

Board of County Commissioners

Agenda Request

Date of Meeting: March 1, 2010

Date Submitted: February 12, 2010

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Jessica Welch, Policy & Public Information Coordinator

Subject: Request Ratification of Board Discussion Taken During the February 4, 2010 Workshop to Discuss the Old Courthouse Lease Agreement Between the County and Chamber of Commerce and Request Board Direction

Statement of Issue:

This agenda item requests ratification of the Board discussion that took place during the February 4, 2010 Workshop to discuss the Old Courthouse Lease Agreement between the County and Chamber of Commerce, and request Board direction.

Background:

During the October 6, 2009 Board Meeting, the Board directed staff to schedule a Workshop to discuss issues, which pertain to the Chamber of Commerce's ability to best manage and operate the Historic Old Wakulla County Courthouse property per the lease agreement with the County. Clarification was sought to better enable the Chamber and the community to utilize the Historic Old Wakulla County Courthouse for the public's and Chamber's benefit per the lease agreement on the following issues:

- Liability Insurance and waivers for sublease of building space;
- Appropriate uses and non-uses for Old Wakulla Courthouse;
- Utilizing County maintenance services for property, both inside and outside of the building;
- Utilizing County security services for building;
- Use of alcohol at events by subleases and Chamber.

It was anticipated that the workshop would clarify and define these services and processes above to improve the Chamber's ability to manage and sublease the building space to help defray the costs of building management and operation, and allow the County to better utilize this property for the benefit of the citizens of the County.

Analysis:

A Workshop was held on February 4, 2010 to gain direction from the Board on issues pertaining to the Chamber of Commerce's management and operation of the Historic Old Wakulla County Courthouse property per the lease agreement with the County. The Old Courthouse is a County owned building. A Lease Agreement between the County and the Chamber was approved on March 18, 1996 (Attachment #1).

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Paul Johnson, President, Chamber of Commerce, requested Board direction and approval to work with County staff to bring back a Draft Management Agreement for the Board's consideration.

In addition, Kimberly Moore, President-Elect, Chamber of Commerce presented the Board with a PowerPoint on the Chambers 2010 Priorities (Attachment #2). Ms. Moore requested the Board consider addressing the following issues: liability insurance and waivers for sublease of building space; appropriate uses and non-uses for Old Wakulla Courthouse; utilizing County maintenance services for the property (both inside and outside of the building); utilizing County security services for building; and use of alcohol at events by subleases and the Chamber.

After hearing the Chamber's presentation, the Board discussed the issues further. It appeared that consensus was reached on the following:

- The County would purchase liability insurance and waivers for sublease of the building space;
- Installation of security services was considered;
- With regards to the request for County maintenance services for the building and property, the Board suggested that a cost analysis be conducted prior to making a decision; since this requires additional staff resources which may not be available.

It appeared that consensus was not reached on the following issues:

- *Allowable Uses and Non Uses of the Facility*-The Commissioners did not express if they were in agreement or not. A draft rental agreement was provided along with the workshop item, but was not brought up for discussion or approval (Attachment #3).
- *Use of alcohol*- Some Commissioners appeared to be in agreement with alcohol being included in the lease agreement for special events and to include an insurance clause; while most were against the use of alcohol. In addition, the County Attorney noted Chapter 5 of the County Code prohibits alcohol on County property, and alcohol being served by a vendor within so many feet of a Church.
- *Amending the Existing Lease Agreement Vs Creating New Management Agreement*-The current Lease Agreement dates back to 1996 and may need to be revisited to address both the County and the Chamber's concerns. The County Attorney mentioned the current Lease Agreement is difficult to interpret and asked the Board to consider having only one Agreement as opposed to a separate Management Agreement which may conflict with the Lease Agreement.

Other Board discussion included allowing the Clerk's Office to utilize the upstairs portion of the Old Courthouse to provide the court and judges with needed space.

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Summary:

At the conclusion of the workshop, it was unclear on how to proceed with this issue. At this time, staff is requesting the Board ratify the workshop discussion and is also seeking Board direction. It seems consensus was reached by the Board for County staff and the Chamber to work together to address the concerns of both parties through a revision of the Lease Agreement. The Board appeared to desire Commissioner Brock assist in this negotiation. Some citizens and Commissioners mentioned the need to have another workshop to further discuss the issues, while a Commissioner mentioned having the item brought back as requested and voted on.

Options:

1. Ratify the Board discussion taken during the February 4, 2010 Workshop to Discuss the Old Courthouse Lease Agreement between the County and Chamber of Commerce.
2. Do not ratify the Board discussion taken during the February 4, 2010 Workshop to Discuss the Old Courthouse Lease Agreement between the County and Chamber of Commerce.
3. Board Direction.

Recommendation:

Option #1 & #3

Attachments:

1. Current Lease between Chamber and Wakulla County
2. Chamber presentation
3. DRAFT Rental Agreement