

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD APRIL 3, 2008
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:33 p.m. – 6:38 p.m.)

Present: Commissioner D. M. "Mike" Whitehead, Chairman, District 1
Commissioner Gene M. Valentino, Vice Chairman, District 2
Commissioner Kevin W. White, District 5
Commissioner Marie K. Young, District 3
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

Absent: Commissioner Grover C. Robinson, IV, District 4

PUBLIC FORUM WORK SESSION

Chairman Whitehead called the Public Forum Work Session to order at 4:33 p.m.

1. FOR INFORMATION: The Board accepted a 53-page *Petition in Support of Pet-Friendly Evacuation Shelters in Escambia County*, presented by Joseph Garrett, Pensacola Dog Owner's Association, Inc., and was advised by Commissioner Whitehead that the issue will be referred to staff and will be discussed at a future Committee of the Whole Workshop. 1633
2. FOR INFORMATION: The Board heard suggestions from Stephen Davidson concerning Budget reductions, regarding which Mr. Davidson provided documentation. 1635
3. FOR INFORMATION: The Board heard comments from Andrew Blewer regarding a holding pond located at Muldoon and Midas Roads. 1640
4. FOR INFORMATION: The Board heard the request, which was also provided in hard copy, from Thomas Walker that the Board consider holding the fines associated with a Code Enforcement Lien against property located at 57 Trevillian Street for 90 days, until the property is sold, and heard the request from Commissioner Whitehead that this issue be added to the Agenda under Written Communication. 1646

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION - Continued

5. FOR INFORMATION: The Board heard comments from L. Gary Sansing regarding various County/National issues and issues discussed during Public Forum.

1653

6. FOR INFOMRATION: The Board:

1657

A. Heard the request from Michael Tracy that the Board consider amending the County's Ordinance which requires a fence to be placed around ponds/lakes, in order to assist with the development of lakes within the Autumn Meadows Subdivision, regarding which Mr. Tracy provided photos of the lakes to which he was referring; and

B. After receiving consensus from the Board, heard the request from Commissioner Whitehead that staff re-evaluate the side-slope requirements in the Ordinance (*Number 2007-60*) and submit the amended Ordinance to the Planning Board.

5:07 P.M. – PUBLIC FORUM ADJOURNED

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

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 Father Jack Gray, St. Anne's Catholic Church, 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.

REGULAR BCC AGENDA – Continued

4. Adoption of the Agenda

1735

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson absent, adopting the agenda, as prepared and duly amended to include Commissioner White's add-on item concerning the Bratt Property Exchange; Commissioner Valentino's add-on item concerning the new KC-45 fueling tanker to be built in Mobile, Alabama; and Commissioner Whitehead's five add-on items, one concerning a Welcome Letter for the participants of the 30th Anniversary Statewide Preservation Conference, one concerning the Final Plat of Providence Manor, one concerning approval of out-of-County travel, one concerning a request from Thomas Walker made during Public Forum (*Item 8.D.*), and one concerning ratification of out-of-County travel.

5. Commissioners' Forum

1736

A. District 2 – The Board:

- (1) Heard comments from Commissioner Valentino expressing gratitude toward staff for their performance during the Budget process; and
- (2) Heard comments from Commissioner Valentino regarding a traffic accident that occurred Wednesday night on Perdido Key Drive and the lack of cooperation from the State with regard to the expansion and improvement of the County's road system; and

B. District 1 – The Board heard comments from Commissioner Whitehead regarding a discussion he had with Governor Crist regarding economic development in Escambia County and the possibility of receiving economic development grant funds from the State of Alabama.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

6&7. Proclamations/Employee of the Month Proclamations/Years of Service

Motion made by Commissioner White, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, approving Agenda Items 6 and 7, as follows:

1742

6. Adopting the following two Proclamations:

1742

- A. The Proclamation proclaiming April 13-19, 2008, as "Public Safety Telecommunicators Week" in Escambia County; and
- B. The Proclamation proclaiming May 18-24, 2008, as "Public Works Week" in Escambia County.

7. Taking the following action concerning Employee of the Month Proclamations/Years of Service:

1742

- A. Adopting two Proclamations commending and congratulating the following employees for being selected as Employees of the Month for March and April 2008:
 - (1) Mr. Allen J. Holland, Fleet Maintenance Technician, Road Department, Public Works and Land Management Agency, Employee of the Month for March; and
 - (2) Mr. Greg D. Gay, Information Technology Specialist, Information Technology Department, Public Works and Land Management Agency, Employee of the Month for April; and
- B. Recognizing, with pins and certificates, the below-named employees for their dedication and years of service to Escambia County:
 - (1) Gordon C. Pike, Community Corrections Department, 35 years;
 - (2) Duane V. Chase, Road Department, 30 years; and
 - (3) Mary C. Banks, Road Department, 30 years.

REGULAR BCC AGENDA – Continued

8. Written Communication

A. "After the Fact" Land and Tree Management Permit – Ken Burnham

Motion made by Commissioner White, seconded by Commissioner Young, and carried 3-1, with Commissioner Robinson absent and Commissioner Valentino voting "no," allowing Mr. Burnham one year to provide the trees to plant on public property, under the conditions of a temporary CO (*Certificate of Occupancy*), relative to an Email Communication, dated December 12, 2007, from Ken Burnham regarding fines associated with an "After the Fact" Land and Tree Management Permit, which, according to the *Land and Tree Permit Comment Form*, requires 18 replacement mitigation trees to be planted on property located at 5529 Empire Drive, or that Mr. Burnham provide payment of \$200 per replacement tree.

1755

Speaker(s):

Ken Burnham

B. 2520 North Pace Boulevard

Motion made by Commissioner Young, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson absent, reducing the amount of the lien to \$3,220, contingent upon payment within 30 days, relative to a Communication, dated February 28, 2008, from David H. Gilchrist regarding liens and fines against property located at 2520 North Pace Boulevard.

1811

Speaker(s):

David H. Gilchrist

(Continued on Page 6)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Continued...

C. 2135 Gloria Circle

Motion made by Commissioner White, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, waiving the entire lien, relative to an Email Communication, dated March 4, 2008, from Janet Connell and Douglas Espinoza requesting that the Board forgive a (*Code Enforcement*) Lien against property located at 2135 Gloria Circle.

1817

Speaker(s):

Janet Connell

D. 57 Trevillian Street

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson absent, accepting, in satisfaction of the Lien awarded in Code Enforcement Case Number 07-02-0400 against property owned by Thomas Walker, the balance due on the Lien as of April 3, 2008, provided that the closing on the sale of the property at 57 Trevillian Street occurs and the Lien is paid in full within 90 days, relative to a Communication from Thomas Walker requesting that the Board consider holding the fines associated with a Code Enforcement lien against property located at 57 Trevillian Street, for 90 days, until the property is sold.

1817

REGULAR BCC AGENDA – Continued

9. Proofs of Publication

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson absent, 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:

1819

A. The following four Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on March 25, 2008, for consideration of adopting an Ordinance creating the Cardinal Creek Street Lighting MSBU;
- (2) The 5:32 p.m. Public Hearing, advertised in the Pensacola News Journal on March 25, 2008, for consideration of adopting an Ordinance creating the Boulder Creek and First Addition Street Lighting MSBU;
- (3) The 5:33 p.m. Public Hearing, advertised as part of the *Notice of Public Hearing before the Santa Rosa Island Authority* in the Pensacola News Journal on March 9, 2008, for consideration of Rezoning Case 2008-1; and
- (4) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on March 21, 2008, for consideration of the Optional Sector Plan Agreement; and

(Continued on Page 8)

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 March 31, 2008 – April 4, 2008 – Legal No. 72151*, as published in the Pensacola News Journal on March 30, 2008, as follows:

- March 31 5:00 p.m. District 2 Commissioner's West-End Advisory Committee
 - April 1 1:30 p.m. Environmental Enforcement Special Magistrate
 - April 1 2:00 p.m. Local Mitigation Strategy Visioning Group
 - April 1 3:00 p.m. Workforce Escarosa Career Council
 - April 2 8:30 a.m. Examination Committee for Competency Board
 - April 2 8:30 a.m. Special Board of Adjustment
 - April 2 9:00 a.m. Construction Industry Competency Board
 - April 2 9:00 a.m. Workforce Escarosa Youth Development Council
 - April 2 11:00 a.m. Workforce Escarosa Business Competitiveness Council
 - April 2 1:00 p.m. Development Review Committee
 - April 2 5:00 p.m. Escambia County Area Transit Citizens Advisory Committee
 - April 3 9:00 a.m. Agenda Work Session
 - April 3 1:30 p.m. Citizens Environmental Committee
 - April 3 1:30 p.m. Environmental Enforcement Special Magistrate
 - April 3 3:00 p.m. Board of County Commissioners Executive Session –Collective Bargaining
 - April 3 4:30 p.m. Board of County Commissioners Public Forum
 - April 3 5:30 p.m. Board of County Commissioners Public Hearings & Reports
- NEXT WEEK'S NOTE:
- April 7 1:00 p.m. FL-AL Transportation Planning Organization – Technical Coordinating
 - April 7 3:30 p.m. FL-AL Transportation Planning Organization – Citizens Advisory
 - April 7 5:30 p.m. Marine Advisory Committee

For Information: The Board was advised by County Attorney Rogers that it is Legal's opinion that the 5:33 p.m. Public Hearing Notice does meet the minimum legal requirements for the Hearing.

REGULAR BCC AGENDA – Continued

10. 5:31 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, adopting, and authorizing the Chairman to sign, the Ordinance (*Number 2008-22*) creating the Cardinal Creek Street Lighting Municipal Services Benefit Unit (MSBU), and all related documents, and making the following findings of fact:

1819

- 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.

REGULAR BCC AGENDA – Continued

11. 5:32 p.m. Public Hearing

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, adopting, and authorizing the Chairman to sign, the Ordinance (*Number 2008-23*) creating the Boulder Creek and First Addition Street Lighting Municipal Services Benefit Unit (MSBU), and all related documents, and making the following findings of fact:

1819

- 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

12. 5:33 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning 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:

1820

- A. Conducting the Public Hearing; and
- B. Approving 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

13. Committee of the Whole Recommendation(s)

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning General Fund Programs for Fiscal Year 2008-2009 (C/W Agenda Item 3), as recommended by the Committee of the Whole (C/W), at the C/W Preliminary Budget Workshop held March 19, 2008, and continued to March 20, 2008:

1821

- A. Approving an allocation, in the amount of \$35,000, for the Merit System Protection Board (*identified in the C/W backup as Priority Number 80*);
- B. Approving to eliminate the funding, in the amount of \$115,000, for the Human Relations Commission (*identified in the C/W backup as Priority Number 77*); and
- C. Approving, subject to Legal sign-off, to decrease the Tax Increment Financing (*for five Community Redevelopment Areas*) by 25%, for one year (*identified in the C/W backup as Priority Number 38*).

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 4-0, with Commissioner Robinson absent, approving Consent Agenda Items 1 through 5, as follows:

1822

1. Accepting, for filing with the Board's Minutes, the following three Reports prepared by the Clerk & Comptroller's Finance Department:
 - A. Payroll Expenditures as of Payday March 20, 2008, in the amount of \$2,279,849.33; and
 - B. The following two Disbursement of Funds:
 - (1) March 13, 2008, to March 19, 2008, in the amount of \$2,604,585.80; and
 - (2) March 20, 2008, to March 26, 2008, in the amount of \$1,259,167.13.
2. Adopting the Resolution (*R2008-51*) authorizing the write-off of \$3,677 in returned checks in various funds of the County that have been determined to be uncollectible bad debts.
3. Accepting, for filing with the Board's Minutes, the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2007, as prepared by the Finance Department of the Clerk of the Circuit Court & Comptroller's Office and audited by O'Sullivan Creel, LLP, Certified Public Accountants and Consultants.

1822

1822

1822

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, the following documents provided to the Clerk to the Board's Office:

1822

- A. *Irrevocable Letter of Credit No. 53*, for any amount or amounts not exceeding \$29,810, issued in favor of Escambia County, Florida, by The Warrington Bank, for the account of Redfish Harbor, LLC, with an expiration date of March 20, 2009, and a copy of Escambia County's *Site Plan Development Order with Concurrency Certification* for the Shelter Cove Condominium Project, formerly Redfish Harbor, 13900 Innerarity Point Road, as received in the Clerk to the Board's Office on March 20, 2008;
- B. The *Okaloosa Gas District Financial Statements – September 30, 2007 and 2006*, as submitted by Clarke C. Bell, Vice President of Accounting and Finance, and received in the Clerk to the Board's Office on March 14, 2008;
- C. The *Community Center License and Management Agreement* with each of the following two entities, based on the Board's February 5, 2004, action approving the Form of Agreement:
 - (1) Walnut Hill Ruritan Club, Inc.
 - (2) Quintette Community Park Association, Inc.
- D. The Agreement with each of the following two entities, pursuant to the Board's July 19, 2007, action awarding Task Order-based Contracts, per PD 06-07.038, Brownfields Services:
 - (1) Thompson Engineering, Inc.
 - (2) SCS Engineers

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

1822

- A. Approving the Minutes of the Joint City-County Meeting held March 18, 2008;
- B. Approving the Minutes of the Public Forum Work Session and Regular Board Meeting held March 20, 2008;
- C. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held March 20, 2008, as follows:

- 1. FOR INFORMATION: The agenda package for the 5:30 p.m., March 20, 2008, Regular Board Meeting was reviewed as follows:
 - A. Shirley L. Gafford, Program Coordinator, County Administrator's Office, and County Attorney Rogers, Amy Lovoy, Budget Manager, and Charles Walker, Chief, Environmental Code Enforcement, 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 Engineering Department, and County Attorney Rogers reviewed the Growth Management Report;
 - D. Shirley L. Gafford, Program Coordinator, County Administrator's Office, Roderick "Rod" Powell, Director, Human Resources, reviewed the County Administrator's Report;
 - E. County Attorney Rogers reviewed the County Attorney’s Report; and
 - F. Commissioner White and Commissioner Robinson each reviewed his add-on item.

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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. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop (C/W) held March 13, 2008, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Whitehead called the Committee of the Whole (C/W) to order at 9:03 a.m.

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 March 9, 2008, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule March 10, 2008 – March 14, 2008, Legal No. 72068*.

3. Recognition of United States Army Presence in Escambia County

A. Discussion – The C/W viewed PowerPoint Presentations, two of which were also provided in hard copy, presented by the following individuals, regarding their individual Units:

Brigadier General Jeffrey A. Jacobs
Brigadier General Mitch Perryman
Lieutenant Colonel Larry Perino
Major Juan Zapata
1st Sergeant Jody Gaddy
1st Sergeant Roy Smith

(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...
- D. Report of the March 13, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 3. Continued...
- B. Board Direction – None.

Speaker(s):

Brigadier General Mike Ferguson

- 4. Fire Services/Volunteer Fire Department Stipend/Contracts (Referred from February 21, 2008, BCC Meeting)
 - A. Discussion – The C/W discussed Fire Services/Volunteer Fire Department Stipend/Contracts; and
 - B. Board Direction – The C/W recommends that the Board take the following action concerning Fire Services/Volunteer Fire Department Stipend/Contracts:
 - (1) Take the following action concerning Fire Services/Volunteer Fire Department Stipend:
 - (a) Approve waiving the lump sum stipend repayments, in the total amount of \$24,575, to the individual Firefighters who were overpaid; and

(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...
- D. Report of the March 13, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

B. Continued...

(1) Continued...

(b) 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:

- 1) Any Volunteer holding an Exemption Letter on the date of adoption of the Policy shall be permitted to collect a stipend at the level of Firefighter I until September 30, 2008; and
- 2) Any Volunteer receiving an Exemption Letter after the date of adoption of the 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

(Continued on Page 19)

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 March 13, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

B. Continued...

(2) Approve that, on or before October 1, 2008, Chief Kenneth W. "Ken" Perkins and Chief Robbie Whitfield will transition the County's current Fire-Rescue System into one consolidated organization, and approve that:

(a) Chiefs Perkins and Whitfield will provide the Board with an implementation plan at the April 2008 Committee of the Whole Workshop; and

(b) The County Administrator will provide oversight of this transition, approve any time extensions, if circumstances warrant, and provide the Board with periodic progress reports.

Recommended 5-0

(Continued on Page 20)

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 March 13, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Scenic Highway Land Surplusing (9200 Block of Scenic Highway)

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, presented by Doyle Butler, Neighborhood and Environmental Services Department (NESD), and the C/W:

- (1) Was advised by Mr. Butler that Macky Bay Development Company (MBDC) requests that the County consider declaring property located at the 9200 Block of Scenic Highway as surplus and authorizing the sale of the property through competitive bid; and, in addition to the purchase price, MBDC is proposing the dedication of a 20-foot public access easement on property it owns located at 9250 Scenic Highway;
- (2) Upon inquiry from Commissioner Whitehead, was advised by Keith Wilkins, Director, NESD, that several issues arose which compromised the initial swap; i.e., the appraisals were based on an incorrect percentage of wetlands, unpermitted impacts to the wetlands are pending regulatory action, a buried line was discovered, and the Phase I environmental site assessment was conducted on the wrong parcel;

(Continued on Page 21)

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 March 13, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Continued...

A. Continued...

(3) Was advised by Jean A. Kassab, Director, Administrative Services, that the County's Engineering Department has expressed concerns regarding the impact that the sale of the County-owned property would have on the Addison Drive/Scenic Highway/Grow Drive Capital Improvement Project; and

(4) Was advised by Commissioner Whitehead that he is not interested in selling the property and heard his request that staff bring this issue back to the April C/W Workshop, with answers to the following questions:

(a) Is there access to the water from 9250 Scenic Highway?

(b) Do the appraisals conducted for the swap originally proposed include the easements?

(c) Can the 20-foot easement being offered by MBDC be utilized for public access?

(d) What is the nature of the environmental encroachments on the property from the original swap?

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
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the March 13, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Brownsville Property Acquisitions

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Property Acquisition Brownsville Redevelopment Area*, presented by Marcie Whitaker, Redevelopment Specialist, Neighborhood and Environmental Services Department (NESD)/Community Redevelopment Agenda (CRA), and the C/W:

- (1) Heard the request from Ms. Whitaker that the Board authorize NESD/CRA to order an appraisal of the property located at 3322 Mobile Highway and issue a Letter of Intent to the Listing Broker, Keller Williams Realty;
- (2) Upon inquiry from Commissioner Young, was advised by Ms. Whitaker that the potential use of the property would be for a "retail village"; and
- (3) Heard the request from Commissioner Whitehead that this purchase be delayed until staff has determined whether or not County Government is required to advertise the process for land acquisition; 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
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the March 13, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. County Access Channel Update

- A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *ECTV Channel 98 – Where Escambia County Turns for Information*, presented by Sonya Daniel, Division Manager, Office of Public Information and Communications; and
- B. Board Direction – The C/W recommends that the Board approve an allocation (*from the General Fund Operating Reserves*), in the amount of \$40,000, to fund the Government Access Channel.

Recommended 5-0

8. Policy for Naming County Facilities and Property (Referred from February 12, 2008, C/W)

- A. Discussion – The C/W discussed the Policy for Naming County Facilities and Property; and
- B. Board Direction – The C/W recommends that the Board approve the *Naming County Facilities Policy*.

Recommended 5-0

(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...
- D. Report of the March 13, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

9. Article V – Indigent Defense Costs

A. Discussion – The C/W discussed Indigent Defense Costs, and the C/W:

- (1) Was advised by County Attorney Rogers that prior to July 1, 2004, Counties throughout Florida were responsible for Indigent Defense costs, and, because Cases were carried out over a number of years, invoices have been submitted after July 1, 2004, to present; and
- (2) Heard the request from County Attorney Rogers that the Board approve publishing a notice announcing a deadline to submit invoices for Indigent Defense costs incurred prior to July 1, 2004; and

B. Board Direction – The C/W recommends that the Board authorize the County Attorney to publish a notice announcing a deadline to submit invoices for Indigent Defense costs.

Recommended 5-0

10. Indigent Burial

A. Discussion – The C/W discussed Indigent Burial, and the C/W:

- (1) Was advised by Marilyn Wesley, Director, Community Services, that the fee schedule for indigent burials has not been adjusted since 1996, and the providers that service the Program are requesting an increase in fees for earth burials and cremation;

(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...
- D. Report of the March 13, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

10. Continued...

A. Continued...

(2) Was advised by County Attorney Rogers that, if the Board approves a "Cremation Only" Policy, there must be a provision in the Policy that, upon the request of the Medical Examiner, there will be an earth burial for the deceased; and

(3) Heard the request from Commissioner Whitehead that Ms. Wesley work with Legal in drafting the Ordinance and/or Resolution, to be brought to the last Board Meeting in April for approval; and

B. Board Direction – None.

11. Consolidation of Annual Report

A. Discussion – The C/W was advised by County Administrator McLaughlin that he has coordinated with the Clerk's Office and anticipates that the Annual Report will be completed in April; and

B. Board Direction – None.

(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...
- D. Report of the March 13, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

12. Recycling Program

- A. Discussion – The C/W discussed *Escambia County's Recycling Proposal*, and the C/W:

(1) Was advised by County Administrator McLaughlin that:

- (a) This will be an agenda topic for the next City/County Joint Meeting;
- (b) The City of Pensacola's contract for the disposal of solid waste (*at Perdido Landfill*) is due for renewal; therefore, because the County's current tipping fee is \$31, and the tipping fee currently paid by the City is \$21, the City would like to negotiate its contract renewal; and
- (c) The Emerald Coast Utilities Authority (ECUA) Board has set a deadline of March 26, 2008, to resolve the issue regarding tipping fees; furthermore, ECUA has instructed its attorney to file a lawsuit against the County regarding flow control if the deadline is not met; and

(2) Was advised by Commissioner Whitehead that it would be in the best interest of the citizens of Escambia County to move forward with the recycling program and to work towards a consolidated solid waste service; 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
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the March 13, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

13. BEST House

- A. Discussion – The C/W was advised by County Administrator McLaughlin that the BEST House Program does not qualify for 4th Cent Tourist Development Tax funding; and
- B. Board Direction – None.

ITEMS ADDED TO THE AGENDA

- 1. FOR INFORMATION: The Board confirmed its direction to send letters of notification to all Outside Agencies that they will not be funded in the Fiscal Year 2008-2009 Budget.
- 2. FOR INFORMATION: The C/W heard comments from Commissioner Robinson concerning the funding that the County provides for the Escambia County Jail.

AGENDA NUMBER – Continued

14. Adjourn

Chairman Whitehead declared the C/W Meeting adjourned at 12:00 p.m.

(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. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole Preliminary Budget Workshop held March 19, 2008, and continued to March 20, 2008, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Whitehead called the Committee of the Whole (C/W) to order on March 19, 2008, at 8:36 a.m.

2. Was the Meeting Properly Advertised?

The C/W was advised by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, that the *(March 19, 2008)* Meeting was advertised in the Pensacola News Journal on March 16, 2008, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule March 17, 2008 – March 21, 2008, Legal No. 72089.*

(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 March 19, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Prioritization of Programs

The C/W:

- A. Discussed the prioritization of General Fund Programs (*Priority Items 1 through 80 from the list provided by staff*), as follows:

<u>Priority Number</u>	<u>Discussion</u>
1	Was advised by Commissioner Whitehead that the Sheriff has estimated a \$2 million reduction
2 through 6	Consensus for approval of proposed reduction/increase amounts
7	Consensus to restore funding for one Aide position, in the amount of \$81,842
8 through 12	Consensus for approval of proposed reduction/increase amounts
13	Consensus to restore funding, in the amount of \$490,765
14	No reduction proposed
15	Consensus to restore funding, in the amount of \$224,981
16 through 29	Consensus for approval of proposed reduction amounts

(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 March 19, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 3. Continued...
- A. Continued...

<u>Priority Number</u>	<u>Discussion</u>
30	Consensus to eliminate UWF & WBQP Contracts and restore funding for a second District Letter for each District (<i>which adjusts the amount of the reduction to \$29,750</i>)
31 through 37	Consensus for approval of proposed reduction amount
38	(<i>See Item B[4] for motion to decrease the [Tax Increment Financing] TIF increment by 25%, for one year</i>)
39	Consensus to eliminate funding for Veteran's Services, in the amount of \$15,000, and Indigent Burial, in the amount of \$40,000, and restore funding, in the amount of \$95,500, for United Way
40 through 42	Consensus for approval of proposed reduction amount

(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 March 19, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 3. Continued...
- A. Continued...

<u>Priority Number</u>	<u>Discussion</u>
43 through 44	Consensus to restore funding (<i>in the total amount of \$552,000</i>), with the understanding that the Board will work towards establishing a committee to examine, and make recommendations concerning, the County's economic development efforts
45 through 46	Consensus for approval of proposed reduction amount
47	Consensus to restore funding, in the amount of \$230,000
48	Consensus to restore funding, in the amount of \$431,880
49	Zero reduction (<i>at this time</i>); heard the request from Commissioner Whitehead that staff provide additional information regarding the operation of this Program
50 through 59	Consensus for approval of proposed reduction amounts

(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 March 19, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 3. Continued...
- A. Continued...

<u>Priority Number</u>	<u>Discussion</u>
60	No action taken regarding reduction amount – if Circle, Inc. (<i>which is funded through the Health Department</i>) does not qualify for (<i>Community Development Block Grant</i>) CDBG funding, there will be no reduction
61	Consensus to delay funding, in the amount of \$3,229,125, for one year
62 through 63	No reduction proposed – cost will be moved to a separate fund and will be self-supporting
64	Consensus for approval of proposed reduction amount
65	No reduction proposed – operating expenses covered by LOST (<i>Local Option Sales Tax</i>) will be reduced
66	No action taken regarding proposed reduction; staff is still working on the amount
67	Consensus for approval of proposed reduction amount
68	Consensus to suspend Program for one to two years (<i>reduction amount for one year is \$25,000</i>)

(Continued on Page 33)

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 March 19, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 3. Continued...
- A. Continued...

<u>Priority Number</u>	<u>Discussion</u>
69	Consensus for approval of proposed reduction amount
70	Consensus to restore funding, in the amount of \$40,000
71	Consensus to restore funding, in the amount of \$31,038
72	Consensus for approval of proposed reduction amount
73	Consensus to restore funding, in the amount of \$35,000
74 through 76	Consensus for approval of proposed reduction amounts
77	<i>(See Item B[3] for motion to eliminate funding)</i>
78	Consensus to restore funding, in the amount of \$14,174
79	Consensus for approval of proposed reduction amount and Board direction to determine if the Item qualifies for 4th Cent TDT (<i>Tourist Development Tax</i>) funding
80	<i>(See Item B[2] for motion to allocate funding, in the amount of \$35,000)</i>

(Continued on Page 34)

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 March 19, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Continued...

B. Made the following recommendations:

- (1) That the Board approve sending a Resolution to the State Legislature requesting that the Board's salaries, as well as all State-wide offices, be reduced by 10%.

Recommended 4-0, with Commissioner Young temporarily out of Board Chambers

- (2) That the Board approve an allocation, in the amount of \$35,000, for the Merit System Protection Board (*Priority Number 80*).

Recommended 4-1, with Commissioner Young voting "no"

- (3) That the Board approve eliminating funding for the Human Relations Commission (*Priority Number 77*).

Recommended 4-1, with Commissioner Young voting "no"

- (4) That the Board approve decreasing the (*Tax Increment Financing*) TIF (*for five Community Redevelopment Areas*) by 25%, for one year, subject to Legal sign-off (*Priority Number 38*).

Recommended 5-0

(Continued on Page 35)

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 March 19, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Continued...

- C. Was advised by Commissioner Whitehead that the C/W Budget Workshop for March 25, 2008, has been cancelled.

Speaker(s):

Benjamin A. "Steve" Stephens
Kay House
Rebecca Hale
Barbara Hoard
Don Turner
Diane Hutcherson
Evon Emerson
Jean Norman

4. Adjourn

Chairman Whitehead declared the C/W Meeting adjourned on March 20, 2008, at 12:13 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 4-0, with Commissioner Robinson absent, taking the following action concerning the Optional Sector Plan Agreement:

1823

- A. Ratifying the scheduling (*and advertising*) of the 5:45 p.m. Public Hearing on April 3, 2008; and
- B. Approving the *Agreement Authorizing an Optional Sector Plan in Escambia County, Florida*, between Escambia County and the Florida Department of Community Affairs, in order for the County to proceed with the Statutory requirements of Section 163.3245, Florida Statutes.

Speaker(s) – None.

GROWTH MANAGEMENT REPORT – Continued

II. ACTION ITEMS

1. Carrington Phase 1 Final Plat

The Board took no action concerning the recommendation that the Board take the following action concerning recording of the Final Plat of Carrington Phase 1, formerly Links of Carrington (a 254-lot, single-family residential subdivision and three private parks), located in the Quintette Community, lying north of West Quintette Road and east of U. S. Highway 29, owned and developed by Carrington Development Group, LLC; prior to recording, the County Engineer, County Surveyor, Planning and Engineering Director, and the Clerk of the Circuit Court must sign the Final Plat, as set forth in Section 4.02.07.E of the Escambia County Land Development Code; also, prior to recording, the County Surveyor must sign the Final Plat, as set forth in Chapter 177.081 (1), Florida Statutes (the Board was advised by T. Lloyd Kerr, Director, Planning and Engineering, that this item has been pulled):

1823

- A. Approve the Final Plat for recording; and
- B. Approve the street names "Meeting Street," "Habersham Lane," "Aberdeen Drive," "Ambrose Alley," "Okatie Lane," "Tybrisa Court," "Charlton Street," "Stolis Alley," "Society Street," "Timsbury Loop," "Stokesley Lane," "Oglethorpe Lane," and "Graydon Street."

2. Cabela Estates Final Plat

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried 3-0, with Commissioner Robinson absent and Commissioner White temporarily out of Board Chambers, approving, for recording, the Final Plat of Cabela Estates (an 8-lot, single-family residential subdivision); Cabela Estates is located in the Pine Forest Community, lying north of Ten Mile Road and west of Stefani Road (County Road 489), owned and developed by L.D.J. Development, Inc.; prior to recording, the County Engineer, County Surveyor, Planning and Engineering Director, and the Clerk of the Circuit Court must sign the Final Plat, as set forth in Section 4.02.07.E of the Escambia County Land Development Code; also, prior to recording, the County Surveyor must sign the Final Plat, as set forth in Chapter 177.081 (1), Florida Statutes.

1823

GROWTH MANAGEMENT REPORT – Continued

II. ACTION ITEMS – Continued

3. Board of Adjustment Appointment

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried 3-0, with Commissioner Robinson absent and Commissioner White temporarily out of Board Chambers, reappointing Jason Harvey as an At-Large Member on the Board of Adjustment for a two-year term, expiring on April 5, 2010 (*the Board was advised by T. Lloyd Kerr, Director, Planning and Engineering, that Victoria Patrinely and Steven Barry requested that their names be removed from consideration*).

1824

4. Planning Board Appointment

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried 3-0, with Commissioner Robinson absent and Commissioner White temporarily out of Board Chambers, appointing Justin A. Beck as an At-Large Member on the Planning Board for a two-year term, expiring on April 5, 2010.

1824

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA

1. Scheduling of Public Hearings

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried 3-0, with Commissioner Robinson absent and Commissioner White temporarily out of Board Chambers, scheduling the following two Public Hearings:

1825

A. 5:45 p.m. – Thursday, May 1, 2008 – A Public Hearing to amend the Official Zoning Map to include the following Rezoning Cases heard by the Rezoning Hearing Examiner (RHE) on March 24, 2008:

- (1) Case Number: Z-2007-65 (remanded by BCC on January 10, 2008)
 - Location: 1012 North 72nd Avenue
 - Property Reference Number: 11-2S-31-2117-000-000
 - Property Size: 2.67 (+/-) 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: R, Residential
 - Commissioner District: 1
 - Requested by: Danny McCray, Agent for SEC Investment Properties, LLC, Owner

(Continued on Page 40)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA – Continued

1. Continued...

A. Continued...

- (2) Case Number: Z-2007-66
Location: 831 Trammel Boulevard and 1000 Block Trammel Boulevard
Property Reference Numbers: 26-1S-30-2101-003-034 and 26-1S-30-2101-001-034
Property Size: .39 (+/-) acre
From: R-5, Urban Residential/Limited Office District (cumulative), High Density (20 dwelling units per acre)
To: R-6, Neighborhood Commercial and Residential District (cumulative), High Density (25 dwelling units per acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 3
Requested by: Willie Gaines, Owner
- (3) Case Number: Z-2008-03
Location: 9250 Chemstrand Road
Property Reference Number: 12-1S-30-4103-004-005
Property Size: .31 (+/-) acre
From: R-2, Single-Family District (cumulative), Low-Medium Density (7 dwelling units per acre)
To: R-5, Urban Residential/Limited Office District, High Density (20 dwelling units per acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 5
Requested by: Thomas E. and Sharron E. Gallant

(Continued on Page 41)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA – Continued

1. Continued...

B. 5:46 p.m. – Thursday, May 1, 2008 – A Public Hearing to review a Comprehensive Plan Amendment (CPA 2008-01), composed of two separate amendments, (*to amend Part II of the Escambia County Code of Ordinances [1999], the Escambia County Comprehensive Plan*), amending portions (*thereof*), as follows:

- (1) CPA 2008-01A: Map amendment, amending Chapter 7, "Future Land Use Element," providing for an amendment to the Year 2020 Future Land Use Map, as amended, changing the Future Land Use Category of two parcels, located at 8594 West Highway 98, from Low Density Residential (LDR), to Mixed Use 1 (MU-1), totaling 29.97 (+/-) acres; and
- (2) CPA 2008-01B: Text amendment, amending Chapter 7, "Future Land Use Element," to define the maximum residential density allowed in the Commercial Future Land Use Category.

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

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-5. Approval of Various Consent Agenda Items

Motion made by Commissioner Young, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson absent, approving Consent Agenda Items 1 through 5, as follows:

1826

1. Accepting, for filing with the April 3, 2008, Board's Minutes, the Enterprise Zone Development Agency First Quarter Report (*October 1, 2007 – December 31, 2007*).
2. Approving the Requests for Disposition of surplus equipment to be sold as surplus or appropriately disposed of, all of which are described on eight Requests, as provided by various County Departments, for the reasons stated on each, the value of which is estimated at under \$5,000.

1826

1826

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

3. Taking the following action concerning the *Modification of 2006-2007 State Homeland Security Grant Program Subrecipient Agreement for Expenditure of Local Government Unit Funding for Florida Type II Hazardous Materials/WMD Teams FM 241* between the State of Florida, Department of Financial Services, and Escambia County Fire Rescue, Contract Number (07DS-5N-13-00-16-217) FM 241, extending the deadline to May 31, 2008:

1826

A. Approving the Modification of the Sub-recipient Agreement, retroactive to November 15, 2007; and

B. Authorizing the Chairman to sign the Modification.

4. Taking the following action concerning the Designated Recipient of federal funding for the Federal Transit Administration (FTA) Job Access and Reverse Commute and New Freedom Programs:

1826

A. Concurring with the recommendation of the Florida-Alabama Transportation Planning Organization (TPO) to re-designate the Florida-Alabama TPO as the Designated Recipient of federal funding for the FTA Job Access and Reverse Commute and New Freedom Programs; and

B. Authorizing the Chairman to execute the letter to the TPO notifying the Chairman of the TPO of this concurrence.

5. Taking the following action concerning a reappointment to the Escambia County Housing Finance Authority:

1826

A. Waiving the Board's Policy, Section I, Part B 1. (D), Appointment Policy and Procedures; and

B. Reappointing Robert Ward for an additional four-year term, effective August 1, 2008, through July 31, 2012, as requested by Elbert Jones, Jr., Chairman.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA

1-19. Approval of Various Consent Agenda Items

Motion made by Commissioner Young, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson absent, approving Consent Agenda Items 1 through 19, as follows, with the exception of Items 4, 13, and 14, which were held for separate votes, as amended to correct the street name in Item 15 to "Kings Road":

1827

1. Taking the following action regarding the Hurricane Housing Recovery Program (HHRP) Agreement with Community Organizations Active in Disaster, Inc. (d/b/a BRACE, LLC):

1827

- A. Approving the HHRP Amendment #2 to Mission Homeward Bound Housing Initiative Program Management Services Agreement, as originally approved on December 7, 2006, and amended on December 6, 2007, to extend the Contract end date to December 31, 2008, and to increase the existing budget from \$165,100 to \$390,100, to continue emergency housing and related recovery services for families dislocated by Hurricanes Ivan or Dennis who resided in Federal Emergency Management Agency-provided temporary housing on October 31, 2006 (Fund 120/HHRP, Cost Center 220426); and
- B. Authorizing the Chairman or Vice Chairman to execute the Amendment and all related documents required to implement the remaining project activities.

2. Adopting, with a 4/5 vote of the Board, the Resolution (R2008-52) approving Supplemental Budget Amendment Number 163, General Fund (001) and Mass Transit Fund (104), in the amount of \$31,243, to transfer funds from the General Fund's Reserve for Contingency to the Mass Transit Fund to pay the costs associated with Workers' Compensation Insurance, and making the following findings of fact:

1827

- A. That the expenditure is necessary and cannot be delayed;
- B. That there is no other source of funds; and
- C. That the expenditure was unanticipated.

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

3. Adopting the Resolution (R2008-53) approving Supplemental Budget Amendment Number 170, Other Grants and Projects Fund (110), in the amount of \$54,825, to recognize Grant funds and to appropriate these funds for the removal and disposal of derelict vessels in Escambia County waterways. 1827

4. See Page 48.

5. Adopting the Resolution (R2008-55) approving Supplemental Budget Amendment Number 174, Debt Service Fund (203) and Capital Improvement Program Fund (310), in the amount of \$564,998, to recognize the remaining proceeds of the Leonard Street Chiller loan, to transfer these funds to the Debt Service Fund, and to appropriate these funds for a principal payment on this loan. 1827

6. Adopting the Resolution (R2008-56) approving Supplemental Budget Amendment Number 180, Other Grants and Projects Fund (110), in the amount of \$87,350, to recognize proceeds from a Florida Department of Law Enforcement Grant, Contract No. 2008-SHSP-ESCA-1-S4-001, and to appropriate these funds for implementing the Technology for Aviation Equipment Project. 1827

7. Accepting, for filing with the Board's Minutes, the Information Report regarding Tax Deed Applications for Superfund Site Parcels, as listed below (the total cost for these Tax Deed Applications is \$1,590 [funds are available in Account Number 110201-54907]): 1827

05-1654-000	052S30-1001-001-017	ESCAMBIA TREATING CO.	\$ 7,600
05-1655-000	052S30-1001-001-019	ESCAMBIA TREATING CO.	\$ 19,590
05-1654-100	052S30-1001-002-017	INTERNATIONAL UTILITY	\$336,860

8. Accepting, for filing with the Board's Minutes, the Information Report regarding non-renewal of the Lease with 1170 West Leonard, LLC, for warehouse space located at 300-A West Leonard Street. 1827

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

9. Taking the following action concerning the First Amendment to the Lease between Escambia County and the Florida Department of Corrections, f/k/a the State of Florida Department of Health and Rehabilitative Services: 1827
- A. Approving the *First Amendment to Lease* between Escambia County and the Florida Department of Corrections, f/k/a the State of Florida Department of Health and Rehabilitative Services, amending the legal description of the area included in the Lease; and
 - B. Authorizing the Chairman to execute all documents necessary to complete this transaction.
10. Approving the issuance of a Purchase Order to Akerman Senterfitt & Eidson, P.A., in the amount of \$50,000, based on Contract PD 05-06.096 (approved by the Board of County Commissioners on October 5, 2006, for a three-year period), to provide consulting services for issues related to liability management, risk management, redevelopment, and the transfer of the Escambia Treating Company Superfund property to Escambia County (funding will be provided from a [*Housing and Urban Development/Community Development Block Grant*] HUD/CDBG 2006 Grant, Cost Center 221403, Account Number 53101). 1827
11. Taking the following action regarding the Dialogic Emergency Telephone Notification System upgrade: 1827
- A. Approving 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. Authorizing 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

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

12. Taking the following action regarding the State of Florida, Division of Emergency Management, Contract Number 06-DS-3W-01-27-01-353: 1827

A. Approving the *Modification #1 to Grant Agreement* reinstating Contract Number 06-DS-3W-01-27-01-353 and providing an extension for the use of Grant funds, in the amount of \$46,101.57, through March 31, 2009 (Fund 110, Cost Center 330459); and

B. Authorizing the Chairman to execute the Agreement.

13. See Page 48.

14. See Page 49.

15. Awarding a Unit Price, Indefinite Quantity, Indefinite Delivery Contract, PD 07-08.043, "Resurfacing & Reconstruction of the Kings Road, Sugar Creek, & Rosedown Groups," to Panhandle Grading & Paving, Inc., in the amount of \$474,580.20 (funding to be provided from Fund 352, Local Option Sales Tax III, Cost Center 210107, Object Code 56301, Project Number 08EN0208, "Resurfacing"). 1827

16. Accepting the sole offer from J. Miller Construction, Inc., in the amount of \$65,605, and award the Contract PD 07-08.059 for the sale of Lot 12, Central Commerce Park. 1827

17. Awarding a Lump Sum Contract, PD 07-08.036, "Radio Tower and Microwave Equipment for Gonzalez Microwave Site," to Sabre Communications Corporation, in accordance with the terms and conditions of the solicitation and the appropriation of funds, for an estimated yearly total amount of \$663,393 (Funding: Fund 001, General Fund, Public Safety Department, Cost Center 33403, Object Code 56401). 1827

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

18. Taking the following action concerning traffic restrictions – speed limitations (funds are budgeted in Fund 175, Transportation Trust Fund, Cost Center 211501, and Account Code 53401, for sign installations):

1827

A. Adopting the Resolutions (*R2008-57, R2008-58, R2008-59, R2008-60, R2008-61, R2008-62, R2008-63, R2008-64, and R2008-65*) for the reduction in speed, from 30 miles per hour to 25 miles per hour, for the following areas:

- (1) Amberidge Road, from Lancer Drive to Lepley Road
- (2) Atwood Drive, from Gregg Road to Lawton Street
- (3) Bruce Street, from West Fairfield Drive to northern property line of 1626 Bruce Street
- (4) Capitol Boulevard, from Diamond Dairy Road to Fruitvale Street
- (5) East Ensley Street, from Argo Drive to Fab Street
- (6) Meadson Road, from Merlin Road to Bauer Road
- (7) Montclair Road, from Marseille Drive to East Montclair Road
- (8) Pauline Street, from Archer Road to Old Chemstrand Road
- (9) West Avery Street, from North “L” Street to North “K” Street

B. Authorizing the Chairman to sign the Resolutions for these roadways.

19. Taking the following action concerning traffic restrictions – truck prohibition on Pine Forest Road and West Roberts Road:

1827

A. Adopting two Resolutions (*R2008-66 and R2008-67*) imposing the following regulations governing the movement of traffic and load and weight limits, implemented by the County Engineer in accordance with Ordinance Number 2003-26 (Funding Source: Fund 175, “Transportation Trust Fund,” Cost Center 211501, and Account Code 53401):

- (1) Truck prohibition on Pine Forest Road, from West Nine Mile Road to West Roberts Road – no trucks in excess of 10,500 pounds gross vehicle weight, except trucks servicing or having business within the described area; and

(Continued on Page 48)

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

19. Continued...

A. Continued...

(2) Truck prohibition on West Roberts Road, from South Highway 29 to the southern terminus of West Roberts Road – no trucks in excess of 10,500 pounds gross vehicle weight, except trucks servicing or having business within the described area; and

B. Authorizing the Chairman to sign the Resolutions.

4. Supplemental Budget Amendment Number 171

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, adopting the Resolution (*R2008-54*) approving Supplemental Budget Amendment Number 171, Other Grants and Projects Fund (110), in the amount of \$40,000, to recognize Grant funds and to appropriate these funds for the monitoring of PCB levels in fish tissue around the Ex-Oriskany Reef site in the Gulf of Mexico.

1827

Speaker(s):

Andrew Blewer

13. Contract PD 07-08.044

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried 3-1, with Commissioner Robinson absent and Commissioner White voting "no," awarding a Unit Price, Indefinite Quantity, Indefinite Delivery Contract, PD 07-08.044, "Blue Pit Drainage Project," to Roads, Inc., of NWF, in the amount of \$126,126 (funding to be provided from Fund 110, Blue Pit Wetland Enhancement Grant, Cost Center 212412, Object Code 56301).

1829

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

14. Contract PD 07-08.038

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried 3-1, with Commissioner Robinson absent and Commissioner White voting "no," awarding a Unit Price, Indefinite Quantity, Indefinite Delivery Contract, PD 07-08.038, "Ziglar Road Improvements," to Roads, Inc., of NWF, in the amount of \$136,126.90 (funding to be provided from Fund 351, Local Option Sales Tax Extension, Cost Center 210105, Object Code 56301, Project Number 05EN1105).

1827

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR CONSENT

1. Payment of Attorneys Fees

Motion made by Commissioner White, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, approving to forego further appeal and pay the judgment of attorneys fees with accrued interest regarding Escambia County v. U.I.L. Family Limited Partnership, and C.C. Family Limited Partnership, Case No. 1D07-1836 (*the approximate sum of the judgment will be in excess of \$37,000 once accrued interest is calculated*).

1833

II. FOR INFORMATION

1. Rhonda Hughes v. Escambia County, Florida

Motion made by Commissioner White, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, accepting, for filing with the Board's Minutes, the information concerning Rhonda Hughes v. Escambia County, Florida (Senate Bill 42, sponsored by Senator Tony Hill, and House Bill 481, sponsored by Representative Dave Murzin, Relief of Rhonda Hughes).

1833

ITEMS ADDED TO THE AGENDA – COMMISSIONER KEVIN W. WHITE

1. Exchange of Real Property

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson absent, taking the following action regarding the exchange of real property between the County, whose property is located on Hanks Road a/k/a Bratt Property (Account 123027000, Property Reference 14-5N-32-2301-000-000), and Kale and Donna Schneider, whose property is located on West Highway 4 (Account 122980000, Property Reference 11-5N-32-3201-000-000) (Funding: Fund 351, Local Option Sales Tax II, [Cost Center] 350213, Parks Capital Projects – [in the amount of] \$9,000, plus associated fees and costs):

1834

- A. Adopting a Resolution (R2008-68) approving the exchange, in accordance with the terms contained in the Agreement for Sale and Purchase and Contract for Sale and Purchase;
- B. Waiving the retention of the fractional interest in the phosphates, minerals, metals, and petroleum in the property to be conveyed by the County, in accordance with Section 270.11(3), Florida Statutes; and
- C. Authorizing the County Attorney to prepare, and the Chairman or Vice Chairman to execute, any necessary documents to effectuate the exchange of the properties, without further action from the Board.

ITEMS ADDED TO THE AGENDA – COMMISSIONER GENE M. VALENTINO

1. Adoption of a Resolution

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, adopting the Resolution (R2008-70) supporting the U. S. Air Force, Northrop Grumman, and the Workers of Lower Alabama and the Gulf Coast in the effort to build the new KC-45 jet refueling tanker, in the Mobile, Alabama, area.

1835

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

1. Welcome Letter

Motion made by Commissioner White, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, authorizing the Chairman, on behalf of the Board, to prepare and sign a Welcome Letter for the participants of the 2008 30th Anniversary Statewide Preservation Conference that will be held on Thursday, May 15, 2008, at Old Christ Church in Historic Pensacola Village.

1836

2. Providence Manor Final Plat

Motion made by Commissioner White, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning recording of the Final Plat of Providence Manor (a 74-lot, single-family residential subdivision), located in the Bellview, community lying east of Mobile Highway (U. S. Highway 90), and north of Michigan Avenue (State Road 296), owned and developed by Par 3, L.L.C.; prior to recording, the County Engineer, County Surveyor, Planning and Engineering Director, and the Clerk of the Circuit Court must sign the Final Plat, as set forth in Section 4.02.07.E of the Escambia County Land Development Code; also, prior to recording, the County Surveyor must sign the Final Plat, as set forth in Section 177.081 (1), Florida Statutes:

1836

- A. Approving the Final Plat for recording;
- B. Approving the street name “Providence Loop”;
- C. Accepting the public road paving, all public easements, drainage improvements, and Parcel “A” (1.14-acre Retention Pond), as depicted upon the Final Plat, for permanent County maintenance; the cost of maintenance for drainage improvements are to be funded through the establishment of a stormwater management Municipal Services Benefit Unit; and
- D. Authorizing the Chairman or Vice Chairman to execute a *Two-Year Warranty Agreement for Streets and Drainage Improvements without Surety/Financial Security*.

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

3. Authorization of Out-of-County Travel

Motion made by Commissioner White, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, authorizing out-of-County travel for the County Administrator to attend the 2007-2008 Florida Sterling Region One Team Showcase in Tallahassee, Florida, on Friday, April 4, 2008, and ratifying Commissioner Whitehead's travel to Tallahassee (*on Tuesday, April 1, 2008*).

1837

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 6:38 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: April 17, 2008