

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD FEBRUARY 7, 2008  
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX  
221 PALAFOX PLACE, PENSACOLA, FLORIDA  
(4:31 p.m. – 6:39 p.m.)

Present: Commissioner D. M. "Mike" Whitehead, Chairman, District 1  
Commissioner Gene M. Valentino, Vice Chairman, District 2  
Commissioner Grover C. Robinson, IV, District 4  
Commissioner Kevin W. White, District 5  
Commissioner Marie K. Young, District 3  
Mr. Robert R. "Bob" McLaughlin, County Administrator  
Mrs. Alison Rogers, Interim County Attorney  
Mrs. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services  
Mrs. Shirley L. Gafford, Program Coordinator, County Administrator's Office  
Mrs. Doris Harris, Deputy Clerk to the Board

PUBLIC FORUM WORK SESSION

Chairman Whitehead called the Public Forum Work Session to order at 4:31 p.m.

1. FOR INFORMATION: The Board heard comments from Mark Harden and Curt Morse regarding LeaP's (*Leadership Pensacola*) 2008 Initiative Program known as, "Live Green Escambia." 1631
2. FOR INFORMATION: The Board heard comments from L. Gary Sansing regarding various County issues. 1640
3. FOR INFORMATION: The Board heard comments from Barbara Mayall regarding the sidewalks and median on Michigan Avenue. 1645
4. FOR INFORMATION: The Board was advised by Commissioner Robinson that W. A. "Buck" Lee, General Manager, Santa Rosa Island Authority (SRIA), had contacted his office and requested funding for the purchase of a hand-held radar gun, at a cost of \$2,000, for the Sheriff's annex on Pensacola Beach, and was advised by Commissioner Whitehead that it would be appropriate for the Sheriff, and not the SRIA, to make this request. 1648

4:51 P.M. – PUBLIC FORUM ADJOURNED

5:33 P.M. – REGULAR BOARD MEETING CONVENED

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA

1. Call to Order

Chairman Whitehead called the Regular Meeting of the Board of County Commissioners to order at 5:33 p.m.

2. Invocation

Chairman Whitehead advised that Associate Pastor, Kenneth Jessie, Mt. Canaan Missionary Baptist, would deliver the Invocation.

3. Pledge of Allegiance to the Flag

Chairman Whitehead advised that Commissioner Young would lead the Pledge of Allegiance to the Flag.

4. Adoption of the Agenda

Motion made by Commissioner White, seconded by Commissioner Young, and carried unanimously, adopting the agenda as prepared and duly amended to include Commissioner Valentino's add-on item concerning County Attorney selection; Commissioner Whitehead's add-on item concerning out-of-County travel; and Addendum #1 and Addendum #2 to the County Attorney's Report (*Items 1-2 through 1-5*).

1733

5. Commissioners' Forum.

1733

A. District 5 – The Board was advised by Commissioner White that a temporary traffic light is being installed at the intersection of Hummingbird Boulevard and Nine Mile Road; and

B. District 4 – The Board heard a public apology from Commissioner Robinson to Jamie Page, for comments he made during a previous Board Meeting regarding an article in the Pensacola News Journal that Mr. Page wrote.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

6. Proclamations

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting the following two Proclamations: 1734

- A. The Proclamation proclaiming February 2008 as “Library Appreciation Month” in Escambia County; and
- B. The Proclamation commending and congratulating Jerry Pate on his induction into the City of Champions Wall of Fame exhibit located at the Pensacola Regional Airport, Escambia County.

Speaker(s):

Neal Davis  
Phillip White

7. Employee of the Month Proclamations/Retirement Proclamations

Motion made by Commissioner Robinson, seconded by Commissioner Young, and carried unanimously, ratifying the Proclamation, dated January 28, 2008, commending and congratulating John F. Hartman, Director, Facilities Management, on his retirement after 29 years of dedicated service. 1741

8. Written Communication – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. Proofs of Publication

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, waiving the reading of the legal advertisement(s) and accepting, for filing with the Board's Minutes, the certified affidavit(s) establishing proof of publication for the Public Hearing(s) on the agenda, and the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule*, as follows:

1741

A. The following three Public Hearings on the agenda:

- (1) The 5:32 p.m. Public Hearing, advertised in the Pensacola News Journal on January 28, 2008, for consideration of adopting an Ordinance creating the Wetherby Cove Street Lighting MSBU;
- (2) The 5:34 p.m. Public Hearing, advertised in the Pensacola News Journal on January 28, 2008, for consideration of adopting an Ordinance creating the Baywalk Circle Street Lighting MSBU; and
- (3) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal, in two separate advertisements, on January 25, 2008, for consideration of adopting two Ordinances, one amending the Escambia County Airport/Airfield Environs Real Estate Sales Disclosure Ordinance and one amending LDC Article 11, Section 11.02.01; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. Continued...

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule February 4, 2008 – February 8, 2008 – Legal No. 71922*, as published in the Pensacola News Journal on February 3, 2008, as follows:

February 4	5:30 p.m.	Marine Advisory Committee
February 5	1:30 p.m.	Environmental Enforcement Special Magistrate
February 5	6:00 p.m.	District 4 Town Hall Meeting
February 6	1:00 p.m.	Development Review Committee
February 6	5:00 p.m.	Escambia County Area Transit Citizens Advisory Committee
February 7	8:00 a.m.	Incident Review Board
February 7	9:00 a.m.	Agenda Work Session
February 7	1:30 p.m.	Citizens Environmental Committee
February 7	1:30 p.m.	Environmental Enforcement Special Magistrate
February 7	4:30 p.m.	Board of County Commissioners Public Forum
February 7	5:30 p.m.	Board of County Commissioners Public Hearings & Reports
NEXT WEEK'S NOTE:		
February 11	8:30 a.m.	Planning Board
February 11	1:00 p.m.	FL-AL Transportation Planning Organization: Technical Coordinating
February 11	3:00 p.m.	Public Trust and Confidence Team
February 11	3:30 p.m.	FL-AL Transportation Planning Organization: Citizens Advisory
February 11	4:00 p.m.	West Florida Regional Planning Council

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

10. 5:32 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, adopting, and authorizing the Chairman to sign, the Ordinance (Number 2008-11) creating the Wetherby Cove Street Lighting Municipal Services Benefit Unit (MSBU), and all related documents, and making the following findings of fact:

1742

- A. Lots in the District are specially benefited since street lighting not only increases the market value of an individual lot in the District, but also increases safety in the District surrounding individual lots and the ability of lot owners to use their individual lots after dark;
- B. The benefit from improved street lighting varies according to the relative size of the affected lots; residential lots benefit from improved street lighting uniformly because of the small variation in size throughout the District;
- C. The non-ad valorem special assessments levied represent a fair and reasonable apportionment of the cost of the special benefit received by each lot and do not represent a fair share of the cost of general governmental service provided to residents in the unincorporated areas of Escambia County; and
- D. Lots which do not receive a special benefit have been and shall be excluded from the non-ad valorem special assessment for street lighting.

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

11. 5:34 p.m. Public Hearing

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried unanimously, adopting, and authorizing the Chairman to sign, the Ordinance (Number 2008-12) creating the Baywalk Circle Street Lighting Municipal Services Benefit Unit (MSBU), and all related documents, and making the following findings of fact:

1742

- A. Lots in the District are specially benefited since street lighting not only increases the market value of an individual lot in the District, but also increases safety in the District surrounding individual lots and the ability of lot owners to use their individual lots after dark;
- B. The benefit from improved street lighting varies according to the relative size of the affected lots; residential lots benefit from improved street lighting uniformly because of the small variation in size throughout the District;
- C. The non-ad valorem special assessments levied represent a fair and reasonable apportionment of the cost of the special benefit received by each lot and do not represent a fair share of the cost of general governmental service provided to residents in the unincorporated areas of Escambia County; and
- D. Lots which do not receive a special benefit have been and shall be excluded from the non-ad valorem special assessment for street lighting.

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Honorable Ernie Lee Magaha, Clerk  
of the Circuit Court & Comptroller

I. CONSENT AGENDA

1-5. Approval of Various Consent Agenda Items

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, approving Consent Agenda Items 1 through 5, as follows:

1743

1. Accepting, for filing with the Board's Minutes, the following three Reports prepared by the Clerk & Comptroller's Finance Department:

1743

- A. Payroll Expenditures as of Payday January 25, 2008, in the amount of \$2,416,968.21; and

- B. The following two Disbursement of Funds:

- (1) January 17, 2008, to January 23, 2008, in the amount of \$121,061.07; and

- (2) January 24, 2008, to January 30, 2008, in the amount of \$7,006,948.50.

2. Adopting the Resolution (R2008-21) authorizing the write-off of \$1,271,880.54 in receivables that have been recorded in the Emergency Medical Services (EMS) Fund of the County and have been determined to be uncollectible bad debts.

1743

3. Accepting, for filing with the Board's Minutes, the following documents provided to the Clerk & Comptroller's Office:

1743

- A. The *Hurricane Housing Recovery Program Agreement for New Housing Development* with Circle, Inc., based on the Board's action of December 8, 2005, approving to commit HHRP funds to finance performance-based incentives supporting the construction of new workforce homes and complementing second mortgage assistance at levels required to ensure that the homes are affordable to HHRP-eligible, low- and moderate-income homebuyers;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-5. Approval of Various Consent Agenda Items – Continued

3. Continued...

B. The *Florida Boating Improvement Program Grant Agreement* with the Florida Fish and Wildlife Conservation Commission, based on the Board's action of June 21, 2007, approving the Grant Agreement, in the amount of \$50,000, for derelict vessels;

C. The *Florida Department of State, Division of Library and Information Services, State Aid to Libraries Grant Agreement*, as approved by the Board on September 6, 2007;

D. The January 24, 2008, letter from Kristie B. Greenhut, Executive Assistant, City of Pensacola, Community Development Department, submitting certified copies of the following two City of Pensacola Ordinances:

(1) *Ordinance No. 59-07, incorporating a certain area (located generally north of 6420 North 9th Avenue) contiguous and adjacent to the City of Pensacola into the City of Pensacola, and declaring said area to be a part of the City of Pensacola; repealing clause, and providing an effective date; adopted by the City of Pensacola on December 13, 2007; and*

(2) *Ordinance No. 04-08, incorporating a certain area (3316 Raines Street) contiguous and adjacent to the City of Pensacola into the City of Pensacola, and declaring said area to be a part of the City of Pensacola; repealing clause, and providing an effective date, adopted by the City of Pensacola on January 17, 2008;*

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-5. Approval of Various Consent Agenda Items – Continued

3. Continued...

E. The following two documents provided by Denee M. Rudd, Accounting Supervisor, Department of Solid Waste Management:

(1) *Surety Rider (To be Filed with the Obligee)*, Bond Number GP03-0505-TX, executed by National Guaranty Insurance Company of Vermont, as Surety, for Waste Management, Inc., of Florida, as Principal, in favor of the Escambia County Solid Waste Management Department, as Obligee, increasing Waste Management's Bond from \$166,000 to \$238,000; and

(2) *Continuation Certificate*, executed by Evergreen National Indemnity Company, as Surety on Bond Number 551298, in the amount of \$250,000, on behalf of Allied Waste Services of North America, LLC, in favor of Escambia County, Florida, Department of Solid Waste, continuing the term of said Bond, in the amount of \$500,000, from January 1, 2008, through January 1, 2009;

F. The *Financial Statements of Escambia-Pensacola Human Relations Commission – September 30, 2007 and 2006*, as prepared and audited by Brown Thornton ♦ Pacenta & Company, P.A., Certified Public Accountants, Business & Financial Consultants; and

G. The Minutes of the following Meetings of the Santa Rosa Island Authority held November 28, 2007:

- (1) Operations Committee
- (2) Special Projects Committee
- (3) Administrative Committee
- (4) Development & Leasing Committee

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-5. Approval of Various Consent Agenda Items – Continued

4. Accepting, for filing with the Board's Minutes, Budget Analyses for the first quarter of Fiscal Year 2007-2008, as follows:

1743

- A. Expenditure Budget Analysis (Budget to Actual) as of December 31, 2007; and
- B. Revenue Budget Analysis (Budget to Actual) as of December 31, 2007.

5. Taking the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:

1743

- A. Approving the Minutes of the Joint Meeting of the Escambia County Board of Commissioners and the Pensacola City Council held January 22, 2008;
- B. Approving the Minutes of the Public Forum Work Session and Regular Board Meeting held January 24, 2008;
- C. Approving the Minutes of the Special Board Meeting held January 26, 2008;
- D. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held January 24, 2008, as follows:

- 1. FOR INFORMATION: The agenda package for the 5:30 p.m., January 24, 2008, Regular Board Meeting was reviewed as follows:

- A. Shirley L. Gafford, Program Coordinator, County Administrator's Office, County Attorney Lander, Patricia L. Sheldon, Clerk's Administrator of Financial Services, Alison Rogers, Deputy County Attorney, Charles Walker, Chief, Environmental Code Enforcement, Jean A. Kassab, Director, Administrative Services, Kenneth W. "Ken" Perkins, Fire Chief, and Willie C. Taylor, Assistant County Administrator, reviewed the agenda cover sheet;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
5. Continued...
- D. Report of the January 24, 2008, Agenda Work Session – Continued
  1. Continued...
    - B. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, reviewed the Clerk's Report;
    - C. Interim County Administrator McLaughlin, County Attorney Lander, John Hartman, Interim Assistant County Administrator, Shirley L. Gafford, Program Coordinator, County Administrator's Office, Keith Wilkins, Director, Neighborhood and Environmental Services Department, Jean A. Kassab, Director, Administrative Services, Joy D. Blackmon, County Engineer, and Janice R Kilgore, Director, Public Safety, reviewed the County Administrator's Report;
    - D. County Attorney Lander reviewed the County Attorney's Report; and
    - E. Commissioner Valentino and Commissioner Whitehead each addressed his add-on item(s).
  - E. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held January 17, 2008, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Whitehead called the Committee of the Whole (C/W) to order at 9:04 a.m.

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

2. Was the Meeting Properly Advertised?

The C/W was advised by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, that the Meeting was advertised in the Pensacola News Journal on January 13, 2008, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule January 14, 2008 – January 18, 2008, Legal No. 71844.*

3. Resolution Opposing an Amendment to the Florida Constitution That Would Force Voters to Decide All Changes to a City or County's Comprehensive Plan

- A. Discussion – The C/W heard the request from Phillip Howell, Chairman, Floridians for Smarter Growth, that the Board consider adopting a Resolution opposing an Amendment to the Florida Constitution that would force voters to decide all changes to a city's or county's Comprehensive Plan; and
- B. Board Direction – The C/W recommends that the Board adopt the Resolution.

**Recommended 4-0, with Commissioner Young absent (during discussion of this item)**

(Continued on Page 14)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 4. General Presentation of Be Ready Alliance Coordinating for Emergencies (BRACE) Functions and Service
  - A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *BRACE, Be Ready Alliance Coordinating for Emergencies –Who are We?*, presented by Jackie Bell, Dave Cobb, and Greg Strader, BRACE, and the C/W:
    - (1) Heard the request from Mr. Strader that the County consider waiving the fees associated with the use of the Civic Center for the first annual BRACE Mitigation and Preparedness Expo being held on April 12, 2008; and
    - (2) Upon inquiry from Commissioner Whitehead, was advised by Interim County Administrator McLaughlin that the Board waived approximately \$5,000 in fees for last year's BRACE event held at the Civic Center, and the fees associated with this year's event would be approximately \$18,000; and
  - B. Board Direction – The C/W recommends that the Board allocate \$18,000 to fund BRACE's Expo event at the Civic Center.

**Recommended 4-0, with Commissioner Young absent (during discussion of this item)**

(Continued on Page 15)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Letter of Interest From the Pensacola Ice Pilots for Purchase of Civic Center

A. Discussion – The C/W discussed a Letter of Interest from the Pensacola Ice Pilots for purchase of the Civic Center, and the C/W:

- (1) Was advised by County Attorney Lander that the majority of the land on which the Pensacola Civic Center is located is owned/leased by the State of Florida, Department of Transportation (FDOT), the Federal Highway Administration (FHA), and the City of Pensacola; therefore, the County would have to obtain the consent of the property owners in order to sell/convey the Civic Center to another entity;
- (2) Was advised by Commissioner Valentino that he would support selling the Civic Center;
- (3) Was advised by Commissioner Robinson that further public discussion/debate is needed before any decisions are made concerning the sale and before any funds are expended for an appraisal; and
- (4) Was advised by Commissioner Whitehead that a discussion item concerning the sale of the Civic Center is on the Agenda for the January 22, 2008, County/City Joint Meeting, and, if the City consents to the sale, it is the consensus of the Board to send letters to the FHA and FDOT in order to obtain the same; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-5. Approval of Various Consent Agenda Items – Continued

5. Continued...

E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Continued...

B. Board Direction – None.

(Commissioner Young was absent during discussion of this item)

6. Pensacola Beach Commercial Leaseholders Association Presentation

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Misconception: Beach leaseholders do not pay their fair share.*, presented by Larry Hill, Moore, Hill & Westmoreland, P.A., and the C/W:

- (1) Was advised by Marilyn Hess, representing The Dunes and the Holiday Inn Express, that because the businesses on Pensacola Beach cannot continue to operate if they are burdened with both lease fees and real property taxes, the leaseholders/hoteliere on Pensacola Beach request that the Board consider working with the Escambia County Property Appraiser and the Santa Rosa Island Authority (SRIA) to adjust leases to reflect that the leaseholder will pay the higher of the two taxes, then, allow the ad valorem funds to be collected by the Property Appraiser and placed in the General Fund and allow the SRIA to collect the remaining;

(Continued on Page 17)



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Continued...

A. Continued...

- (2) Heard the suggestion from Commissioner Valentino that a special meeting be arranged with the SRIA to discuss the future of the SRIA and the taxation methodology for Pensacola Beach and Perdido Key, for the sole purpose of presenting a consistent plan to the State Delegation;
- (3) Was advised by Commissioner Whitehead that Legislative action during this Legislative Session is needed to resolve the crisis on Pensacola Beach and the deadline for the filing of local Bills has passed;
- (4) Was advised by County Attorney Lander that, if the SRIA were agree to amend all leases to allow all ad valorem property taxes to be credited against the lease fees, temporary parity would be achieved; and
- (5) Was advised by Commissioner Whitehead that before any changes can be made at the County level, the SRIA must be in agreement with the proposal and the lawsuits filed (*by the commercial and residential leaseholders on Pensacola Beach against the Escambia County Property Appraiser and Tax Collector*) must be resolved; and

B. Board Direction – None.

(Continued on Page 18)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Fire Services – Volunteer Fire Department Stipend

- A. Discussion – The C/W discussed Fire Services – Volunteer Fire Department Stipend, and the C/W:

(1) Was advised by Willie C. Taylor, Assistant County Administrator, that:

- (a) The final Internal Audit Report, provided by Carr, Riggs & Ingram, LLC, reflects an overpayment in the amount of \$39,500;
- (b) After the review of the final Audit Report with staff, the Clerk and Comptroller's Office, and the Volunteer Firefighters' Association, all parties agreed that the minimum overpayment amount is \$24,575; and
- (c) Staff recommends that the Board consider one of the following three options:
  - 1) Waive the repayment of either value;
  - 2) If the Board accepts repayment in the amount of \$24,575, require a lump sum payment, payable within 30 days; or
  - 3) If the lump sum payment of \$24,575 cannot be paid within 30 days, require the full payment, in the amount of \$39,500, and negotiate a payment schedule;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

A. Continued...

- (2) Was advised by Regi Burkett, Vice President, Escambia County Volunteer Firefighters Association (Association), that the Association agrees with the overpayment amount of \$24,575, and requests that the Board consider allowing the Association to pay this amount over a six-month period;
- (3) Was advised by Commissioner Valentino that he would be willing to waive the \$24,575, with the understanding that the Association is willing to work with staff in an effort to consolidate fire services in Escambia County;
- (4) Heard the request from Mr. Burkett that consolidating fire services and waiving the \$24,575 overpayment not be tied together;
- (5) Was advised by County Attorney Lander that the stipends were overpaid to the individual firefighters and neither the Association nor the individual Fire Departments have a legal responsibility to make the payments on behalf of those individuals;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

A. Continued...

- (6) Was advised by Commissioner Whitehead that there is a liability concern with regard to the acceptance of the existing Firefighter I Exemption Letters, which does not certify Firefighter I status, and heard his suggestion that the County no longer accept the Exemption Letters, effective October 1, 2008;
- (7) Heard the request from Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, for a list of individuals who have and will be receiving Exemption Letters for the purpose of determining who is eligible to receive stipend payments; and
- (8) Heard the request from Commissioner Whitehead that the proposed Stipend Policy be brought to the Fire Services Citizens' Advisory Committee for review before a recommendation is brought to the Board; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-5. Approval of Various Consent Agenda Items – Continued

5. Continued...

E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

B. Board Direction – The C/W recommends that the Board take the following action:

(1) Waive the lump sum (*in the amount of \$24,575*) to the individuals;

(2) Apply, upon the adoption of the proposed Stipend Policy, the following restrictions to the payment of stipends under said Policy to those volunteers who have obtained Exemption Letters from the State Fire Marshall:

(a) Any volunteer holding an Exemption Letter on the date of adoption of this Policy shall be permitted to collect a stipend at the level of Firefighter I until September 30, 2008;

(b) Any volunteer receiving an Exemption Letter after the date of adoption of this Policy shall only be entitled to receive a stipend at the level of Firefighter Trainee until the volunteer has met the State Certification requirements of Firefighter I; and

(c) As of October 1, 2008, Escambia County shall not issue a stipend to any volunteer who has not at least met the State Certification requirements of Firefighter I, regardless of whether the volunteer has an Exemption Letter; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

B. Continued...

- (3) Approve to not renew the Contract between Escambia County and the Volunteer Firefighters.

**Recommended 5-0**

- 8. Fire Services Citizens' Advisory Committee Final Recommendations
  - A. Discussion – The C/W heard an overview from Kenneth W. "Ken" Perkins, Fire Chief, concerning the final recommendations of the Fire Services Citizens' Advisory Committee (FSCAC), and heard the request from Commissioner Whitehead that the FSCAC further review the Stipend Program, focusing on incentives for young firefighters and ongoing training; and
  - B. Board Direction – None.

(Continued on Page 23)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

9. Perdido Key Beach Renourishment Update

- A. Discussion – The C/W received a hard copy of a PowerPoint Presentation, entitled, *Comprehensive Beach Management – Dedicated Funding Source Discussion for Beach Nourishment*, provided by Keith Wilkins, Director, Neighborhood and Environmental Services Department, and was advised by Mr. Wilkins that staff will have another update and a recommendation for the Board at the February 14, 2008, C/W Workshop; and
- B. Board Direction – None.

(Commissioner Robinson was absent during discussion of this item)

10. Boat Ramps Update

- A. Discussion – The C/W received a hard copy of a PowerPoint Presentation, entitled, *Boat Ramp Property Search: Ranked List of RLI Responses*, provided by Keith Wilkins, Director, Neighborhood and Environmental Services Department, which outlined the Selection Committee ranking of the nine responses to the Request for Letters of Interest for the acquisition of property for the purpose of a boat ramp, and the C/W:
  - (1) Was advised by Commissioner Whitehead that he would not support any of the properties on the list; and

(Continued on Page 24)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

10. Continued...

A. Continued...

(2) Heard comments from Commissioner Whitehead expressing interest in property located on Bayou Marcus owned by Emerald Coast Utilities Authority; and

B. Board Direction – The C/W recommends that the Board reject all applications (*responses to the Request for Letters of Interest, Land Search For Boat Launch Facilities, PD 07-08.012*), and direct staff to provide a new recommendation to the Board regarding acquiring property for North Perdido Bay access.

**Recommended 4-0, with Commissioner Robinson absent (during discussion of this item)**

(Continued on Page 25)



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

11. Scenic Highway Land Swap

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Proposed Scenic Highway Property Exchange*, presented by Keith Wilkins, Director, Neighborhood and Environmental Services Department, and the C/W was advised by Mr. Wilkins that:

(1) An appraisal for both properties has been obtained, as follows:

- (a) County-owned property – \$240,000
- (b) Property proposed for swap – \$180,000

(2) To equate the value of the properties, the developer (*Jeff Taggart, Macky Bay Development Company*), has committed to increasing the size of the proposed property (*to be exchanged with the County*); and

(3) Staff recommends proceeding with the proposed exchange; and

B. Board Direction – The C/W recommends that the Board:

(1) Direct staff to advertise the exchange, with the additional 30 feet to the north of the property (*owned by Macky Bay Development Company*), and to obtain stormwater and wetland verification, with the applicant bearing all costs associated with the exchange; and

(Continued on Page 26)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

11. Continued...

B. Continued...

- (2) Adopt a Resolution setting forth the terms and conditions of the exchange, after it has been properly advertised.

**Recommended 5-0**

Speaker(s):

Jeff Taggart

12. NACo Prescription Drug Discount Card

- A. Discussion – The C/W discussed the NACo (*National Association of Counties*) Prescription Drug Discount Card Program, which could result in significant savings on prescription drugs for the County's uninsured and underinsured residents, and was advised by Interim County Administrator McLaughlin that to be fully eligible for the Program the County would have to renew its NACo membership, at a cost of \$5,948; and

(Continued on Page 27)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

12. Continued...

- B. Board Direction – The C/W recommends that the Board approve the County's participation in the NACo Prescription Drug Discount Card Program.

**Recommended 4-0, with Commissioner Robinson absent (during discussion of this item)**

13. Regional Transportation Finance Authority

- A. Discussion – The C/W discussed the creation of a Regional Transportation Finance Authority; and
- B. Board Direction – The C/W recommends that the Board approve the creation of the (*Northwest Florida*) Regional Transportation Finance Authority (RTFA) by authorizing the execution and delivery by the County of an Interlocal Agreement, in substantially the form provided in the C/W backup as Exhibit A, with the initial parties to be one or more of the four Florida Members (*[Escambia County]*, Santa Rosa County, Okaloosa County, and Walton County) of the Northwest Florida Regional Transportation (*Planning*) Organization.

**Recommended 5-0**

(Continued on Page 28)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

14. Discontinuance of ECAT Beach Route

- A. Discussion – The C/W discussed the discontinuance of Escambia County Area Transit (ECAT) Beach Route 61, and the C/W:

(1) Was advised by Willie C. Taylor, Assistant County Administrator, that:

(a) ECAT Route 61 has been discontinued and will be operated seasonally from May 1 through September 30;

(b) Travis Lakin, General Manager, ECAT, has proposed to the business owners/hoteliers on Pensacola Beach that they can maintain a Route for their employees at a cost of approximately \$3,500 per month, for the months during which there is no bus service; and

(c) ECAT is working with Santa Rosa County to develop a public transportation system for its citizens; and

(2) Was advised by Commissioner Whitehead that he would support a motion to fund the bus route from the General Fund; and

(Continued on Page 29)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

14. Continued...

- B. Board Direction – The C/W recommends that the Board approve an allocation from the General Fund Operating Reserves, in the amount of \$3,500 per month, for the months of February, March, and April 2008, for a total of \$10,500, to maintain Escambia County Area Transit (*Pensacola*) Beach Route 61.

**Recommended 5-0**

15. Summer Feeding Program

- A. Discussion – The C/W discussed the Summer Feeding Program; and
- B. Board Direction – The C/W recommends that the Board enter into an Interlocal Agreement (*with the Escambia County School Board to operate the*) Summer Feeding Program, with the Agreement to include that the School Board will fund any shortfall the County receives between reimbursements and actual costs.

**Recommended 5-0**

(Continued on Page 30)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

16. Beulah Sausage Festival

- A. Discussion – The C/W was advised by Commissioner Whitehead that the Beulah Sausage Festival Committee has requested that the County consider an allocation of \$3,500, to be paid through the 4th Cent Tourist Tax Fund, to offset certain expenses associated with relocating to the Escambia County Equestrian Center; and
- B. Board Direction – The C/W recommends that the Board allocate \$3,500 for the Beulah Sausage Festival Committee, to be paid from the 4th Cent Tourist Tax Fund.

**Recommended 3-1, with Commissioner Young voting "no" and Commissioner Robinson absent (during discussion of this item)**

17. Sign Regulations (Referred From 10/121/07 C/W)

- A. Discussion – The C/W was advised by Commissioner Whitehead that this item has been continued to the February 14, 2008, C/W Workshop; and
- B. Board Direction – None.

(Commissioner Robinson was absent during discussion of this item)

(Continued on Page 31)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

18. Operation Brownsville Action Register Information Report

- A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Follow Up Action Register to "Operation Brownsville"*, presented by Marcie Whitaker; and
- B. Board Direction – None.

(Commissioner Robinson was absent during discussion of this item)

19. Pensacola Bay Fishing Bridge Update

- A. Discussion – The C/W was advised by Commissioner Whitehead that this item has been continued to the February 14, 2008, C/W Workshop; and
- B. Board Direction – None.

(Commissioner Robinson was absent during discussion of this item)

(Continued on Page 32)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
5. Continued...
- E. Report of the January 17, 2008, C/W Workshop – Continued

ITEMS ADDED TO THE AGENDA

1. FOR INFORMATION: The C/W heard the request from Commissioner Whitehead that the County create a Policy that directs staff to refer citizens who make anonymous calls to Code Enforcement to their respective County Commissioners in order to make the complaints on their behalf.
2. FOR INFORMATION: The C/W heard the request from Commissioner Valentino that the selection process for the County Attorney be postponed for 30 days in order to allow an opportunity for additional applicants.

AGENDA NUMBER – Continued

20. Adjourn

Chairman Whitehead declared the C/W Meeting adjourned at 12:37 p.m.



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – T. Lloyd Kerr, Director, Planning and Engineering

I. PUBLIC HEARINGS

1. 5:45 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-1, with Commissioner Robinson voting "no," rejecting staff's recommendation, as presented, that the Board adopt the following two Ordinances (*and approving to retain the Ordinances as they currently exist*):

1743

- A. An Ordinance amending the Escambia County Code of Ordinances, Chapter 58, Article 1, Section 58-2 (the "Escambia County Airport/Airfield Environs Real Estate Sales Disclosure Ordinance" [*and amending the "Airport/Airfield Environs Real Estate Sale/Lease Disclosure" Form*]); and
- B. An Ordinance amending Article 11, Section 11.02.01, of the Escambia County Land Development Code (*relating to the regulation of Airfield Influence Planning Districts and the Pensacola Regional Airport Planning District; clarifying the written disclosures required from sellers and lessors of real property*).

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

II. CONSENT AGENDA

1. Scheduling of Public Hearings

Motion made by Commissioner White, and carried unanimously, with no second, scheduling the following two Public Hearings:

1802

A. 5:45 p.m. – Thursday, March 6, 2008 – A Public Hearing to amend the Official Zoning Map to include the following Rezoning Cases heard by the Rezoning Hearing Examiner (RHE) on January 28, 2008:

- (1) Case Number: Z-2007-55  
Location: 12870 Lillian Highway  
Property Reference Number: 02-2S-32-1001-002-007  
Property Size: 1.16 (+/-) acres  
From: R-2, Single-Family District (cumulative),  
Low-Medium Density (7 dwelling units per  
acre)  
To: R-4, Multiple-Family District (cumulative),  
Medium-High Density (18 dwelling units per  
acre)  
FLU Category: MU-3, Mixed Use 3  
Commissioner District: 1  
Requested by: PCP Investors, LLC, Owner
- (2) Case Number: Z-2008-01  
Location: 3065 Godwin Lane  
Property Reference Number: 39-1S-31-1202-000-001  
Property Size: 1.19 (+/-) acres  
From: R-2, Single-Family District (cumulative),  
Low-Medium Density (7 dwelling units per  
acre)  
To: C-1, Retail Commercial District (cumulative)  
(25 dwelling units per acre)  
FLU Category: MU-2, Mixed Use Area 2  
Commissioner District: 1  
Requested by: Marshal Lee and Janis Evans Lee, Owners

(Continued on Page 35)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

II. CONSENT AGENDA – Continued

1. Continued...

- B. 5:46 p.m. – Thursday, March 6, 2008 – A Public Hearing to review and approve or deny an Ordinance amending Part II (*of the Escambia County Code of Ordinances [1999]*), the Escambia County Comprehensive Plan, as amended; amending Chapter 7, “Future Land Use Element,” as authorized by Section 7.06; providing for a Small Scale Amendment (SSA 2008-01), to the Year 2020 Future Land Use Map, as amended, and as requested by Wiley C. “Buddy” Page, Agent for John Janes, Owner, changing the Future Land Use (FLU) of 0.69 (+/-) acre, located at 3925 North “P” Street, from Commercial (C) to Mixed Use 1 (MU-1).

COUNTY ADMINISTRATOR'S REPORT – Robert R. “Bob” McLaughlin, County Administrator

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-8. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 8, as follows:

1803

1. Approving a policy setting the requirements for permitting employee payroll deductions for donations to 501(c)(3) organizations.
2. Approving the Requests for Disposition of surplus equipment to be sold as surplus or appropriately disposed of, all of which are described on seven Requests as provided by various County Departments for the reasons stated on each, the value of which is estimated at under \$5,000 each.
3. Taking the following action concerning the Amendment and Extension of the Lease with Henley Sports, Inc.:
  - A. Approving an *Amendment and Extension of Lease* with Henley Sports, Inc., which extends the Lease through the close of the 2010-2011 (*Hockey*) Season, with an option to extend for two additional one-year terms; and
  - B. Authorizing the Chairman to sign the Amendment.

1803

1803

1803

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-8. Approval of Various Consent Agenda Items – Continued

4. Authorizing the scheduling of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on February 21, 2008, at 5:31 p.m., to consider the adoption of an Ordinance creating the Dunleith Street Lighting MSBU. 1803
5. Adopting a Resolution (*R2008-22*) cancelling the following Tax Certificates: 2000-3901.000/Account #05-4295-000 (*in the amount of \$24.11*) and 2001-3858.000/Account Number 05-4295-000 (*in the amount of \$17.06*). 1803
6. Taking the following action regarding Grant Contract Number: 07-DS-5N-01-27-01-308: 1803
  - A. Approving the State of Florida, Division of Emergency Management, *Modification #1 to Grant Agreement*, which reinstates Contract Number: 07-DS-5N-01-27-01-308, and provides a time extension for the continued utilization of domestic security Grant funds; the time extension will extend the Contract through May 30, 2009; and
  - B. Authorizing the Chairman to execute the Agreement.
7. Amending the Board's action of December 6, 2007, regarding the Brownfield Site Rehabilitation Agreement between Escambia County, Florida, Board of County Commissioners, and the Florida Department of Environmental Protection for the former Escambia County Mosquito Control Facility located at 603 West Romana Street, as follows: 1803
  - A. Approving the revisions to the Brownfield Site Rehabilitation Agreement approved at the December 6, 2007, Board Meeting; and
  - B. Authorizing the Chairman to initial the changes indicated on the Agreement.
8. Ratifying the Chairman's signature on the Escambia County Board of County Commissioners, Application for Voluntary Cleanup Tax Credits through the Florida Department of Environmental Protection, for the environmental assessment of hazardous materials at the former Escambia County Mosquito Control Facility located at 603 West Romana Street. 1803

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA

1-19. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 19, as follows, as amended to drop Item 11:

1803

1. Taking the following action regarding the 2007 Community Development Block Grant (CDBG) Fire Protection Improvements Project:
  - A. Approving the Interlocal Agreement with Emerald Coast Utilities Authority, in the amount of \$175,000, providing for the completion of the Fire Protection Improvements Project (2007), including installation of fire hydrants and associated water main upgrades, primarily within Census Tracts 14, 31, 32, and 34, as financed with 2007 CDBG funds (Fund 129/2007 CDBG, Cost Center 220556);
  - B. Authorizing the Chairman or Vice Chairman to execute the Agreement and all related documents as required to implement the Project; and
  - C. Authorizing the Office of the Clerk of the Circuit Court to record the Interlocal Agreement in the Official Records of Escambia County.
2. Adopting the Resolution (*R2008-23*) approving Supplemental Budget Amendment Number 104, Escambia County Restricted Fund (101), in the amount of \$26,103, to recognize the proceeds of donations and other revenues associated with special events held by the Parks and Recreation Department and to appropriate these funds for these events.
3. Approving Budget Amendment Request Number 107, Other Grants and Projects Fund (110), in the amount of \$80,000, to appropriate funds into the Environmental Quality Division/Neighborhood and Environmental Services Department personnel accounts for the Pensacola Bay Grant restoration activities in Escambia County.
4. Adopting the Resolution (*R2008-24*) approving Supplemental Budget Amendment Number 109, E-911 Operations Fund (145), in the amount of \$834,252, to recognize an additional fund balance and to appropriate these funds for upgrades to the 911 System.

1803

1803

1803

1803

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

5. Adopting the Resolution (*R2008-25*) approving Supplemental Budget Amendment Number 110, Other Grants and Projects Fund (110), in the amount of \$146,964, to recognize proceeds from a Florida Communities Trust Grant, Contract Number 06-CT-50-05-F5-A1-041, and to appropriate these funds for the purchase of property in the Jones Swamp Wetland Preserve. 1803
6. Adopting the Resolution (*R2008-26*) approving Supplemental Budget Amendment Number 111, Other Grants and Projects Fund (110), in the amount of \$7,136, to recognize unspent proceeds from a prior year Florida Recreation Development Assistance Program Grant and to appropriate these funds for work at Doug Ford Park. 1803
7. Adopting the Resolution (*R2008-27*) approving Supplemental Budget Amendment Number 112, Other Grants and Projects Fund (110), in the amount of \$29,070, to recognize proceeds from a Florida Department of Transportation Highway Safety Funds Grant, Project Number TR-08-09-07, and to appropriate these funds for Crash Data GIS Mapping. 1803
8. Adopting the Resolution (*R2008-28*) approving Supplemental Budget Amendment Number 113, Other Grants and Projects Fund (110), in the amount of \$24,659, to recognize unspent proceeds from a prior year U. S. Department of Housing and Urban Development Fiscal Year 2001 Economic Development Initiative Special Project Grant, Agreement Number B01SPFL0725, and to appropriate these funds for development costs for infrastructure of Central Commerce Park. 1803
9. Taking the following action concerning the Miscellaneous Appropriations Agreement between Escambia County and Escambia Community Clinics, Inc.: 1803
  - A. Approving the Amendment to the Miscellaneous Appropriations Agreement between Escambia County and Escambia Community Clinics, Inc., decreasing the original Agreement by the sum of \$33,605;
  - B. Authorizing the Chairman to sign the Amendment to the Agreement and all other necessary documents; and
  - C. Authorizing the execution of the necessary Change Order.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

10. Approving, and authorizing the County Administrator to execute, the following Change Order (Funding Source: Fund 351, Local Option Sales Tax II, Cost Center 110261, Object Code 56201, Project Number 05AD0029):

1803

Department:	Facilities Management	
Type:	Addition	
Amount:	\$10,500	
Vendor:	Bay Design	
Project Name:	New One Stop Building	
Purchase Order Number:	280573-1 (270570-5) (261601)	
PD Number:	01-02.080	
Contract Change Order Number:	7	
Original Award Amount:		\$801,800
Cumulative Amount for Contract Change Orders through Number 7:		<u>\$100,175</u>
New Contract Total:		\$901,975

11. Dropping the recommendation that the Board approve, and authorize the County Administrator to execute, the following Change Order (Funding Source: Fund 351, Local Option Sales Tax II, Cost Center 330326, Object Code 56201, Project Number 05PS0018):

1803

Department:	Facilities Management	
Type:	Addition	
Amount:	\$148,979.00	
Vendor:	Speegle Construction, Inc.	
Project Name:	Public Safety Building	
PD Number:	02-03.02	
Purchase Order Number:	280995	
County Change Order Number:	1	
Construction Change Order Number:	14	
Original Award Amount:		\$ 8,576,000.00
Cumulative Amount for Construction Change Orders through Number 14:		<u>(\$ 3,007,574.78)</u>
New Contract Total:		\$ 5,568,425.22

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

12. Taking the following action regarding *Amendment #2 to the Agreement between Escambia County and Speegle Construction, Inc., for the Construction of the Escambia County Public Safety Building (PD 02-03.02)*:

1803

A. Approving Amendment #2, establishing the amount of retainage to be held until final completion at \$100, which shall not become payable until final completion; and

B. Authorizing the County Administrator to execute the Amendment.

13. Taking the following action concerning a Preliminary Engineering Agreement with CSX Transportation, Inc. (Funding Source: Fund 351, Local Option Sales Tax II, Project Number 07EN0375, Account Number 210105/56301):

1803

A. Approving the *Preliminary Engineering Agreement* between CSX Transportation, Inc., and Escambia County Board of County Commissioners, for CSX Transportation, Inc., to design a traffic signal pre-emption connection on Kingsfield Road, with an estimated cost of \$15,000; and

B. Authorizing the Chairman to sign the Agreement.



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

14. Approving, and authorizing the County Administrator to execute, the following Change Order (Funding: Fund 352, Local Option Sales Tax [LOST] III, Cost Center 350229, Parks Capital Projects – \$126,197.58; Fund 351, LOST II, Cost Center 210105, Transportation and Drainage – \$55,395.63):

1803

Department: Parks and Recreation  
Type: Addition  
Amount: \$126,197.58  
Vendor: American Consulting Engineers of Florida, LLC/Ingram Signalization  
Project Name: Design Build Services Contract for Nine Mile Road (State Road 10) and Hummingbird Boulevard Intersection  
Contract: PD 06-07.077  
Purchase Order Number: 280616 (previously 272123)  
Change Order Number: 1  
Original Award Amount: \$ 55,395.63  
Cumulative Amount of Change Orders through this Change Order: \$126,197.58  
New Contract Total: \$181,593.21

15. Taking the following action concerning Ebonwood Area Improvements:

1803

A. Approving the Selection/Negotiation Committee Ranking, as follows:

- (1) Jehle-Halstead, Inc.
- (2) Dyer, Riddle, Mills & Precourt, Inc. (DRMP)
- (3) Hatch Mott MacDonald

B. Awarding a Contract, PD 06-07.124, Ebonwood Area Improvements, to Jehle-Halstead, Inc., in the amount of \$113,375 (Funding: Fund 351, Local Option Sales Tax II, Cost Center 210105/56301, Project Number 07EN0343).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

16. Awarding a Unit Price, Indefinite Quantity, Indefinite Delivery Contract, PD 07-08.030, “Frank Reeder Road and Beulah Group Paving & Drainage Project,” to Roads, Inc., of NWF, in the amount of \$242,392.25 (funding to be provided from Fund 352, Local Option Sales Tax III, Cost Center 210107, Object Code 56301, Project Number 08EN0511). 1803
17. Authorizing a six-month Contract extension between Escambia County, Florida, and Caption Colorado, LLC, for PD 03-04.73, Real Time Closed Captioning Services (Funding: Fund 130, Human Resources ADA, approximately \$3,450 [based on length of meetings]). 1803
18. Approving the First Amendment to the Contract between Escambia County and Baskerville-Donovan, Inc., PD 05-06.078, PD&E (*Project Development & Environmental*) Studies for Pinestead Road – Longleaf Drive Corridor, from Pine Forest Road to U. S. Highway 29, to include the Neighborhood Improvement Plan (Funding: Fund 352, Local Option Sales Tax III, Account Code 210107, [*in the amount of*] \$519,700). 1803
19. Confirming the appointment of David W. Wheeler, CFM, to the position of Director of Facilities Management, for an annual salary of \$83,304, effective February 1, 2008 (funds are available in Cost Center 310101). 1803

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Alison Rogers, Interim County Attorney

I. CONSENT AGENDA

1. Approval of Legal Representation

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning Carl R. Gilbert, II, and Sharon Gilbert v. Harry R. McNesby, Sheriff, Charlie Walker, Code Enforcement Supervisor, and Sotirios Thagouras, Code Enforcement Officer, Case No.: 2007 CA 003176:

1803

- A. Authorizing the County Attorney's Office to provide a defense for Mr. Walker and Mr. Thagouras in their official capacities for the federal claims;
- B. Authorizing the hiring of private attorneys by Mr. Walker and Mr. Thagouras and the payment of the reasonable fees charged by their attorneys for defending them in the federal claims brought against them in their individual capacities and for all state tort claims;
- C. Approving to remove the pending lawsuit, now filed in Escambia County Circuit Court, to the U. S. District Court for the Northern District of Florida.

2. BHP Investments/Bruno Piotrowski

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried unanimously, approving to require Mr. Piotrowski to pay the County \$10,000 as a settlement of the lien, in its entirety, relative to the recommendation that the Board reconsider the relief granted to BHP Investments/Bruno Piotrowski at the January 24, 2008, Board Meeting.

1804

3. County Administrator's Employment Agreement

Motion made by Commissioner Valentino, and carried unanimously, with no second, approving the second revised *Employment Agreement* between Escambia County and Robert R. McLaughlin for the position of County Administrator.

1806

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

I. CONSENT AGENDA – Continued

4. Approval of Legal Representation

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried 4-0, with Commissioner White abstaining (*and filing Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), taking the following action concerning Robert K. Mandel and Sharon F. Mandel v. Harry R. McNesby, Sheriff of Escambia County, Charlie Walker, Code Enforcement Supervisor, Sotirios Thagouras, and Steve Littlejohn, Code Enforcement Officers, Case No.: 2007 CA 003177:

1807

- A. Authorizing the County Attorney's Office to provide a defense for Mr. Walker, Mr. Thagouras, and Mr. Littlejohn in their official capacities for the federal claims;
- B. Authorizing the hiring of private attorneys by Mr. Walker, Mr. Thagouras, and Mr. Littlejohn and the payment of the reasonable fees charged by their attorneys for defending them in the federal claims brought against them in their individual capacities and for all state tort claims;
- C. Approving to remove the pending lawsuit, now filed in Escambia County Circuit Court, to the U. S. District Court for the Northern District of Florida.

5. Department of Community Affairs v. Escambia County, Florida

Motion made by Commissioner Young, seconded by Commissioner Valentino, and carried unanimously, approving to engage in informal or formal mediation, as appropriate, with the Department of Community Affairs to resolve the pending issues between the parties (*regarding Department of Community Affairs v. Escambia County, Florida, Case No. 08-0632GM*).

1808

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ITEMS ADDED TO THE AGENDA – COMMISSIONER GENE M. VALENTINO

1. Selection of County Attorney

1808

The Board took no action concerning the recommendation that the Board take the following action concerning the County Attorney's position:

- A. Select Alison Rogers as the County Attorney; and
- B. Direct Roderick "Rod" Powell, Director, Human Resources, to negotiate a contract with Mrs. Rogers, to be brought back to the Board for final vote at the February 21, 2008, Board Meeting; the terms of the contract should include an annual base salary of \$139,500, an annual performance evaluation, and those benefits and terms as expressed in the County Administrator's contract.

Speaker(s):

James Fenton

ITEMS ADDED TO THE AGENDA – COMMISSIONER D. M. "MIKE" WHITEHEAD

1. Approval of Out-of-County Travel

1836

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, taking the following action concerning out-of-County travel:

- A. Approving out-of-County travel for Chairman D. M. "Mike" Whitehead, County Administrator Robert R. "Bob" McLaughlin, and Interim County Attorney Alison Rogers to participate in meetings on February 14, 2008, in Tallahassee, Florida, with Secretary Thomas G. Pelham, Florida Department of Community Affairs (DCA), concerning the Escambia County Perdido Key Comprehensive Plan Amendment, and DCA staff on mitigation grants; and
- B. Approving out-of-County travel for Commissioner Gene Valentino and County Administrator Robert R. "Bob" McLaughlin to visit with Santa Rosa, Okaloosa, and Walton Counties over the next few weeks to discuss the Northwest Florida Regional Transportation Finance Authority Interlocal Agreement and Financing Summary, and ratify Commissioner Valentino's travel to Walton County earlier this week on the same issue.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ANNOUNCEMENTS – None.

ADJOURNMENT

There being no further business to come before the Board, Chairman Whitehead declared the Regular Meeting of the Board of County Commissioners adjourned at 6:39 p.m.

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

ATTEST:

Ernie Lee Magaha  
Clerk of the Circuit Court & Comptroller

By: \_\_\_\_\_  
D. M. "Mike" Whitehead, Chairman



\_\_\_\_\_  
Deputy Clerk

Approved: February 21, 2008