

Interviewee: **Thaell, Clifford**
Interviewer: **Michael Douma**
Date of interview: **September 20, 2007**
Category: **Florida / Tallahassee**
Status: **Open**
Tape location: **Box #59**

Douma: Mr. Thaell, can you explain how you first became involved in the Fallschase Development, how you first heard about this issue?

Thaell: Fallschase has been around in front of county regulators twenty years before I got elected. They were vested from various comprehensive plans that existed at the time in 1974. Only recently, within the last three years did the project really move forward with the sale of the property by the then property owner Lamar Bailey to a company called AIG Baker, headquartered in Birmingham, Alabama. The issues associated with Fallschase in this latest rendition were proposed to be resolved in a development agreement between the county and the developer. And the county appointed a commissioner, Commissioner Bill Proctor, who represented district one, to be the lead negotiator. The question of Fallschase's vesting from the 1990 comprehensive plan was never really in dispute. What was in dispute was that they claimed that is be vested from certain transportation concurrency requirements and environmental management acts. That was the nature of my opposition to the project. And I think what you have seen on the ground, my concerns have been justified.

Douma: Do you consider this a problem that you inherited? Can you say...

Thaell: Absolutely. We inherited it from the commission that existed in 1974 that, you know, they did the best, I imagine, that they could do then with the knowledge and the skills and technical abilities that they had the advisors and the level of thinking about growth management and impact on communities that existed. Their knowledge of lakes protection and things like that were considerably limited. Nevertheless, the answer to you question is, yes, we inherited a very difficult situation. A lot of litigation had gone on between various parties. Mr. Bailey had sued the state of Florida, and had gotten a judgment. Mr. Bailey had been in and out of bankruptcy over a variety of issues revolving around various financial instruments. I'm not going to be specific about that. So there was a great history and we inherited it.

Douma: Fallschase was designed as a special taxation district where you would raise bonds to pay for it. Is this something that is common?

Thaell: There are quite a few community development districts that exist throughout the state. As a matter of fact, Southwood is a community development district as well as Piney Z plantation is also a special development district. Its an attempt to generate additional tax revenue within the community itself to allegedly foster better amenities for the community at large.

Douma: Now did that lead to any problems in this particular case?

Thaell: The only problem that I foresee is that they were able to get a vote from the county commission to exempt all the commercial property owners and the office developments within Fallschase from the payment of that community development district. To me, that appears that that would shift the burden of taxation to the residential property owners, who would have to pay for those amenities and possibly sewer and storm water. I voted against that provision for those reasons. They challenged my thinking on that and it remains to be seen.

Douma: You mentioned this Mr. E. Lamar Bailey, the original promoter of the project. Without going into, you know, his personal life or whatnot, could you give a little explanation of his role in the project and where you maybe seen him going right or wrong along the way.

Thaell: Well. He was the owner of the Fallschase property and made many attempts to develop it, sometimes with shaky compliancy. His initial proposal called for hundreds, if not more than a thousand single family units developed within the flood plain itself which is absolutely out of the question. And so, I think those were all challenging. And it's a very contentious type of relationship, I think. And then he sold the property and AIG Baker hired a very good lawyer/lobbyist, Mr. Rick Bateman. And paid him extremely well, I understand. And he was able to successfully get five of the seven votes on the county commission.

Douma: You mentioned already, Southwood, and I think a lot of people will be comparing this to Southwood as a point of reference. Can you explain how this differs from Southwood, whatways, and why was this controversial and Southwood not?

Thaell: Well. Southwood's parent company St. Joe was always cooperate. They contributed millions of dollars up-front in the development agreement through the development of Regional Impact. Those were used to pay substantial concurrency payments for transportation improvements needed for Capitol Circle and storm water. These guys (AIG Baker) fought every step of the way. The agreement that our Commissioner Proctor accomplished called for no substantial traffic mitigation, no concurrency, no exaction. The fact is that the ink wasn't dry on the agreement between the developer and the county when the city of Tallahassee threatened to sue AIG Baker. It didn't have to threaten them all because AIG Baker walked across the street, their President, Ron Carlson, walked across the street, you know, with a satchel of money, not literally, but a big checkbook, and negotiated a settlement, I think, and paid them about four million dollars for traffic impacts. Many of us think that that was highly insufficient, that the impact is going to be closer to probably twenty million. So he still got a good deal, but the fact of the matter was the county and the lead negotiator left four million dollars on the table. Who is going to pay for this traffic impact but the property taxpayer right here in Tallahassee? We are trying to fix our revenue problem this year. This project started clearly as a major commercial enterprise with a Walmart and Costco, anchors, you know, on a stripped-down piece of land that has been leveled essentially for a parking lot. They took down every single tree that they could possibly find. Southwood, if you drive by, did a good job, I think, of preserving the greenery and

the treescapes. These guys, I question whether they will ever proceed directly themselves with the residential component of the property, which was the real advantage to the community, that being to get real residential lots.

Douma: What gives you that impression?

Thaell: What have they done so far in that regard? Not a single type plan or anything and they've delayed, and delayed, and delayed. And I think the reality is that they either sell the residential properties to another developer and say "good luck" or they never proceed with it in the foreseeable future. The market is so soft for new homes here. its bad timing anyway and there are other developments springing up. What we didn't need was just another commercial development. Its just Walmart in town, but you know. I wished I had done a better job of alerting the citizenry to the situation at hand. I did my best. Only after the trees started coming down and the hills started getting leveled did people realize what had been at stake and the anger and frustration was very strong from the public.

Douma: So, the major concerns, would you say, would be environmental, would it be a growth issue?

Thaell: Environmental and traffic.

Douma: So what exactly is at stake here, whether the project went through or not?

Thaell: The project, they were vested. No question, they were vested for a certain number of residential unites and a certain number of commercial and office. What the development agreement did was reverse some of that. They were vested for 2500 homes, but they got 1500homes. They were vested for a smaller amount of commercial, they got hundreds and hundreds of thousands of square feet more. I don't have the specific numbers in my mind, but that was what they got through the development agreement negotiated by Commissioner Proctor and supported by five out of the seven members of the commission.

Douma: Now, you had mentioned that you wished that you had done more to alert the citizenry. What are some of the things that came through this office as a commissioner where you had an impact on the project? What kind of decisions?

Thaell: Oh, everything.

Douma: OK, good answer. Or a bad question. So, going back to my earlier question about what is at stake in this development. What does Tallahassee have to gain or to lose as a whole by seeing this come in, not only that property?

Thaell: Well, I think that if the residential got built that that could be a good thing. The market notwithstanding, the soft housing market notwithstanding, we need more urban infill,

more residential housing closer in and that could possibly be a good thing. It wouldn't be a good thing to build the houses now. They would just sit there are not sell. There is a need for commercial development on the east side of town, but, you know, I frankly question whether there is a need for a huge Walmart, a huge Costco. Maybe one or the other. I live over there so I know what there is a need for: a dam good coffee shop, a Starbucks or a local coffee shop like Cool Grindz or something that people can congregate or meet. Sharkeys over at Southwood is a good example. They've got a great coffee shop. Restaurants, video stores, dry cleaners. Things like that are need on the east side, and, you know, more pedestrian-oriented lifestyle, kind of, mall, outdoor-mall kind of things where people walk and recreate and can shop at the same time and stop at a restaurant and eat maybe some outdoor eating. This is just going to be too huge. Big box stores anchored with some, those are the anchor stores, and then stuff in between. It could cause some degradation of Lafayette Plaza down the street where Publix is. You could see some losses there, so that could become an eyesore. They would need to be redeveloped by somebody. Some of those redevelopments sit out there for five, ten, fifteen years and as eyesores they drag down all property values in the area.

Douma: You mentioned that you live on the east side. Are you a member of the Buck Lake Alliance, and can you explain sort of the feelings of the neighborhood over there and what people are saying?

Thaell: No, I am not a member of the Buck Lake Alliance. Buck Lake Alliance ended up supporting the development agreement because part of the agreement was...I should have mentioned this as a positive, because I think of it as a positive - AIG Baker donated some two hundred acres of the flood plain to the county. That would be added to our greenways. We have the J.R. Alford Greenway that starts way up on Pedrick and comes all the way down two hundred plus acres. Added to that, I think it might tie into Tom Brown Park. It will be a great recreational amenity for the people of the whole community. There's some, I don't know if the actual closing has occurred, how much they said they were donating versus what had actually been donated, I haven't kept my eye on that. I know one of my colleagues, Commissioner Rackleff, has had some questions about that. it will be interesting to see how that comes out. Buck Lake Alliance made an assumption, looking at the politics of the Leon County Commission that this was a done deal and was going to happen. So they might as well get with the program and get as much out of it as they could. I really didn't have a problem with them taking that position. We really wasted people's time and money for months and months and months having all these public hearing. We really could have just, they could have given us a sheet of paper and had the chairman sign on the bottom of it. Fill in the blanks, because they were going to get whatever they wanted.

Douma: And what did they get?

Thaell: Well, enhanced, increased commercial. AIG Baker is a commercial developer, so that's what they got. On a beautiful piece of property they got to denude a remarkable historical site in Leon County, stripped the trees completely, leveled the hills and build a mass parking lot

that will only contribute to our increasing problems with global warming, greenhouse gasses, more commuting. I'm sure people will shop at those stores. They've done their market use studies. People have short term memories, they won't remember was it was like. And it's a shame, and the other side of the street is going to, the other side of Buck Lake Road on Mahan will be the next shoe to drop.

Douma: I noticed in my research that there were environmental complaints earlier in the seventies and eighties on this project. Are there any, is there anybody that still has any pending suits of issues with the environmental thing, and whose responsibility is that?

Thaell: Leon County. I don't believe there's any still.

Douma: How does it operate, the relationship between the city and county on this project?

Thaell: Well, it was in the county, and they developed it there. I think they are probably trying to annex into the city.

Douma: Now, Tallahassee is a growing community, and you mentioned some of the residential projects are needed. What's an alternative to this, what would you see as the best option for housing?

Thaell: Welaunee Plantation is another large development that's pending on the east side of the town over between Miccosukee and Centreville. Its about a four thousand acre piece of land with residential mixed-use plans. I think they will be moving forward. Although I think they are going to take a very close look at the housing market and be very cautious before they proceed.

Douma: Is it sometimes difficult to remain optimistic about Tallahassee's development problems, because there are a number of issues that arise, and I think this sort of highlights some of the traffic problems, some of the housing problems in a growing city.

Thaell: See that little thing on my desk right in front of you? [points to Optimist Club plaque on desk].

Douma: Optimist's creed. (laughter)

Thaell: You can't do these jobs if you are not optimistic and hope for a better future, and you can have a better future if people of good will come together and serve what's best about our society, or our town, state or county. you have to just plow forward, you know, don't let the disappointments weigh you down too heavily and celebrate your victories.

Douma: What are some of the issues I'm sure you've dealt with, and you've mentioned already, with traffic.

Thaell: (laughs)

Douma: Both personally and professionally, I think you have something at stake.[smiles].

Thaell: Personally because I live there on that side and I have to drive there and I'm blessed because of the nature of my work, I don't have a daily commute, don't have to be here at eight o'clock every morning. And it's a major blessing. But I'll also mention that I have bought a two-bedroom condo downtown here that I will be spending some time in on some days of the month, some nights, because sometimes I have late night meetings and if I have an early morning meeting. The commute has gone from, over the years, I don't credit this with Fallschase at all, but twelve minutes to about thirty-five minutes. And the local sheriffs have done a good job of making sure people keep the speed limit up on those roads. The traffic situation is terrible and is only going to get worse. Mahan Drive from Dempsey Mayo out past 1-10 is the top priority of both the city and county government. Four lane plans are made right away. There is no money for construction of that segment for the next ten years. And legislature is slashing our ability to raise revenues from this community. All the commercial growth that has happened out there, including Fallschase, Fallschase is kind of farther in. But that traffic will come pouring out of Fallschase, an impediment to the west-bound traffic coming in in the morning on a two-lane road. And I think it will enhance road rage and be a very serious problem for years. Buck Lake Road itself is a local road. Now there was some agreement between AIG Baker and the county that AIG Baker donates some right-of-way and contributed some money in enhancing the intersection of Buck Lake and Mahan there. And there is some small scale widening up to Davis Boulevard that is underway at the moment, but that is the end of the development for future widening of these roads. You know, there is huge growth out there.

Douma: Just a few last questions here, at this late state...(interview interrupted by phone call). At this late stage in the development, it seems like the project is definitely going through. What can you hope for as a best outcome?

Thaell: That's a hard question to answer because of the current conditions in the housing market. It's really driven by the market, people's tolerance for risk, developers and investors' tolerance for risk and they might be willing to roll the dice and start the residential stuff and if the houses sold then that would be a good thing because there would be housing options for people to live closer and closer inside. That's almost to Capital Circle. The developer has rejected requests from arborists and planters to do greater plantings, treescapes in the parking lots, provide more shade. It's just a difficult urban sprawl, commercial landscape. Featuring, you know, hundreds of thousands of square feet of impervious surface. I hope the stormwater ponds that they plan keeps water out of Lake Lafayette. There are some who are sure that it will and there are some who are sure that it won't. I don't know the answer. Our staff says that they've made them toe the line there, and others say that they did not go far enough. We'll see. The lake is in jeopardy. Of course, in the lake bed there is a huge fourteen acre hole, sinkhole that drains directly into the Florida aquifer which we all get our drinking water from, and this water is underground south of here all the way to Wakulla Springs, stopping at the coast of the Gulf of

Mexico. And that chemical stuff would get into the sinkhole and enter into the aquifer fairly rapidly. We would get toxic chemicals in our drinking water supply. Not just for this area but for the whole state of Florida. So, I don't have much to be optimistic about.

Douma: It's hard to, despite the Optimist's Creed.

Thaell: On this particular project, I've fought it very hard. I'm proud of that fight. I'm sorry I've lost. There have been lots of good battles, some I've won, some I've lost. The people of Tallahassee really need to wake up and understand what it possible in terms of growth development, commercial development, and what these guys up here who supported this, not just this commission. I think for the record it is important to say that Commissioner Desloge, Brian Desloge, and John Dailey were not on the commission when these decisions were made. Very important. Tony Grippa was the county commissioner from district four, subsequently resigned. County Commissioner Dan Winchester, district three, retired. So Winchester, Grippa, and the other commissioners who are still here were proud supporters of a project which could have been made much better with better vision and better leverage. And we had the leverage. They gave it away without any exaction. I mean, the donation of the flood plain was interesting, important, but we had the regulatory authority to stop any development in there in the first place. So, to me, it's fairly insignificant. It will be nice if the public could use it, I guess. The public most likely would have been able to use it anyway. So I think that was small, they donated one acre for public use to the county and I joke that you could put a public payphone on that. Maybe that's what we'll use it for. It was a failure of vision and leadership on the part of the board. And hopefully, and here is where the optimism comes in, some of these folks will see the results of what they voted for and they'll hear the citizens, hopefully the citizens won't be so quiet and say nothing about it. And these guys will learn and make better decisions down the road.

Douma: That was going to be my follow-up question. That is, although you describe it either as a failure or a loss, in any situation you learn some lessons, and what are some of the lessons others will learn?

Thaell: There are remarkable examples of good quality commercial development, designing with nature, building with nature, allover Florida, allover the country. There are outstanding developers who have good history in this regard. Find those people with a vision, find those people who are willing to work with your community instead of against it. You know, one of the, I think, saddest things with the neighborhoods represented by the Buck Lake Alliance that realized early on that they didn't stand a chance to stop this thing or to redirect it. So they jumped in and they go some things out of it that I think they are happy with. And they are the ones who have to actually live with it.

Douma: Well, I thank you for your time, so far. The final question I'd like to ask is, as we are wrapping up this interview, is there anything else you would like to impart to history, important things about this topic that you fell might be missed out, or points of view that might be misrepresented?

Thaell: Well. I think most significantly, there was really a failure over the thirty, forty years in the history of this particular project. This is unique. There's nothing else like that out there. Most developments are going to be brand new. There's history here. That was very difficult to communicate to new policy makers. The issues associated with it, what they go by legal rights back then versus the new requirements of the law today. Helping commissioners understand that. It was very challenging, so, a better chronology, a better reporting of that information, a clearer, better clarity, more communication one-on-one with key policy makers to help them understand the consequences. you know, but this really came down to money and politics and power. And that is exactly what happened in the subsequent elections. Some AIG Baker people and some commissioners did very poorly, monies raised against them by the same group and things shook out as they did, you know. Nobody got defeated, none of the incumbents got defeated, but that money was very very present and powerful and that ultimately is not just a problem in Tallahassee, Leon County, or Florida, it's a national problem, the role of big money in politics is, an din association with development activities at the local level has got to be addressed, and at the state level is because otherwise, you know, big money and big development will just continue to get its way and people will suffer.

Douma: Now do you see any of these activities to be bordering on criminal or just unethical?

Thaell: I have no knowledge technically of any criminal activity. Even under today's law, nothing that was done was unethical. The money that was put into people's campaigns was after votes took place, completely legal and the maximum amount the law provides. The law also provides for people to form what is known as 527 campaigns which are soft money campaigns where they are not restricted to five hundred dollars and can have a voices in how that money is spent. So, tens of thousands of dollars were donated both directly into campaign accounts and also in 527 accounts.

Douma: Well, thank you for the interview today and we will just wrap it up and I think we got a good amount there.