

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD MARCH 6, 2008
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:32 p.m. – 6:32 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, Vice Chairman, District 3
Mrs. Lisa N. Bernau, Chief Deputy Clerk, representing the
Honorable Ernie Lee Magaha, Clerk of the Circuit Court & Comptroller
Mr. Robert R. "Bob" McLaughlin, County Administrator
Mrs. Alison Rogers, 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 4:32 p.m.

1. FOR INFORMATION: The Board heard comments from Andrew Blewer regarding the purchase of property for a boat ramp for Perdido Bay access. 1632
2. FOR INFORMATION: The Board heard comments from L. Gary Sansing regarding various County/National issues. 1640

4:50 P.M. – PUBLIC FORUM ADJOURNED

5:32 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 5:32 p.m.

2. Invocation

Chairman Whitehead advised that Reverend Bill Adams, Smyrna Baptist Church, would deliver the Invocation.

3. Pledge of Allegiance to the Flag

Chairman Whitehead advised that Commissioner Valentino 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 foreclosure on property located at 13832 Canal Drive.

1732

5. Commissioners' Forum

1733

- A. District 4 – The Board heard an announcement from Commissioner Robinson encouraging various organizations seeking financial support from the County to attend future Budget Workshops;
- B. District 3 – The Board was advised by Commissioner Young that the Carlisle Group and Area Housing Commission are sponsoring a "ground breaking" event for Morris Court II and III (*located at 1351 North "K" Street*), which is an apartment complex for low-income families, on Wednesday, March 12, 2008, at 12:30 p.m.; and
- C. District 1 – The Board heard comments from Commissioner Whitehead concerning misinformation reported by Channel 3 News concerning the Retirement Buyout Program and heard his request that citizens contact their County Commissioner if they have any questions.

REGULAR BCC AGENDA – Continued

6. Proclamations

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, adopting the Proclamation commending and recognizing Quint Studer, founder of StuderGroup, a professional leadership development company that specializes in helping organizations attain organizational excellence, for providing his expertise and the vast services of StuderGroup to the Board of County Commissioners and, in turn, the citizens of Escambia County.

1734

Speaker(s):

Quint Studer

7. Employee of the Month Proclamations/Retirement Proclamations

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

1742

- A. The Proclamation commending and congratulating Karen A. Franklin, Criminal Justice Program Manager, Department of Community Corrections, Check Diversion Division, on her retirement after 30 years of dedicated service; and
- B. The Proclamation commending and congratulating Victor S. Olsen, III, Equipment Operator II, Road Department, Roads and Bridges Division, on his retirement after nine years of dedicated service.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Written Communication

A. 2618 North Guillemard Street

The Board took no action regarding a communication from Pastor Kenneth W. Watts, Sr., Westside Church of God in Christ, requesting that the Board forgive the lien against property located at 2618 North Guillemard Street (the Board was advised by Commissioner Whitehead that this item has been dropped).

1745

B. Code Enforcement Lien – 503 Salem Drive

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried unanimously, reducing the Lien to \$11,400, subject to payment within 30 days, relative to a communication, dated February 8, 2008, from Matthew Dillon, on behalf of his mother, Ethel Dillon, requesting that the Board forgive the fines relative to a Code Enforcement Lien against property located at 503 Salem Drive.

1745

Speaker(s):

Matthew Dillon

C. 161 Holsberry Lane

The Board took no action regarding a communication, dated February 25, 2008, from Mary E. McCoy regarding a *Final Notice Prior to Demolition* issued by the Office of Environmental Enforcement concerning a structure located at 161 Holsberry Lane (the Board was advised by Commissioner Whitehead that this item has been rescheduled for the April 17, 2008, Board Meeting).

1753

REGULAR BCC AGENDA – Continued

9. Proofs of Publication

Motion made by Commissioner White, seconded by Commissioner Valentino, 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:

1753

A. The following seven Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on December 30, 2007, for consideration of amending the Pensacola Beach Land Utilization Plan, to include Rezoning Case 2008-01;
- (2) The 5:32 p.m. Public Hearing, advertised in the Pensacola News Journal on February 25, 2008, for consideration of adopting an Ordinance creating the Scenic Hills North Street Lighting MSBU;
- (3) The 5:33 p.m. Public Hearing, advertised in the Pensacola News Journal on February 22, 2008, for consideration of adopting an Ordinance establishing an EDATE for Wayne-Dalton Corporation;
- (4) The 5:34 p.m. Public Hearing, advertised in the Pensacola News Journal on February 25, 2008, for consideration of adopting an Ordinance creating the Dunleith Street Lighting MSBU;
- (5) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on February 22, 2008, for consideration of adopting an Ordinance amending the Official Zoning Map;
- (6) The 5:46 p.m. Public Hearing, advertised in the Pensacola News Journal on February 22, 2008, for consideration of adopting an Ordinance approving Small Scale Amendment SSA 2008-01; and

(Continued on Page 6)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. Continued...

A. Continued...

(7) The 5:47 p.m. Public Hearing, advertised in the Pensacola News Journal on February 22, 2008, for consideration of amending the Pensacola Beach Land Utilization Plan, to include Rezoning Case 2008-01; and

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule March 3, 2008 – March 7, 2008 – Legal No. 72041*, as published in the Pensacola News Journal on March 2, 2008, as follows:

- March 3 5:30 p.m. Marine Advisory Committee
 - March 4 8:30 a.m. WFRPC Sustainable Emerald Coast Advisory Committee
 - March 4 1:30 p.m. Environmental Enforcement Special Magistrate
 - March 4 3:30 p.m. Department Directors Meeting
 - March 4 2:00 p.m. LMS-Public Awareness TSG Meeting
 - March 4 6:30 p.m. Fire Services Citizens Advisory Committee
 - March 5 8:30 a.m. Examination Committee for Competency Board
 - March 5 8:30 a.m. Special Board of County Commissioners Committee of the Whole Budget Workshop
 - March 5 9:00 a.m. Construction Industry Competency Board
 - March 5 1:00 p.m. Development Review Committee
 - March 5 5:00 p.m. Escambia County Area Transit Citizens Advisory Committee
 - March 6 8:00 a.m. Incident Review Board
 - March 6 9:00 a.m. Agenda Work Session
 - March 6 1:30 p.m. Citizens Environmental Committee
 - March 6 1:30 p.m. Environmental Enforcement Special Magistrate
 - March 6 4:30 p.m. Board of County Commissioners Public Forum
 - March 6 5:30 p.m. Board of County Commissioners Public Hearings & Reports
- NEXT WEEK'S NOTE:
- March 10 8:30 a.m. Planning Board
 - March 10 9:30 a.m. Joint Board of County Commissioners/Planning Board – Optional Sector Plan Formal Agreement Review
 - March 10 1:00 p.m. FL-AL Transportation Planning Organization – Technical Coordinating
 - March 10 3:00 p.m. Public Trust and Confidence Team
 - March 10 3:30 p.m. FL-AL Transportation Planning Organization – Citizens Advisory

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

10. 5:31 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner Young, and carried unanimously, taking the following action concerning (*adopting an Ordinance*) amending Part III of the Escambia County Code of Ordinances (1999), the Escambia County Land Development Code, as amended, providing for amendment to the 1988 Pensacola Beach Land Utilization Plan, pursuant to Section 13.16.00 of the Escambia County Code of Ordinances:

1753

- A. Ratifying the advertising of the Public Notices for the Public Hearings on March 6, 2008, at 5:31 p.m., and March 6, 2008, at 5:47 p.m.; and
- B. Rescheduling the Public Hearing for April 3, 2008, at 5:33 p.m., to consider Rezoning Case 2008-1, as follows:

Case Number: 2008-01
Parcel ID: 28-2S-26-0900-001-001 (a portion)
Location: 643 Pensacola Beach Boulevard
Property Size: 1.15 (+/-) acres
From: PR-PB (Preservation – Pensacola Beach)
To: CON/REC – PB (Conservation/Recreation-Pensacola Beach)
Commissioner District: 4
Requested By: Santa Rosa Island Authority

Speaker(s) – None.

REGULAR BCC AGENDA – Continued

11. 5:32 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting, and authorizing the Chairman to sign, the Ordinance (Number 2008-13) creating the Scenic Hills North Street Lighting Municipal Services Benefit Unit (MSBU), and all related documents, as amended to direct staff to modify the Ordinance to include the cost of a new light fixture and notify the homeowners, by first class mail, of the modification, and making the following findings of fact:

1754

- 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):

Gwen Albeck
James D. Griggers
Neil Pape

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

12. 5:33 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Young, and carried unanimously, adopting an Ordinance (*Number 2008-14*) establishing an Economic Development Ad Valorem Tax Exemption for Wayne-Dalton Corporation, for 100% of their expansion, for 10 years. 1812

Speaker(s) – None.

13. 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 2008-15*) creating the Dunleith Street Lighting Municipal Services Benefit Unit (MSBU), and all related documents, and making the following findings of fact: 1813

- 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

14. Committee of the Whole (C/W) Recommendation(s)

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried unanimously, approving Items A and B, as follows, as recommended by the C/W at the February 12, 2008, and March 5, 2008, C/W Workshops: 1814

- A. Approving to place a freeze on all hiring at the administrative level until the County Administrator has presented, and the Board has adopted, the County's new Organizational Chart (*Add-on Item 2*); and
- B. Directing staff to prepare letters of notification to all Outside Agencies that the Board is in the process of reviewing the Budget and that the Agencies will not be funded (*in the Fiscal Year 2008-2009 Budget [Agenda Item 7]*).

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

I. CONSENT AGENDA

1-4. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Young, and carried unanimously, approving Consent Agenda Items 1 through 4, as follows: 1814

- 1. Accepting, for filing with the Board's Minutes, the following three Reports prepared by the Clerk & Comptroller's Finance Department: 1814
 - A. Payroll Expenditures as of Payday February 22, 2008, in the amount of \$2,314,902.35; and
 - B. The following two Disbursement of Funds:
 - (1) February 14, 2008, to February 20, 2008, in the amount of \$7,681,216.64; and
 - (2) February 21, 2008, to February 27, 2008, in the amount of \$1,559,407.41.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-4. Approval of Various Consent Agenda Items – Continued

2. Accepting, for filing with the Board's Minutes, the Minutes of the Special Meeting of the County Investment Advisory Committee (CIAC) held November 30, 2007, and the Quarterly Meeting of the CIAC held January 25, 2008, as prepared by the Clerk to the Board's Office. 1814

3. Accepting, for filing with the Board's Minutes, closing documents relating to the sale of two surplus properties, located on Dogwood Street and West Gregory Street, respectively, to Bruce W. Brown, pursuant to the Board's action of September 6, 2007, approving the surplus and sale of the properties, as provided to the Clerk to the Board's Office on February 25, 2008. 1814

4. Taking the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office: 1814
 - A. Approving the Minutes of the Public Forum Work Session and Regular Board Meeting held February 21, 2008;

 - B. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held February 21, 2008, as follows:
 1. FOR INFORMATION: The agenda package for the 5:30 p.m., February 21, 2008, Regular Board Meeting was reviewed as follows:
 - A. Shirley L. Gafford, Program Coordinator, County Administrator's Office, Interim County Attorney Rogers, Charlie Walker, Code Enforcement Supervisor, and Kenneth P. "Ken" Perkins, Fire Chief, reviewed the agenda cover sheet;

 - B. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, reviewed the Clerk's Report;

 - C. T. Lloyd Kerr, Director, Planning and Zoning Department, and Interim County Attorney Rogers reviewed the Growth Management Report;

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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
- 1-4. Approval of Various Consent Agenda Items – Continued
4. Continued...
- B. Report of the February 21, 2008, Agenda Work Session – Continued
 1. Continued...
 - D. Shirley L. Gafford, Program Coordinator, County Administrator's Office, Interim County Attorney Rogers, Jean A. Kassab, Director, Administrative Services, Amy Lovoy, Budget Manager, Claudia A. Simmons, Chief, Office of Purchasing, Larry Newsom, Transportation and Traffic Operations Manager, reviewed the County Administrator's Report, with comments from R. Todd Harris, Attorney representing Roads, Inc., of NWF, and Jacqueline Rogers, regarding Item III-1;
 - E. Interim County Attorney Rogers reviewed the County Attorney's Report; and
 - F. Commissioner Robinson reviewed his add-on item.
 - C. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held February 12, 2008, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Whitehead called the Committee of the Whole (C/W) to order at 9:33 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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the February 12, 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 February 10, 2008, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule February 11, 2008 – February 15, 2008, Legal No. 71957.*

3. Water Reuse

- A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Water Reuse in Florida*, presented by Dick Fancher and David Morres, Department of Environmental Protection; and
- B. Board Direction – None.

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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

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. BEST House Program

A. Discussion – The C/W heard an overview from Philip Russell and M.J. Donovan concerning the University of West Florida BEST (Build-Educate-Sustain-Technology) House Program, which is a 3,500 square-foot, super-efficient home utilizing a broad array of new, but proven, residential homebuilding technologies, in order to demonstrate the economic and environmental benefits of current advances in residential design, materials, and construction methods, and the C/W:

- (1) Heard the request from Gretchen Van Valkenburg, University of West Florida Foundation, Inc., that the Board consider becoming a sponsor of the BEST House Program by donating a monetary gift, in the amount of \$100,000;
- (2) Was advised by Commissioner Robinson that he is concerned that a nonessential donation, such as this, may not be appropriate at this time because of budget constraints; and
- (3) After discussion, heard the request from Commissioner Whitehead that staff research what types of funding alternatives the Program may qualify for; and

B. Board Direction – None.

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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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Fire Services – Volunteer Fire Department Stipend / Contracts

- A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Volunteer Firefighters Looking to the Future for a Successful Combination Department*, presented by Chief Robbie Whitfield, President, Escambia County Volunteer Firefighters Association (ECVFFA), and the C/W:
 - (1) Was advised by Commissioner White that he supports the recommendation from the ECVFFA that the County extend the current Contracts with the Volunteer Fire Stations;
 - (2) Was advised by Chief Whitfield that the ECVFFA is working with the County towards establishing a combination fire system; however, an "overnight" attempt to accomplish such a system would fail;
 - (3) Heard comments from Commissioner Young and Commissioner Valentino expressing concerns regarding the Contracts between the County and the individual Volunteer Fire Stations, and was advised by Commissioner Valentino that the Contracts should be between the County and the individual firefighters;
 - (4) Heard comments from Commissioner Whitehead expressing concerns regarding the Chain of Command, or lack thereof;

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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

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Continued...

A. Continued...

- (5) Upon inquiry from Commissioner Young, was advised by Chief Whitfield that the transition to a unified, combination fire system would be more difficult if the County decides not to extend the Contracts;
- (6) Was advised by Commissioner Robinson that, if there was an Agreement/Memorandum of Understanding between the County and the Volunteer Firefighters which defines the vision of establishing a combination fire system made up of Volunteer and Career Firefighters to serve the citizens of Escambia County, he would support extending the Contracts for a period of up to 18 months;
- (7) Heard the request from Commissioner Young that a time certain, perhaps eight months, be established in order to identify a Change Management Team and to provide a working document identifying the plan for accomplishing a consolidated Fire Services Department; and
- (8) Heard the request from Assistant County Administrator Willie C. Taylor that the Board provide direction regarding the following three issues:
 - (a) The extension/renegotiation of the Contracts;
 - (b) The waiver of the fire stipend repayments; and
 - (c) The establishment of a timeline for implementation of a combined fire system; and

(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

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Continued...

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

- (1) Approve waiving the lump sum stipend repayments, in the total amount of \$24,575, to the individual Firefighters who were overpaid, contingent upon receipt of a Memorandum of Understanding between Escambia County and the Escambia County Volunteer Firefighters Association (ECVFFA), indicating that the ECVFFA supports a consolidated (*Fire Services*) Department with a unified command;
- (2) Approve applying, upon 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 Marshal:
 - (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; and
 - (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;

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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

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Continued...

B. Continued...

(3) Approve a one-year extension of the Contract between Escambia County and each Volunteer Fire Department; and

(4) Approve that, on or before September 30, 2008, the group (*Strategic Planning Team*) will provide a report identifying the exact process for accomplishing a consolidated (*Fire Services*) Department.

Recommended 5-0

Speaker(s):

Regi Burkett

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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

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Policy / Clarification of Tax Issues Related to Forgiveness – Release of Nuisance Abatement Liens

A. Discussion – The C/W discussed Policy / Clarification of Tax Issues Related to Forgiveness – Release of Nuisance Abatement Liens, and the C/W:

(1) Was advised by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, that it is the opinion of the County's auditing firm, O'Sullivan Creel, LLP, that, because the cancellation of a lien does not constitute lending, there are no Internal Revenue Service reporting requirements (i.e. the issuance a 1099 Form);

(2) Was advised by Interim County Attorney Rogers that:

(a) The draft Policy regarding cancellation/forgiveness of liens will include the following:

- 1) Hard costs will not be forgiven unless extreme circumstances are so warranted;
- 2) As a condition of forgiveness, the underlying nuisance must be abated;
- 3) There will be a cap with regard to properties that can be redeveloped;
- 4) The violator will be given less consideration as opposed to an individual who inherits the lien; 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

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Continued...

A. Continued...

(2) Continued...

(a) Continued...

5) There will be lenience, at the Board's discretion, with regard to a request from an individual with extreme circumstances;

(b) Since the Clerk's Office does not accept partial payments on liens, there is a conflict when the Board approves a "payment plan"; therefore, in order to rectify this conflict, the Board may want to consider approving the payment of the lien over a longer period of time;

(3) Heard the request from Interim County Attorney Rogers that the Board grant the County Attorney's Office additional time to research the details of future requests;

(4) Was advised by Commissioner Whitehead that the Policy, with regard to redevelopment areas, should state that the Board's intent is to encourage redevelopment of those areas; therefore, the Board, at its discretion, may waive the fines, interest, and hard costs;

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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

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Continued...

A. Continued...

(5) Heard the suggestion from Commissioner Valentino that a "Code Enforcement Board" be established to filter the merits of requests submitted for forgiveness of liens and provide recommendations to the Board; and

(6) Heard the request from Commissioner Whitehead the staff present the draft Policy at the next C/W Workshop; and

B. Board Direction – None.

7. Human Relations Commission

A. Discussion – The C/W discussed Human Relations Commission, and the C/W:

(1) Was advised by Commissioner Whitehead that this item has been pulled from the Agenda;

(2) Upon inquiry from Commissioner Robinson, was advised by County Administrator McLaughlin that the Chairman of the Human Relations Commission requested that this item be pulled from the Agenda in order to allow for additional time to prepare a request for additional funding, to be submitted at the next C/W Workshop; 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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

A. Continued...

(3) Was advised by Commissioner Whitehead that, after consideration at the March C/W Budget Workshop, notice should be given to all outside agencies of the Board's intent to not renew their Interlocal Agreements; and

B. Board Direction – None.

8. Policy to Address Code Enforcement Hardship Cases

A. Discussion – The C/W heard an overview from Steven Littlejohn, Lead LDC Officer, Office of Environmental Code Enforcement, concerning the Policy to address Code Enforcement Hardship Cases; and

B. Board Direction – The C/W recommends that the Board approve, subject to Legal sign-off, the Policy to Address Code Enforcement Hardship Cases (*Procedures for Special Needs Cases*), as amended to incorporate into Section B the language "including, but not limited to..."

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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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 9. Comprehensive Plan Amendment Submittal Deadlines
 - A. Discussion – The C/W had no questions or discussion regarding Comprehensive Plan Amendment Submittal Deadlines; and
 - B. Board Direction – None.
- 10. Policy for Naming County Facilities and Property (Referred from December 13, 2007, Special BCC Meeting)
 - A. Discussion – The C/W was advised by Commissioner Whitehead that this item has been referred to the March C/W Workshop; and
 - B. Board Direction – None.
- 11. Technical Park Update
 - A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, regarding an update of the Technology Park and an overview of the Interlocal Agreement with the City of Pensacola, City of Pensacola Community Redevelopment Agency, and the Pensacola-Escambia Promotion and Development Commission, which will be on the Agenda for approval at the February 21, 2008, Board Meeting; and
 - B. Board Direction – None.

(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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

12. SMG Update

A. Discussion – The C/W heard an update/overview from Cyndee Pennington, General Manager, SMG, concerning last year's budget for the Pensacola Civic Center, concerts, commercial advertisements, and promotional events; and

B. Board Direction – None.

13. Pensacola Bay Fishing Bridge Update (Referred from 01/17/08 C/W)

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Fishing Bridge Project Update*, presented by Bill Lawing, Facilities Management, and was advised by Mr. Lawing that:

(1) Staff has prepared an application for an alternate project to be submitted to the Federal Emergency Management Agency (FEMA), which is the One Stop Facility, in lieu of the southwest park and the fishing bridge;

(2) Additionally, a fire truck is included in the Alternative PW (*Project Worksheet*), to ensure that the County is able to use the entire alternate project amount should the One Stop project be constructed for less than the architect's estimate;

(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

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

13. Continued...

A. Continued...

(3) There is less risk of disapproval from FEMA because the One Stop is a relatively simple project, as opposed to the fishing bridge and park projects, because of permitting issues; and

(4) The FEMA alternate project funding would be placed in the One Stop Cost Center, and an equivalent amount would be transferred from One Stop to the park and fishing bridge Cost Centers, to be used when needed for those projects; and

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

(1) Authorize staff to submit an application to the Federal Emergency Management Agency for an alternate PW (*Project Worksheet*) for the One Stop Project and the purchase of a fire truck; and

(2) Award a design-build Contract to F & W Construction, Inc., with a GMP (*Guaranteed Maximum Price*) of \$10,774,391, for a 2,576-foot (*two-lane*) fishing bridge.

Recommended 5-0

(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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

14. Topics for Joint City-County Meeting – March 18, 2008

A. Discussion – The C/W discussed Topics for the March 18, 2008, Joint City-County Meeting, and the pre-disparity study suggested by the City of Pensacola, and the C/W:

- (1) Was advised by County Administrator McLaughlin that topics for the next Joint City-County Meeting are as follows:
 - (a) Establishing Interlocal Agreements to assist in a Budget reduction effort;
 - (b) Government Access Channel; and
 - (c) Wayside park and operation of concession building located near the fishing bridge;
- (2) Heard the request from Commissioner Robinson that discussion concerning Roger Scott Tennis Center and shared constituency items be added to the Agenda;
- (3) Heard the request from Commissioner Young that discussion concerning Escambia County Area Transit be added to the Agenda; and
- (4) Heard the request from Commissioner White that discussion concerning funding for libraries be added to the Agenda; and

B. Board Direction – None.

(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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

15. Community Redevelopment Agency Facade Grant Policy

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *CRA Commercial Facade, Landscape Infrastructure, and Sign Grant Programs*, presented by Keith Wilkins, Director, Neighborhood and Environmental Services Department, and the C/W:

- (1) Was advised by Mr. Wilkins that staff does not recommend that the Policy be changed; however, if the Board chooses to change the Policy, staff recommends the following Policy changes:
 - (a) Establish a cap time period of one year for retroactive claims;
 - (b) Establish a cap of \$25,000 available for retroactive claims; and
 - (c) Require that applications be submitted and approved by the Board no later than August 2008;
- (2) Was advised by Commissioner Young that she is concerned that changing the Policy would not set a good precedent;
- (3) Heard the request from Commissioner Whitehead that the application deadline of August 2008 be removed;
- (4) Was advised by Commissioner Valentino that he supports the changes to the Policy; however, after adequate marketing of the Sign Grant Program, he requests that the original Policy be reinstated; and

(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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the February 12, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

15. Continued...

A. Continued...

(5) Was advised by Mr. Wilkins that staff will work, in conjunction with the Office Public Information and Communications, to market the Program; and

B. Board Direction – None.

ITEMS ADDED TO THE AGENDA

- 1. FOR INFORMATION: The C/W discussed the Stormwater Management Permit for Roads, Inc., of NWF, and the C/W:
 - A. Was advised by County Administrator McLaughlin that he met with Cody Rawson regarding the Stormwater Management Permit issued to Roads Inc., of NWF, for construction of a catfish pond on property located on Hillock Road, and that Mr. Rawson requests an additional 60 days to complete the project;
 - B. Was further advised by County Administrator McLaughlin that, if the County revokes the Permit, Roads Inc., of NWF, may either appeal to the Board of Adjustment or file a lawsuit against the County, which could cost the County approximately \$600,000;

(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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the February 12, 2008, C/W Workshop – Continued

ITEMS ADDED TO THE AGENDA – Continued

- 1. Continued...
 - C. Was advised by Commissioner Whitehead that, if granting Roads, Inc., of NWF, an additional 60 days would avoid a \$600,000 lawsuit, he would support it;
 - D. Upon inquiry from Commissioner White, was advised by County Administrator McLaughlin that Mr. Rawson is willing to sign an Agreement stating that the project will be completed in 60 days; and
 - E. Heard consensus from the Board to direct County Administrator McLaughlin to have the attorney representing Mr. Rawson work with the County Attorney's Office to establish an Agreement.
- 2. FOR INFORMATION: The C/W:
 - A. Was advised by Commissioner Whitehead that, in his opinion, the Board should eliminate or restructure the two Assistant County Administrator positions and heard his request that the County Administrator be directed to restructure the Organizational Chart and that no County position be filled until the Chart has been approved by the Board; and
 - B. The C/W recommends that the Board approve placing a freeze on all hiring at the administrative level until the County Administrator has presented, and the Board has adopted, the County's new Organizational Chart.

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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- C. Report of the February 12, 2008, C/W Workshop – Continued

ITEMS ADDED TO THE AGENDA – Continued

- 3. FOR INFORMATION: The C/W heard the request from Commissioner Valentino for an update concerning the repayment (*of the default of the Franchise Agreement*) from Allied Waste Services of North America, LLC.
- 4. FOR INFORMATION: The C/W discussed various solutions to alleviate the litter problem in Escambia County.

AGENDA NUMBER – Continued

- 16. Adjourn

Chairman Whitehead declared the C/W Meeting adjourned at 2:50 p.m.

CHAIRMAN WHITEHEAD RELINQUISHED THE CHAIR TO COMMISSIONER VALENTINO

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

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

I. PUBLIC HEARINGS

1. Rezoning Cases

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried unanimously, taking the following action concerning Rezoning Case Z-2007-55, which was heard by the Rezoning Hearing Examiner (RHE) on January 28, 2008:

1814

- A. Adopting the RHE’s recommendation and denying R-4; and
- B. Authorizing the Chairman to sign the Order of the Escambia County Board of County Commissioners for the Rezoning Case that was reviewed, as follows:

- (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: LaGay R. Fenters, Agent for PCP Investors,
LLC, Owner
RHE Recommendation: Denial

Speaker(s) – None.

VICE CHAIRMAN VALENTINO RELINQUISHED THE CHAIR TO COMMISSIONER WHITEHEAD

(Continued on Page 31)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

1. Continued...

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, taking the following action concerning Rezoning Case Z-2008-01, which was heard by the Rezoning Hearing Examiner (RHE) on January 28, 2008:

1816

- A. Adopting the RHE’s recommendation and approving C-1; and
- B. Authorizing the Chairman to sign the Order of the Escambia County Board of County Commissioners for the Rezoning Case that was reviewed, as follows:

- (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 2
- Commissioner District: 1
- Requested by: Marshal and Janis Evans Lee, Owners
- RHE Recommendation: Approval

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

2. 5:45 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, adopting an Ordinance (*Number 2008-16*) to amend the Official Zoning Map to include Rezoning Case Z-2008-01 (*approved during the previous agenda item*); providing for severability, inclusion in the Code, and an effective date.

1816

Speaker(s) – None.

3. 5:46 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Young, and carried unanimously, adopting an Ordinance (*Number 2008-17*) 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 T. Janes, Owner, changing the Future Land Use (FLU) of 0.69 (+/-) acre, located at 3925 North “P” Street, from Commercial (C) to Mixed Use (MU-1).

1816

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

4. 5:47 p.m. Public Hearing

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried unanimously, rescheduling, for April 3, 2008, at 5:33 p.m., the recommendation that the Board take the following action concerning Santa Rosa Island Authority (SRIA) Rezoning Case 2008-01:

1817

- A. Ratify the scheduling to include the 5:47 p.m. Public Hearing on March 6, 2008; and
- B. Review and adopt or deny the SRIA's recommendation to rezone the following:

Case Number: 2008-01
Parcel ID: 28-2S-26-0900-000-000 (a portion described as Exhibit A)
Location: 643 Pensacola Beach Boulevard
Property Size: 1.15 (+/-) acres
From: PR-PB (Preservation – Pensacola Beach)
To: CON/REC-PB (Conservation/Recreation-Pensacola Beach)
Commissioner District: 4
Requested By: The Santa Rosa Island Authority

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

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

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-12. Approval of Various Consent Agenda Items

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, approving Consent Agenda Items 1 through 12, as follows, with the exception of Item 6, which was held for a separate vote:

1817

1. Approving to record the Island and Fire Municipal Services Benefit Unit (MSBU) adjustments in the Board's Minutes; the report reflects Island and Fire MSBU adjustments for various properties on Pensacola Beach, in Escambia County, for the 2007 tax year; these adjustments are necessary due to an error in picking up the appropriate number of dwellable residential units to be assessed the Island and Fire MSBU on the Beach; this information reflects the corrections based on the issue dates of Certificates of Occupancy for the specified Pensacola Beach properties, provided by the County Building Inspections Department. 1817
2. Approving to record the Santa Rosa Island and Fire Municipal Services Benefit Unit (MSBU) Lien adjustments in the Board's Minutes; the report reflects the Lien adjustments for the Island and Fire MSBU to date for the Fiscal Year 2007-2008; these Liens on file with the Clerk's Office were the result of Hurricane Ivan damage that occurred during the month of September, in Fiscal Year 2005-2006; this information reflects the corrections in the MSBU assessments for the specified properties. 1817
3. Authorizing the scheduling of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on March 20, 2008, at 5:31 p.m., to consider the adoption of an Ordinance creating the Willow Tree Acres Street Lighting MSBU. 1817
4. Authorizing the scheduling of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on March 20, 2008, at 5:32 p.m., to consider the adoption of an Ordinance creating the Twin Pines II Street Lighting MSBU. 1817
5. Authorizing the scheduling of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on March 20, 2008, at 5:33 p.m., to consider the adoption of an Ordinance creating the Huntington Street Lighting MSBU. 1817

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-12. Approval of Various Consent Agenda Items – Continued

6. See Page 38.

7. Taking the following action regarding an Interlocal Agreement between Escambia County and the City of Pensacola for National Pollutant Discharge Elimination System (NPDES) Permit Management Services (*and Permit Fees*): 1817

A. Approving the Interlocal Agreement; and

B. Authorizing the Chairman to sign the Interlocal Agreement and any subsequent Agreement-related documents, including time extensions.

8. Taking the following action regarding an Interlocal Agreement between Escambia County and the Florida Department of Transportation for National Pollutant Discharge Elimination System (NPDES) Permit Management Services (*and Permit Fees*): 1817

A. Approving the Interlocal Agreement; and

B. Authorizing the Chairman to sign the Interlocal Agreement and any subsequent Agreement-related documents, including time extensions.

9. Taking the following action concerning support of Mayfair/Oakcrest Subdivision as a Safe Neighborhood District: 1817

A. Adopting the Resolution (*[R2008-41] establishing a Crime Prevention Program*) in support of Mayfair/Oakcrest Subdivision as a Safe Neighborhood District; and

B. Authorizing the Chairman to sign the Resolution and any other Agreements necessary to accomplish goals of the Safe Neighborhood District Plan.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-12. Approval of Various Consent Agenda Items – Continued

10. Authorizing the Chairman to execute the letter addressed to Mr. Craig Fugate, Florida Division of Emergency Management, regarding the unilateral termination of Subgrant Agreement #03-NF-00-00-00-802 and return of Emergency Deployable Interoperable Communications System equipment trailer and tow vehicle to the State of Florida. 1817

11. Taking the following action concerning Escambia County's Contract with Reliastar Life Insurance Company (PD 03-04.46): 1817

A. Approving the Request for Amendment to the administrative Contract to include portability of Supplemental Life coverage for dependent families, effective from the date of the plan; and

B. Authorizing the County Administrator to sign the Request for Amendment.

12. Taking the following action concerning Amendments #3 and #4 to the National Insurance Services Joinder Agreement for Long Term Disability Insurance for the County (PD 03-04.46): 1817

A. Approving Amendment #3, which adds verbiage relating to Termination of Employee's Insurance coverage, along with replacing Section V – Termination Provision;

B. Approving Amendment #4, which replaces Section II – Eligibility and Effective Dates, Section "C," Effective Date of Insurance – Employees, Subsection (3); and

C. Authorizing the County Administrator to sign the Amendments.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

6&13. Approval of Consent Agenda Items 6 and 13

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 6 and 13, as follows:

6. 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. 1818

Speaker(s):

Andrew Blewer

13. Approving the out-of-County travel for Robert R. McLaughlin, County Administrator, to attend the 2008 International City/County Management Association Regional Summit in Point Clear, Alabama, on March 13-14, 2008. 1818

Speaker(s):

Andrew Blewer

II. BUDGET/FINANCE CONSENT AGENDA

1-18. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 18, as follows, with the exception of Items 6 and 7, which were held for separate votes, as amended to drop Item 8: 1821

1. Adopting the Resolution (*R2008-42*) approving Supplemental Budget Amendment Number 151, General Fund (001), in the amount of \$82,689, to recognize an award from Cox Communications and to appropriate these funds for the purchase of capital equipment for the new government access channel. 1821

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

2. Adopting the Resolution (*R2008-43*) approving Supplemental Budget Amendment Number 153, Economic Development Fund (102), in the amount of \$14,752, 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 B01SPFL0135, and to appropriate these funds for development costs for infrastructure of Central Commerce Park. 1821

3. Approving Budget Amendment Request Number 154, Transportation Trust Fund (175), in the amount of \$25,000, moving monies from the Inmate Commissary reserves to fund a student position for the Inmate Commissary Program. 1821

4. Approving Budget Amendment Request Number 157, General Fund (001), in the amount of \$288,000, moving funds from Reserves for Operating and increasing the monthly draw for the Clerk of the Circuit Court. 1821

5. Adopting, and authorizing the Chairman to sign, a Resolution (*R2008-44*) cancelling the following Tax Certificates: 2002-10007.001, in the amount of \$367.88, and 2003-8439.001, in the amount of \$153.21. 1821

6. See Page 44.

7. See Page 44.

8. Dropping the recommendation that the Board take the following action concerning the Dialogic Emergency Telephone Notification System upgrades: 1821

A. Approve the two-part *License and Support Agreement* between Dialogic Communications Corporation and Escambia County in the amount of \$109,265, (Fund 110, Cost Center 330436); and

B. Authorize the Chairman to execute the Agreement.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

9. Awarding a Unit Price, Indefinite Quantity, Indefinite Delivery Contract, PD 07-08.033, "Cross and 'T' Street Sidewalks," to Pensacola Concrete Construction Company for all Bid items, in a total amount of \$101,552.40 (funding to be provided from Fund 151, Community Redevelopment, Cost Center 220517, "CRA Palafox," Object Code 56301, in the amount of \$57,163.80, for Cross Street, and Community Redevelopment, Cost Center 220520, "CRA Englewood," Object Code 56301, in the amount of \$44,388.60, for "T" Street).

1821

10. Authorizing the County to piggyback off of the City of Columbus, Ohio, Department of Public Utilities, Contract Number FL003431, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, Section 46-44, Applications; Exemption; and Section 46-64, Board Approval, and awarding a Purchase Order to Causeway Equipment Inc., in the total amount of \$260,210, for the Department of Solid Waste Management; the trommel screen will be a replacement unit for Property #51247 (funding is available from Fund 401, Solid Waste Fund, Cost Center 230314).

1821

11. Taking the following action concerning an Interlocal Contract with the Houston-Galveston Area Council:

1821

A. Approving an *Interlocal Contract for Cooperative Purchasing* with Houston-Galveston Area Council (H-GAC), for Escambia County to have the opportunity to piggyback off of their Contracts for various types of equipment and services; all procurements over \$50,000 will come to the Board for final approval;

B. Authorizing the Chairman of the Board of County Commissioners to sign the Interlocal Contract; and

C. Authorizing the County Administrator to sign any Purchase Orders issued off the Contracts of H-GAC.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

12. Awarding a Contract, PD 07-08.005, Derelict Vessel Removal, to Resolve Towing & Salvage, Inc., for known derelict vessels, in the amount of \$85,400 (Fund 110, Other Grants and Projects, Florida Boating Improvement Program Grant). 1821

13. Taking the following action concerning Kupfrian Park Area Improvements (Funding: Fund 351, *[Local Option Sales Tax]* LOST II, Cost Center 210105, Transportation & Drainage, LOST II, Project #05EN2313): 1821

A. Approving the Selection/Negotiation Committee Ranking for Avery Area Improvements (Kupfrian Park Area Improvements), PD 06-07.125, as follows:

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

B. Awarding a Task Order for Avery Area Improvements (Kupfrian Park Area Improvements), PD 06-07.125, to HDR Engineering, Inc., in the amount of \$147,663.85.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

14. Taking the following action:

1821

A. Awarding a Task Order-based continuing Contract to Innovative Waste Consulting Services, LLC, Hammond Engineering, Inc., Rebol-Battle & Associates, LLC, and Emerald Coast Engineering & Surveying, LLC, per PD 02-03.79, Professional Services as Governed by Florida Statute 287.055 (A&E Services), on a “Maximum Ceiling” basis fee schedule, as follows:

- o Maximum Overhead – 168%
- o Maximum Profit – 12%
- o Maximum FCCM – 1.50%
- o Maximum Multiplier – 301.66% (providing no single item above is exceeded)
- o Existing Hourly Rates for each firm (based on an audited or auditable financial package)

B. Authorizing the Department(s), in conjunction with the Office of Purchasing, to negotiate Task Orders according to Florida Statute 287.055, “Consultants’ Competitive Negotiation Act” (A&E Services), on a project-by-project basis.

15. Awarding a Unit Price, Indefinite Quantity, Indefinite Delivery Contract, PD 07-08.032, “Rhythm Drive & Melody Lane Roadway & Drainage Improvements,” to Starfish, Inc., of Alabama, in an amount of \$492,637.70 (all funding to be provided in Fund 351, Local Option Sales Tax Extension, Cost Center 210105, Object Code 56301, Project Number 05EN1973).

1821

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-18. Approval of Various Consent Agenda Items – Continued

16. Approving issuance of the following Change Order to Hatch Mott MacDonald, on Contract PD 02-03.79.13.17.ENG, “Professional Services Contract” for “Nine Mile Road (SR 10) at Beulah Road (CR 99) Intersection Improvement Project” (Funding Source: Fund 102, “Bell Heritage Oaks,” Account 360616/56301):

1821

Department:	Transportation
Type:	Addition
Amount:	\$9,864
Vendor:	Hatch Mott MacDonald
Project Name:	Nine Mile Road at Beulah Road Intersection
Contract:	PD 02-03.79.13.17.ENG
Purchase Order Number:	280831
Change Order Number:	1
Original Award Amount:	\$40,050
Change Orders not requiring Board Approval:	\$ 9,921
Amount of Change Order Number 1:	<u>\$ 9,864</u>
New Contract Total:	\$59,835

17. Authorizing staff to enter into negotiations with the Florida Department of Transportation (FDOT) for the proposed exchange and transfer of two stormwater retention ponds; this includes, but is not limited to, obtaining a title commitment, a Phase I Environmental Assessment, appraisals, surveys, and conducting inspections, as needed; the proposed exchange is for the County to acquire the FDOT pond at Talladega Trail and FDOT would acquire the County pond at Holsberry Place (Funding Source: Fund 181, “Master Drainage Basin XII,” Account 210730).

1821

18. Approving issuance of a Task Order, PD 02-03.79.23.3.ENG, on Contract PD 02-03.79, “Professional Services as Governed by Florida Statute 287.055,” to Kenneth Horne & Associates, Inc., in the amount of \$83,026.72, for the Ten Mile at Ashton Brosnaham Roadway and Drainage Improvements (Funding Source: Fund 351, Local Option Sale Tax II, Account 210105/ 56301, Project Number 05EN0915).

1821

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

6. Pensacola Little Theatre

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried unanimously, taking the following action concerning approval of the Fiscal Year 2007-2008 Miscellaneous Appropriations Agreement for Pensacola Little Theatre, Inc.:

1821

- A. Approving the Miscellaneous Appropriations Agreement for \$250,000, to be paid from Local Option Sales Tax II, Fund 351, Cost Center 110224, Account Number 58201, Project No. 08AD0852;
- B. Authorizing the Chairman to sign the Agreement and all other necessary documents; and
- C. Authorizing the execution of the necessary Purchase Order.

Speaker(s):

Andrew Blewer

7. Capital Improvement Revenue Bonds, Series 2002

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting a Resolution (*R2008-45*) authorizing the Santa Rosa Island Authority to expend the remaining funds from the Capital Improvement Revenue Bonds, Series 2002, in the amount of approximately \$409,476.

1823

Speaker(s):

Chic Demerau

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

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

I. CONSENT AGENDA

1-4. Approval of Various Consent Agenda Items

Motion made by Commissioner Robinson, seconded by Commissioner Young, and carried unanimously, approving Consent Agenda Items 1 through 4, as follows, with the exception of Item 2, which was held for a separate vote:

1824

1. Taking the following action concerning legal services/ foreclosure attorney:

1824

A. Awarding a Contract/Agreement to Joyner & Jordan-Holmes, P.L.C., for professional legal services to foreclose certain County Code Enforcement and Nuisance Abatement Liens; and

B. Authorizing the Chairman to sign the Contract/Agreement.

2. See Page 46.

3. Authorizing the payment of an additional \$2,232 as part of a washout Workers' Compensation settlement that the Board approved during the January 24, 2008, Meeting, for Barbara Malone-Ordonia; a Workers' Compensation excess coverage carrier shall reimburse Escambia County for the full amount of the increase.

1824

4. Approving, and authorizing the Chairman to sign, the Lease Contract on the Pitney Bowes Postage Meter Lease / State of Florida Lease Contract #600-760-07-01.

1824

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

- I. CONSENT AGENDA – Continued
2. Approval of Retainer Agreement/Attorney's Fees

Motion made by Commissioner Young, seconded by Commissioner Robinson, and 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 Carl R. and Sharon Gilbert v. Harry R. McNesby, Sheriff, Charlie Walker, Code Enforcement Supervisor, et al.; Case No. 3:08CV51/MCR/EMT, and Robert K. and Sharon F. Mandel v. Harry R. McNesby, Sheriff, Charlie Walker, Code Enforcement Supervisor, et al., Case No. 3:08CV49/RV/MD:

1824

- A. Approving the Retainer Agreement between Ginger Lynne Barry, Esquire, with the law firm of Broad and Cassel, and Sotirios Thagouras, to defend Mr. Thagouras, in his individual capacity, in the above pending Cases; and
- B. Authorizing the payment, on a monthly basis, of the attorney's fees charged by Ms. Barry, in the sum of \$235 per hour (Ms. Barry may have others in her firm assist her, who will charge rates from \$300 per hour to \$175 per hour, but she will be primarily responsible), plus the expenses as outlined in the Retainer Agreement, to the extent that the fees and expenses are reasonably charged by Ms. Barry and her firm in defending Mr. Thagouras in the above Cases.

5. Approval of an Interlocal Agreement

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving, and ratifying the Chairman's signature on, the correct version of the Interlocal Agreement (*approved by the Board on February 21, 2008*) among Escambia County, Florida, the Escambia County Sheriff's Office, the District Board of Trustees of Pensacola Junior College, and the Pensacola Junior College Foundation, Inc. (*for construction/funding of a Regional Public Safety Training Facility*).

1825

For Information: Commissioner Robinson disclosed that he is an uncompensated Board Member for the PJC Foundation and, after conferring with the County Attorney, he believes that there is no conflict of interest, pursuant to Section 112.3143, Florida Statutes, that would require him to abstain from voting on this agenda item.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

II. FOR INFORMATION

1. Acceptance of an Information Report

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried unanimously, accepting, for filing with the Board's Minutes, the Information Report concerning the Case of Rapid Management Company v. Board of County Commissioners, Escambia County, Florida, Case No.: 2008 CA 000527; this matter will be discussed at the Attorney-Client Session scheduled for March 13, 2008, beginning at 8:00 a.m.

1826

ITEMS ADDED TO THE AGENDA – COMMISSIONER GENE M. VALENTINO

1. Code Enforcement Lien – Sandra Gilmore

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, authorizing foreclosure of the Code Enforcement Lien (*against property owned by Sandra Gilmore and located at 13832 Canal Drive*) recorded in Official Records Book 6039 at Pages 118 and 431, of the Public Records.

1826

Speaker(s):

James Fenton

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 6:32 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: March 20, 2008