---

206. Name: Samantha Loebig (samanthaloebig@gmail.com) on 2018-03-30 21:02:45
Comments:

---

207. Name: Natalie Bedonie (natalie0179@yahoo.com) on 2018-03-30 21:18:54
Comments:

---

208. Name: Jeff bedonie (jab00779@yahoo.com) on 2018-03-30 21:19:24
Comments:

---

209. Name: Marla Holcomb (marlaholcomb@yahoo.com) on 2018-03-30 21:27:34
Comments: Our schools and infrastructure cannot support this level of development.

Please do the responsible thing and reject this zoning change request.

---

210. Name: Megan Haywood (meganwhaywood@gmail.com) on 2018-03-30 21:39:07
Comments:

---

211. Name: Ron Byrom (smhelms1@aol.com) on 2018-03-30 21:40:20
Comments:

---

212. Name: Reese Byrom (reesebyrom@gmail.com) on 2018-03-30 21:41:18
Comments:

---

213. Name: Laura Kalinoski (lnjester@yahoo.com) on 2018-03-30 22:04:08
Comments: No to this development

---

214. Name: Megan and Gregory Ah Sam (meganahsam@yahoo.com) on 2018-03-30 22:51:07
Comments:

---

215. Name: Desiree Fenniman (burlap4you@gmail.com) on 2018-03-30 23:03:03
Comments: I strongly oppose this development and rezoning!!

---

216. Name: Marie Webb (marie.r.webb@gmail.com) on 2018-03-30 23:31:51
Comments:

---

217. Name: Nadege Toussaint (nedgie41@yahoo.com) on 2018-03-30 23:46:00
Comments: no to rezoning, traffic is already too dense

---

218. Name: Amy Vernon (amywvernon@hotmail.com) on 2018-03-30 23:53:54
Comments:

---

219. Name: Jami Dunsford (jami.petite@gmail.com) on 2018-03-31 00:33:41
Comments:

---

220. Name: Douglas Holleman (dholleman@comcast.net) on 2018-03-31 00:47:03
Comments: Just say no

---

221. Name: Nicole Trafton (Nicole.Trafton@yahoo.com) on 2018-03-31 01:00:07
Comments:

---

222. Name: Leah Sandridge (leahsandridge@comcast.net) on 2018-03-31 01:00:19
Comments:

---

223. Name: Josh Trafton (jtrafton@yahoo.com) on 2018-03-31 01:01:01

Comments:

---

224. Name: Kenya Rich (urcuyok@hotmail.com) on 2018-03-31 01:10:07
Comments:

---

225. Name: Mark Newman (beachman14@gmail.com) on 2018-03-31 01:11:03
Comments: The County Commission needs to start listening to the voters and not the developers. Let's get this stopped once and for all.

---

226. Name: Birgit Maier-Katkin (bmaierkatkin@gmail.com) on 2018-03-31 01:13:59
Comments: Please do not change the character of our beautiful neighborhood. We do not want to live in an overcrowded neighborhood with lots of traffic and houses that are build close together. Don't change this beautiful neighborhood and make it unappealing to many of us.

---

227. Name: David Pontis (davepontis@gmail.com) on 2018-03-31 01:45:52
Comments: No rezoning should be done on/near Bannerman Road. The traffic will be terrible with construction even at the present level of zoning. Rezoning for massively higher density will make traffic unworkable at key times of day. Even WITHOUT rezoning, the County Commission should require the builder to connect the south end of the property in question to the north end of Millstone Plantation Road so that there becomes a THIRD east-west road in this area (in addition to the existing Ox Bottom and Bannerman east-west roads). Do that if we are to avoid complete gridlock at rush hour.

---

228. Name: Tony Green (tony-kelly@comcast.net) on 2018-03-31 02:03:19
Comments:

---

229. Name: Kerri Corn (kcsecondstreet@comcast.net) on 2018-03-31 02:04:46
Comments: Increased density on Bannerman, a two lane connector to 319, that already services the backside of Killearn Lakes would be a very poor decision. You need to 4 lane Bannerman or ox bottom before adding housing.

---

230. Name: Tim Beard (timbeard1985@yahoo.com) on 2018-03-31 02:35:06
Comments:

---

231. Name: Glenn Bedonie (gbedonie@aol.com) on 2018-03-31 02:57:53
Comments:

---

232. Name: Dianne Spook (sspook@comcast.net) on 2018-03-31 03:17:04
Comments:

---

233. Name: Keith Campbell (campbell790@gmail.com) on 2018-03-31 03:24:32
Comments: Enough is enough commissioners! Bannerman Rd cannot afford any more development! Leave things as they are.

234. Name: Didi Johnson (jintally@yahoo.com) on 2018-03-31 03:30:44
Comments:

235. Name: Dina Nguyen (dinad@yahoo.com) on 2018-03-31 03:39:03
Comments: I do not agreeing with developing this land into multi family housing.

236. Name: Krista Callen (kpcallen@comcast.net) on 2018-03-31 05:00:20
Comments:

237. Name: Tsige Tadesse (Tsigeatadesse@gmail.com) on 2018-03-31 10:03:49
Comments:

238. Name: Vicki Crain (vickicrain@earthlink.net) on 2018-03-31 10:48:58
Comments:

239. Name: Sharon Beaumont (sabeaumont@comcast.net) on 2018-03-31 11:21:56
Comments:

240. Name: Carolyn Revell (carolynjrevell@gmail.com) on 2018-03-31 11:42:03
Comments:

241. Name: Carrie Carroll (carrie.carroll@yahoo.com) on 2018-03-31 11:42:31
Comments:

242. Name: Tracie Michele Sutherland (tsuthotr@comcast.net) on 2018-03-31 11:45:03
Comments:

243. Name: Amy Walker (ajowhit@yahoo.com) on 2018-03-31 11:50:15
Comments:

244. Name: Matthew Pararo (mpararo@hotmail.com) on 2018-03-31 11:59:58
Comments:

245. Name: Stephanie parker (stephanieparker99@yahoo.comp) on 2018-03-31 12:08:47
Comments:

246. Name: Jackie Mcdaniel (jackiemcdaniel1@gmail.com) on 2018-03-31 12:09:57
Comments:

247. Name: Dawn Smith (jrsmithanddawn2@comcast.net) on 2018-03-31 12:18:44
Comments:

248. Name: Margie Christensen (margiechristensen@gmail.com) on 2018-03-31 12:19:47
Comments: Developing this land into multi-family housing will be very bad for the environment of this area.

249. Name: Lee McQuagge (leelyn324@yahoo.com) on 2018-03-31 12:25:55
Comments:

250. Name: Daniel Maier-Katkin (dmkatkin@gmail.com) on 2018-03-31 12:32:21
Comments: No Rezoning!

251. Name: Benton Belcher (benton.belcher@hotmail.com) on 2018-03-31 12:39:42
Comments:

252. Name: Kristin Olson (kristin.olson81@gmail.com) on 2018-03-31 13:01:25
Comments:

253. Name: Jeni Bryant (jcwbryant@gmail.com) on 2018-03-31 13:34:41
Comments:

254. Name: Gregory Miller (usagmiller@comcast.net) on 2018-03-31 13:48:46
Comments: The infrastructure around the area appears grossly insufficient to support the number of prospective new residents.

255. Name: Jessica Meyer (jessica.o.meyer@gmail.com) on 2018-03-31 14:11:29
Comments:

256. Name: Joel Meyer (joel.e.meyer@gmail.com) on 2018-03-31 14:12:53
Comments:

257. Name: Matt (wittesm@hotmail.com) on 2018-03-31 14:16:02
Comments:

258. Name: Jeanne Oglesby (JOglesby789@comcast.net) on 2018-03-31 14:33:38
Comments: Protect our lakes and schools from over crowding. Bannerman road can't handle more vehicles either.

259. Name: Larry Cotton (lbcotton@aol.com) on 2018-03-31 14:35:32
Comments: Some of the developments that have been done in the past haven't been thought out well, maybe they should leave things as they are!

260. Name: Shelby (chamslc94@gmail.com) on 2018-03-31 15:38:19

Comments: Don’t ruin our community with the rezoning!

---

261. Name: Annette Ladle (annetteladle@gmail.com) on 2018-03-31 15:55:49
Comments: Bad idea all around. Bannerman road is already horrible to drive up and down. Leave things well enough alone. Stop the development. There is NOT enough room in the schools nor on the roads.

---

262. Name: Stephanie Hooper (stephaniejhooper@comcast.net) on 2018-03-31 16:44:21
Comments:

---

263. Name: Tamara (tamaraalford@msn.com) on 2018-03-31 17:12:55
Comments:

---

264. Name: Michelle McGinley (mimcginley@comcast.net) on 2018-03-31 17:51:59
Comments:

---

265. Name: Melisa Williams (gimmwilliams@yahoo.com) on 2018-03-31 17:54:10
Comments:

---

266. Name: Tara Salamat (Tara.Butler@tmh.org) on 2018-03-31 18:02:49
Comments:

---

267. Name: Curtis Gagnon (ccgagnon@gmail.com) on 2018-03-31 18:43:38
Comments: The recent road expansion project on Bannerman Road did not do enough to handle the current amount of traffic. Now the Leon County Commissioners want to expand the number of residents, which will directly add to traffic.

---

268. Name: Joan M Breeding (jmbreeding@comcast.com) on 2018-03-31 19:28:23
Comments:

---

269. Name: Tricia Dulaney (dtoxceo@comcast.net) on 2018-03-31 19:43:17
Comments:

---

270. Name: Marland Dulaney (dtox6@comcast.net) on 2018-03-31 19:51:00
Comments: Enough of your money-grubbing attempts to change our community.

---

271. Name: Sandra Gardner (sgardner27@aol.com) on 2018-03-31 20:22:50
Comments: Enough expansion. Enough new construction. We don’t need overcrowded schools. We don’t need more congestion in this area

---

272. Name: Linda Ornstein (catladylin@yahoo.com) on 2018-03-31 20:33:23
Comments:

---

273. Name: Jason Bernick (bernickfamily@yahoo.com) on 2018-03-31 20:36:38
Comments: Do not allow this construction!

---

274. Name: Ray Marky (rmarky@fsu.edu) on 2018-03-31 20:54:22
Comments: How are the schools and roads going to handle this? How is this safe for Lake Iamonia?

---

275. Name: Robbie Lastinger (tobbielastinger4usa@comcast.net) on 2018-03-31 20:55:56
Comments:

---

276. Name: Tracy Woodward (trelyn@rocketmail.com) on 2018-03-31 22:12:43
Comments:

---

277. Name: Joan Harris (joanniefl2@yahoo.com) on 2018-03-31 22:38:20
Comments: Stop this over growth now!!!!

---

278. Name: Marcia Friedman (mrnfriedman@gmail.com) on 2018-03-31 23:54:01
Comments: Bannerman is already overcrowded with traffic, this would make it a nightmare,

---

279. Name: Valron Gouch (GouchV@gmail.com) on 2018-04-01 01:55:07
Comments:

---

280. Name: Ken Smith (iselasmith@comcast.net) on 2018-04-01 18:01:54
Comments: Schools are already overcrowded. Bannerman Road is rated as an F already because of over capacity between Thomasville road and Tequesta. It is one of the highest rated roads in Leon County for accidents per mile. Our commissioners should work on solving these problems first before
making them worse. Vote No

---

281. Name: Greg Davis (pgdavis@aol.com) on 2018-04-01 18:10:52
Comments:

---

282. Name: Zandra Wostel (zwostel@yahoo.co) on 2018-04-01 20:04:12
Comments: No apartments on Bannerman Road or near Summerbrooke or Ox Bottom Manor.

---

283. Name: Kathryn Harvey (hh12@comcast.net) on 2018-04-01 20:12:55
Comments:

---

284. Name: Len Harvey (len.harvey@tmh.org) on 2018-04-01 20:23:37
Comments:

---

285. Name: Jeanette Taylor (jktaylor99@comcast.net) on 2018-04-01 23:34:31
Comments: A high density home/commercial development at Bannerman and Bull Headley would be completely at odds with what is essentially a country landscape. It smacks of a get-rich scheme with a blind nod from county commissioners who may think development for development's sake is a good thing. It's not. Let's be smart about the development at this location and make it consistent with the surrounding area.

---

286. Name: Brian Bedonie (Bedonieb.bb@gmail.com) on 2018-04-02 01:05:35
Comments: Save what makes Tallahassee great. The developers don't need the rebates [corporate welfare] more than the citizens need to keep their hard earned money.

---

287. Name: Robert Slayton (rslayton@me.con) on 2018-04-02 02:15:56
Comments: No to rezoning

---

288. Name: Yoonserk Pyun (yoonapt@gmail.com) on 2018-04-02 02:41:36
Comments:

---

289. Name: Sunlim Lee (innolim@gmail.com) on 2018-04-02 02:42:54
Comments:

---

290. Name: Jill Rowan (rowanpsy@yahoo.com) on 2018-04-02 13:56:34
Comments:

---

291. Name: Scott Maier (maierscott@gmail.com) on 2018-04-02 14:00:36
Comments:

---

292. Name: Sunny Li (sunnyli0@gmail.com) on 2018-04-02 15:28:24
Comments:

---

293. Name: Shouping Hu (shoupinghu@gmail.com) on 2018-04-02 15:33:47
Comments: Please keep the green space green space.

---

294. Name: Janice Finney (jfinney@fsu.edu) on 2018-04-02 15:45:26
Comments: I don't feel enough consideration has been given to more traffic, crowded roads, overcrowding of schools. I would like to see our Commission addressing these issues first (better roads, discussion of a new school) rather than approving a plan before anything is done.

---

295. Name: Anslie Jackson (aej16b@my.fsu.edu) on 2018-04-02 16:03:53
Comments:

---

296. Name: Charles R Jackson (aejpuggles@hotmail.com) on 2018-04-02 16:04:48
Comments:

297. Name: Yvonne Jackson (claudejax@hotmail.com) on 2018-04-02 16:05:36
Comments:

298. Name: Casey Tozzi (casey.tozzi@gmail.com) on 2018-04-02 16:05:56
Comments:

299. Name: Megan Coney (mnconey@gmail.com) on 2018-04-02 16:13:48
Comments:

300. Name: Zhen Yang (yangzhen0622@gmail.com) on 2018-04-02 16:19:28
Comments:

301. Name: Xufeng Niu (xfniu01@gmail.com) on 2018-04-02 16:30:46
Comments:

302. Name: Lydia G Cox (lydialunch04@gmail.com) on 2018-04-02 16:41:27
Comments:

303. Name: Ke Xu (kexu11@gmail.com) on 2018-04-02 16:58:00
Comments:

304. Name: David zhang (dz1688@yahoo.com) on 2018-04-02 17:17:34
Comments:

305. Name: Mei Ji (jimeiz@hotmail.com) on 2018-04-02 17:41:53
Comments:

306. Name: Desmond Gray (drsgray@centurylink.net) on 2018-04-02 17:48:51
Comments: Note the Planning Committee' unanimous rejection of further zoning changes. High traffic, nearby business vacancies, school zones all compel review of proposed changes.

307. Name: Marie Eddy (marie@myhomeowners.net) on 2018-04-02 17:52:22
Comments:

308. Name: Zhe Li (zhexiang@gmail.com) on 2018-04-02 18:25:47
Comments:

309. Name: Yingru liu (liuyingru@gmail.com) on 2018-04-02 19:00:28
Comments:

310. Name: Rachel Driggers (mdriggers@hotmail.com) on 2018-04-02 19:20:28
Comments:

---

311. Name: Peter Lin (Peter0058@gmail.com) on 2018-04-02 19:51:16
Comments:

---

312. Name: Ying Z (zycasey@hotmail.com) on 2018-04-02 21:37:08
Comments:

---

313. Name: Susan (smbrown16@comcast.net) on 2018-04-02 21:59:31
Comments:

---

314. Name: xujing sun (sussiesun68@gmail.com) on 2018-04-02 22:32:45
Comments: It will affect house value , schools will be over crowded

---

315. Name: Cissy cui (cui_cissy@yahoo.com) on 2018-04-02 22:33:16
Comments:

---

316. Name: Ammie zhang (ammie_zhang@yahoo.com) on 2018-04-02 23:05:07
Comments:

---

317. Name: Katie Newman (tenniskatie@gmail.com) on 2018-04-03 00:16:02
Comments:

---

318. Name: Emily Raines (evraines@gmail.com) on 2018-04-03 00:27:11
Comments:

---

319. Name: A Clawson (amoney.clawson@gmail.com) on 2018-04-03 00:39:23
Comments:

---

320. Name: John Newman (rescuecreative@gmail.com) on 2018-04-03 00:45:42
Comments: Nobody wants this. Schools and roads are already overcrowded. Stop making Tallahassee worse.

---

321. Name: Nageswara Rao Tirumalasetty (tirumalasetty@cs.com) on 2018-04-03 01:17:22
Comments:

---

322. Name: lee kuhlo (lee.kuhlo@comcast.net) on 2018-04-03 02:25:11
Comments: no to the rezoning

---

323. Name: Angela Lindsey (aplindsey15@yahoo.com) on 2018-04-03 03:19:20
Comments:

324. Name: Mindi Long (Mindilong@gmail.com) on 2018-04-03 03:54:02
Comments:

325. Name: Vivian Morafates (vivian.morafates@gmail.com) on 2018-04-03 05:40:58
Comments: I moved here a year and a half ago to be in an area that cares about their trees and lakes and the ecological balance of wildlife and the environment. It does not make sense to keep pushing nature back. Tallahassee is a gem and needs to stay that way. Land development needs to be considered responsibly. This area should not be rezoned for denser housing because not only would it negatively impact the environment but also the traffic and our schools.

326. Name: Mallory (rowecrow@gmail.com) on 2018-04-03 07:00:16
Comments:

327. Name: David Jackson (djackso1906@comcast.net) on 2018-04-03 08:34:35
Comments:

328. Name: Anthony Demma (ademma2@comcast.net) on 2018-04-03 10:19:01
Comments: This is a ridiculous idea in light of the very limited road infrastructure existing in this area, and the fact that Summerbrooke and Ox Bottom will experience a great deal more cut-through traffic than they already have. The zoning of this property is reasonable and fair as it is now. The owners purchased the land under those zoning restrictions and should not now get a windfall at the expense of the established neighborhoods in the area.

329. Name: Lenny Kopple (lkopple@funseas.com) on 2018-04-03 13:14:10
Comments:

330. Name: Mohamed Kabbaj (kabbaj48@gmail.com) on 2018-04-03 14:12:19
Comments: This zoning is ridiculous. The houses in the area will lose their value because of the increased traffic and the decrease in schools performance. Without adding schools and roads the idea does not make any sense.

331. Name: Cecil Bragg (cecilbragg@comcast.net) on 2018-04-03 14:16:27
Comments: Request the County Commissioners do not approve the proposed rezoning of this property. The current zoning of this property for up to two homes per acre is appropriate considering the surrounding neighborhoods. Changing the zoning to allow up to eight homes per acre will be harmful to the surrounding area. As a resident of the adjoining SummerBrooke subdivision I am concerned with the impact on our schools, roads and especially the lakes. The runoff from
the clearing of the land has already negatively impacted our chain of lakes and a high density subdivision will increase the negative impact. Please do not approve the requested rezoning.

332. Name: Emily Barbacci (4barbaccis@gmail.com) on 2018-04-03 14:18:04
Comments:

333. Name: Reese Derrenberger (avant.reese@gmail.com) on 2018-04-03 14:27:48
Comments:

334. Name: PJ Kanline (pj@buildingsongs.com) on 2018-04-03 15:05:39
Comments:

335. Name: Ken Kanline (ken@buildingsongs.com) on 2018-04-03 15:07:13
Comments:

336. Name: Chris Talbot (yavlaa@gmail.com) on 2018-04-03 15:20:32
Comments:

337. Name: Mary Edenfield (marynedenfield@gmail.com) on 2018-04-03 17:26:10
Comments:

338. Name: marie-helene kabbaj (marie-helene.kabbaj@med.fsu.edu) on 2018-04-03 18:23:58
Comments: You simply do not let a developer start such a project without making sure that the infrastructure (roads...) and school occupancy has been taking care of and without consulting the direct neighborhood.
This is totally unacceptable as the schools are already packed and the traffic horrible enough.

339. Name: Carol P Gordon (crpgordon@aol.com) on 2018-04-03 19:22:05
Comments: I do not think this is an example of responsible growth and development based on its impact to surrounding communities regrding home values, traffic congestion, overcrowed schools and the environment. Evidence has already shown that the initial clearing of the land has affected the quality of the lakes in the SummerBrooke community.

340. Name: fred gordon (savannahfred@aol.com) on 2018-04-03 19:39:58
Comments:

341. Name: Scott Gorczycki (scott.gorczycki@comcast.net) on 2018-04-03 19:42:55
Comments:

342. Name: Judith Felicetty (chefelicetty@aol.com) on 2018-04-03 20:43:54
Comments:

343. Name: Galen Raines (galenraines@yahoo.com) on 2018-04-03 20:50:54
Comments:

---

344. Name: Amanda Carroll (mandaraerae@gmail.com) on 2018-04-03 22:18:57
Comments:

---

345. Name: Ningyi Huang (agholley99@yahoo.com) on 2018-04-03 23:05:33
Comments:

---

346. Name: Kenny Kwan (kk8463@gmail.com) on 2018-04-04 00:36:45
Comments:

---

347. Name: Pui Lee (legolee2009@gmail.com) on 2018-04-04 00:54:43
Comments:

---

348. Name: Michelle Whiddon (mikkiwhiddon1@gmail.com) on 2018-04-04 01:46:28
Comments:

---

349. Name: Martha Davis (mrdavis60@aol.com) on 2018-04-04 03:11:47
Comments: My support is for responsible growth and development!

---

350. Name: Monica Haire (monicahaire@gmail.com) on 2018-04-04 12:30:03
Comments:

---

351. Name: Erika L Brenneman (erika@brennemanpa.com) on 2018-04-04 12:33:51
Comments:

---

352. Name: Bernard Chodyla (chodyla@yahoo.com) on 2018-04-04 21:32:51
Comments:

---

353. Name: Karen Stoor (kbstoor@yahoo.com) on 2018-04-04 21:37:17
Comments:

---

354. Name: Todd Anderson (tlanderson86@gmail.com) on 2018-04-04 23:09:03
Comments:

---

355. Name: Thomas Clendenning (clen12@comcast.net) on 2018-04-05 13:11:18
Comments:

---

356. Name: Luther Lay (Lutherlay@gmail.com) on 2018-04-05 14:57:55
Comments:

---

357. Name: Ron and Dotti Hawks (ronhawks@yahoo.com) on 2018-04-05 18:07:15
Comments:

---

358. Name: Jeff Granquist (JeffGranquist@yahoo.com) on 2018-04-05 20:01:03
Comments:

---

359. Name: Sara Ressler (ozzy2650@yahoo.com) on 2018-04-05 21:55:12
Comments: Stop overcrowding our schools and decreasing our homes values.

---

360. Name: Tony Bernard (tony.bernard213@gmail.com) on 2018-04-05 23:21:48
Comments:

---

361. Name: Brian Meyer (bmeyer1@comcast.net) on 2018-04-05 23:39:19
Comments:

---

362. Name: Marcia Collins (ezj9904@att.net) on 2018-04-05 23:51:39
Comments: I strongly oppose the rezoning to LPN. Traffic congestion on Bannerman Road is already a problem. I have to turn left onto Tekesta from Bannerman everyday at 5:30 pm. A very unsafe and almost impossible task. More residential single family and multi residential development will severely impact our already filled to capacity schools. I have great concern about my home's value decreasing. Keep the current zoning of LP in place.

---

363. Name: Victoria Heller (vlheller@comcast.net) on 2018-04-05 23:51:44
Comments: Please vote no on the proposed change to zoning for the Bull Headley-Bannerman Road property.

---

364. Name: Greg Salesses (gmsalesses@gmail.com) on 2018-04-05 23:57:17
Comments: I do not want any changes to the zoning to allow for more than 2 homes per acre

---

365. Name: Rachel Strength (rstrength012@gmail.com) on 2018-04-06 01:14:10
Comments:

---

366. Name: Linda Lakes (mathweaver@oaklea.org) on 2018-04-06 01:36:31
Comments:

---

367. Name: James Fowler (Jimfowler223@gmail.com) on 2018-04-06 01:46:53
Comments:

---

368. Name: Keerthi Senevirathne (senevirathne.k@gmail.com) on 2018-04-06 01:50:44
Comments:

---

369. Name: Sanuja Pitigala (slpitigala@gmail.com) on 2018-04-06 01:52:41
Comments:

---

370. Name: Jeanette May (j_n_dmay@yahoo.com) on 2018-04-06 11:37:53
Comments:

---

371. Name: Patricia Ann Bludworth (pbludworth@gmail.com) on 2018-04-06 13:04:31
Comments:

---

372. Name: Ellene R Reeder (ellenerose@embarqmail.com) on 2018-04-06 14:32:12
Comments:

---

373. Name: Rongqi Yan (rongqiy@hotmail.com) on 2018-04-06 17:42:46
Comments:

---

374. Name: Terrance McCaffrey (terrylisa2@gmail.com) on 2018-04-06 18:48:04
Comments: No to rezoneing

---

375. Name: Bruce Grant (bdgrant2@gmail.com) on 2018-04-06 18:57:16
Comments:

---

376. Name: Shajil Kalathil (Shajil_com@yahoo.com) on 2018-04-06 19:31:19
Comments: Request county to stop this to protect, our land, lake, school quality.

---

377. Name: Karen F Griffin (mpd2100@comcast.net) on 2018-04-06 20:07:15
Comments: Too much in an already crowded area.....

---

378. Name: Dennis Ridley (dridley@fsu.edu) on 2018-04-06 20:25:41
Comments: opposed to rezoning

---

379. Name: Thomas Pendlebury (tpbury@outlook.com) on 2018-04-06 20:30:49
Comments:

---

380. Name: Jin Yan (jinyan10@gmail.com) on 2018-04-06 20:40:35
Comments: I oppose rezoning. The area is already too crowed.

---

381. Name: Molly Griffin (mollynole22@gmail.com) on 2018-04-06 22:17:12
Comments:

---

382. Name: Paul Bishop (doug.bishop99@comcast.net) on 2018-04-06 23:11:11
Comments:

---

383. Name: Anonymous (nnadav8@yahoo.vom) on 2018-04-07 02:22:29
Comments:

---

384. Name: Sharan Gard (sharygard@embarqmail.com) on 2018-04-07 03:09:05
Comments: Please reconsider the rezoning of the Bannerman Road property

---

385. Name: Andrea Smith (Adsgarnet@gmail.com) on 2018-04-07 14:00:19
Comments:

---

386. Name: Jim Balk (jcbalk@att.net) on 2018-04-07 17:28:41
Comments: Stop the madness

---

387. Name: Tevin Ray (tevinxray@gmail.com) on 2018-04-08 12:08:11
Comments:

---

388. Name: Lorri K Short (mshort90@comcast.net) on 2018-04-08 15:53:41
Comments:

---

389. Name: Janet Carro (anjcarro@icloud.com) on 2018-04-08 20:13:18
Comments:

---

390. Name: Catherine Lay (catherine999usa@yahoo.com) on 2018-04-08 20:14:55
Comments:

---

391. Name: Karen Davis (kdavis325@yahoo.com) on 2018-04-08 22:02:32
Comments:

---

392. Name: Alan Davis (a2zdavis@comcast.net) on 2018-04-08 22:07:10
Comments:

---

393. Name: Parks Allman (parksallman1973@gmail.com) on 2018-04-08 22:21:29
Comments:

---

394. Name: Jonna Snider (jonnarox@yahoo.com) on 2018-04-08 22:26:12
Comments:

---

395. Name: John Kwak (jjk1721@aol.com) on 2018-04-08 22:31:16
Comments:

---

396. Name: Paul and Ethel Dam (the.dams@yahoo.com) on 2018-04-08 23:08:31
Comments: Another example of Destroying the environment to make $?
Stick with the original plan for this area.

There are more important things than farming wealth.

---

397. Name: Kane Tomlin (kanetomlin@gmail.com) on 2018-04-09 00:18:56
Comments:

---

398. Name: Richard Dozier (richarddozier7@comcast.net) on 2018-04-09 00:19:13
Comments:

---

399. Name: Doug Wheeler (fsuwheeler@aol.com) on 2018-04-09 00:29:23
Comments: Bannerman can not handle the increased capacity.

---

400. Name: Ami Wheeler (amiwrenn@gmail.com) on 2018-04-09 00:30:28
Comments:

---

401. Name: Yi Wu (vv_wu@hotmail.com) on 2018-04-09 00:35:40
Comments:

---

402. Name: Donghu Sun (sund168@yahoo.com) on 2018-04-09 00:36:44
Comments:

---

403. Name: Jun Zhou (junzhou@gmail.com) on 2018-04-09 00:41:18
Comments:

---

404. Name: Roy Mars II (martian@embarqmail.com) on 2018-04-09 00:45:58
Comments: I strongly oppose this zoning change. Bannerman Rd. can't handle the extra traffic. The entire area, especially Killearn Lakes already has trouble with stormwater runoff. The schools are already dealing with overcrowding, the last thing we need is more high density residential development. There is not nearly enough infrastructure to support it. It would be wrong to rezone that area just so someone can make more money from the property.

---

405. Name: Sharon Dailey (spdailey@embarqmail.com) on 2018-04-09 00:48:27
Comments: Now is not the right time for this development. I hope the county commission will take into consideration that the expansion of Bannerman road needs to happen before a development of this nature takes place. AND, I hope the developer, when it is approved, maintains the integrity of this area and doesn’t desecrate the trees and foliage. It’s truly pathetic what developers get a way with these days. This is Tallahassee. Please maintain the integrity of the landscape!

---

406. Name: lianglu (lianglu@ymail.com) on 2018-04-09 00:57:03
Comments:

---

407. Name: Ping yan (pingyanfl@gmail.com) on 2018-04-09 01:02:05
Comments:

408. Name: Kelly Hiltz (kelly@capplaza.com) on 2018-04-09 01:08:28
Comments:

409. Name: Nicholas Williams (nickmailbox33@gmail.com) on 2018-04-09 01:13:57
Comments: This is an awful idea. I hope the commission addresses how they plan to improve bannerman road to handle the traffic or additional funds to sheriffs office to patrol due to increased wrecks. Bannerman is dangerous as is and cannot handle more traffic.

410. Name: Shirley (xltao2004@yahoo.com) on 2018-04-09 01:15:06
Comments:

411. Name: Thomas Burns (gooseems432@gmail.com) on 2018-04-09 01:28:59
Comments:

412. Name: Ge (wangege25@gmail.com) on 2018-04-09 02:11:01
Comments:

413. Name: Amanda Qiu (qiuwenjingsd@hotmail.com) on 2018-04-09 02:24:12
Comments:

414. Name: Nicole Collins (nicolegregulak@gmail.com) on 2018-04-09 02:37:21
Comments:

415. Name: Timothy Collins (tjbcollins32@gmail.com) on 2018-04-09 02:44:41
Comments:

416. Name: Jinfeng Zhang (pku01@hotmail.com) on 2018-04-09 02:48:40
Comments:

417. Name: xiuwen liu (liu.xiu.wenj84@gmail.com) on 2018-04-09 02:57:20
Comments: School is too crowded

418. Name: Bobbi Paul (tallygirl62@yahoo.com) on 2018-04-09 03:00:06
Comments:

419. Name: Andrew Mixon (mixon.s.andrew@gmail.com) on 2018-04-09 03:49:43
Comments:

420. Name: Wei yang (jmsweiyang@gmail.com) on 2018-04-09 05:03:11
Comments:

421. Name: Huan he (tianjinu@hotmail.com) on 2018-04-09 05:04:31
Comments:

---

422. Name: Shawn yao (dragonborn1@gmail.com) on 2018-04-09 05:33:17
Comments:

---

423. Name: Lisa Nichols (nicholslisa@hotmail.com) on 2018-04-09 10:46:15
Comments: Our roads are not ready for this. Bannerman is bad right now. Deal with that before adding to the congestion.

---

424. Name: Elizabeth Lastinger (libby4usa@gmail.com) on 2018-04-09 10:47:05
Comments:

---

425. Name: Carol Newman (CAROLNEWMAN@YAHOO.COM) on 2018-04-09 10:47:52
Comments:

---

426. Name: Carl Wood (cwood2000@gmail.com) on 2018-04-09 11:22:03
Comments:

---

427. Name: James E Ogorek (jim.ogorek@yahoo.com) on 2018-04-09 11:34:16
Comments: Need to widen Bannerman before any rezonning is considered.

---

428. Name: Thomas McGraw (tmcgraw@centurylink.net) on 2018-04-09 12:22:53
Comments: I'm against changing the zoning for this project.

---

429. Name: Pegah Bowman (pegah.bowman@gmail.com) on 2018-04-09 12:23:25
Comments:

---

430. Name: Ashley Parker (amparker0724@yahoo.com) on 2018-04-09 12:32:06
Comments:

---

431. Name: Kristen Sea (krissygrimace@gmail.com) on 2018-04-09 12:32:45
Comments: Traffic is already a nightmare with all the recent development. There is a ton of high density cookie-cutter homes already on Ox Bottom Road from this same developer and our schools are at or above capacity. There is no need for further development that is not consistent with the existing neighborhoods. Please say no to redevelopment.

---

432. Name: Hui Jin (huuuijiiin2003@yahoo.com) on 2018-04-09 12:38:41
Comments:

---

433. Name: Ashley Greathouse (aarchic99@aol.com) on 2018-04-09 13:21:47
Comments:

434. Name: Donna L Biggins (myrealtordonna@hotmail.com) on 2018-04-09 13:52:46
Comments:

435. Name: Siran (siran0509@yahoo.com) on 2018-04-09 13:52:53
Comments:

436. Name: hui xu (xuhui8373@gmail.com) on 2018-04-09 14:01:48
Comments:

437. Name: Ruoxu Li (lucieli80@yahoo.com) on 2018-04-09 14:02:24
Comments:

438. Name: Li Jin (jinliemail@gmail.com) on 2018-04-09 14:07:43
Comments: Bannerman road is a two lane road. It has lots of traffic close to its capacity and can't handle more traffic from high density development. I also think that the developer made a wrong decision to propose high density development in such a place so far from the downtown city. I oppose this rezoning request.

439. Name: Patrick Biggins (pkbiggins@hotmail.com) on 2018-04-09 14:12:02
Comments: Know that we will be watching how you vote on this one as it will let us know if you can be trusted to represent our interests.

440. Name: Shanshan Liang (shanshan.liang@gmail.com) on 2018-04-09 14:14:18
Comments:

441. Name: Danielle H Shea (daniellehshea@gmail.com) on 2018-04-09 14:43:16
Comments:

442. Name: April Woodward (april@millenniumdayspas.com) on 2018-04-09 14:45:24
Comments:

443. Name: Tammy Nguyen (tn2490@gmail.com) on 2018-04-09 14:46:00
Comments:

444. Name: Edward Woodward (mrwewiii@aol.com) on 2018-04-09 14:46:16
Comments:

445. Name: Mike Nguyen (mikenguyen@gmail.com) on 2018-04-09 14:46:32
Comments:

446. Name: Victoria Gaitanis (vsgaitanis@gmail.com) on 2018-04-09 14:48:30

Comments:

---

447. Name: Brandy Hoppes (brandy@haywardtitlegroup.com) on 2018-04-09 14:50:10
Comments:

---

448. Name: Christopher White (claywhite17@yahoo.com) on 2018-04-09 14:52:10
Comments:

---

449. Name: Matthew Matney (zamboniman57@yahoo.com) on 2018-04-09 14:52:46
Comments:

---

450. Name: Jing Chen (cj3901@gmail.com) on 2018-04-09 14:54:23
Comments: I'm against changing the zoning for this project.

---

451. Name: Kasey Cunningham (kfoxc04@yahoo.com) on 2018-04-09 14:56:01
Comments:

---

452. Name: Charles Mason (cdmason03@gmail.com) on 2018-04-09 14:56:21
Comments:

---

453. Name: Tarah Grantham (granthamt93@gmail.com) on 2018-04-09 14:56:31
Comments:

---

454. Name: David Parish (davidparish@comcast.net) on 2018-04-09 14:56:45
Comments: The roads and the schools are not prepared for this increase in traffic. Also, the land will be clear-cut, based on past subdivisions by this contractor, which will cause a major run-off problem.

---

455. Name: Diana Trahan (dktrahan@gmail.com) on 2018-04-09 14:57:13
Comments:

---

456. Name: Nicholas Carroll (carroll.nicholas.a@gmail.com) on 2018-04-09 14:57:50
Comments: Bannerman cannot handle the extra traffic this would create. There are infrastructure concerns that need to be addressed first before such a zoning change should be considered.

---

457. Name: Betty Zachem (Betty.Zachem@gmail.com) on 2018-04-09 14:58:05
Comments:

---

458. Name: Steven Miller (smiller@bio.fsu.edu) on 2018-04-09 14:58:09
Comments: Please do not change the zoning for this property.

---

459. Name: Nick (nick34556@gmail.com) on 2018-04-09 14:59:27
Comments:

---

460. Name: Aj (ajlomgordo@cox2.net) on 2018-04-09 15:00:24
Comments:

---

461. Name: Keli Harwood (keliskids@hotmail.com) on 2018-04-09 15:05:24
Comments: NO!

---

462. Name: Sarah Alton (sarahelainewinslow@gmail.com) on 2018-04-09 15:09:30
Comments:

---

463. Name: Rebecca Hunter (beccaru79@gmail.com) on 2018-04-09 15:10:07
Comments:

---

464. Name: Sheri Miller (sheri@tallahasseetimes.com) on 2018-04-09 15:16:33
Comments: Bannerman can't handle this kind of change. Please don't change the zoning.

---

465. Name: Shauntelle Catani (racegirl99@embarqmail.com) on 2018-04-09 15:16:55
Comments: Not good

---

466. Name: Phyllis Burkhart (burkhart@comcast.net) on 2018-04-09 15:17:21
Comments: No zoning changes for Bannerman and Bull Headley Roads. Our infrastructure cannot handle the proposed development changes.

---

467. Name: Emily Fryman (smallfry3fryman@aol.com) on 2018-04-09 15:18:28
Comments:

---

468. Name: Jason Hunter (jasonh_33@hotmail.com) on 2018-04-09 15:18:51
Comments:

---

469. Name: Malissa Henning (malissafsu@hotmail.com) on 2018-04-09 15:22:57
Comments:

---

470. Name: Mary Farmer (gfarmer668@aol.com) on 2018-04-09 15:23:22
Comments: I don't live in Summer Brook but do live off of Bannerman / Bradfordville.

---

471. Name: Amanda Wolfe (awolfe0407@gmail.com) on 2018-04-09 15:23:26
Comments:

---

472. Name: Diane Malonzo (d.m2424@comcast.net) on 2018-04-09 15:27:01
Comments: No Rezoning if property in Bannerman sand BullHeadkey . Our area is

already congested and can it withstand any more residential aka cars in our roads much less our schools and parks - that I might add most of those resident would nit be paying HO fees for.

---

473. Name: Carrie Venclauskas (carrieven@gmail.com) on 2018-04-09 15:35:43
Comments: The area cannot withstand these types of changes. It will not only devalue all the surrounding properties - it will diminish quality of life for residents in the area.

---

474. Name: Katie maxwell (kmaxwell277@gmail.com) on 2018-04-09 15:37:23
Comments:

---

475. Name: Mark Godfrey (mark23godfrey@gmail.com) on 2018-04-09 15:39:20
Comments: The infrastructure MUST be in-place before any new zoning is considered.

---

476. Name: Zainab Day (zainabday@comcast.net) on 2018-04-09 15:40:55
Comments:

---

477. Name: Karolyn Holmes (karolyn.holmes@hotmail.com) on 2018-04-09 15:47:13
Comments: I love a block off Bannerman and already hear the huge amount of traffic that drives this road all day! I work from home and hear it all day. More homes in this area is not the answer as Bannerman can not handle it.

---

478. Name: Lauren (laurenelowry@hotmail.com) on 2018-04-09 15:49:12
Comments:

---

479. Name: Karen Benavidez (kshields2@gmail.com) on 2018-04-09 15:51:23
Comments:

---

480. Name: Jessica Matjison (jdillon22003@yahoo.com) on 2018-04-09 15:51:25
Comments:

---

481. Name: Stephanie parker (stephanieparker99@yahoo.com) on 2018-04-09 15:52:03
Comments:

---

482. Name: Lyningram Varnum (joyingram@gmail.com) on 2018-04-09 15:52:33
Comments:

---

483. Name: Emily Webster (emilyawebster@gmail.com) on 2018-04-09 15:57:02
Comments:

---

484. Name: Felicia Scott (fefescott@iutlook.com) on 2018-04-09 16:01:43
Comments:

---

485. Name: Kim Roland (Sweetart768@comcast.net) on 2018-04-09 16:03:07
Comments: This is not something that our area needs.

---

486. Name: Mary Chafin (pmchafin@gmail.com) on 2018-04-09 16:03:46
Comments:

---

487. Name: Christopher Skeen (Cwskeen22@yahoo.com) on 2018-04-09 16:06:28
Comments:

---

488. Name: Kimberly Altavilla (altavillak@gmail.com) on 2018-04-09 16:07:10
Comments: Our schools and roads can NOT handle this amount of growth

---

489. Name: Rebecca Ross (rwhittin@gmail.com) on 2018-04-09 16:07:35
Comments: We moved to the Killearn area for the space, good schools, and quiet neighborhood. This newest rezoning effort would disrupt and undermine all of those things.

---

490. Name: kate mahobet (mahoneyfive@yahoo.com) on 2018-04-09 16:09:20
Comments:

---

491. Name: Shaun (sakimball27@gmail.com) on 2018-04-09 16:09:43
Comments: No way can we handle this type of development!!!

---

492. Name: Amanda Skeen (amskeen25@gmail.com) on 2018-04-09 16:12:52
Comments: Our area can not handle this amount of growth at this time. The roads aren't wide enough for the traffic and the schools are already at capacity. This would be harmful to the entire community.

---

493. Name: Julie Campbell (julie4924@yahoo.com) on 2018-04-09 16:16:20
Comments:

---

494. Name: Terri Lynn Dulworth (swdulworth@embarqmail.com) on 2018-04-09 16:23:24
Comments:

---

495. Name: Katelyn Biggins (katelynbiggins@gmail.com) on 2018-04-09 16:26:00
Comments:

---

496. Name: Lin Sun (lsun3@fsu.edu) on 2018-04-09 16:26:07
Comments:

---

497. Name: Molly papania (mollyp11@gmail.com) on 2018-04-09 16:29:23
Comments:

---

498. Name: Gregg Hoover (1stchoicerealtor@gmail.com) on 2018-04-09 16:39:47
Comments:

---

499. Name: Andrea Carlile (andreacarlile@yahoo.com) on 2018-04-09 16:42:21
Comments:

---

500. Name: Allison Newman (all78@aol.com) on 2018-04-09 16:44:23
Comments: This rezoning and proposed development is irresponsible. Bannerman Road cannot currently handle this traffic and expansion. Besides the traffic nightmare and decrease in property values, please consider the risk to the schools as well. Hawks Rise Elementary already added more classes after the start of the 2017-2018 school year. Neighborhoods will suffer as well.... I already see people speeding through Summerbrooke and Ox Bottom Manor...

---

501. Name: Tori Clark (toriclark@comcast.net) on 2018-04-09 16:46:46
Comments:

---

502. Name: Richard Lackinger (relart@gmail.com) on 2018-04-09 16:48:09
Comments:

---

503. Name: Zhi Wang (zwangf@gmail.com) on 2018-04-09 16:48:23
Comments:

---

504. Name: Chingju Chung (mypenny0718@msn.com) on 2018-04-09 16:49:03
Comments:

---

505. Name: Nikole Paquette (bbnurse23@yahoo.com) on 2018-04-09 16:49:14
Comments:

---

506. Name: Tiffany Brooks (Tiffany@team180.com) on 2018-04-09 16:55:33
Comments: I am not opposed to development, btu this is too much too quickly for our area to be able to absorb in a reasonable way. I'm just not sure this is a responsible move runtil further provisions are made for such a large influx of homes and people.

---

507. Name: Mark Dobek (mmarkdobek@gmail.com) on 2018-04-09 16:56:45
Comments:

---

508. Name: Erin Bearss (ebearss1@gmail.com) on 2018-04-09 16:56:51
Comments:

---

509. Name: Jennifer Painter (Jennifer.s.Morrissey@gmail.com) on 2018-04-09 16:58:18
Comments:

---

510. Name: Joanne Eason (joeason@comcast.net) on 2018-04-09 16:58:49
Comments: Please do not pass this rezoning ordinance. As a five-year resident of Tallahassee, I live in Golden Eagle and commute to Capital Circle/Apalachee Pky. On a good day, it takes me 40-45 minutes each way, sometimes the drive can be more than one hour. By increasing the proposed parcel to high density would increase traffic without a solution for increased infrastructure. Coming from Detroit, the traffic is much worse in Tally on a per-capita basis.

---

511. Name: Justin Painter (Justin.Painter11@gmail.com) on 2018-04-09 16:58:58
Comments:

---

512. Name: Aimee Joanos (aimee.joanos@gmail.com) on 2018-04-09 16:58:59
Comments:

---

513. Name: Yuan Tian (yut2002@gmail.com) on 2018-04-09 17:02:10
Comments: We want to keep the zone as it is now.

---

514. Name: John H Hamilton (grampyjohn71@gmail.com) on 2018-04-09 17:02:16
Comments:

---

515. Name: Elizabeth A Brown (tallytchr@gmail.com) on 2018-04-09 17:04:30
Comments:

---

516. Name: J D I (jmdstct@aol.com) on 2018-04-09 17:06:27
Comments:

---

517. Name: Bridget and Scott Moyer (moyer.bridget11@yahoo.com) on 2018-04-09 17:06:59
Comments:

---

518. Name: John Root (Johnr34231@gmail.com) on 2018-04-09 17:07:01
Comments:

---

519. Name: Heather Judd (heatherp33@yahoo.com) on 2018-04-09 17:08:16
Comments:

---

520. Name: Mike Flory (mflory001@yahoo.com) on 2018-04-09 17:08:37
Comments:

---

521. Name: Claudia Vagt (claudiavagt@live.com) on 2018-04-09 17:09:07
Comments: I agree with my neighbors. This does not seem to have been carefully planned and will hurt the area.

---

522. Name: jeff couch (jeff@jcouch.com) on 2018-04-09 17:09:42

Comments:

---

523. Name: Mark Schlaudraff (mschlaudraff@gmail.com) on 2018-04-09 17:10:50
Comments:

---

524. Name: Nikki Pritchett (njpritchett@comcast.net) on 2018-04-09 17:11:06
Comments:

---

525. Name: Belinda Yarosh (byarosh15@gmail.com) on 2018-04-09 17:11:42
Comments: Time for a moratorium on building in this area, due to the impact on roads, schools, existing home values, traffic, the general impact in this area. I vote no for rezoning at this time due to these issues and see what studies of impact this will bring to our area.

---

526. Name: Chenoa Jones (chenoa.lord@yahoo.com) on 2018-04-09 17:12:07
Comments: I am against the new zoning and construction plan.

---

527. Name: Rick Knerr (rknerr@comcast.net) on 2018-04-09 17:13:33
Comments:

---

528. Name: Meridith Glass (meridithrglass@gmail.com) on 2018-04-09 17:13:55
Comments:

---

529. Name: Miles Glass (milesgglass@gmail.com) on 2018-04-09 17:14:40
Comments:

---

530. Name: Qian Yin (yinqian@gmail.com) on 2018-04-09 17:15:40
Comments: I really worry about traffic and schools if the rezoning takes place. Driving in the morning from Golden Eagle to FSU is already a stress, don't make it more stressful.

---

531. Name: Jason Fuqua (fsuqua@gmail.com) on 2018-04-09 17:18:24
Comments:

---

532. Name: Lee Jackson (ljackson0699@gmail.com) on 2018-04-09 17:18:35
Comments:

---

533. Name: Kristen Ashworth (kashworth82@yahoo.com) on 2018-04-09 17:18:56
Comments:

---

534. Name: Judy Knerr (knerrjk@gmail.com) on 2018-04-09 17:19:08
Comments:

---

535. Name: Kevin Derickson (krast71@yahoo.com) on 2018-04-09 17:19:38
Comments:

---

536. Name: Mary Sterner Lawson (Maryl11@aol.com) on 2018-04-09 17:21:32
Comments: Rapid growth that decimates the green space beauty and strength of Tallahassee needs to be stopped. Efforts like this Bannerman Rezoning would cause too much havoc in the region. Let those builders find land that would not be so destructive to several communities. Thomasville Road is hectic enough at times; the traffic increase, if construction in this proposed area would take place, would make the area much more challenging. Money and profit need not be the only aim of Tallahassee's planners; we need to retain the city's beauty.

---

537. Name: Joe Lee (Early51@hotmail.com) on 2018-04-09 17:21:42
Comments: I am against this proposal

---

538. Name: Atul kumar (pandeya_atul@yahoo.com) on 2018-04-09 17:22:34
Comments:

---

539. Name: Hue Reynolds (huetran@rocketmail.com) on 2018-04-09 17:23:40
Comments:

---

540. Name: Jian Wu (jianwt@hotmail.com) on 2018-04-09 17:26:15
Comments:

---

541. Name: Stephen Anderson (mathat@aol.com) on 2018-04-09 17:27:59
Comments:

---

542. Name: Rynne Gentry (rynnegentry@comcast.net) on 2018-04-09 17:28:12
Comments:

---

543. Name: Mary Jackson (mjackson0699@gmail.com) on 2018-04-09 17:28:36
Comments:

---

544. Name: Pat Renes (pat.renes@gmail.com) on 2018-04-09 17:28:44
Comments:

---

545. Name: Lynne Zaun (Lzaun@aol.com) on 2018-04-09 17:29:15
Comments: This would only instigate and increase a drainage problem which is already at the brink of disaster this whole area is fraught with drainage problems that haven't been addressed this would only add to the issue

---

546. Name: Robert J Gellately (rgellately@fsu.edu) on 2018-04-09 17:30:29
Comments: Thomasville road cannot take more traffic, it's already at capacity.

547. Name: Ken Armstrong (kenarmstrong@embarqmail.com) on 2018-04-09 17:30:51
Comments:

548. Name: Ann (annm.williams@gmail.com) on 2018-04-09 17:31:14
Comments:

549. Name: Allison Hartsfield (abs1980@hotmail.com) on 2018-04-09 17:32:35
Comments:

550. Name: Abdul Majid (abdulxmajid@gmail.com) on 2018-04-09 17:34:06
Comments: The natural beauty of this area needs to be preserved.

551. Name: Andrea Topchik (andreatopchik@gmail.com) on 2018-04-09 17:35:56
Comments:

552. Name: AJGRIPPA (ajgrippa@yahoo.com) on 2018-04-09 17:36:02
Comments: Please use great caution when considering increasing population density.

553. Name: Jessica Ranjbari (jessicaRanjbari@gmail.com) on 2018-04-09 17:39:04
Comments:

554. Name: Trent Meewes (tmeewes@aol.com) on 2018-04-09 17:39:56
Comments:

555. Name: Ed Anthony (efaefa6@yahoo.com) on 2018-04-09 17:42:24
Comments: I am totally against any zoning change in this area

556. Name: Paul Alton Horn (pahorn@att.net) on 2018-04-09 17:46:50
Comments: We need to preserve the Lake Protection! There was a reason why it was structured like that versus making it a LPN. Tallahassee is a city of trees, canopy's and natural scenery balanced with communities that enjoy these areas on a daily bases.

557. Name: Eleanore rosenberg (epr7897@aol.com) on 2018-04-09 17:48:43
Comments:

558. Name: Nancy Hedman (nancyhedman@comcast.net) on 2018-04-09 17:50:08
Comments:

559. Name: Rong Liu (yammi_1980@hotmail.com) on 2018-04-09 17:50:34
Comments:

560. Name: Sherryl Schofield (sschofield2@fsu.edu) on 2018-04-09 17:50:44
Comments:

---

561. Name: Keith Williamson (bbqg8r@icloud.com) on 2018-04-09 17:51:19
Comments: Bannerman and Meridian are not equipped to handle this additional traffic flow.

---

562. Name: Sandy Powell (piweldc@att.net) on 2018-04-09 17:53:47
Comments:

---

563. Name: Laura Powell (lauramettes@yahoo.com) on 2018-04-09 17:56:12
Comments:

---

564. Name: Angela Triplett (artriplett@hotmail.com) on 2018-04-09 17:57:29
Comments:

---

565. Name: Deborah J Armstrong (djarmstrong@fsu.edu) on 2018-04-09 18:00:35
Comments:

---

566. Name: Michael B (anonymous61@yahoo.com) on 2018-04-09 18:01:53
Comments: I am not in favor of rezoning. Traffic is bad enough already.

---

567. Name: Dara Kukla (daratitus_1@hotmail.com) on 2018-04-09 18:04:58
Comments:

---

568. Name: James Phillips (lacagator@gmail.com) on 2018-04-09 18:09:28
Comments:

---

569. Name: Paul Lewis Jr (paul.lewisjr18@gmail.com) on 2018-04-09 18:10:05
Comments:

---

570. Name: Joe Rudolfer (alj66@hotmail.com) on 2018-04-09 18:15:04
Comments:

---

571. Name: Robert C Love (rl8155@comcast.net) on 2018-04-09 18:17:57
Comments:

---

572. Name: Eric Orman (Eorman22@gmail.com) on 2018-04-09 18:21:02
Comments:

---

573. Name: Dana McHugh (danamwm@aol.com) on 2018-04-09 18:22:32
Comments:

574. Name: Dorothy Walker (joedot60@msn.com) on 2018-04-09 18:23:14
Comments: Hope you get enough signatures; Bannerman is already too heavily traveled.

575. Name: Barbara Frieling (bfrielin@uga.edu) on 2018-04-09 18:23:32
Comments:

576. Name: Joellen Hubsch McCroan (jomccroan@gmail.com) on 2018-04-09 18:26:27
Comments:

577. Name: Cassandra Parra-Ferro (cnp08c@gmail.com) on 2018-04-09 18:26:38
Comments: I am not supportive of refining zoning allowance for more crowded housing or traffic in this area. I do not feel that the proper infrastructure or schools in this area could handle the influx of higher density housing.

578. Name: Ora stanley (williamstanley29@comcast.net) on 2018-04-09 18:28:07
Comments:

579. Name: Jeff Copeland (rjcopeland20002@aol.com) on 2018-04-09 18:28:57
Comments: Need to protect our community.

580. Name: Leslie H Cahn (dedudette@embarqmail.com) on 2018-04-09 18:29:22
Comments: I am not in favor of this zoning change, which will have an adverse effect on my property values, local traffic conditions and schools. Please do not approve the zoning change.

581. Name: Joan Mancebo (joanmancebo@gmail.com) on 2018-04-09 18:30:09
Comments:

582. Name: Harold Branch (branchc@comcast.net) on 2018-04-09 18:39:02
Comments:

583. Name: Brian Wimpling (bwimpling31@gmail.com) on 2018-04-09 18:39:53
Comments:

584. Name: Jenny Wu (jenny_x_wu@hotmail.com) on 2018-04-09 18:40:21
Comments: The road is already too crowded. Unless new road is built first, the rezoning should not be considered.

585. Name: Patricia Dugan (ddugan3416@aol.com) on 2018-04-09 18:40:48
Comments: I am not in favor of the zoning change for the Bannerman - Bull Headly area. Please vote "no" on this issue.

586. Name: Moon (moonlotus1964@yahoo.com) on 2018-04-09 18:41:41
Comments: I am against rezoning to add more traffic in the area

---

587. Name: Lisa McCaffrey (terrylisa2@yahoo.com) on 2018-04-09 18:45:45
Comments:

---

588. Name: Jim (jlu303@yahoo.com) on 2018-04-09 18:46:14
Comments: I oppose the rezoning to make the traffic worse

---

589. Name: Dale Jackson (rdalejackson@gmail.com) on 2018-04-09 18:53:30
Comments:

---

590. Name: Marjorie McNeill (mhmcneil@aol.com) on 2018-04-09 18:54:54
Comments: I am NOT in favor of the Bannerman Rezoning proposal. It will make traffic even worse - and, will negatively impact property values, area schools, and the environment. Please vote NO!

---

591. Name: Leigh Ann Bradley (lanutt@hotmail.com) on 2018-04-09 19:00:11
Comments:

---

592. Name: Mike Willis (slw1952@comcast.net) on 2018-04-09 19:06:39
Comments:

---

593. Name: Sharon Willis (slw1951@comcast.net) on 2018-04-09 19:07:42
Comments:

---

594. Name: John A Douglas (jadouglas52@comcast.net) on 2018-04-09 19:17:49
Comments: I live in Golden Eagle and I oppose the development due to the pressure this high-density development will place on the area infrastructure, especially roads.

---

595. Name: Neil Snyder (nnsnyder@embarqmail.com) on 2018-04-09 19:18:39
Comments: The county commission should prohibit any additional development along the larger Bannerman Corridor until the road net and associated infrastructure are in place to support the additional population. Further, the commission should review the impact on schools, fire, and other services. If these are impacted, additional development should be delayed until the shortfalls are addressed. Current residents should have a say as to what occurs in their neighborhoods.

---

596. Name: Zhirong Du (zdu1001@gmail.com) on 2018-04-09 19:21:38
Comments: No zoning change!

---

597. Name: Matthew Adams (adams.mwa@gmail.com) on 2018-04-09 19:29:57
Comments:

598. Name: Deborah Blankinship (dblankinship51@hotmail.com) on 2018-04-09 19:33:05
Comments: We do not need the additional traffic!!

599. Name: Kelly O'Rourke (kes2523@my.fsu.edu) on 2018-04-09 19:35:58
Comments:

600. Name: pam wimpling (pamwimpling@yahoo.com) on 2018-04-09 19:36:00
Comments:

601. Name: Kris Williams (nucci87@reagan.com) on 2018-04-09 19:36:35
Comments:

602. Name: Jamie Hall (jlh432004@gmail.com) on 2018-04-09 19:36:52
Comments:

603. Name: Kerri Derickson (cjayd71@yahoo.com) on 2018-04-09 19:36:57
Comments:

604. Name: Lisa Anderson (lhanderson77@gmail.com) on 2018-04-09 19:44:52
Comments: Bannerman Rd cannot support anymore traffic than is already there. I do not support overcrowding of schools.

605. Name: Kimberley Beaty (dbeaty8@comcast.net) on 2018-04-09 19:45:15
Comments: Without adequate level of service for roadways already in place, I implore you to NOT change the zoning of the property in question in the south side of Bannerman Road Bear the intersections of Bannerman and Bull Headley.

606. Name: Evan B Hume (ebhume@embarqmail.com) on 2018-04-09 19:51:40
Comments: Blatant money grab. No justification for zoning change.

607. Name: Wright C Finney (wfinney@fsu.edu) on 2018-04-09 19:52:17
Comments:

608. Name: Cindy Sheppard (sheppcindy@gmail.com) on 2018-04-09 19:52:42
Comments:

609. Name: Bill (glfprtndr@comcast.net) on 2018-04-09 19:52:46
Comments: Expand Bannerman road before allowing another housing development.

610. Name: Daniel Hayes (kirbymanager@gmail.com) on 2018-04-09 19:53:25
Comments: Ghazvini has abused the system. Also the county has adopted misguided

Obama policies that are a detriment to all similar to the Frank/Dodd legislations that caused the housing crisis.

---

611. Name: cathy wolfe (grobertwolfe@aol.com) on 2018-04-09 19:54:12
Comments: No rezoning

---

612. Name: Rachel DeLisle (rsg8994@yahoo.com) on 2018-04-09 19:56:43
Comments:

---

613. Name: Laura Gibson (ljkgibson@gmail.com) on 2018-04-09 19:57:18
Comments:

---

614. Name: Jeannine Mangan (mangan.jmercer@gmail.com) on 2018-04-09 20:00:55
Comments: We do not need extra traffic

---

615. Name: Don Gibson (dgibsonjr@comcst.net) on 2018-04-09 20:02:16
Comments:

---

616. Name: Cathy Schroepfer (cathyfsu90@gmail.com) on 2018-04-09 20:05:42
Comments:

---

617. Name: Lucille H Byno (drlucybyno@gmail.com) on 2018-04-09 20:10:02
Comments: I am against the new zoning and construction plan. Please be cautious about overcrowding this area with more housing. Most important to consider is runoff and further pollution to the fragile environment so close to many lakes. There is also the risk of overcrowding schools and roads. The more gentile lifestyle, green spaces, and abundant wildlife are the reasons many have moved into this area.

---

618. Name: Amanda Boor (asboor@comcast.net) on 2018-04-09 20:12:56
Comments:

---

619. Name: Jabulani Ncube (jsncube@gmail.com) on 2018-04-09 20:13:21
Comments: I oppose the rezoning.

---

620. Name: Karly Jacobs (karlytwin@gmail.com) on 2018-04-09 20:17:04
Comments:

---

621. Name: David Low (david.gow.low@gmail.com) on 2018-04-09 20:22:45
Comments:

---

622. Name: Lindsey Nichols (lindsey.nichols96@gmail.com) on 2018-04-09 20:28:37
Comments:

---

623. Name: Kasia Chodyla (chodyla@gmail.com) on 2018-04-09 20:31:43
Comments:

---

624. Name: Stacey Butler (sbutler@fuba.org) on 2018-04-09 20:33:02
Comments:

---

625. Name: Robert E Walker (bobjanwalk@comcast.net) on 2018-04-09 20:35:14
Comments:

---

626. Name: Elise Banister (elisebanister@yahoo.com) on 2018-04-09 20:39:38
Comments:

---

627. Name: Arnett Moore (netmo1@live.com) on 2018-04-09 20:40:29
Comments: This proposal should only be considered with immediate plans for widening and expanding Bannerman Rd.

---

628. Name: jacqueline fishet (trbbl85@aol.com) on 2018-04-09 20:44:36
Comments:

---

629. Name: Charles Bearss (ebearss@comcast.net) on 2018-04-09 20:51:57
Comments:

---

630. Name: Mikayla catani (mmc2007@embarqmail.com) on 2018-04-09 20:52:07
Comments:

---

631. Name: Katherine Stratton (katenscott@comcast.net) on 2018-04-09 20:52:15
Comments:

---

632. Name: Annie Miller (annie.kurowski@gmail.com) on 2018-04-09 20:54:01
Comments:

---

633. Name: Thomas J Frieling (tfrielin@uga.edu) on 2018-04-09 20:54:57
Comments: I oppose this development as I wish to preserve the quality of the Bannerman Road corridor. Developments like this with too many housing units on small lots are in the economic interests of the taxpayers who live in this area.

---

634. Name: Danny Banister (danban1@ymail.com) on 2018-04-09 20:59:20
Comments: We need to preserve the little green space that exists and the infrastructure does not exist to support additional residents. Imagine 3 thousand more cars fighting for a spot at the roundabout each morning...how much sense does that make? It's all about the money not the current residents.

---

635. Name: Steve Cahn (dedude@embarqmail.com) on 2018-04-09 21:04:42

Comments: First the new Wal Mart at Kerry Forest, then the commercial development at Bannerman and 319. It is clear that the increased residential density was in the plan all along - here it comes and I, for one, do not care for the prospect of the result nor for the way it has arrived. I am emphatically opposed to this increased density. I do not see how our property values will remain let alone increase.

---

636. Name: Charlene N Hogan (chogan50@comcast.net) on 2018-04-09 21:07:15
Comments: Please leave the zoning of this area as it is right now.

---

637. Name: Joseph Birkmeier (jbirkmeier@comcast.net) on 2018-04-09 21:07:19
Comments:

---

638. Name: Shannon Ruscitto (shannon.ruscitto@gmail.com) on 2018-04-09 21:12:15
Comments:

---

639. Name: Allison Orange (acorange@comcast.net) on 2018-04-09 21:17:03
Comments:

---

640. Name: Jennifer Morrison (jenniferlynne.68@gmail.com) on 2018-04-09 21:20:15
Comments:

---

641. Name: Melissa Osburg (mosburgart@gmail.com) on 2018-04-09 21:21:12
Comments:

---

642. Name: Gary Sharpe (ibsharpe@comcast.net) on 2018-04-09 21:34:20
Comments: Please hear our pleas! As a resident of the area to be impacted, I do not support the proposed rezoning. Traffic congestion is already a significant problem along the Bannerman and Thomasville corridors, and development without supporting upgrades to the existing infrastructure will only exacerbate that situation.

---

643. Name: Barbara Crum (bdcrum@gmail.com) on 2018-04-09 21:34:37
Comments:

---

644. Name: Remi Boyd (remi.boyd@yahoo.com) on 2018-04-09 21:48:08
Comments:

---

645. Name: Fitz Blake (fablake@gmail.com) on 2018-04-09 21:48:58
Comments: Terrible idea.

---

646. Name: Tonya MacKinlay (tmackinlay2@comcast.net) on 2018-04-09 21:52:14
Comments:

---

647. Name: Scott MacKinlay (smackinlay2@comcast.net) on 2018-04-09 21:53:06

Comments:

---

648. Name: Jason Egan (jtgator97@yahoo.com) on 2018-04-09 21:58:10
Comments:

---

649. Name: Chris Harwood (lsxtuner34@gmail.com) on 2018-04-09 22:03:02
Comments:

---

650. Name: Nadine Sheoheard (shepheard@comcast.net) on 2018-04-09 22:04:17
Comments:

---

651. Name: Gerry D'Arco (gerrydarco@gmail.com) on 2018-04-09 22:04:56
Comments:

---

652. Name: Cedric Shepheard (shepheard@comcadt.net) on 2018-04-09 22:12:23
Comments:

---

653. Name: Jeffrey Shanks (funnies30@gmail.com) on 2018-04-09 22:22:06
Comments: As a resident of Luna Pines I am opposed to denser development in this area. Thanks.

---

654. Name: Samantha Landry (mrs.landry1008@yahoo.com) on 2018-04-09 22:22:56
Comments:

---

655. Name: Christina Eppes (christina.eppes@gmail.com) on 2018-04-09 22:25:15
Comments:

---

656. Name: Diana Mederos (dianamederos@yahoo.com) on 2018-04-09 22:29:39
Comments:

---

657. Name: Desiree Ncube (desncube@me.com) on 2018-04-09 22:37:53
Comments:

---

658. Name: Diane Wunderlich (dwndrlch@bellsouth.net) on 2018-04-09 22:38:30
Comments: Vote NO to development

---

659. Name: Deborah Thompson (Deborah@DeborahThompson.com) on 2018-04-09 22:43:10
Comments: Proposed zoning change increases density way too much.

---

660. Name: Steve Sheppard (sheppsteve57@gmail.com) on 2018-04-09 22:52:44
Comments: I am not in favor of the proposed rezoning. The existing infrastructure cannot accommodate the increased needs associated with the proposed development.

661. Name: Chris Sliger (chrissliger70@gmail.com) on 2018-04-09 22:53:26
Comments:

662. Name: Lindsay Sliger (Lindsaysliger@gmail.com) on 2018-04-09 22:57:24
Comments:

663. Name: Mike Mantei (mike@mantecdesign.com) on 2018-04-09 23:00:08
Comments:

664. Name: Gerald Dufford (3putts4me@comcast.net) on 2018-04-09 23:03:19
Comments: no rational member on the planning commission would approve such a change in zoning. The increase in traffic on Bannerman and Bull Headely would be horrific but the over crowding of our schools, that this change in zoning would create, would be an unpardonable sacrilege.

665. Name: Bradley Bynum (bradleybynum007@yahoo.com) on 2018-04-09 23:05:27
Comments:

666. Name: Bonni Warren (bonni.warren@gmail.com) on 2018-04-09 23:07:29
Comments:

667. Name: Jaimie Sherraden (jaimierankin@yahoo.com) on 2018-04-09 23:12:43
Comments:

668. Name: Mac Tipton (juggles72000@yahoo.com) on 2018-04-09 23:13:04
Comments:

669. Name: Zhenghao Zhang (zzhang@cs.fsu.edu) on 2018-04-09 23:18:59
Comments:

670. Name: Carol Brady (mimijbrady@aol.com) on 2018-04-09 23:19:37
Comments:

671. Name: Siss (sissi0614@yahoo.com) on 2018-04-09 23:21:37
Comments:

672. Name: Sandra Walker (dwunderlich@att.net) on 2018-04-09 23:26:56
Comments:

673. Name: Carole Chambers (di_mac@att.net) on 2018-04-09 23:28:11
Comments:

674. Name: KELLY GREEN (kgreen@fuba.org) on 2018-04-09 23:34:57
Comments:

675. Name: Andrew Cheng (CKCNYC@YAHOO.COM) on 2018-04-09 23:35:17
Comments:

676. Name: Ashleigh Cave (ashleigh.cave@yahoo.com) on 2018-04-09 23:35:45
Comments:

677. Name: nina heil (ninaheil@yahoo.com) on 2018-04-09 23:39:28
Comments: our schools are already at capacity.

678. Name: Dave Wunderlich (katsen@bellsouth.net) on 2018-04-09 23:43:00
Comments:

Jessica Icerman - Re: Change in Zoning from LP to LPN for Bannerman Road

From: Nick Maddox
To: Tozzi, Casey
Date: 4/10/2018 12:51 PM
Subject: Re: Change in Zoning from LP to LPN for Bannerman Road
Cc: Icerman, Jessica

Ms. Tozzi,

Thank you for your email. Due to the quasi-judicial nature of this proceeding, I am unable to comment until the public hearing this evening. I am forwarding your email to the County Attorney for inclusion in the public record.

Best,
Nick

Nick Maddox, Commissioner At-Large
Leon County Board of County Commissioners
301 South Monroe Street
Tallahassee, Florida 32301
(850) 606-5367
maddoxn@leoncountyfl.gov

Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

>>> Casey Tozzi <casey.tozzi@gmail.com> 4/10/2018 12:14 PM >>>
Commissioner Maddox,
I ask that you vote against the proposed changes to the zoning for the Bannerman and Bull Headley intersection. My reasons are summarized as follows:

- Overcrowding in local schools - The anticipated number of new students as a result of the proposed development appears to be vastly underestimated (92 students in what will supposedly start at 247 residential units). In addition, our schools do not have the capacity shown on the School Impact Analysis Form. Just two years ago, the Leon County School Board stated it needed $50 million to build a new high school and that Lincoln, Leon and Chiles high schools were operating at or above capacity. Both simply cannot be true. No new schools are currently under contract to be built within the next year as required when the new development will exceed existing capacity. For this reason alone, you must vote no.

  The School Impact Analysis form is also deficient in that it does not show how the current or post development capacities were calculated, what assumptions were used and what standards were

applied. I encourage you to expand this form in future analyses to provide more information and transparency for the citizens of Leon county.

- Negative Environmental Impact - The property owner has already shown their lack of compliance with the lake protection provisions in their destruction of the berm that protected Lake Jackson. We should have no illusions that any future development will be more compliant. The development of this land will allow construction debris and sediment to flow into and accumulate in the lakes of SummerBrooke and eventually, Lake Jackson which is in direct contrast to the motivation behind the lake protection categorization.

  Wildlife will suffer greatly as the waterways become polluted and the nature of vegetation and their food sources change. In addition, dense development will further encroach on the remaining habitat for our local wildlife and result in more negative interaction between humans and animals.

- No Need for Additional Commercial Development - The residents of this community have spoken and they do not need or want any more commercial development. There has already been considerable development on the eastside of Bannerman Road and even those businesses are struggling with the recent closure of New Leaf Market and Capital City Runners. We do not need more empty shopping plazas. We need responsible planned growth. There are areas on the south side of town that complain of a lack of grocery options, but instead of focusing on the needs of the community, these planned developments look for short term profit at the expense of permanent destruction of our natural resources.

  In addition, the road and lack of sidewalks in this area will not be able to support additional commercial development near Bull Headley and this certainly will not result in a walkable live/work/shop environment and reduced healthcare costs as asserted by those in favor.

The current zoning for this piece of land allows for residential development that is consistent with both the surrounding communities and the objectives of the lake protection classification. We must not change the zoning simply because we have the ability and authority. I have yet to hear an argument as to how the proposed change will benefit the community, but there is a large amount of evidence showing that it will be detrimental.

In addition, I would like to hear discussion at tonight's meeting regarding why the chairman of the Planning Commission initially moved to deny the rezoning, but then voted in favor.

Thank you for your time and thoughtful consideration on this matter.

Sincerely,
Casey Tozzi
6319 Belgrand Drive
(Ox Bottom Manor)

Jessica Icerman - Fwd: Bannerman rezoning

From: Nick Maddox
To: Icerman, Jessica
Date: 4/10/2018 12:50 PM
Subject: Fwd: Bannerman rezoning

>>> Martha Williams <marthawilliams2507@gmail.com> 4/10/2018 12:41 PM >>>
My bullet points:

- Please deny the zoning change to LPN.
- Zoning called "Lake Protection" should actually do that. Don't put lipstick on the pig.
- I deserve to have the quiet neighborhood that I purchased in, as do all my neighbors.
- The Bannerman LPN cannot be self-sustaining, live/work, pedestrian community; there is not enough critical mass.
- I expect the remainder of the +/- 160 acres to be undeveloped and reforested to actually protect the lakes.
- I expect environmental sensitivity and respect from my elected officials.

Mr Desloge,

I moved to Tallahassee 2 years ago, charmed by the green, rolling hills, less trafficked roads, quiet residential areas. I purchased a home in Summerbrooke a year ago, after checking the zoning of adjoining land parcels and discussing the zoning with a City of Tallahassee planner. I understood that the undeveloped parcels around me would be developed, but at a relatively low density or remain undeveloped with a denser portion, under the Lake Protection zoning criteria. I BELIEVED THAT LEON COUNTY AND TALLAHASSEE HAD THEIR ENVIRONMENTAL ACT TOGETHER, and were committed to a cleaner, better place for us all to live.

I *approve* of the LP zoning purpose: to protect our water/lakes by providing lots of green space for water infiltration, to control urban runoff…lots of great ideals. The zoning category LAKE PROTECTION NODE has NOTHING to do with lake protection, it is an anything goes pass for development. The amendment, as described below, is totally fallacious. How can dense development protect our water supply? How does more commercial development maintain our community's charm? Our community's charm is in the quiet, forested roadsides.

> *The planning staff notes that re-zoning aligns with the Leon County Commission's strategic priorities. These priorities include;*
>
> *(1) Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution.*
>
> *(2) Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns.*
>
> *(3) Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value.*

Have the commissioners noticed the empty retail spaces in Bannerman Crossing and the Publix shopping center? There was not enough customer demand to maintain Kohls, the New Leaf Coop, the pet supply, the dry cleaners…I truly believe that no new retail space is necessary in the community.

I have no confidence that the remaining land will remain zoned LP. The way things seem to be going, I expect our neighborhood to be screwed.I would love for you to prove me wrong.

BTW, my husband and I are reconsidering the wisdom of our move to Summerbrooke and Tallahassee.

Thank you

Martha Williams
1341 Conservancy Dr E
Tallahassee FL 32312
(310) 306-8903

Jessica Icerman - Re: Gun ordinance and Bannerman Rd development

From: John Dailey
To: WALTER HATHAWAY
Date: 4/10/2018 1:34 PM
Subject: Re: Gun ordinance and Bannerman Rd development

Thank you for your email regarding the rezoning of the Bannerman parcel. This issue is quasi-judicial and as such discussion is not allowed, but your email has been read and it will be given consideration when the matter comes before the Board.

John

>>> WALTER HATHAWAY <whathaway37@comcast.net> 4/10/2018 12:52 PM >>>
I live in Killearn Lakes with my wife who taught you art in high school. I feel the proposed gun ordinance is a joke and would not prevent a mass shooting like Parkland. the gun used was not bought at a gun show, as the shooter already owned it. If federal and local law enforcement had been on their toes it never would have happened. It appears some of your colleagues are trying to be politically correct without a valid solution. I feel that the bill the legislature passed is adequate.

The next issue is the development on Bannerman Road. There should not be any further development until the roads can support it. The traffic there is already horrible. cart before the horse.

Best regards,

Walter Hathaway

Jessica Icerman - Re: Bannerman development

From: Bryan Desloge
To: Frieling, Barbara
Date: 4/9/2018 9:39 AM
Subject: Re: Bannerman development
Cc: Thiele, Herb; Cherie (Planning) Bryant; Tedder, Wayne; Long, Vince; ...

Tom and Barbara, thanks for sharing your thoughts on this project. I wish I could talk with you about it, but I'm prohibited from discussing this project outside the confines of the County Commission Public Hearing as it has been determined to be quasi judicial. I'm forwarding your email to staff with the request that it be included as a part of the public record. Thanks for weighing in on this agenda item. I'll take your comments into consideration in my deliberations. Hope all's well with you. Have a good day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Barbara Frieling <bfrielin@uga.edu> 4/9/2018 9:35 AM >>>
Dear Mr. Desloge,

We would like to our express our opposition to the proposed high density development off of Bannerman Road and ask that as our elected representative that you vote against it.

Respectfully yours,
Tom and Barbara Frieling

Sent from my iPhone

Jessica Icerman - Re: Objection to Bannerman development

From: Nick Maddox
To: Nichols, Lisa
Date: 4/10/2018 1:51 PM
Subject: Re: Objection to Bannerman development
Cc: Icerman, Jessica

Ms. Nichols,

Thank you for your email. Due to the quasi-judicial nature of this hearing, I am not able to respond outside of the public hearing this evening. I am forwarding your comments to the County Attorney for inclusion in the public record.

Best,
Nick

Nick Maddox, Commissioner At-Large
Leon County Board of County Commissioners
301 South Monroe Street
Tallahassee, Florida 32301
(850) 606-5367
maddoxn@leoncountyfl.gov

Please note that under Florida's Public Records laws, most written communications to or from county staff or officials regarding county business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

>>> Lisa Nichols <nicholslisa1@gmail.com> 4/9/2018 8:47 PM >>>
Please take note of my objection to the proposed development near the intersection of Bannerman Road and Bull Headley. Here are my concerns:

At present, traffic on both Bannerman and Meridian can be quite heavy, especially during commute times. It is difficult to turn onto these roads if not at a traffic light. Adding more homes to this area will only worsen the problem, and widening Meridian would result in the loss of a community asset.

Also, there are other new developments that have been approved and even started in the area, specifically Brookside and Ox Bottom Crest. Do we really need more residences in this area right now?

Hawks Rise, Deerlake, and Chiles would be the schools to serve these developments. Adding so many new homes to the area would cause overcrowding in the schools and require several additional bus routes to be added, this worsening the traffic problem even more.

Although I understand the need for growth and progress, I think it would be unwise to approve further development at this time. Once traffic issues are addressed and new school construction planned, this development could be reconsidered.

I thank you in advance for your thoughtful consideration and careful management of this matter.

Lisa Nichols

Citizen Materials from the

Joint Meeting with Leon County Officials Summerbrooke, Luna Plantation, McBride Hills, Killearn Lakes, Golden Eagle Home Owners Associations

March 30, 2018 at 9:00am

at the Summerbrooke Golf Club Clubhouse

Leon County Government Organization Chart

People Focused. Performance Driven.

Citizens of Leon County



Board of County Commissioners

Voter Elected
- Judicial
- Clerk of the Court Circuit and Comptroller
- Property Appraiser
- Supervisor of Elections
- Tax Collector
- Sheriff
  - Emergency Management



Herbert W. A. Thiele

County Attorney



Vincent S. Long

County Administrator



Alan Rosenzweig

Deputy County Administrator



Wanda Hunter

Assistant County Administrator
Citizen Services



Mathieu Cavell
Director

Community and Media Relations



Andrew Johnson

Assistant to the County Administrator
Legislative and Strategic Initiatives



Shington Lamy

Assistant to the County Administrator
Citizen Engagement



Candice Wilson
Director

Human Resources



Ken Morris

Assistant County Administrator
Community Development



Cay Hohmeister
Director

Office of Library Services
- Branch Libraries
- Ask a Librarian and Reference
- Community Programming
- Learning Resources
- Technology and Media



Teresa Broxton
Director

Office of Intervention and Detention Alternatives
- Probation
- Supervised Pretrial Release
- Drug and Alcohol Testing
- PSCC
- Liaison - Judiciary, State Attorney, Public Defender, Law Enforcement



Eryn Calabro
Director

Office of Human Services & Community Partnerships
- Housing Services
- Human Services
- Primary Healthcare
- Veteran Services
- CHSP



Chad Abrams
Chief

Office of Public Safety
- Emergency Medical Services
- Consolidated Dispatch Agency
- Animal Control



Pat Curtis
Director

Office of Information and Technology
- Management Information Services
- Geographical Information Systems



Scott Ross
Director

Office of Financial Stewardship
- OMB
- Risk Management
- Purchasing
- Real Estate Mngmt



Maggie Theriot
Director

Office of Resource Stewardship
- Sustainability
  - o Recycling
- Parks and Recreation
  - o Community Centers
- Cooperative Extension
- Facilities Management



David McDevitt
Director

Department of Development Support & Environmental Management
- Environmental Services
  - o Petroleum Storage Tanks
- Development Services
- Building Plans Review and Inspection
- Permit/Code Services



Ben Pingree
Director

Department of PLACE*
- Planning
- Blueprint
- Office of Economic Vitality
  - o M\WSBE



Tony Park
Director

Department of Public Works
- Operations
  - o Mosquito Control
- Engineering Services
  - o Construction Management
- Solid Waste
- Fleet Management



Kerri Post
Director

Tourism Development
- Destination Marketing
- Sports Tourism
- Signature Event Grants
- Amphitheater Concert Series
- Culture and Arts

* PLACE = Planning, Land Management & Community Enhancement

Posted July 2, 2018

AGENDA

JOINT MEETING WITH LEON COUNTY OFFICIALS

SUMMER BROOKE, OX BOTTOM MANOR,

LUNA PLANTATION, MCBRIDE HILLS, KILLEARN LAKES,

GOLDEN EAGLE HOME OWNERS ASSOCIATIONS

March 30, 2018

1. Welcome/ Introductions – Tommy Pipkin
2. Purpose of the meeting – Tommy Pipkin
   Present factual, written documentation in opposition of proposed rezoning – 1665 Bannerman Rd. - from LP to LPN 30.9 acres as written in the Leon County Comprehensive Plan
3. Presentation by Pam Briggs
   "Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood". VISION STATEMENT AND IMPLEMENTATION (REV.EFF. 7/26/06; REF. EFF. 1/7/10)
4. Presentation by Jon Templar- Environmental Impacts
   Open discussion

"Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood". VISION STATEMENT AND IMPLEMENTATION (REV. EFF. 7/26/06; REV. EFF. 1/7/10)

Presentation given at joint meeting on March 30, 2018

In opposition of rezoning request of 30.9 acres at 1665 Bannerman Rd. Tallahassee, FL

Prepared by:

Pam Briggs

Summer Brooke HOA Board Member

VISION STATEMENT AND IMPLEMENTATION (REV. EFF. 7/26/06; REV. EFF. 1/7/10)

We are fortunate to have retained the natural beauty that inspired the sitting of Florida's state capital. The community relies upon the comprehensive plan to protect the natural resources and scenic beauty while encouraging the responsible, healthy growth of Tallahassee and Leon County. The comprehensive plan seeks to balance the management of growth with environmental protection but gives precedence to environmental protection.

Evolving land use patterns within the County have exhibited sprawl characteristics. Sprawl is, perhaps, the most inefficient pattern of land use. Costs associated with the provision of both capital and social infrastructure are higher than more compact patterns. This must be taken into consideration when local government is faced with limited fiscal resources and increasing demand for services.

Sprawl encourages degradation of the County's natural resources by prematurely committing vast areas to the impact of urbanization. Phased, orderly growth mitigates this situation by comprehensively addressing development impacts to our natural systems. Leap frog development associated with sprawl is piecemeal in nature and is detrimental to any type of comprehensive framework.

Another aspect of urban sprawl is the tendency toward strip commercial development, i.e., the commercialization along major streets which occurs as infill between sprawled developments. This strip development negatively affects traffic safety and flow, as well as creating aesthetic problems associated with advertising signs. While many of the negative effects of strip development can be controlled to some extent by regulatory means, a more positive approach is to prevent its spread by means of land use policies. The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens.

The plan encourages and supports economically sound residential, educational, employment, and cultural, recreational, commercial and industrial opportunities for the citizens. This is facilitated by systematically planning for growth, development and redevelopment

The natural environment is one of the many criteria which, when combined, form the community's perceived quality of life. **The natural environment is a major component in the quality of life equation for Leon County. As such, it must be protected. Development and the ancillary activities associated with it must be channeled into locations that protect the natural and aesthetic environment. Unwise land use decisions which ultimately require expensive environmental retrofitting, paid for by the general populace, must be eliminated.** In order to achieve this, it is the intent of this Plan to include strong environmental objectives and policies within the Land Use Element and other applicable portions of the Plan.

The residential environment is also one of many criteria which form the community's perceived quality of life and must be protected. An economic base of stable public employment has fostered development of stable residential neighborhoods**. Citizens identify with and value their neighborhoods in all parts** of the community and at all income levels. Containing sprawl will necessarily increase density and intensity in the existing urban area. **Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood.** Not only actual changes, but also the perception of a constant assault on a neighborhood undermines an otherwise desirable residential environment. Development and its ancillary activities should be channeled into locations that offer the greater opportunity for the higher density and mixture of uses that a policy of urban containment encourages. **It is the intent of the plan to maintain the integrity of existing neighborhoods while encouraging new residential developments to incorporate a wider range of nonresidential uses.**

Essential for planning are objectives and policies that protect and enhance the natural environment, water resources, the canopy roads, and residential neighborhoods. To this end, regulatory tools such as concurrency management, urban service area designation, planned unit developments and special protection zones are used to foster the community's vision. **An underlying premise is the linkage between land use and infrastructure**. The plan is based on the principle that development should pay for itself and this vision is implemented, in part, through the accomplishment of several strategies described below.

Our comprehensive plan is a living document, used every day in decisions made by local governments. It is regularly reviewed and amended to ensure that it remains current and consistent with our community vision.

LAND USE GOALS, OBJECTIVES AND POLICIES

Goal 1: [L] (EFF. 7/16/90)

The Comprehensive Plan shall protect and enhance the quality of life in this community by providing economically sound educational, employment, and cultural, recreational, commercial, industrial and professional opportunities to its citizens while channeling inevitable growth into locations and activities that protect the natural and aesthetic environments and residential neighborhoods.

Policy 1.1.1: [L] (REV. EFF. 7/20/05)

In order to discourage urban sprawl, new development shall be concentrated in the urban service area plus in the Woodville Rural Community future land use category and the rural communities of Capitola, Chaires, Ft. Braden and Miccosukee, as designated on the future land use map.

GROWTH MANAGEMENT/ URBAN SERVICES AREA Objective 1.1: [L] (EFF.7/16/90; REV. EFF. 7/26/06; REV. EFF. 12/24/10)

Direct development to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and the service capacity to accommodate growth in an environmentally acceptable manner.

This shall be accomplished in part through the establishment and maintenance of an Urban Service Area (USA) concept. This **Urban Service Area (USA) concept is based upon a desire to have Tallahassee and Leon County grow in a responsible manner, with infrastructure provided economically and efficiently, and surrounding forest and agricultural lands protected from unwarranted and premature conversion to urban land use.** An urban service strategy provides for well-managed, orderly growth, which preserves natural resources and promotes fiscal responsibility. The location and size of the USA shall be depicted on the Future **Land Use Map** and is based upon the area necessary to accommodate 90% of new residential dwelling units within the County by the Plan Horizon; **the ability to provide urban infrastructure; and, the presence of environmentally sensitive lands and water bodies, requiring protection from the impacts of urban development.**

Policy 1.1.8: [L] (EFF. 7/26/06; REV. EFF. 12/24/10)

The integrity of the USA concept is maintained by strict adherence to the premise of not funding or scheduling major capital improvement projects outside the USA, Rural Communities or the Woodville Rural Community in conjunction with a policy of discouraging premature use and underutilization of land designated for urban development. Additionally, **the size of the USA should be limited to reflect the ability of the public to provide infrastructure, limitations of environmental constraints and existing development and to provide for a phasing mechanism to the Plan Horizon.**

Policy 1.4.1: [L] (REV. EFF. 12/10/91)

Density and intensity incentives shall be established within the required land development regulations to encourage growth in areas which minimize and mitigate development's negative impact on the natural and aesthetic environment.

Policy 1.4.5: [L] (REV. EFF. 3/14/07)

(c) Any request for a change in zoning use classification and specific zoning district mapping within a future land use category shall be evaluated for consistency with the adopted Goals, Objectives, and Policies of the Plan as well as consistency with and the furtherance of the intent of the future land use category in which it is located;

Policy 2.2.1: [L] RURAL/AGRICULTURE (REV. EFF. 8/17/92; REV. EFF. 7/26/06; REV. EFF. 12/24/10; REV. EFF. 7/6/15

The intent of the Rural category is to maintain and promote agriculture, silviculture, and natural resource-based activities, to preserve natural systems and ecosystem functions, and to protect the scenic vistas and pastoral development patterns that typify Leon County's rural areas. Typical land uses within this category shall include agriculture, silviculture, and natural resource-based activities. Due to the very low intensity development pattern that is intended for the category, urban services are not planned or programmed for the area. To promote infill and redevelopment within the Urban Service Area (USA) and Rural Communities, higher density residential, and non-residential activities that are not functionally related to and supportive of agriculture, silviculture and other natural resource based activities shall be prohibited within the Rural category.

Non-residential uses functionally related to and directly in support of agricultural, silvicultural, and other natural resource based activities, including ecotourism activities, may be permitted at a maximum intensity of 2,000 sq. ft. per gross acre. The location of such uses shall be limited to the intersection of major collector and arterial or arterial and arterial designated roadways. Total development at any one intersection shall not exceed 10,000 sq. ft.

Policy 2.2.18: [L] LAKE PROTECTION (REV. EFF. 12/22/95; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 7/14/14; REV. EFF. 7/6/15)

INTENT Lake Jackson designated both an Outstanding Florida Water (OFW) and Aquatic Preserve, is one of the most unique waterways in Florida. Historically, the lake has suffered from water quality issues associated with rapid urbanization and largescale roadway projects. Lake Jackson's water quality has improved since adoption of the Comprehensive Plan, due in large part to the adoption of stringent storm water treatment standards and the implementation of capital projects; however**, nutrient levels in the Lake remain elevated and the Lake continues to be designated "Impaired" by the Florida Department of Environmental Protection. The intent of the Lake Protection category is to ensure that development within the Lake Jackson basin occurs in a sustainable** and environmentally sound manner with minimal impact to water quality. **The Lake Protection category is the basis for regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin.** The bounds of this category are to be the Lake Jackson basin boundary adjusted to include contributing watersheds but excluding existing, more intensely developed areas south of Interstate 10 and areas outside the Urban Service Area.

ALLOWABLE USES, DENSITIES, AND INTENSITIES 1. Residential The Lake Protection category shall allow for residential uses at a base density of one (1) dwelling unit per two (2) gross acres.

1 To encourage compact and efficient development, two density bonus options are available for properties within the category:

i) A residential density of up to two (2) dwelling units per gross acre may be permitted within developments designed as a Clustered Subdivision.

ii) **A residential density of up to eight (8) dwelling units per gross acre may be permitted within the Lake Protection Node (LPN) zoning district**

2. **Mixed-use & Non-residential**

Non-residential and mixed-use development (including, but not limited to, office and commercial uses) within the Lake Protection category may only be permitted within areas designated with the Lake Protection Node (LPN) zoning district. Within this district, single use, non-residential development shall be allowed at a maximum intensity of 10,000 square feet (S.F.) per gross acre. Projects containing a vertical mixture of uses, including any combination of office, commercial and residential uses, may receive a bonus of 2,500 S.F. per gross acre, for a total of 12,500 S.F. per gross acre.

SPECIAL CONDITIONS

The following special conditions shall apply to the Lake Protection Future Land Use category: 1. The Lake Protection Node zoning district shall only be permitted at the following intersections:

- Highway 27 North and Sessions Road
- Highway 27 North and Capital Circle NW/Old Bainbridge Road
- Highway 27 North and Fred George Road
- Bannerman Road and Bull Headley Road.

The exact extent of these Nodes shall be specified in the City of Tallahassee and Leon County land development regulations, but generally shall not extend beyond ¼ mile from the respective intersection and shall not include areas within a Special Development Zone (SDZ) or existing single family subdivisions.

In contrast, the Comprehensive Plan calls for an Urban Service Area average of no less than two residential units per one acre, which is four times the allowed density in Lake Protection. However, the current Lake Protection policy does not support the larger goal of more compact development in the Urban Service Area. **While it may not be feasible to increase the density throughout the Lake Protection category without impacting Lake Jackson, targeted areas based on the Smart Growth principles would help in supporting the larger goals for a compact community that preserves green space and rural lands further from the urban core.**

The Smart Growth principles were selected for this analysis based on the quality of the information available, specific focus on local government, broad support, and consistency with existing Comprehensive Plan and Board direction. Attachment #2 provides information on why communities select Smart Growth (adapted from "This is Smart Growth," published by ICMA and EPA in 2006).

The ten Smart Growth principles identified by the Smart Growth Network include:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. **Create walkable neighborhoods**

5. **Foster distinctive, attractive communities with a strong sense of place**

6. **Preserve open space, farmland, natural beauty, and critical environmental areas**

7. **Strengthen and direct development towards existing communities**

8. **Provide a variety of transportation choices**

9. **Make development decisions predictable, fair, and cost effective**

10. **Encourage community and stakeholder collaboration in development decisions**

Recommendation A: Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection storm water standards.

This recommendation is based on the Smart Growth principle of allowing mixed land uses to create more vibrant, diverse, and walkable communities. The provision of active living opportunities, where residents and visitors can easily and regularly walk or bicycle to everyday destinations, supports healthy movement and could lower health care costs. Local areas, like Midtown and Market Square, have a mix of commercial, office, and residential uses, and are arguably some of the most attractive areas to shop, live, and invest in locally.

Development concentrated into geographic nodes is a planning tool that is gaining popularity both locally and elsewhere. The concept involves allowing higher development rights around major intersections rather than along commercial strips that stretch miles down either side of roads.

Such nodes, through concentrating commercial, office, and higher density residential uses tied together with sidewalks and bicycle lanes and paths can help reduce automobile trips, decrease the need for widened roadways to accommodate these trips, and provide convenient and attractive walking and bicycling connections to adjacent or nearby residential areas.

The 2006 U.S. Environmental Protection Agency report "Protecting Water Resources with Higher-Density Development" focuses on the idea that more compact development can help save more land to protect water resources. **The following graphic from the report demonstrates how the same number of homes can be accommodated in less land area when the land per home is reduced. The graphic is simplified to help illustrate the concept. Staff recognizes that the Lake Jackson basin is complex and that significant development already exists in the basin. However, this concept can still be utilized in new policies to guide future development toward designated nodes**

Land uses are significantly limited in Lake Protection. **The incorporated area of Lake Protection (within the City Limits) does not presently allow non-residential uses**. The unincorporated area allows some non-residential uses (minor office and minor commercial), but only within a Planned Unit Development process that requires Board approval.

The establishment of nodal areas by the application of a new zoning district could be allowed at identified intersections of major roadways similar to that established along Mahan Drive between Capital Circle and Interstate – 10. Potential locations are identified on the following map with ¼-mile radius circles and may include U.S. Hwy 27 and Capital Circle Northwest, U.S. Hwy 27 and Fred George Road, U.S. Hwy 27 and Sessions Road, the Market Square area, and the intersection of Bannerman and Bull Headley roads.

This new zoning district would specify permitted uses, and urban design and other development standards, including current Lake Protection storm water standards and requirements and perhaps a cap on total acres in the Lake Jackson Basin that can be placed in the new district.

Properties that could be considered for rezoning to new Lake Protection Node would include nonconforming uses, vacant properties whose highest and best use may be commercial or office to serve the surrounding residential areas, and other properties suitable for higher density housing. The extent of these nodal areas would ideally be within a radius of ¼ mile of a main intersection, which is a five-minute walk for most people.

This recommendation is also consistent with the following Smart Growth principles:

- Compact building design
- Range of housing opportunities and choices
- Walkable neighborhoods
- Sense of place
- Direct development towards existing communities
- Variety of transportation choices
- Make development decisions predictable, fair, and cost effective

The Lake Protection land use category in the Comprehensive Plan (Policy 2.2.18 in the Land Use Element) currently specifies a base density of one residential unit per two acres (~2-acre lot size). This large lot size was used partly based on the idea that lower-density housing equals less impervious surface.

However, in practice, large lot sizes often result in large quantities of land being cleared, affecting runoff and natural habitat, and require extensive support infrastructure due to the distance between homes.

Walkability is more than just sidewalks, but they are fundamental to being able to walk to a destination within urban areas. At present, Section 10-7.529(3) f of the County's Land Development Code exempts sidewalks in new residential developments within the Lake Protection zoning district. With some limited exceptions, much of the older development patterns within the Lake Protection district are not very walkable. Both the City and the County are retrofitting certain areas of the urban area with sidewalks where feasible and affordable. These include proposed sidewalks within the Lake Protection district along Maclay and Timberlane roads. The recently updated City/County Greenways Master Plan also proposes several multiuse trails that have the strong potential to improve pedestrian and bicycle connectivity in areas of the Lake Protection district. However, **true walkability also requires more mixed-use developments with good pedestrian design.**

Providing a variety of transportation choices is a vital component of sustainable development. These should include mass transit, bicycling, and walking. **Automobiles will continue to be a major transportation mode for longer trips. Nevertheless, mix of uses and improved connectivity makes walking and bicycling more realistic transportation options because destinations can be placed at closer distances, and more direct routes can allow pedestrians to reach a given destination.**

Allowing more and/or different kinds of growth within Lake Protection, even confined to nodal areas, will likely be controversial among some residents, landowners, and developers, as well as environmental advocates for the Lake. However, this kind of development is increasingly attractive to growing numbers of homebuyers and renters who prefer to live in walkable mixed use communities.

In order for the principles of smart growth to be acceptable, it is critical that residents, landowners, developers, and other stakeholders, have the opportunity to develop a common understanding of the concepts presented within this agenda item. Therefore, stakeholder collaboration will be an important part of evaluating and shaping any policy changes that are developed.

Sustainable Growth

The 1987 World Commission on Environment and Development established the most often used definition of sustainable development: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." While this definition is widely utilized, it is challenging to directly apply to policy decisions. As such, the definition has been the subject of many efforts to develop implementing principles.

The Planning Department selected "Smart Growth" as the body of work and implementing principles to provide a framework for this project. The Smart Growth principles were established by the Smart Growth Network in 1996 and were the subject of four publications developed cooperatively with the International City/County Management Association. The Smart Growth Network has a broad partnership base including the National Association of Counties, ICLEI-Local Governments for Sustainability, Institute of Transportation Engineers, American Planning Association, Florida Department of Health, and the National Association of Realtors. Both Leon County and the City of Tallahassee are members of ICLEI.

The Smart Growth principles were selected for this project based on the quality of the information available, specific focus on local government, broad support, and consistency with existing Comprehensive Plan and County Commission direction.

The ten Smart Growth principles identified by the Smart Growth Network include:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

These principles, Planning Department analysis, and the policy examples provided in "Getting to Smart Growth: 100 Policies for Implementation" and "Getting to Smart Growth II: 100 More Policies for Implementation" were used to develop the concepts for the Lake Jackson Sustainable Development Project.

Sidewalks in Lake Protection

Walkability is more than just sidewalks, but they are fundamental to being able to walk to a destination within urban areas. At present, Section 10-7.529(3)f of the County's Land Development Code exempts sidewalks in new residential developments within the Lake Protection zoning district. This portion of the project will review the existing sidewalk exemption in Lake Protection and evaluate the potential use of locational standards such as proximity to the Lake Protection Node zoning, potential connection to existing or proposed

ATTACHMENT 1

sidewalks or greenways, and sewer availability to determine when sidewalks would be required. Options may include retaining the exemption for isolated residential areas with little or no walkability potential.

Both the City and the County are retrofitting certain urban areas with sidewalks where feasible and affordable. These include proposed sidewalks within the Lake Protection district along Maclay and Timberlane roads. The recently updated City/County Greenways Master Plan also proposes several multiuse trails that have the strong potential to improve pedestrian and bicycle connectivity in areas of the Lake Protection district. Requiring new development in potentially walkable areas to install sidewalks will help prevent these costs from being shifted to future tax payers in from of public projects.

The benefits of walkability include the ability to age in place, lowered transportation costs, improved personal health and fitness, and expanded choices on how to get around.

ATTACHMENT 2

FLORIDA DEPARTMENT OF TRANSPORTATION
2016 ANNUAL AVERAGE DAILY TRAFFIC REPORT - REPORT TYPE: ALL

COUNTY: 55 LEON

SITE	SITE TYPE	DESCRIPTION	DIRECTION 1		DIRECTION 2		AADT TWO-WAY	"K" FCTR	"D" FCTR	"T" FCTR
3060		SR 10 (US90) - 1000' E OF BUCK LAKE RD	E	10500	W	11000	21500 C	9.0	66.5F	5.4A
3061		SR 261(CAP CIR) - BETWEEN I-10 AND KILLEARN CTR	N	19500		0	19500 C	9.0	99.9W	2.9P
3062		CR 148(TIMBERLANE RD) - 525' W OF SR 61(THOMASVI	E	8100	W	7000	15100 C	9.0	72.2F	3.1A
3063		SR 61 (US 319) - 925' S OF CR 342(BANNERMAN RD)	N	18000	S	19000	37000 C	9.0	66.5F	4.6P
3064		CR 259 (TRAM RD) - 375' E OF SR 261 (CAP CIR SE)	E	0	W	0	4100 C	9.5	72.2F	3.5F
3065		SR 263(CAP CIRCLE NW) - 700' S OF COMMONWEATH	N	16500	S	16500	33000 C	9.0	66.5F	8.3A
3066		SR 263(CAP CIR NW) - 0.55 MILE N OF SR 8(I-10) (	N	8100	S	8600	16700 C	9.0	66.5F	8.5A
3067		SR 61 - BETWEEN I-10 AND TIMBERLANE RD	N	26000	S	27500	53500 C	9.0	66.5F	2.7F
3068		SR 263(CAP CIR NW) - 725' N OF CR 158 (THARPE ST	N	17000	S	17000	34000 C	9.0	66.5F	7.3P
3069		SR 63(US27) - 1000' N OF SESSIONS RD	N	19000	S	18000	37000 C	9.0	66.5F	5.0A
3070		BRADFORDVILLE RD - 950' E OF SR 61(THOMASVILLE R	E	4000	W	5300	9300 C	9.0	66.5F	3.5F
3071		BANNERMAN RD - 1100' W OF SR 61 (THOMASVILLE RD)	E	8800	W	8400	17200 C	9.0	66.5F	3.5F
3072		CR 0353 (DEMPSEY MAYO RD) - 500' N OF SR 10 (US	N	2200	S	2700	4900 C	9.0	66.5F	3.0A
3073		CR 2203(SPRINGHILL RD) - 125' S OF CYPRESS POIN	N	1800	S	1600	3400 C	9.0	72.2F	4.7A
3074		FRED GEORGE RD - 225' E OF SR 263 (CAP CIR NW)	E	2600	W	2600	5200 C	9.0	66.5F	4.2A
3075		CR 0361(OLD BAINBRIDGE RD) -350' N OF SR 63(US27	N	0	S	0	7300 C	9.0	66.5F	3.5F

SITE TYPE : BLANK= PORTABLE; T= TELEMETERED
"K" FACTOR : DEPARTMENT ADOPTED STANDARD K FACTOR BEGINING WITH COUNT YEAR 2011
AADT FLAGS : C= COMPUTED; E= MANUAL EST; F= FIRST YEAR EST; S= SECOND YEAR EST; T= THIRD YEAR EST; R= FOURTH YEAR EST; V= FIFTH YEAR EST; 6= SIXTH YEAR EST; X= UNKNOWN
"D/T" FLAGS : A= ACTUAL; F= FACTOR CATG; D= DIST FUNCL; P= PRIOR YEAR; S= STATEWIDE DEFAULT; W= ONE-WAY ROAD; X= CROSS REF

15-MAR-2017 14:57:19 PAGE -09- 622UPD 3_55_CAADT.TXT

ATT. 3

SCHOOL IMPACT ANALYSIS FORM

Agent Name: Greenman-Pedersen, Inc. **Applicant Name**: Cawthon Family Properties, LLC **Address:** 2504 Hariman Circle Tallahassee, FL 32308	**Date**: 02-19-18 **Telephone:** 668-5211 **Fax:** **Email:**

① Location of the proposed Comprehensive Plan Amendment or Rezoning:

Tax ID #: 14-08-20-408-0000 & 14-08-20-409-0000 (30.9 +/- ac)
Property address: **1665 Bannerman Road**
Related Application(s):

② Type of requested change (check one):

- ☐ Comprehensive plan land use amendment that permits residential development.
- ☒ Rezoning that permits residential development.
- ☐ Nonresidential land use amendment adjacent to existing residential development.
- ☐ Nonresidential rezoning adjacent to existing residential development. *

③ Proposed change in Future Land Use or Zoning classification:

☐ *Comprehensive plan land use* From: _____ To: _____

☒ *Zoning* From: Lake Protection (LP) To: Lake Protection Node (LPN)

Planning Department staff use only:

④ Maximum potential number of dwelling units permitted by the request:

Number of dwelling units: 8 du per acre max 247 Units
Type(s) of dwelling units: single-family detached, single family attached, multi-family residential and mixed-use development.

Leon County Schools staff use only:

⑤ School concurrency service areas (attendance zones) in which property is located.
School Board approved at the February 27, 2018 meeting.

	***Elementary:* Hawks Rise**	***Middle: Deerlake***	***High:* Chiles**
Present capacity	148	364	126
Post Development capacity	100	343	103

Calculations based on maximum possible students-single family<1000 base square feet

This form is required by §8.3 of the Public School Concurrency and Facility Planning Interlocal Agreement as adopted on September 1, 2006 by the City of Tallahassee, Leon County, and Leon County School Board. Pursuant to §6.4 of the Agreement, the City or County will transmit the School Impact Analysis Form to a designated employee of the School Board for review at the same time the application is submitted to all departments for review.

TLCPD
Tallahassee-Leon County Planning Department

ATT 4

School Impact Analysis Form (Sept. 2007)

Haley, Jiwuan

From: Jeremy Anderson <janderson@andersongivens.com>
Sent: Tuesday, April 10, 2018 2:37 PM
To: Haley, Jiwuan; Perrine, Beth
Subject: Additional Written documents For the Record of Tonight's Rezone Hearing
Attachments: P18075-18-04-08 Depew Report.pdf; DWD 2017 Resume.pdf

Please see the attached. This shall be considered one submission. Thank you.

Jeremy V. Anderson, Esquire
Anderson | Givens
www.AndersonGivens.com
Office: (850) 692 8900
Fax: (850) 224 2440

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this e-mail message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this e-mail message, or if this e-mail message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this e-mail message and its attachments. Do not deliver, distribute or copy this e-mail message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments. Notwithstanding anything contained in this e-mail or the provisions of any "electronic signature" law, no offer is intended to be extended or accepted hereby and it is the intention of the sender that a contract may only be formed by a document physically signed by an appropriate representative of Anderson & Givens, P.A.

NOTICE TO HOMEOWNERS' ASSOCIATION AND CONDOMINIUM ASSOCIATION CLIENTS: This communication (and any attachments) may include privileged communications between attorney and client that are exempt from disclosure and/or protected pursuant to Sections 90.502, 718.111(12) and/or 720.303(4), Fla. Stat. In such event and to protect the privileged nature of this communication, this communication should not be made accessible to the members of the association as part of the official records of the association pursuant to Sections 718.111(12) or 720.303(4), Fla. Stat., as applicable, until such time as the board of directors has determined to make its contents accessible to the members of the association as part of the official records of the association.

FAIR DEBT COLLECTION PRACTICES ACT: Please be advised that the law firm of Anderson & Givens, P.A. is engaged in the practice of debt collection and any information obtained by Anderson & Givens, P.A. may or will be used to effect collection of a debt.

From: Jeremy Anderson
Sent: Tuesday, April 10, 2018 2:06 PM
To: Haley, Jiwuan <Jiwuan.Haley@talgov.com>; 'Perrine, Beth' <Mary.Perrine@talgov.com>
Subject: For the Record of Tonight's Rezone Hearing

Good Afternoon,

Will submittal to you via email be sufficient for inclusion into record at the rezone hearing scheduled for tonight? If not, please let me know where to send.

Thank you.

Jeremy V. Anderson, Esquire
Anderson | Givens
www.AndersonGivens.com
Office: (850) 692 8900
Fax: (850) 224 2440

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this e-mail message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this e-mail message, or if this e-mail message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this e-mail message and its attachments. Do not deliver, distribute or copy this e-mail message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments. Notwithstanding anything contained in this e-mail or the provisions of any "electronic signature" law, no offer is intended to be extended or accepted hereby and it is the intention of the sender that a contract may only be formed by a document physically signed by an appropriate representative of Anderson & Givens, P.A.

NOTICE TO HOMEOWNERS' ASSOCIATION AND CONDOMINIUM ASSOCIATION CLIENTS: This communication (and any attachments) may include privileged communications between attorney and client that are exempt from disclosure and/or protected pursuant to Sections 90.502, 718.111(12) and/or 720.303(4), Fla. Stat. In such event and to protect the privileged nature of this communication, this communication should not be made accessible to the members of the association as part of the official records of the association pursuant to Sections 718.111(12) or 720.303(4), Fla. Stat., as applicable, until such time as the board of directors has determined to make its contents accessible to the members of the association as part of the official records of the association.

FAIR DEBT COLLECTION PRACTICES ACT: Please be advised that the law firm of Anderson & Givens, P.A. is engaged in the practice of debt collection and any information obtained by Anderson & Givens, P.A. may or will be used to effect collection of a debt.

MORRIS DEPEW
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS
495 Grand Boulevard Suite 206 | Miramar Beach, Florida
Phone Toll Free: (866) 337-7341
www.morris-depew.com

Memorandum

To: Leon County Board of Commissioners
From: David W. Depew, PhD, AICP, LEED® AP
Date: April 8, 2018
Subject: 1665 Bannerman Road LPN Rezoning Request

Representing the SUMMERBROOKE PROPERTY OWNERS ASSOCIATION, INC., this memorandum is intended to provide an independent review of the request for a rezoning of the property located at 1665 Bannerman Road.[1] The application, by Greenman-Pedersen, Inc., requests an amendment to the Official Zoning Map to change the zoning classification from the Lake Protection (LP) zoning district to the Lake Protection Node (LPN) zoning district. There are two parcels in the application for a total of 101.7± acres, located on the south side of Bannerman Road, approximately 89 feet south of the intersection with Bull Headley Road. Staff has determined that only a 30.9± acre portion of the property is eligible for Lake Protection Node (LPN) zoning.

Background

The subject property has been zoned Lake Protection (LP) since 1992. According to Section 10-6.616 of the Leon County Land Development Code (LDC), "The purpose and intent of the Lake Protection (LP) zoning district is to allow for the regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin **in a manner that improves water quality within the lake** [emphasis added]. The bounds of the category include the Lake Jackson Basin and contributing watersheds and limited to the urban service area. Intensely developed properties and areas south of Interstate 10 (I-10) have been excluded from the boundary." A full review of the language associated with this zoning designation indicates that the intent of the district is to promote improvements to water quality and provide protection to the environmentally sensitive areas within the Lake Jackson Basin.

[1] The Author's resume is attached, providing his educational, work experience and general background expertise in land planning and zoning issues.



Figure 1: Aerial Location Map

The subject property is currently vacant and was cleared at some point between May 2014 and December 2015. Figures 2 and 3 show the difference between the before and after clearing efforts on the subject property. Additionally, topographic maps of the area demonstrate that the predominant flow of stormwater is from the north to the south. There is a lake and flowway located along the southerly boundary of the subject property which ultimately drains, through culverts under Preservation Road, into what is shown as Lake Alyssa in Figure 1. Federal Emergency Management Agency maps show this flowway area as being within an area of Special Flood Hazard.

Policy 2.2.18 of the Plan discusses the Lake Protection designation. The description of the LP zoning designation in the LDC reflects the Plan which states,

"The intent of the Lake Protection category is to ensure that development within the Lake Jackson basin occurs in a sustainable and environmentally sound manner with minimal impact to water quality. The Lake Protection category is the basis for regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin. The bounds of this category are to be the Lake Jackson basin boundary adjusted to include contributing watersheds but excluding existing, more intensely developed areas south of Interstate 10 and areas outside the Urban Service Area."

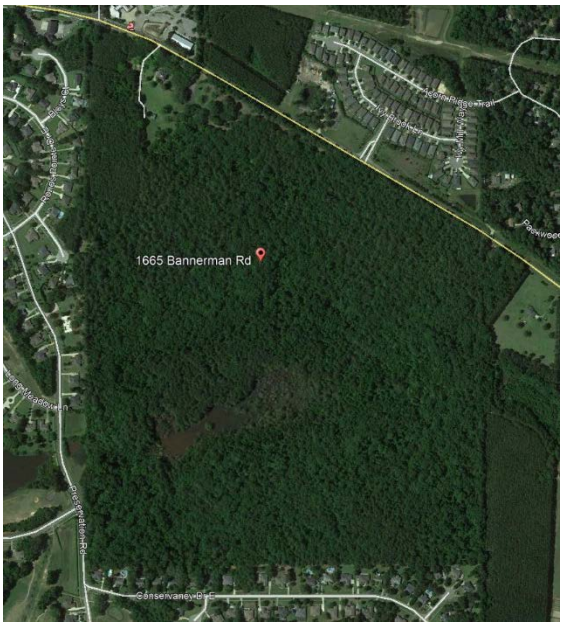


Figure 2: May 2014 Aerial

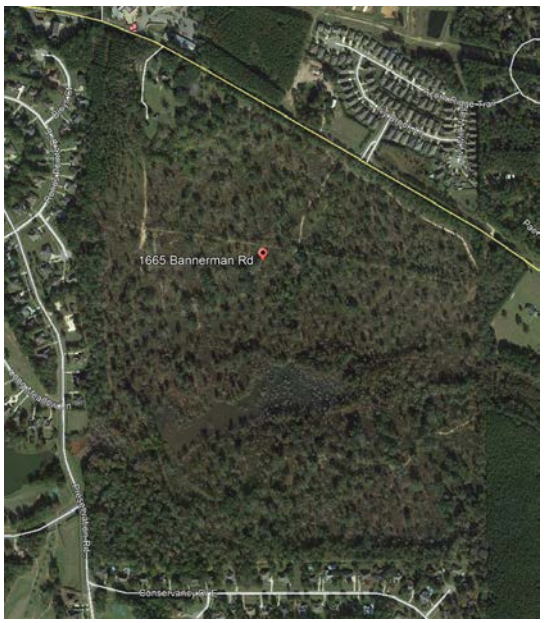


Figure 3: December 2015 Aerial

The Policy places conditions on development within the Lake Protection category, also establishing a Lake Protection Node (LPN) sub-category as a potential designation for certain areas. The intersection of Bannerman Road and Bull Headley Road, located just northwest of the subject property, is one of the areas in which the LPN designation can be obtained. The Plan indicates that the LDC shall specify the extent of the nodes so long as they do not extend beyond ¼ mile from the intersection.

Additional development parameters include a volume control based stormwater treatment standard to be required for all development and redevelopment within the Lake Protection land use category. This standard shall ensure that runoff volumes greater than pre-development runoff volumes must be retained for all

storm events up to a 100-year, 24-hour duration storm. Additional development standards deemed necessary to protect Lake Jackson from further degradation and/or improve existing water quality are permitted in the land development code. Residential densities up to eight (8) units per acre may be permitted in the LPN designation, along with non-residential uses up to a maximum intensity of 10,000 SF per gross acre.

Applying the LDC development parameters in Section 10-6.660, for the 30.9-acre area proposed to be designated as LPN would potentially allow placement of 247 dwelling units or 309,000 SF of non-residential uses. For projects containing vertical mixed uses, the non-residential uses may be increased to 12,500 SF per gross acre for a maximum of 386,250 SF of non-residential use in addition to the residential use. Buildings would be limited to four (4) stories in height, and with a total floor area of not more than 30,000 SF for the vertical mixed-use structures. Maximizing the ground floor non-residential development would provide not less than 26 vertical mixed-use buildings, each of which would have a total of ±29,712 SF in floor area, with commercial use at ground level and residential uses above. This would provide ±14,855 SF of ground floor non-residential beneath ±6 dwelling units. This would provide the entirety of the non-residential use and allow for 156 residential units. Anticipating the balance of the residential units in multi-family structures not greater than 15,000 SF in floor area, would yield an additional 12-20 buildings on the site, depending upon the final floor area within each of the units. For full development of the site as a mixed-use project, it is anticipated that between 38 and 46 buildings, between two and three stories in height, would be the likely development scenario.

ITE 8th Edition Land Use	Density/ Intensity	ADT Rate	PM Rate	% PM Enter	% PM Exit	ADT's	PM PHT's	PM Entering	PM Exiting
Low Rise Apartment (LUC 221)	247	6.59	0.58	65	35	1,628	143	93	50
Retail (Shopping Center; LUC 820)	150,000	42.94/1 000	3.37/10 00	49	51	6,441	506	248	258
General Office (LUC 750)	150,000	11.01/1 000	1.49/10 00	17	83	1,652	224	38	186
Medical Office (LUC 720)	86,259	36.13/1 000	3.46/10 00	27	73	3,117	298	81	218
Total Trips						**12,837**	**1,171**	**459**	**711**

Table 1: Projected Traffic at Maximum Development

Although a full traffic study was not included in the request, Table 1 shows the estimated traffic impacts to be anticipated by the maximum build-out scenario. At

build-out the anticipated average daily traffic will amount to 12,837 trips, with 1,171 evening peak hour trips. There has been no analysis of the Bannerman/Bull Headley intersection, nor any analysis of the entering and exiting movements and their impact upon traffic along Bannerman.

Surrounding Land Uses

Figure 4 (below) provides a graphic representation of the surrounding land uses abutting and proximate to the subject property. Directly north of the property is the Bull Headley-Bannerman commercial node consisting of a convenience store with gasoline pumps, a veterinary office and the Lifeway Church. Adjacent to the west is Fire Station #15 and Summerbrooke, a large lot residential development that extends south along the west boundary of the subject property. Directly south of the subject property is another undeveloped parcel and then more of the Summerbrooke development. To the east are large lot residential with some agricultural activities along with additional residential development. Lake Alyssa and Somerset Lake are located to the southwest, and it appears that drainage outfalls directly impact these water bodies. There are no multi-family developments proximate to the subject property, nor do there appear to be any residential structures more than two stories in height.



Figure 4: Surrounding Land Uses

The Staff Report provides a summary of the surrounding zoning and land use in Table 3. While accurate in its description, Figure 4 provides additional context for the analysis of compatibility between the proposed use and the existing uses.

Table 3: Surrounding Zoning and Future Land Use

Area	Zoning	Future Land Use	Physical Use	Comments
Subject Parcel	**LP**	**Lake Protection**	**Single Family Home**	**N/A**
North	LP/LPN/RP	Lake Protection; Lake Protection Node; Residential Preservation	Single Family Subdivisions and Office Parks	Sable Chase Subdivision; Bull Headley Commercial Subdivision; Bannerman Commercial Subdivision
South	LP/R-1/RP	Lake Protection; Single Family Detached Residential; Residential Preservation	Vacant	Timberland/Undeveloped; Summerbrooke Subdivision
West	LP	Lake Protection	Single Family Homes	Summerbrooke Subdivision
East	LP	Lake Protection	Single Family Homes	N/A

Figure 5: Staff Report, Page 7, Table 3

Analysis

1. Comprehensive Plan Consistency.

The term 'compatible' or 'compatibility' is repeatedly referenced by the Leon County Plan but is not a defined term. Florida Statutes, Section 163.3164(9) states, "Compatibility means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." A determination is necessary to ascertain whether the proposed rezoning request will be able to coexist over time with the proximate uses in a manner such that the uses and conditions will not unduly impacted, directly or indirectly.

The introduction to the Plan states, "The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens. The plan encourages and supports economically sound residential, educational, employment, cultural, recreational, commercial and industrial opportunities for the citizens. This is facilitated by systematically planning for growth, development and redevelopment." For a development to be consistent with the Plan, it must

therefore demonstrate that it will preserve, protect and enhance the quality of life for all citizens. This is a specific charge established by the Plan and must be demonstrated in a tangible fashion that can be objectively determined by a review of a request for development approval. The Plan further states, “The residential environment is also one of many criteria which form the community’s perceived quality of life and must be protected.”

Development that is vague, lacks specific details for evaluation, or creates uncertainty cannot preserve, protect and enhance a residential neighborhood. The Plan suggests, “Essential for planning are objectives and policies that protect and enhance the natural environment, water resources, the canopy roads, and residential neighborhoods. To this end, regulatory tools such as concurrency management, urban service area designation, planned unit developments and special protection zones are used to foster the community’s vision.” Absent a more detailed site plan and development conditions that can be applied to assure that the residential environment will be preserved, protected and enhanced, this development request cannot be determined to meet these goals established by the Plan.

The Staff Report (See Figure 5, above.) indicates that there are Residential Preservation areas to the north and south of the subject property. Policy 2.2.3 of the Plan states, in part, “In order to preserve existing stable and viable residential neighborhoods within the Residential Preservation land use category, development and redevelopment activities in and adjoining Residential Preservation areas shall be guided by the following principles: a) The creation of transitional development area (TDA) for low density residential developments. Higher density residential developments proposed for areas adjoining an established neighborhood within the residential preservation land use category shall provide a transitional development area along the shared property line in the higher density residential development. The development density in the transitional development area shall be the maximum density allowed in the Residential Preservation land use category. Development within the transitional development area shall be designed, sized and scaled to be compatible with the adjoining residential preservation area.” Thus, a transitional area in accordance with the Plan should be required for the requested development in which land

uses will be designed, sized, and scaled to achieve compatibility. There are no criteria included in the request or the Staff Report, however, that would provide objective, measurable standards for the transition area.

The Policy continues, noting that, "Transitional development areas shall be non-mapped areas and shall be approved at the time of site plan approval. The factors cited in paragraph (e) below shall be considered when determining the size of transitional development areas." The Policy states, "A number of factors shall be considered when determining a land use compatible with the residential preservation land use category. At a minimum, the following factors shall be considered to determine whether a proposed development is compatible with existing or proposed low density residential uses and with the intensity, density, and scale of surrounding development within residential preservation areas: proposed use(s); intensity; density; scale; building size, mass, bulk, height and orientation; lot coverage; lot size/ configuration; architecture; screening; buffers, including vegetative buffers; setbacks; signage; lighting; traffic circulation patterns; loading area locations; operating hours; noise; and odor. These factors shall also be used to determine the size of transitional development areas." According to the Policy, these same factors must be applied to commercial uses adjoining residential preservation designated areas, and only those commercial activities which are compatible with low density residential development in terms of size and appearance shall be allowed." As noted above, the Plan fails to provide measurable, objective criteria against which the requested rezoning may be evaluated to determine the extent to which conditions may be imposed as part of the site plan approval process.

Policy 2.2.26 provides a land use development matrix depicting set performance criteria for measurement of the development potential of any property. The matrix measures a property based upon a parcel's designation on the FLUM, its potential compatibility – although, as noted above, that term is undefined – with surrounding existing land uses, accessibility (for commercial uses), road functionality, environmental constraints, and water/sewer availability. The policy states, "Each cell of the matrix contains an inherent policy based on the relationship between the propose land use for that parcel (vertical axis) and a performance standard (horizontal axis). An 'X' in that cell indicates that the

proposed use would be allowed. Conversely, an 'O' indicates that the proposed use is not allowed."

The Lake Protection land use designation is one of the categories delineated on Table 6 contained within Policy 2.2.26. With sewer availability, minor commercial and office uses are allowable, as are low density residential uses, passive and active recreational uses, community services, and light infrastructure. For minor commercial, site area should be two (2) acres or less, gross floor area not more than 20,000 SF, and possessing access located within 330' of the centerline of the required intersection, in this case Bannerman and Bull Headley. The permitted uses for the LPN district, however, jump the total potential commercial and office use up to 386,250 SF, a substantial increase over that normally anticipated for the LP district. That level of non-residential development would qualify for a Regional Commercial designation, according to the standards found in Plan Policy 3.1.2. It is not at all clear how such an intense commercial use could be permitted on the subject property while retaining compatibility with the adjoining and proximate land uses. The Staff Report does not provide insight into how this will be achieved, nor does it indicate what the ultimate development plan will become. There do not appear to be limitations on the density or intensity of uses, other than the maximums articulated by the Plan.

Staff declares the request consistent with the Plan, stating, "The subject property is located in the Lake Protection (LP) Future Land Use Map (FLUM) Category. According to Land Use Policy 2.2.18 (Attachment #8), the intent of the LP FLUM Category 'is to ensure that development within the Lake Jackson basin occurs in a sustainable and environmentally sound manner with minimal impact to water quality'." This is a conclusion, however, and does not provide any insight into how development on the subject property will be managed during the permitting process. Lacking measurable and objective criteria by which the development will be evaluated to determine the full extent to which development may occur, it must be assumed that granting the request will permit the subject property to be developed to the fullest extent permissible under the LPN designation. At that level of development, it cannot be asserted that the request is fully consistent with all the applicable goals, objectives, and policies of the Plan.

2. Conformance with the LDC

The Staff Report indicates that there are stringent design standards associated with the LPN zoning district intended to minimize potential adverse impacts upon nearby neighborhoods (p. 7). Techniques such as buffering, screening, and lighting requirements are provided as examples. Also referenced is the intent of the LPN district stating that buffers, transitioning building mass and scale, and careful site design should be used to facilitate compatibility.

The Staff Report reiterates the potential for development of up to eight (8) dwelling units per gross acre and up to 12,500 SF per gross acre of office, retail services, and community facilities. There is then provided a table with a significant number of uses permissible in the LPN district, most of which do not currently exist anywhere in proximity to the subject property. Finally, Table 2 confirms that an increase of 231 dwelling units and 386,250 SF of non-residential floor area is the net increase in density and intensity that will be allowed by the proposed rezoning request.

At no point in the development process has the request attempted to demonstrate a compact mixed-use development design, nor has it provided a pattern of development that is supportive of transit services. There is no discussion as to how the project will minimize environmental impacts or minimize automobile dependency and reducing vehicle miles traveled. There has been no demonstration of a development design in which travel by foot and bicycle is safe, convenient, and comfortable. There has been nothing provided to demonstrate minimization of stormwater runoff by limiting surface area devoted to parking and requiring strict volume control stormwater facilities. Finally, there are no conditions or guarantees to suggest that the development design will facilitate compatibility with nearby neighborhoods through buffers, transitioning building mass and scale, and through careful site design.

Other than the Staff assertion that the development intensity being approved does not exceed the maximum density and intensity permitted in the LPN district, there is no evidence that the request complies with, or can be made to comply with, the provisions of the LDC.

3. Changed Conditions

The Staff Report indicates that, "The subject site's future land use category and zoning districts have been the same since they were updated by the adoption of the Tallahassee-Leon County Comprehensive Plan in 1992." However, that is not an accurate interpretation of the metric in question. The answer to the question of whether the land use and development conditions have changed since the effective date of the existing zoning district regulations is quite simply, "Yes." The area has developed as low density residential during the intervening years, without any multi-family uses, and very limited commercial activity. A review of aerial photographs demonstrates that Summerbrooke, Coventry Banks, large areas of Killearn Lakes Plantation, Greystone, and Sable Chase were not part of the surrounding neighborhood. Further, the commercial area on the northeast corner of Bannerman and Bull Headley was not part of the community at that time. A review of the aerial photographs from the early 1990's up to the present clearly show that the dominant land use for the area is a clustered subdivision model characterized by single-family residences intended to create discrete neighborhoods. By 2018, a developed, clustered low density residential type of land form has been established for this portion of the County.

Introduction of an intensive development such as that represented by the current request is not consistent with the existing land use and development conditions without consideration of all related aspects of the proposed development plan. The changed conditions of the neighborhood in which the proposed development is to be located must be fully addressed as part of the application and properly considered by Staff.

4. Land Use Compatibility

The Staff Report indicates that there are stringent design standards associated with the LPN zoning district intended to minimize potential adverse impacts upon nearby neighborhoods (p. 7). Techniques such as buffering, screening, and lighting requirements are provided as examples. Also referenced is the intent of the LPN district stating that buffers, transitioning building mass and scale, and careful site design should be used to facilitate compatibility. As noted above, however, the "stringent design standards" lack specificity that would provide real insight into the ultimate development program. Objective standards include a 35' maximum building height for multi-family uses, a 5'-15' minimum front setback, 10'-15' side

setbacks (40' for property adjoining RP designated lands), and 20' rear setbacks (40' adjoining single-family). For commercial uses and mixed-use development, a 4-story height limitation is imposed, with similar setbacks.

Additionally, multi-family development is limited to 15,000 SF maximum building size while mixed-use development can develop up to 30,000 SF of building floor area. Stand-alone non-residential is limited to a maximum of 14,000 SF of building area. There are additional generalized design criteria related to access, block sizes, frontage, sidewalks, street plantings, parking, building position, facades, transparency, building materials, roofs, buffers (none of which would exceed a 'D' type of buffer), lighting, signage, and stormwater management. However, the creation of an intense development with an anticipated 38-46 two, three and four-story buildings on a 30.9-acre site along a rural, two-lane roadway with no sidewalks and significant potential impacts on the area's surface water regime is in no way consistent with existing land use patterns. The problem with the LDC design requirements is that they are geared toward an intense, town center style of development that is utterly out of character with the development pattern that has emerged along Bannerman and Bull Headley over the past decades.

There are no standards that demonstrate how a development as intense as that which is being proposed will be made compatible with the existing land uses the surround the proposed rezoning, and nothing that provides any insight as to why such a development will not overwhelm the available infrastructure. As noted above, for a development scenario with a 38-46 building mix of residential, retail, general office, and medical office, there will be an estimated 12,831 daily vehicle trips created by this proposed development at build-out. This translates into 1,171 PM peak hour trips on a two-lane roadway with open drainage and no sidewalks or bicycle lanes in front of the proposed development and open drainage along both Bannerman and Bull Headley. The proposed land use will certainly not coexist in relative proximity to existing large-lot and clustered development in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition without specific conditions related to compatibility and design. Any approval granted without additional conditions relating to the design, density and intensity of the proposed development fails to achieve the mandated compatibility required by LDC Section 10.660(1)(7) to, "Facilitate compatibility with nearby neighborhoods

through buffers, transitioning building mass and scale, and through careful site design."

5. School Considerations

It is noted that the impacts to the school system were reported, but concurrency determinations were contingent upon School Board approval scheduled for 2/27/2018.

6. Other Matters

As noted throughout this analysis, the lack of conditions that could be imposed to provide assurances of compatible development on the subject property is a significant flaw in the request. Without added specificity that could be agreed upon regarding the development design, the existing neighborhoods in the vicinity of the request cannot be guaranteed that a fully compatible development, consistent with all the implied guarantees of the LDC and the Plan, could be constructed on the subject property. The sheer size of the potential entitlements being granted by the rezoning request will have profound impacts upon an area of established homes and families. Absent a much more detailed request, it is not possible to see how this application complies with the requirements of the Plan and the LDC.

7. Florida Statutes, Section 163.3194 Legal status of comprehensive plan

According to Section 163.3194(1)(a), F. S., "After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted." The actions taken by the Board in approving a development request must be determined to be consistent with its Plan, and all the provisions contained therein. Section 163.3194(1)(b), F. S. goes further to explicitly state, "All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof…"

Section 163.3194(3)(a), F. S. provides that, "A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies,

land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government." Proposing to place 247 dwelling units and 386,250 SF of commercial and office uses on 30.9 acres in an existing neighborhood of large lot and clustered single-family residential uses is, on its face, incompatible with the existing development patterns established for decades in this area. Because the development proposal is lacking in measurable and objective criteria by which the development will be evaluated to determine the full extent to which development may occur, it must be assumed that granting the request will permit the subject property to be developed to the fullest extent permissible under the LPN designation. At that level of development, it cannot be asserted that the request is fully consistent with all the applicable goals, objectives, and policies of the Plan without additional demonstration by the applicant of the manner by which the proposed development will meet all the applicable elements of the design parameters.

Section 163.3194(3)(b), F. S. states, "A development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government." The applicant must demonstrate to Leon County how a development consisting of 38-46 buildings, 247 dwelling units, and a regional level commercial development of 386,250 SF of commercial and office uses will be able to meet the requirements for access, preservation of the watershed qualities associated with the Lake Jackson Basin, separation and buffering of adjoining properties, inter-connectivity with surrounding development, and how the residential environment which forms the community's perceived quality of life will be protected.

Policy 1.1.5 of the FLUE of the Plan states, "Future Land Use Map densities and intensities are intended to reflect the availability of capital infrastructure. Capital infrastructure, which supports higher land use densities and intensities, consists of sewer and water, roads, mass transit, solid waste, drainage, and parks." There has been no analysis of the County's ability to support the intensity and density of the proposed development at this location, with access to a two-lane roadway and at the headwaters of the Lake Jackson Basin. Policy 1.1.7 reinforces this policy by stating, "Higher density and mixed use development and its ancillary activities

shall be channeled into locations which have proper access to the existing transportation system; minimal environmental constraints; sufficient stormwater treatment capacity; compatible existing land use and readily available sewer and water infrastructure." The County has indicated that intensive development such as that proposed by the applicant will be directed into areas with which such development would be compatible and for which adequate facilities and support services exist.

FLUE Policy 1.2.1 states, "Emphasize land use location that minimizes topographical changes. The proposed land use should fit the site location. The location should not be substantially altered to fit the proposed land use." Similarly, Policy 1.2.2 states, "The type, intensity and structural design of any development proposed for a site shall be appropriate to the existing natural topography. Site alterations will be limited to the absolute minimum necessary to develop a site safely. Design criteria in the land development regulations will emphasize site designs that fit the topography, not changing the topography to fit the design. Minimum grade changes typically associated with site development include those necessary for the safety of a building including parking, road right-of -way, handicapped access or utilities. Criteria for approval of development in areas with significant and severe grades will be limited to the type of land use that requires the least disturbance of sloped areas." The application has not demonstrated how such an intense set of uses will fit the location amidst the large lot and clustered single-family subdivisions that characterize the existing land uses. Neither has it shown how it will protect the watershed in which it is located without substantially altering the existing topography.

FLUE Policy 1.3.1 indicates that, "Before a development order or permit is issued, local government shall ensure that the adopted level of service standards for the affected public facilities will be maintained in accordance with the Concurrency Management System." The placement of 247 dwelling units and 386,250 SF of commercial and office uses at this location will have a significant impact upon the levels of service for Bannerman and Bull Headley. There are no provisions for multi-modal interconnectivity proposed for the development and the surrounding land uses. The proposal has not demonstrated compliance with this Plan policy.

Policy 1.3.2 of the FLUE states, "Residential density and/or non-residential intensity of development allowed for individual sites shall be determined by the

degree of compliance with the goals, objectives and policies of the Comprehensive Plan and the land use development matrix, which is intended to be a pictorial representation of existing policies in the plan, as implemented by the land development regulations. Overall densities and intensities should be consistent with capital facilities and services being available at the adopted level." The request does not provide the level of detail necessary for a full evaluation of the impacts that will be created. Neither does it provide the necessary information to determine whether the overall density and intensity is consistent with the capital facilities and services available at the adopted level. The Staff analysis has not provided this information either, and without it, approvals may not be granted.

Policy 1.4.1 of the FLUE indicates that, "Density and intensity incentives shall be established within the required land development regulations to encourage growth in areas which minimize and mitigate development's negative impact on the natural and aesthetic environment." Leon County has committed to provide regulations that minimize and mitigate a development's negative impacts upon the natural and aesthetic environment. Staff has not provided any conditions, mechanisms, or criteria by which this application will be regulated to minimize and mitigate its negative impacts. In fact, a full analysis of the potential negative impacts has not been conducted as part of the development review, and the application and its analysis is therefore defective.

FLUE Policy 1.4.12(a) states, "…Neighborhood and inter-site compatibility shall be implemented through site planning and design criteria that require objectionable impacts of particular land use activities to be internally located within site or building designs, rather than relying exclusively on standard landscape and setback buffering methods to reduce perimeter oriented objectionable impacts." There is no indication in the Staff Report or submitted by the applicant that indicates the site planning and design criteria to be used in mitigating the objectionable impacts such an intense and out of character development will have upon the surrounding neighborhood. Without such information to review, the application cannot be determined to meet the requirements of this Plan policy.

FLUE Policy 2.1.1 states that the County will, "Protect existing residential areas from encroachment of incompatible uses that are destructive to the character

and integrity of the residential environment." Neither Staff nor the applicant have provided any objective evidence regarding how the placement of such an intense development on the subject property would be consistent with the County's commitment to protect existing residential areas from encroachment of such incompatible uses as those which would be permitted by the request. The policy goes on to state that one of the methods by which the protection of existing residential areas will be accomplished will be, "Limitations on future commercial intensities adjoining low density residential areas. Such limitations are to result in effective visual and sound buffering (either through vegetative buffering or other design techniques) between the commercial uses and the low density residential uses; and are to allow only those commercial activities which are compatible with low density residential development in terms of size and appearance." There is nothing contained within the request or analysis that would serve to provide limitations that are consistent with the existing development patterns when compared to the proposed development density and intensity.

Conclusion

Based upon the foregoing analysis, it is my professional opinion that the application is deficient in its attempt to demonstrate compliance with the Plan and the LDC. I believe that the proper motion for the Board of Commissioners would be to find the proposed request inconsistent with the Tallahassee-Leon County Comprehensive Plan. Further, that the Board of County Commissioners not adopt the proposed ordinance, and not amend the Official Zoning Map, based on the findings of fact and conclusions of law related to the evidence submitted at this hearing. At a minimum, the request should be found lacking in specificity regarding compliance with required compatibility, infrastructure impacts, and design elements that must be satisfied as part of the permitting process, and the applicant should be directed to amend the application to provide details regarding the development design that can be evaluated fully in light of the requirements of the Plan.



_____

David W. Depew, PhD, AICP, LEED® AP

PROFESSIONAL QUALIFICATIONS



David W. Depew, PhD, AICP, LEED® AP
Principal

EDUCATION

University of Florida, BA, Honors, Political Science, 1972
McMaster University, MA, Comparative Political Development, 1973
Johns Hopkins University, PhD coursework and all doctoral exams completed successfully in Policy Analysis and Public Administration, 1973-1976
Kennedy-Western University, PhD coursework and dissertation completed, Public Administration, 1997-2004[1]

PROFESSIONAL REGISTRATION

Certified Planner, American Institute of Certified Planners, 1983
Leadership in Energy and Environmental Design (LEED®) Accredited Professional, 2008.

AFFILIATIONS & HONORS

Member, American Institute of Certified Planners
Member, American Planning Association
Member, Florida Planning and Zoning Association
Associate Member, Urban Land Institute.
Member, Institute of Transportation Engineers
Member/Vice President/President, Association of Eminent Domain Professionals
Member/Chairman, Fort Myers Historic Preservation Commission, 1999-2006
Member, Fort Myers Charter Review Commission
Chairman, Lee County Local Planning Agency, 1982-1984
Member, Real Estate Investment Society
Charter Member, Director, Southwest Florida Tiger Bay Club

AREA OF EXPERTISE

Land planning, development permitting, zoning, comprehensive planning, transportation planning, traffic analysis, policy analysis, eminent domain-related planning issues, demographics and statistical modeling.

CURRENT RESPONSIBILITIES

As a principal of Morris-Depew Associates, David Depew is involved in the management of a variety of land use planning and project permitting efforts. He is also responsible for the development of research methodology, staff supervision, regulatory agency contacts, marketing and client relations. His duties also include assistance with the ongoing business management of the firm. Dr. Depew has also previously served as an Adjunct Faculty member at Florida Gulf Coast University in Fort Myers, Florida, is currently Chair of the Legislative Affairs Committee of the Walton County Area Chamber of Commerce, and a member of the Florida Planning Association's Legislative Policy Committee.

[1] Kennedy Western University is no longer in operation; Dr. Depew's degree was obtained as part of continuing education and professional development coursework along with his dissertation.

RELEVANT EXPERIENCE

David Depew has acquired extensive experience over more than 25 years in the management of significant planning and permitting projects. Much of his experience has been acquired in Southwest Florida since 1980 where he served as the primary planning manager and consultant for a number of large public and private organizations. He is an acknowledged expert on regional planning and permitting issues and has been certified as an expert witness in a variety of legal and administrative proceedings in numerous jurisdictions across Florida. Prior to founding Morris-Depew Associates, he was a planning, permitting, and financial consultant to a variety of public and private clients throughout Southwest Florida.

David Depew was previously the Director of Community Development for Lee County with responsibility for all planning and permitting activities. In this position, he successfully supervised major revisions to Lee County's Land Development Regulations and Comprehensive Plan, both of which were recognized state-wide for quality, as well as the development of a new series of permitting procedures, various sub-area studies, and development review policies. During that period of time, he served as Lee County's Local Planning Agency, supervised the Metropolitan Planning Organization's staff efforts, and initiated Lee County's first efforts at comprehensive growth management legislation.

He also served in the following high-level positions: Acting Director and Senior Planner, Long Range Planning Department, Lee County, Florida; Assistant Manager, and Research Associate II, Mayor's Office of Manpower Resources, Baltimore, Maryland; Computer Applications Consultant, Geneva, Switzerland; and Instructor, The American College, Leysin, Switzerland.

REPRESENTATIVE PROJECTS & CLIENTS

Comprehensive & Site Planning

- **Lee County Port Authority;** acquisition consultant for Airport Expansion; Fort Myers, FL; S. Woodward Hanson
- **Gulf Harbour Yacht and Country Club;** golf course/ marina residential DRI; Fort Myers, FL; Florida Design Communities, Inc.
- **Pueblo Bonito;** farm worker housing development; Bonita Springs, FL; Donald E. Franck

PROFESSIONAL QUALIFICATIONS

REPRESENTIVE PROJECTS & CLIENTS (CONTINUED)

- **International Center;** mixed use commercial, industrial, residential development; Fort Myers, FL; W. Parkinson Myers
- **American U-Store It;** urban redevelopment and adaptive re-use of existing facilities; Fort Myers, FL; Thomas R. Branham
- **Cypress Lake Center;** urban redevelopment and adaptive re-use of existing shopping center; Fort Myers, FL; LEFMARK, Inc.
- **Manor Care Skilled Nursing Facility;** ALF development; Fort Myers, FL; Manor Care
- **McGregor Baptist Church;** religious facility; Fort Myers, FL; McGregor Baptist Church
- **Temple Beth-el**; religious facility; Fort Myers, FL; Bruce Gora
- **Faith Fellowship Ministries;** religious facility; Fort Myers, FL; Reverend David T. DeMola
- **Presbyterian Retreat;** religious facility; Sanibel, FL; John Hicks
- **Pineland Marina**, commercial marina DRI; Pine Island, FL; Pineland Holdings
- **Corkscrew Woods;** aggregate mining and residential development, planning and permitting; Cameratta Companies, LLC; Lee County, Florida.
- **Coca Cola Distribution Facility;** commercial/ industrial development; Fort Myers, FL; Charles S. Faller, III, CPM
- **Kelly Greens Homeowners Association**; land use consulting, comprehensive planning; Lee County, FL; Kelly Green Homeowners Assoc., Inc.
- **Edison Park Homeowners Association**; land use consulting; Fort Myers, FL; Edison Park Homeowners Assoc.
- **Airport Technology Center;** industrial planned development; Fort Myers, FL; Bundschu Kraft, Inc.
- **D-75 Commerce Center**; interchange commercial development; Fort Myers, FL; BK Equities, LLC
- **ACT Shelter;** community facility expansion; Fort Myers, FL; Abuse Counseling and Treatment, Inc.
- **Bonita Grande Mine;** aggregate mining and re-use development planning and permitting; Bonita Springs, FL; Bonita Grande Mining, Inc.
- **Vanderbilt Beach Property Owners**; Collier County Ordinance Amendments; Collier County; Vanderbilt Beach Property Owners Assoc.
- **Osceola County**; Comprehensive Plan Amendments; Osceola County, FL; Segundo Fernandez
- **Captiva Community Panel**; preparation of a community plan and Comprehensive Plan Amendments, Lee County, FL; Captiva Island Property Owners Association
- **Boca Grande Community Panel**; preparation of a community plan and Comprehensive Plan Amendments; Charlotte and Lee Counties; Boca Grande Community Planning Assoc., Inc.
- **Town of McIntosh**; Land Development Regulations amendments; McIntosh, FL: Town of McIntosh
- **Charter School Sites**; two charter school sites; Lee County, Florida; J. McGarvey
- **Bokeelia Seaport**, residential re-development and historic preservation efforts; Bokeelia, Florida; Highpoint Tower Development, LLC
- **Spring Hills Development of Regional Impact**; Mixed Use development; Alachua County, Florida; Pennsylvania Real Estate Investment Trust, Inc.
- **Lake Placid Village**; mixed use development; Lake Placid, Florida; HIW Development
- **Gulf Coast Landfill;** sanitary landfill, recycling, solid waste transfer station, and industrial development; Lee County, Florida; Waste Management, Inc.
- **Premier Airport Park**; industrial development; Lee County, Florida; Premier Airport Park, LLP
- **Corkscrew Excavation**; aggregate mining and re-use development; Fort Myers, FL; Resource Conservation Holdings, LLC.
- **Gulf Coast Medical Center**; 800 hospital redevelopment and expansion; Lee memorial Health Systems.
- **Highpoint Tower Technology, Inc.**; Cellular communication towers, various sites; Sarasota and Lee Counties.
- **City of Venice**; LDR revisions and comprehensive plan amendments; Venice, FL.

PROFESSIONAL QUALIFICATIONS

REPRESENTIVE PROJECTS & CLIENTS (CONTINUED)

- **Lost Grove Mine;** aggregate mine; Alico Land Development, Inc.; Collier County, FL
- **FDOT;** outdoor advertising permit and site analysis; Tallahassee, FL.

Litigation

- **Zemel vs. Lee County;** inverse condemnation case and administrative hearing; representing owner.
- **Southern States Utilities vs. Collier Family Enterprises;** condemnation case; representing condemning authority.
- **Lee County vs. Abdallah;** inverse condemnation; representing owner.
- **Feinstein vs. Johnson Engineering, Inc.;** liability dispute; representing Johnson Engineering, Inc., defendant.
- **FDOT vs. The Landings Homeowners' Association;** right of way acquisition; representing owners.
- **In Re Seago Group;** bankruptcy action; representing plaintiff.
- **FDOT vs. KB Holdings (Boulis);** right of way acquisition; representing owner.
- **FDOT vs. Coral Ridge Cemeter;** right of way acquisition; representing owner.
- **FDOT vs. Mobil Oil;** right of way acquisition; representing condemning authority.
- **FDOT vs. TransNation Title Insurance Co.;** right of way acquisition; representing condemning authority.
- **Collier County vs. Northside Construction;** right of way acquisition; representing owner.
- **Stardial vs. Town of Fort Myers Beach;** land use dispute; representing property owner.
- **Kessler, et. al. vs. City of Naples and Collier Enterprises;** permit challenge; representing Collier Enterprises.
- **Jonesboro, et. al. vs. Alachua County, et. al.;** comprehensive plan challenge; representing Jonesboro Properties, Inc.
- **Crouch vs. City of Newberry;** defense of annexation by City; representing intervener.
- **Batreal, Caron vs. City of Newberry;** ordinance challenge; representing City.
- **Cossu-Cohen vs. Town of Fort Myers Beach;** ordinance challenge; representing Fort Myers Beach.
- **Miami Corporation vs. City of Titusville;** permit challenge; representing Miami Corporation.
- **City of Lakeland vs. Southwest Florida Water Management District;** permit challenge; representing City.
- **White vs. Levy County;** vested rights challenge; representing White Construction.
- **Watson vs. City of Gainesville;** inverse condemnation case: representing Watson Construction.
- **Lee County vs. Colico**; eminent domain action; representing the owner.
- **LPH, LLC vs. Lee County**; inverse condemnation action; representing plaintiff.
- **Rotonda Project, LLC vs. Charlotte County**; inverse condemnation representing plaintiff.
- **Collier County vs. Blocker**; land use dispute; representing Collier County.
- **Alachua Land Investors v City of Gainesville;** inverse condemnation representing land owner
- **FDOT v Miami Gardens Shopping Plaza, Ltd., et. al.;** eminent domain action representing property owner.
- **FDOT v Holiday Plaza Condominium;** eminent domain action representing property owners.
- **Edwards CDS, et. al. v City of Delray Beach;** inverse case representing property owner.
- **Kahama, LLC v HJH, LLC et. al.;** title dispute representing plaintiff.
- **Gulf Power Co. v Little Oyster Bar Point, LLC;** eminent domain action representing condemning authority.
- **1000 Friends of Fla. et. al. v Walton County;** comprehensive plan amendment challenge representing Walton Co.
- **SFWMD v Bauer et. al.;** eminent domain action representing property owners.

Haley, Jiwuan

From: Jeremy Anderson <janderson@andersongivens.com>
Sent: Tuesday, April 10, 2018 2:06 PM
To: Haley, Jiwuan; Perrine, Beth
Subject: For the Record of Tonight's Rezone Hearing
Attachments: Rezone.Memo.For.Record.4.10.18.pdf

Good Afternoon,

Will submittal to you via email be sufficient for inclusion into record at the rezone hearing scheduled for tonight? If not, please let me know where to send.

Thank you.

Jeremy V. Anderson, Esquire
Anderson | Givens
www.AndersonGivens.com
Office: (850) 692 8900
Fax: (850) 224 2440

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this e-mail message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this e-mail message, or if this e-mail message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this e-mail message and its attachments. Do not deliver, distribute or copy this e-mail message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments. Notwithstanding anything contained in this e-mail or the provisions of any "electronic signature" law, no offer is intended to be extended or accepted hereby and it is the intention of the sender that a contract may only be formed by a document physically signed by an appropriate representative of Anderson & Givens, P.A.

NOTICE TO HOMEOWNERS' ASSOCIATION AND CONDOMINIUM ASSOCIATION CLIENTS: This communication (and any attachments) may include privileged communications between attorney and client that are exempt from disclosure and/or protected pursuant to Sections 90.502, 718.111(12) and/or 720.303(4), Fla. Stat. In such event and to protect the privileged nature of this communication, this communication should not be made accessible to the members of the association as part of the official records of the association pursuant to Sections 718.111(12) or 720.303(4), Fla. Stat., as applicable, until such time as the board of directors has determined to make its contents accessible to the members of the association as part of the official records of the association.

FAIR DEBT COLLECTION PRACTICES ACT: Please be advised that the law firm of Anderson & Givens, P.A. is engaged in the practice of debt collection and any information obtained by Anderson & Givens, P.A. may or will be used to effect collection of a debt.

ANDERSON | GIVENS
ATTORNEYS AND COUNSELORS AT LAW

P.O. Box 12613
Tallahassee, Fl 32317
Direct: 850-692-8900
janderson@andersongivens.com
jgivens@andersongivens.com

April 10, 2018

Leon County Board of County Commissioners
301 S Monroe St
Tallahassee, FL 32301

By email to: Jiwuan.Haley@talgov.com *and* Mary.Perrine@talgov.com *for the record*

Re: **Opposition to the Proposed Rezone of 1665 Bannerman Road from Lake Protection (LP) zoning district to the Lake Protection Node (LPN) zoning district**

Dear Commissioners:

This firm represents SUMMERBROOKE PROPERTY OWNERS ASSOCIATION, INC. (herein "Association"), the entity responsible for the operation and administration of the Summerbrooke subdivision. The Summerbrooke subdivision is located adjacent to 1665 Bannerman Road, which is subject to the proposed rezoning from the Lake Protection (LP) zoning district to the Lake Protection Node (LPN) zoning district.

The Association and its membership oppose the proposed rezoning. On behalf of the Association and its members, this is to hereby request that this Commission make a finding that the proposed rezone: 1) is inconsistent with the Comprehensive Plan; 2) would result in incompatible land uses; 3) fails to conform with the substantive requirements of the Land Development Code (LDC); and 4) is contrary to well-established land uses and development conditions (changes in conditions since 1992 to LP and other adjacent districts).

This Commission must deny the proposed rezoning application for 1665 Bannerman Road.

As you will see from a separate seventeen (17) page memorandum prepared by the Association's land planning expert, David W. Depew, PhD, AICP, LEED® AP, the basis of denial of this proposed rezone is supported by competent substantial evidence on the record. This memorandum is hereby submitted in support thereof, as an enclosure thereto and incorporated.

PROPOSED REZONE IS INCONSISTENT WITH THE COMPREHENSIVE PLAN

Section 163.3194(3)(a), Florida Statutes, which defines "consistency" as it relates to the Comprehensive Plan requires this Commission to deny this proposed rezoning if the land uses, densities or intensities, and other aspects of proposed rezoning are not compatible with and further the objectives, policies, land uses, and densities or intensities stated in the Comprehensive Plan. This definition alone requires more than simply determining whether the property falls within one of the Lake Protection "nodes" adopted in 2015. In fact, the Comprehensive Plan language establishing the "nodes" is permissive in nature and does not operate to guarantee that some or any of the area within the ¼ mile radius may actually be rezoned to "node" status.

Stated another way, a consistency analysis for a proposed rezoning does not cease simply because a parcel is located within a potential "node" area. State law governing "consistency review" requires a much deeper and thoughtful analysis of our Comprehensive Plan, which as you know serves as our "constitution" for land development in Leon County. Each and every Goal, Policy and Objective must be reviewed for consistency. If the proposed rezoning fails to be consistent with each and every Goal, Policy and Objective of the Comprehensive Plan, the proposed rezoning must be denied.

The proposed rezoning is **contrary** to the County's stated "Vision Statement and Implementation" provision of the Comprehensive Plan, which provides in pertinent part that:

> The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens".

The proposed rezone fails to preserve, protect or enhance the quality of life for the residents of Summerbrooke and other surrounding communities. The proposed rezoning will result in negative development impacts that will degrade the quality of life in existing residential communities, including by: 1) substantially increasing vehicle traffic on an already congested two-lane roadway, 2) straining the capacities of area schools; and 3) resulting in appreciable increases in noise levels, light pollution, and other deleterious impacts that are associated with higher density residential developments and intense commercial and office uses.

The "Vision Statement and Implementation" provision of the Comprehensive Plan also recognizes that:

> Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood. Not only actual changes, but also the perception of a constant assault on a neighborhood undermines an otherwise desirable residential environment. . . it is the intent of the plan to maintain the integrity of existing neighborhoods . . ."

The proposed rezone will destroy the integrity of existing adjacent residential neighborhoods and will permanently alter their character. This proposed rezone is another assault on our existing neighborhoods and undermines what has been a long-established and desirable residential environment.

As you should know, Goal 1 of the FLUE of the Comprehensive Plan requires the protection and enhancement of the quality of life in Leon County by:

> channeling inevitable growth into locations and activities that protect . . . residential neighborhoods.

The proposed rezoning does the opposite by channeling of up to 247 dwelling units and 386,250 SF of commercial and office uses onto a thirty (30) acre parcel immediately adjacent to a low density established residential neighborhood.

Policy 1.1.7, of the FLUE of the Comprehensive Plan specifically requires that:

> Higher density and mixed use development and its ancillary activities shall be channeled into locations which have proper access to the existing transportation system; minimal environmental constraints; sufficient stormwater treatment capacity; compatible existing land use and readily available sewer and water infrastructure."

The proposed rezoning is not consistent with Policy 1.1.7. Not only will the channeling of up to 247 dwelling units and 386,250 SF of commercial and office uses on a thirty (30) acre parcel have a significant impact upon the traffic of Bannerman and Bull Headley, the proposed land uses (likely multi-family and intense commercial and office) are incompatible with the adjacent land uses of Summerbrooke and other neighborhoods, which are residential uses comprised of low density single-family home developments.

The proposed rezone is also inconsistent with the Objective 2.1 (Residential Land Use) of the Comprehensive Plan because the proposed development **fails** to:

> Enhance the livability of existing neighborhoods . . .

Further, Policy 2.1.1 of the FLUE of the Comprehensive Plan requires that this Commission, which would apply to rezone considerations:

> Protect existing residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.

In fact, Policy 2.1.1 protects residential communities by:

> allowing only those commercial activities which are compatible with low density residential development in terms of size and appearance.

If approved, the up to 386,250 SF of commercial and office uses will be permitted immediately adjacent to an existing residential development. These uses would be located in numerous multi-story buildings (4 stories) which clearly do not share the same characteristics as the existing adjoining or nearby residential developments as it relates to size and appearance.

Policy 1.1.5 of the FLUE of the Comprehensive Plan states:

> Future Land Use Map densities and intensities are intended to reflect the availability of capital infrastructure. Capital infrastructure, which supports higher land use densities and intensities, consists of sewer and water, roads, mass transit, solid waste, drainage, and parks."

The County has failed to show consistency with Policy 1.1.5 by its **failure** to provide any analysis of the it's ability to support the intensity and density of the proposed development at this location. If approved and if developed anywhere near to maximum density and intensity, the development would exacerbate the already poor level of service experienced on the existing two-lane roadway. It is estimated that there will be an additional 12,831 daily vehicle trips created by this proposed development at build-out, which translates into 1,171 PM peak hour trips.

Based upon the foregoing and the additional inconsistencies described by the Association's expert, David Depew, in writing prior to the hearing and through his oral testimony, my client requests that this Commission deny the requested rezone.

PROPOSED REZONE WILL RESULT IN INCOMPATIBLE LAND USES

The area of the proposed rezone is adjacent to two existing residential subdivisions and is very close to numerous other subdivisions, each of which having a residential land use consisting of low density single-family subdivisions. For this proposed rezoning to be approved, the proposed rezoning **must** be shown to be compatible with said adjacent or nearby land uses. Since the Comprehensive Plan fails to define compatibility, it is proper to use the statutory definition as a guide. *See Katherine's Bay, LLC v. Fagan,* 52 So. 3d 19 (Fl. 1st DCA, 2010). Specifically, Section 163.3164(9), Florida Statutes defines "compatibility" as meaning:

> a condition in which land uses **or** conditions can coexist in relative proximity to each other in a stable fashion over time such that no use **or** condition is unduly negatively impacted directly or indirectly by another use **or** condition. [Emphasis Added].

The Summerbrooke subdivision and the other adjacent or nearby subdivisions will be forever unduly negatively impacted by the proposed uses and conditions that will be permitted if this proposed rezoning is approved. It is **incontrovertible** that any development with up to 247 dwelling units and up to 386,250 SF of commercial and office uses on just thirty (30) acres will have permanent unduly negative impacts on adjacent land uses comprised of low density single-family residential uses. The conditions created by extremely dense multi-family structures and the intensity of commercial and office uses will have a permanent unduly negative impact on the Summerbrooke subdivision and other adjacent and nearby subdivisions. Specifically, the conditions permitted by the rezone which are incompatible to Summerbrooke and other adjacent and nearby subdivisions include substantial differences in building bulk, size, mass, height, coverage and setbacks. In addition, high density multi-family uses and large and intense commercial and office uses will most certainly result in an increase in objectionable light and noise pollution.

Based upon the foregoing and the additional incompatibilities described by the Association's expert, David Depew, in writing prior to the hearing and through his oral testimony, my client requests that this Commission deny the proposed rezone.

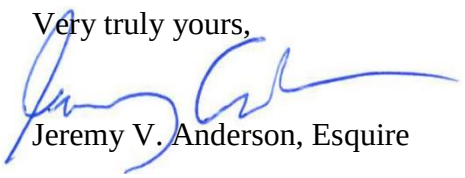
ESTABLISHED LAND USES AND DEVELOPMENT CONDITIONS CONTRARY TO PROPOSED REZONE (CHANGED CONDITIONS)

The criteria for rezoning review requires this Commission to analyze whether the land use and development conditions have changed since the effective date of the existing zoning district regulations involved and which are relevant to the properties. County Staff answers in the negative. This is simply incorrect. County Staff failed to provide the proper analysis, which requires a review of changes over time (since 1992) to the Lake Preservation District and its land uses, as well as actual development in the surrounding area. A proper analysis shows that conditions have in fact changed. A significant change in conditions is that the previously undeveloped lands have been developed into numerous single-family subdivisions that make up the bulk of development around the proposed rezone property. As stated previously, the Comprehensive Plan requires the protection of existing neighborhoods. Notably, there are no multi-family home developments and commercial development has been very limited. These are all factors that are relevant to the proposed rezoning, but not properly considered by County Staff or included in the County Staff report for you to properly consider.

These facts are relevant because they underscore the fact that the introduction of such intensive development abilities such as that represented by the proposed rezoning request is not consistent with the existing land uses and development conditions. Approval of the proposed rezoning will result in a new zoning designation and eventual development that are both inconsistent with the Comprehensive Plan and which are wholly incompatible with adjacent or nearby single-family residential developments, including Summerbrooke.

Again, SUMMERBROOKE PROPERTY OWNERS ASSOCIATION, INC., and its membership request that this Commission deny the requested rezone.

Very truly yours,



Jeremy V. Anderson, Esquire

Haley, Jiwuan

From: J. Scott Henderson <hendersonjscott@gmail.com>
Sent: Tuesday, April 10, 2018 3:28 PM
To: Haley, Jiwuan
Subject: Proposed Rezoning - 1665 Bannerman Road
Attachments: 1665 Bannerman Rd rezoning- Leon County Board Of County Commissioners.docx

Jiwuan:

Thanks for your assistance in reviewing the Bannerman Rd rezoning matter.

As indicated, I will not be attending the hearing but wanted to offer input on a variety of the technical matters that are appropriate to consider in this case.

Thanks,
Scott

J. Scott Henderson
Henderson Planning Group, LLC (Ret.)
599 Tung Hill Dr.
Tallahassee, Fl 32317
(850) 519-9134
www.hendersonplanninggroup.com

From: Haley, Jiwuan [mailto:Jiwuan.Haley@talgov.com]
Sent: Monday, April 09, 2018 1:49 PM
To: hendersonjscott@gmail.com
Subject: Proposed Rezoning - 1665 Bannerman Road

Good afternoon Scott,

The proposed 1665 Bannerman Road LPN rezoning is scheduled to be heard at the Leon County Board of County Commissioners' meeting tomorrow evening, April 10th. Per your request, please see the following:

Rezoning Application: See attached.

Links:

- 1665 Bannerman Road Leon County BCC item (see pgs. 941-1125): http://www2.leoncountyfl.gov/coadmin/agenda/. The 2015 Lake Protection FLUM Amendment staff report is included as part of this agenda item (see Attachment #6, pg. 1005).
- Northeast Connector Corridor: http://www.leonpenny.org/?project=northeast-connector-corridor-bannerman-road.
- Capital Improvements Schedule (FY 2018 – FY 2022): http://www.talgov.com/Uploads/Public/Documents/planning/pdf/compln/cisf18-22.pdf.
- Bannerman Road Corridor Study: http://www.leoncountyfl.gov/bannermanroad/project/

Staff contact information for Leon County Department of Development Support and Environmental Management (DSEM) Phone: 850-606-1300:

- Ryan Guffey, Concurrency Management Planner, Development Services Email: guffeyr@leoncountyfl.gov
- Nawfal Ezzagaghi, Environmental Review Supervisor, Environmental Management Email: EzzagaghiN@leoncountyfl.gov
- Shawna Martin, Principal Planner, Development Services Email: MartinS@leoncountyfl.gov
- Barry Wilcox, Chief Development Resources Officer, Leon County DSEM Email: WilcoxB@leoncountyfl.gov – Oversaw the processing of the 2015 Lake Protection FLUM Amendment

If you have any additional questions please let me know.

Thank you,

Jiwuan Haley, AICP
Senior Planner, Land Use Division
Tallahassee-Leon County Planning Department
435 North Macomb Street, Tallahassee, FL 32301
850.891.6400 • jiwuan.haley@talgov.com
http://www.talgov.com/place/planning.aspx

PLANNING DEPARTMENT
a division of PLACE

Thank you for your email. Please note that under Florida's Public Records laws, most written communications to or from local government staff or officials regarding City or County business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

Leon County Board Of County Commissioners: April 10, 2018

Re 1665 Bannerman Rd rezoning:

Recommendation: Continue this zoning application until such time as the transportations issues addressed herein are properly addressed and reported back to the Public in community meetings and then brought back to the Commission for final review.

1. **Premature Application**- The issue before you in this rezoning is not restricted to the consistency with the Comp Plan but rather the timing. The Comp Plan is a 20 year planning documents with zoning as an implementation tool to be used during that 20 year period to implement the timing of development under the Future Land Use Map. The Lake Protection Node (LPN) Land Use was established for this area less than 3 years ago. An LPN application was approved on the NW corner of this intersection yet, no development has proceeded. An application to allow up to 309,000 SF of Retail development is therefore, unjustified at this time and therefore, premature. A review of the zoning application and the Staff Report offers no justification for this application proceeding at this time. Other factors as presented below further support the premature nature of this application at this time.

2. **Transportation** -

    a. A. Bannerman Rd Capacity- Bannerman Rd is over capacity with NO programmed improvements to relieve the current capacity deficiencies, well alone any new traffic that would be generated by development intensification of the subject property.

    b. Bannerman Rd Capacity Designation- The Concurrency Inventory designates Bannerman Rd as a Major Collector with a PM / Peak Hour directional capacity of 1,140 trips. This volume of capacity is questioned as being excessive in light of the conditions of many segments of Bannerman Rd being a Substandard Width condition. If Bannerman were rated for concurrency similar to other roads in our community, the degree to which the road is over capacity would be even more obvious as it is to the area residents. Here are a few examples of other roads in our community with similar characteristics yet significantly lower capacity ratings than the 1,140 directional trip capacity of Bannerman Rd:
        i. Meridian Road – Bannerman Rd to Ox Bottom- 400 (SB) / 833 (N B) Trips
        ii. McClay Rd – 594 Trips
        iii. Centerville Rd – 430 trips
        iv. Buck Lake Rd -820 trips

v. Capital Circle – Old Bambridge Rd to Fred George Rd – 880 trips. Bannerman Rd Classification and Capacity ranking should be re-evaluated prior to further action on this application.

c. The Significant Benefit Project Priority List – As contained in the Comp Plan identifies Bannerman Rd for long Range improvement with a stated Justification: Alternate route to relieve Thomasville Rd". If Bannerman Rd is improved with the intent of relieving Thomasville Rd (a North South roadway) how much traffic is anticipated to be redirected. This will also direct additional traffic onto Meridian Rd with no capacity and no option for improvement. This is fundamentally conflict with the designation of Meridian Rd. It appears that the community is totally unaware of this being the intent of the Comp Plan and believe that there would be significant objection, if properly understood.

d. Meridian Rd Capacity- Meridian Rd is over capacity on a various links yet there is NO capability to improve the road. In addition, and more importantly, the Comp Plan clearly designates Meridian Rd as a Canopy Rd which WILL NOT be 4 laned, therefore, additional capacity improvements are not possible. Development of the subject Property at an intensity permitted by this application would produce traffic with impacts on Meridian Rd.

i. The common solution to over capacity is to pay a Significant Benefit Fee and proceed with development. However, considering that both the North South roadways (Thomasville Rd and Meridian Rd ar4e over capacity with extremely to no capabilities to accommodate additional traffic, how will funding thru the Significant Benefit Projects do anything to actually resolve the issues on Meridian Rd. At what point will the County simply declare that Meridian road does not have the capacity to add any more trips. If not now, then it is incumbent for the Commission to specifically declare how many more trips can be added to Meridian. This is the fundamental issue that is established under the Florida Comprehensive Planning Law that ties together Land Use and Concurrency specifically, that development can NOT proceed without adequate infrastructure to support development. Vacant land along Bannerman Rd and Meridian Rd should be analyzed to allocate trips reserved to allow for development prior to allowing any intensification of other properties that would consume these trips and thereby render other properties unable to develop.

ii. Before the County acts on this application to SIGNIFICANTLY increase the development intensity of the subject

property, the traffic issues and traffic planning for Bannerman Rd and the development and transportation impacts for both Bannerman Rd and Meridian Rd should be analyzed in a comprehensive traffic analysis addressing these issues. These traffic questions have significant implications to the communities along Bannerman Rd as well as those along Meridian Rd and should be presented to the community for review prior to adoption in the Comp Plan. As structured, the transportation issues contained in the current Comp Plan have conflicting positions that should be addressed and resolved prior to this application proceeding. Again, this Application is premature until such time as these transportation issues and conflicts are addressed.

3. **Lake Protection Node (LPN) Land Use Designation**:
   a. Intensity of Development- A review of the LPN classification raises a variety of concerns, While the concept of node planning is a sound principal, the application of the LPN as structured presents a development intensity that is both Incompatible and Inconsistent with the Character and Nature of the Bannerman Rd / Bull Headley area. Allowing for development up to 309,000 Sf of retail is simply and clearly well beyond the character of the area and incompatible with the area. I challenge the Staff to offer examples of retail centers in the Leon County of a similar size (250,000- 300,000 Sf) to allow you to judge the character of those properties and their location as compared with the subject property. Development at an intensity of 10,000 sf/ac is clearly too intense for ANY node development in this character of the community. The LPN designation is simply being used as a back door to create a high intensity commercial development in a very low intensity development area. Of you were to apply of the Comp Plan locational criteria for retail development of this size and character outside the LPN approach, this location would not qualify and therefore, a clear indication that the LPN is not appropriately applied in this location. It is suggested that the intensity of a development node in this character of area should be in the range of 10-15% of the proposed intensity. Especially in consideration for the existing and planned commercial development at this intersection. The application of standard ratios of retail to population standards to this area simply does not justify the amount of commercial suggested in this LPN location.
   b. LPN Storm Water- If the future land use designation of Lake Protection is a development intensity of 1 du / 2 acres has a fundamental basis to protect Lake Jackson, then the dramatic increased intensity of development of the subject property is directly contrary to the fundamental intent of the Lake Protection concept. The current LPN storm water regulations are insufficient to meet the intent of the Lake Protection policies in the adopted

c. Comp Plan. If development intensity are as permitted under the LPN district then the volume of storm water management criteria currently applied to this Lake Protection property should be modified by mandating that the storm water runoff retention requirements should be that No More storm water to be generated from the subject property than that which would be produced from the underlying Lake Protection designation of 1 du / 2 acres. Any storm water generated beyond this base Lake Protection intensity should be 100% held on site based on a 72 hour storm event.
d. LPN Design Standards- A review of the design standards in the LPN district also raise concerns as to their incompatibility with the adjacent Lake Protection designation. For example, LPN development could be 3 stories of Commercial/ Office or Multi Family development with only a 40 ft. setback. This setback to adjacent 2 acre lot development is simply incompatible and should be modified to establish a sliding scale setback to height of development or landscaped buffers with under canopy and tree canopy standards.. Also, Signage is required to be ground mounted but still allows electronic message center signs which is also out of character with the low intensity residential character of the area. There are other issues of design compatibility that are appropriate for LPN which should be further evaluated and fine-tuned.

Findings-

1. The application of LPN at this time is Premature.
2. Sufficient vacant (zoned) LPN land exists at this intersection to meet the current needs of this area.
3. Insufficient justification has been presented to support the intensity and demand for the land uses permitted under the LPN designation in this location.
4. Insufficient traffic capacity exists in the community infrastructure nor programmed to accommodate the applications intensity of development.
5. Due to the classification of Meridian Rd as a Canopy Road, with no significant improvement capabilities to accommodate additional traffic, the significant increase in development intensity under this application, additional analysis under concurrency principals must be undertaken prior to proceeding with intensification rezoning in this area which impact Meridian Rd and Bannerman Rd.
6. The application of the LPN and the permitted intensities are incompatible and inconsistent with the character and nature to the area.
7. The potential for a 309,000 sf retail center on the subject property does not meet the adopted Comprehensive Plan locational criteria for retail centers of such a size at this location.

Recommendation: Continue this application, until such time as the issues addressed above have been addressed and a comprehensive report, presented to the community for public input and brought back to the Commission for consideration. This study and analysis period shall not to exceed 9 months.

Thank you for the opportunity to address this matter.