

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD MAY 15, 2008  
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX  
221 PALAFOX PLACE, PENSACOLA, FLORIDA  
(4:32 p.m. – 6:46 p.m.)

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

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 the request from Steven Littlejohn that the Board consider forgiving the hard costs associated with a Code Enforcement Lien filed against property located at 428 Big Bayou Boulevard, owned by Rosalie Ambler, who is currently living in a nursing home in Chicago, and was advised by Commissioner Whitehead that this issue will be added to the agenda under Written Communication. 1632
2. FOR INFORMATION: The Board heard the request from Maxine Colville that the Board consider forgiving Code Enforcement Liens filed against property located at 6006 Hilburn Road and 821 Lynch Street, and heard the request from Commissioner Young that this issue be added to the agenda under Written Communication. 1635
3. FOR INFORMATION: The Board heard comments from L. Gary Sansing regarding various County issues and issues discussed during Public Forum. 1650

4:58 P.M. – PUBLIC FORUM ADJOURNED

5:31 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 5:31 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.

4. Adoption of the Agenda

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, adopting the agenda as prepared and duly amended to include the County Attorney's add-on item concerning Cycom County Law Software and License Agreement (*Item I-4*).

1734

5. Commissioners' Forum:

1734

A. District 5 – The Board heard comments from Commissioner White concerning the response of the Volunteer Firefighters, paid Firefighters, and the Escambia County Sheriff's Office after a tornado touched down in McDavid, Florida, earlier today;

B. District 4 – The Board heard comments from Commissioner Robinson concerning the following issues, and heard his request that the Commissioners address any questions or concerns regarding the proposed Ordinances to their Santa Rosa Island Authority (SRIA) appointees:

- (1) Two proposed Ordinances, to be considered by the SRIA, regarding noise abatement and a ban on (*the consumption of*) alcohol in public places on Pensacola Beach, respectively; and

(Continued on Page 3)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

5. Continued...

B. Continued...

(2) The District 4 Town Hall Meeting to discuss the Budget, on May 19, 2008, from 6:00 p.m. until 8:00 p.m., at the Vickery Center, and a Joint District 4 and District 5 Town Hall Meeting on May 27, 2008, from 6:30 p.m. until 8:30 p.m., at Ferry Pass Middle School;

C. District 3 – The Board was advised by Commissioner Young that she would like to express her appreciation to the citizens who attended the District 3 Town Hall Meetings on the Budget on May 8 and May 13, 2008, and that she would also like to extend her appreciation to the families of those Law Enforcement Officers who died while serving and were honored at a Law Enforcement Memorial at the Sheriff's Office this morning;

D. District 2 – The Board was advised by Commissioner Valentino that he would like to express his appreciation to staff, specifically, Lloyd Kerr, Eva Peterson, Charles Peppler, and County Administrator McLaughlin, as well as Commissioner Whitehead, for attending the meeting in Tallahassee, Florida, on Wednesday, May 14, 2008, concerning the Perdido Key Cap Removal issue; and

E. District 1 – The Board was advised by Commissioner Whitehead that Thomas G. Pelham, Secretary, Florida Department of Community Affairs (DCA), conducted the meeting in Tallahassee, Florida, the culmination of which was to require DCA staff to send a letter, by 5:00 p.m. Friday (*May 16, 2008*), enumerating the outstanding issues regarding the Comprehensive Plan Amendment, and that mediation was tentatively scheduled for June 4, 2008, at which time those issues can, hopefully, be resolved.

REGULAR BCC AGENDA – Continued

6. Proclamations

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

1741

- A. The Proclamation proclaiming May 2008 as “Water Safety Month” in Escambia County;
- B. The Proclamation proclaiming June 2008, as "National Safety Month" in Escambia County; and
- C. The Proclamation commending and congratulating John Ellis for his creation of the “Believe in the Cure Cycling Tour” to benefit the Hepatitis B Foundation and to make a difference in the lives of 12 million Americans who have been infected with the Hepatitis B Virus.

Speaker(s):

Tracy Pickett  
Maria DiGirolamo  
John Ellis

7. Employee of the Month/Special Recognition

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, recognizing Officer Mark Butler, Escambia County Road Prison, and his drug-interdiction dog, Harley, for finishing in fifth place in “Room Searches” and for finishing in the top ten Overall Competition at the State-wide K-9 recertification testing, held in Pensacola and Gulf Breeze, Florida, March 31, 2008, through April 4, 2008; there were 26 Narcotics Teams competing for this very prestigious certification from throughout the State of Florida; Officer Butler and Harley were presented a Certificate of Certification from the United States Police Canine Association, Inc., for achieving the desired rating of excellence for Detector Certified – Narcotics; they also received Certificates of Attendance and Appreciation.

1755

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Written Communication

A. Earnest Stanberry, Jr.

1802

The Board took no action regarding a Communication, dated February 15, 2008, from Earnest Stanberry, Jr., requesting to be placed on the Agenda to address the Board.

Speaker(s):

Earnest Stanberry, Jr.

B. 428 Big Bayou Boulevard

1807

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving to forgive the hard costs, relative to a verbal request, made during Public Forum Work Session, from Steven Littlejohn, that the Board forgive the hard costs associated with a Code Enforcement Lien filed against property located at 428 Big Bayou Boulevard, owned by Rosalie Ambler.

Speaker(s):

Steven Littlejohn

C. Code Enforcement Lien – Maxine Colville

1809

Motion made by Commissioner Young, seconded by Commissioner Valentino, and carried unanimously, approving to allow Mrs. Colville to pay the hard costs, in the amount of \$2,875, and waiving the outstanding fines, relative to a Communication from Maxine Colville, received during Public Forum Work Session, requesting that the Board forgive Code Enforcement Liens filed against property located at 6006 Hilburn Road and 821 Lynch Street.

Speaker(s):

Maxine Colville

REGULAR BCC AGENDA – Continued

9. Proofs of Publication

Motion made by Commissioner Robinson, 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:

1811

A. The following two Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on May 1, 2008, for consideration of the proposed use of "Edward Byrne Memorial Justice Assistance Grant" (JAG) Program 2008 funds; and
- (2) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on May 2, 2008, for consideration of adopting an Ordinance amending the Official Zoning Map; and

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule May 12, 2008 – May 16, 2008 – Legal No. 72314*, as published in the Pensacola News Journal on May 11, 2008, as follows:

- May 12 8:30 a.m. Planning Board
- May 12 6:00 p.m. Citizen Budget Workshop – District 1
- May 13 9:00 a.m. Inspections Fund Advisory Report
- May 13 11:30 a.m. Escambia County Health Facilities Authority Special Meeting
- May 13 5:00 p.m. Merit System Protection Board
- May 13 6:00 p.m. Citizen Budget Workshop – District 3
- May 14 1:00 p.m. Development Review Committee
- May 15 8:55 a.m. Special Board of County Commissioners
- May 15 9:00 a.m. Agenda Work Session
- May 15 9:00 a.m. Board of Electrical Examiners
- May 15 1:30 p.m. Environmental Enforcement Special Magistrate
- May 15 3:45 p.m. Board of County Commissioners Attorney-Client Session
- May 15 4:20 p.m. Community Redevelopment Agency
- May 15 4:30 p.m. Board of County Commissioners Public Forum
- May 15 5:30 p.m. Board of County Commissioners Public Hearings & Reports

NEXT WEEK'S NOTE:

- May 19 3:00 p.m. Executive Committee-West Florida Regional Planning Council
- May 19 4:00 p.m. West Florida Regional Planning Council
- May 19 4:30 p.m. Rezoning Hearing Examiner
- May 19 6:00 p.m. Citizen Budget Workshop – District 4
- May 21 8:00 a.m. Soil & Water Conservation Board

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 White, seconded by Commissioner Young, and carried unanimously, approving the proposed use of "Edward Byrne Memorial Justice Assistance Grant" (JAG) Program 2008 funds for the Escambia County Sheriff's Office, to include overtime salaries and Law Enforcement support purchases, and the Adult Drug Court Program Support administered under the direction of the Court Administrator; the total estimated amount of funds for the JAG Program, made in the name of Escambia County, Florida, is \$166,000.

1811

Speaker(s) – None.

11. Committee of the Whole Recommendation(s)

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, taking the following action, as recommended by the Committee of the Whole (C/W), at the May 8, 2008, C/W Workshop:

1811

- A. Giving conceptual approval (*of the Scenic Highway Land Swap*), directing staff to move forward with the Agreement, and allowing Jeff Taggart (*General Manager, Macky Bay Development Company*) to obtain the appraisals (Item 8);
- B. Taking the following action concerning the Escambia River Muzzle Loaders (ERML) (Item 11):
  - (1) Directing staff to move forward with the Memorandum of Understanding (*License and Management Agreement*) and assist ERML in the (*Development Review Committee*) DRC process; and
  - (2) Waiving the fees associated with the DRC process; and
- C. Approving out-of-County travel for all parties involved (*to meet with Lobbyist Richard Gentry, in Tallahassee, concerning Perdido Key Cap Removal*) (Item 16).

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

1-4. Approval of Various Consent Agenda Items

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

1812

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

1812

A. Payroll Expenditures for Pay Date May 2, 2008, in the amount of \$2,219,614.71; and

B. The following two Disbursement of Funds:

(1) April 24, 2008, to April 30, 2008, in the amount of \$1,849,303.30; and

(2) May 1, 2008, to May 7, 2008, in the amount of \$19,160,843.63;

C. The Tourist Development Tax Collections Data for Fiscal Year 2007-2008, which includes March 2008 returns received in the month of April 2008; the revenues collected to date represent seven months of collections and reflect 43% of the Budget to date; and

D. The Investment Report for the month ended April 30, 2008.

2. Approving *Records Disposition Document No. 396*, for disposition of Board of County Commissioners' records, Item 32a, Minutes: Official Meetings (Transcripts: Microfilmed on Rolls 433-437), for the period October 4, 2007, through December 13, 2007, in accordance with State Retention Schedule GS1, since the permanent records have been scanned and/or microfilmed.

1812



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

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

1812

- A. The *Community Center License and Management Agreement* with Beulah Senior Citizens Center, Inc., based on the Board's February 5, 2004, action approving the Form of Agreement;
- B. *Amendment No. 2 to Agreement between The Northwest Florida Water Management District and Escambia County for Blue Pit Ecosystem Enhancement and Water Quality Improvement Project, Northwest Florida Water Management District Contract Number 06-059*, as executed by the Chairman on April 23, 2008, based on the Board's action of May 4, 2006, authorizing the Chairman to sign the Florida Forever Funding Agreement and subsequent Grant-related documents;
- C. *Amendment No. 1 to Agreement between The Northwest Florida Water Management District and Escambia County for East Ten Mile Creek Stream Restoration Project, Northwest Florida Water Management District Contract Number 06-060*, as executed by the Chairman on April 23, 2008, based on the Board's action of May 4, 2006, authorizing the Chairman to sign the Florida Forever Funding Agreement and subsequent Grant-related documents;
- D. *Amendment to Interlocal Agreement Between Escambia County, Florida and the School Board of Escambia County, Florida*, pursuant to the Board's action of December 6, 2007, approving to provide for additional assessment of Certified Costs to fund Traffic Education Programs, in place of the Amendment approved August 16, 2007;
- E. A copy of the fully-executed *General Release and Hold Harmless Agreement*, relative to the Board's action of December 6, 2007, approving the settlement of the lawsuit, Case No.: 2006 CA 1256, filed by Mr. Jeremy and Mrs. Wendy Patrick, as parents and natural guardians of the minor Antonio J. Wimbush, as provided to the Clerk to the Board's Office on May 5, 2008;

(Continued on Page 10)

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
  3. Continued...
    - F. Certified copies of the recorded *Mortgage and Security Agreement (Silurian Pond)* and the *Subordination Agreement (Third Mortgage)*, between Silurian Pond, LTD, and Escambia County, and among Florida Housing Finance Corporation, Escambia County, and Silurian Pond, LTD, respectively, based on the Board's action of June 21, 2007, committing \$1,147,870 in Hurricane Housing Recovery (HHRP) funds to Silurian Pond, LTD, as received in the Clerk to the Board's Office on May 6, 2008; and
    - G. A copy of the *Escambia County Health Facilities Authority, Pensacola, Florida, Financial Statements – September 30, 2007 and 2006*, as prepared by Saltmarsh, Cleaveland & Gund, Certified Public Accountants and Consultants, and received in the Clerk to the Board's Office on May 9, 2008.
  4. Taking the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:
    - A. Approving the Minutes of the Joint Meeting of the Escambia County and Santa Rosa County Board of County Commissioners held April 29, 2008;
    - B. Approving the Minutes of the Public Forum Work Session and Regular Board Meeting held May 1, 2008; and

1812

(Continued on Page 11)

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. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held May 1, 2008, as follows:
  1. FOR INFORMATION: The agenda package for the 5:30 p.m., May 1, 2008, Regular Board Meeting was reviewed as follows:
    - A. Shirley L. Gafford, Program Coordinator, County Administrator's Office, reviewed the agenda cover sheet;
    - B. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, reviewed the Clerk's Report;
    - C. Horace Jones, Planning and Engineering Department, and County Attorney Rogers reviewed the Growth Management Report;
    - D. County Administrator McLaughlin, Shirley L. Gafford, Program Coordinator, County Administrator's Office, County Attorney Rogers, Amy Lovoy, Budget Manager, and David Wheeler, Director, Facilities Management, reviewed the County Administrator's Report;
    - E. County Attorney Rogers reviewed the County Attorney's Report; and
    - F. Commissioner White and Commissioner Valentino each reviewed his add-on item(s).

GROWTH MANAGEMENT REPORT – – T. Lloyd Kerr, Bureau Chief, Development Services

I. PUBLIC HEARINGS

1. Rezoning Cases

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, taking the following action concerning Rezoning Case Z-2007-65, which was heard by the Rezoning Hearing Examiner (RHE) on March 24, 2008:

1813

- A. Adopting the RHE’s recommendation and approving 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-2007-65 (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  
RHE Recommendation: Approval

Speaker(s) – None.

(Continued on Page 13)

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

1. Continued...

Motion made by Commissioner Young, seconded by Commissioner Valentino, and carried unanimously, remanding the Case to the RHE for clarification and to address the Board's concerns regarding the legal sufficiency of the RHE's conclusion relative to the recommendation that the Board take the following action concerning Rezoning Case Z-2007-66, which was heard by the Rezoning Hearing Examiner (RHE) on March 24, 2008:

1814

- A. Review and either adopt, modify, or overturn the RHE's recommendation; and
- B. Authorize 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-2007-66
Location:	831 and 1000 Block of 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
RHE Recommendation:	Denial

Speaker(s):

Willie Gaines  
Charles Horne, Sr.

(Continued on Page 14)

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 Valentino, and carried 3-2, with Commissioner Robinson and Commissioner Young voting "no," taking the following action concerning Rezoning Case Z-2008-03, which was heard by the Rezoning Hearing Examiner (RHE) on March 24, 2008:

1831

A. Rejecting the RHE's recommendation and denying the request, on the basis that the RHE's recommendation is clearly erroneous on the point of compatibility with the surrounding areas, because commercial activity is located across the street and the surrounding area is single-family residential; 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:

- (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 (cumulative), 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
- RHE Recommendation: Approval

Speaker(s):

Cary Shell

(Continued on Page 15)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

1. Continued...

Motion made by Commissioner Robinson, seconded by Commissioner Young, and carried unanimously, authorizing the Chairman to execute the Order of the Escambia County Board of County Commissioners for SRIA Rezoning Case 2008-01, approved by the Board on April 3, 2008.

1844

2. 5:45 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting an Ordinance (*Number 2008-30*) to amend the Official Zoning Map to include Rezoning Case Z-2007-65 and SRIA 2008-01.

1844

Speaker(s) – None.

II. ACTION ITEM

1. Short-Term License Agreement

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried unanimously, taking the following action regarding a Short-Term License Agreement between Bayou Chico Properties, LLC, and Escambia County:

1845

- A. Approving the *Short-Term License Agreement (Bayou Chico Dredging Project)* providing Escambia County access to certain land owned by Bayou Chico Properties, LLC, for a temporary staging area for miscellaneous debris removed from the navigational channel of Bayou Chico; and
- B. Authorizing the Chairman to sign the Agreement.

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

1-16. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving Consent Agenda Items 1 through 16, as follows:

1759

1. Authorizing the scheduling of a Public Hearing on Thursday, June 5, 2008, at 5:37 p.m., to consider the adoption of an Ordinance establishing an Economic Development Ad Valorem Tax Exemption for West Fraser, Inc., for 100%, to 2010, for the McDavid Lumber Mill.
2. Authorizing the scheduling of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 5, 2008, at 5:33 p.m., to consider the adoption of an Ordinance creating the Lost Creek Street Lighting MSBU.
3. Authorizing the scheduling of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 5, 2008, at 5:34 p.m., to consider the adoption of an Ordinance creating the Osprey Place Street Lighting MSBU.
4. Authorizing the scheduling of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 5, 2008, at 5:35 p.m., to consider the adoption of an Ordinance creating the Clear Creek Farms and First Addition Street Lighting MSBU.
5. Authorizing the scheduling of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on June 5, 2008, at 5:36 p.m., to consider the adoption of an Ordinance creating the Madison Place Street Lighting MSBU.
6. Taking the following action concerning the First Amendment to the Agreement between Escambia County and Charles Lee Neal, D.O. (*for employment as Public Safety Medical Director for Escambia County*):
  - A. Approving the First Amendment to the Agreement between Charles Lee Neal, D.O., and Escambia County that provides for support and training for Emergency Medical Technicians and Medical Corrections Officers employed at the Road Prison; and
  - B. Authorizing the Chairman to execute the First Amendment.

1759

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-16. Approval of Various Consent Agenda Items – Continued

7. Taking the following action concerning the License Agreement for sign encroachment in the right-of-way on Doug Ford Drive: 1759
  - A. Approving the *License Agreement* for sign encroachment in the right-of-way on Doug Ford Drive, as requested by Perdido Bay Golf, LLC; and
  - B. Authorizing the Chairman or Vice Chairman to execute the License Agreement.
8. Authorizing the scheduling of a Public Hearing for June 19, 2008, at 5:32 p.m., to consider the Petition to Vacate a portion of Hornsby Drive, approximately 5,000 square feet, or 0.11 acre, as petitioned by Kelly B. Anderson, Jr., and Denise J. Anderson. 1759
9. Taking the following action concerning a Temporary Right of Entry Agreement with CSX Transportation, Inc. (CSXT, Inc.) (Funding Source: the application fee has been waived): 1759
  - A. Approving the *CSX Transportation, Inc., Temporary Right of Entry Agreement*, No. CSX-059159, which grants the Licensee (Escambia County Commission), permission to enter CSXT, Inc.'s property on East Johnson Avenue, as shown on drawing No. DMD059159, for the purpose of obtaining elevations of utilities and data for a pipeline application, which is required for the Ensley Phase II Drainage Project; and
  - B. Authorizing the Chairman or Vice Chairman to sign the *CSXT, Inc., Temporary Right of Entry Agreement*.
10. Approving, for filing with the Board's Minutes, the April 17, 2008, Community Redevelopment Agency (CRA) Meeting Minutes, prepared by Vera Cardia-Lively, Senior Office Support Assistant, CRA. 1759

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-16. Approval of Various Consent Agenda Items – Continued

11. Taking the following action concerning support of Ensley (Shady Oak) Subdivision as a part of the County Crime Prevention Program: 1759

A. Adopting the Resolution (*R2008-103*) in support of Ensley (Shady Oak) Subdivision as a part of the County Crime Prevention Program; and

B. Authorizing the Chairman to sign the Resolution and any other Agreements necessary to accomplish goals of the County Crime Prevention Program.

12. Taking the following action concerning support of Lincoln Park Subdivision as a part of the County Crime Prevention Program: 1759

A. Adopting the Resolution (*R2008-104*) in support of Lincoln Park Subdivision as a part of the County Crime Prevention Program; and

B. Authorizing the Chairman to sign the Resolution and any other Agreements necessary to accomplish goals of the County Crime Prevention Program.

13. Approving the scheduling and advertising of the **first** of two Public Hearings on June 5, 2008, at 5:31 p.m., to receive public input on the designation of 201 South Navy Boulevard, Pensacola, Florida, 32507, as a Brownfields Area within the Warrington Redevelopment Area, for the purpose of environmental rehabilitation and economic development. 1759

14. Authorizing the scheduling of a Public Hearing for 5:32 p.m., on June 5, 2008, to consider adopting an Ordinance amending Chapter 74, Article I, Section 74-7(a)(1), of the Escambia County Code of Ordinances, relating to Protection of Little Sabine Bay, Santa Rosa Island, Escambia County, Florida. 1759

15. Approving the Requests for Disposition of surplus equipment to be sold as surplus or appropriately disposed of, all of which are described on 41 Requests, as provided by various County Departments, for the reasons stated on each, the value of which is estimated at under \$5,000. 1759

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-16. Approval of Various Consent Agenda Items – Continued

16. Confirming Commissioner Marie Young's appointment of LuTimothy May to the Board of Adjustment, replacing Minnie Clark Byrd; this term is effective immediately and will run concurrent with Commissioner Young's current term of office or at her discretion. 1759

II. BUDGET/FINANCE CONSENT AGENDA

1-19. Approval of Various Consent Agenda Items

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried unanimously, approving Consent Agenda Items 1 through 19, as follows, with the exception of Item 18, which was held for a separate vote: 1759

1. Taking the following action concerning the Miscellaneous Appropriations Agreements for Sertoma's Fourth of July: 1759
- A. Rescinding the Board's action of October 18, 2007, approving the Fiscal Year 2007-2008 Miscellaneous Appropriations Agreement for Sertoma's Fourth of July, in the amount of \$12,500, to be paid from the General Fund (001), Cost Center 110201;
  - B. Approving the Fiscal Year 2007-2008 Miscellaneous Appropriations Agreement for Sertoma's Fourth of July, in the amount of \$75,500, to be paid from the 4th Cent Tourist Development Tax Fund (108), Cost Center 360105;
  - C. Authorizing the Chairman to sign the Agreement and all other necessary documents; and
  - D. Authorizing the execution of the necessary Purchase Order.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

2. Taking the following action concerning the surplus and sale of real property located at 2753 Mission Road:

1759

- A. Declaring surplus the Board's real property, Account Number 060132000, Reference Number 16-2S-30-1300-001-015, acquired by foreclosure; a legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting bids by sealed bid;
- B. Authorizing the sale of this property to the highest offer received from sealed bid above the minimum bid of \$4,060, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and
- C. Authorizing the Chairman to sign all documents related to the sale.

3. Taking the following action concerning the surplus and sale of real property located on Wilder Road:

1759

- A. Declaring surplus the Board's real property Account Number 120375000, Reference Number 21-2N-31-2301-000-000, acquired by tax deed, ratify the offer of this property to the adjacent property owners, and authorize the sale of this property to the highest offer received above the minimum bid of \$190, without further action of the Board;
- B. Making a factual determination, in accordance with Section 46-131 of the Escambia County Code of Ordinances, that:
  - (1) The real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property; and
  - (2) The size, shape, location, and value of the property would make it of use to only one or more of the adjacent property owners; and
- C. Authorizing the Chairman to sign all documents related to the sale.

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

4. Adopting the Resolution (*R2008-105*) approving Supplemental Budget Amendment Number 216, MSBU Assessment Fund (177), and Local Option Sales Tax (LOST) II Fund (351), in the amount of \$11,700, to recognize funds and to appropriate them back into the LOST II for fronting costs for the Shoal Creek Holding Pond Construction Municipal Services Benefit Unit (MSBU) project completion. 1759

5. Adopting the Resolution (*R2008-106*) approving Supplemental Budget Amendment Number 222, E911 Operations Fund (145), in the amount of \$1,374,852, to recognize proceeds from an E911 State Grant Program, Project E911 System Replacement, and to appropriate the funds for replacing the County's obsolete E911 System. 1759

6. Adopting the Resolution (*R2008-107*) approving Supplemental Budget Amendment Number 220, Mass Transit Fund (104), and General Fund (001), in the amount of \$225,000, to recognize funds from the General Fund (Reserves for Contingency), and to appropriate them to cover increased fuel expense incurred by the Escambia County Area Transit System, and making the following findings of fact: 1759

- A. The expenditure is necessary and cannot be delayed;
- B. There is no other source of funds; and
- C. 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

7. Taking the following action concerning the granting and recording of a Conservation Easement to the Florida Department of Environmental Protection (FDEP), in order to acquire an FDEP permit, and authorization for staff to advertise for competitive bid for the construction of the remaining portion of the River Road Shared Path Project (Funding Source: Fund 333, "New Road Construction," Account 210204/56301 and 56101, Project Number 05EN0811):

1759

- A. Authorizing staff to resolve any matters related to, or associated with, the granting of a Conservation Easement to FDEP, as pertaining to the River Road Shared Path Project;
- B. Authorizing the payment of incidental expenditures associated with the granting of the Conservation Easement, which includes, but is not limited to, the recording of documents;
- C. Authorizing the Chairman or Vice Chairman to accept and sign the Conservation Easement document as of the day of delivery of the document to the Chairman or Vice Chairman; and
- D. Authorizing Staff to advertise for competitive bid for the construction of the remaining portion of the River Road Shared Path Project.

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

8. Ratifying the following action (*taken on May 15, 2008*) of the Escambia County Community Redevelopment Agency (CRA) concerning Facade Grant Funding and Lien Agreements at 229 Beverly Parkway:

1759

- A. Approving Commercial Facade, Landscape, and Infrastructure Grant Program Funding Agreement between Escambia County CRA and Eddie Zarahn, owner of commercial property located at 229 Beverly Parkway, Pensacola, Florida, in the Palafox Redevelopment Area, in the amount of \$9,302.50, representing an in-kind match through the Palafox Tax Increment Financing (TIF), Fund 151, Cost Center 220517, Object Code 58301, for the following improvements:

Parking lot improvements

- B. Approving Commercial Facade, Landscape, and Infrastructure Grant Program Lien Agreement for the property located at 229 Beverly Parkway, in the amount of \$9,302.50; and
- C. Authorizing the Chairman to sign the Funding and Lien Agreements between Escambia County CRA and Eddie Zarahn and any other related documents necessary to implement this Grant award.

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. Ratifying the following action (*taken on May 15, 2008*) of the Escambia County Community Redevelopment Agency (CRA) concerning Residential Rehab Grant Funding and Lien Agreements at 1303 North Green Street:

1759

- A. Approving Residential Rehab Grant Program Funding Agreement between Escambia County CRA and Leigh Fellner, owner of residential property located at 1303 North Green Street, Pensacola, Florida, in the Brownsville Redevelopment Area, in the amount of \$1,450.50, representing an in-kind match through Brownsville Tax Increment Financing (TIF), Fund 151, Cost Center 220515, Object Code 58301, for the following improvements:

Replacement of windows

- B. Approving Residential Rehab Grant Program Lien Agreement for the residential property located at 1303 North Green Street, in the amount of \$1,450.50; and
- C. Authorizing the Chairman to sign the Funding and Lien Agreements between Escambia County CRA and Leigh Fellner and any other related documents necessary to implement this Grant award.



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

10. Ratifying the following action (*taken on May 15, 2008*) of the Escambia County Community Redevelopment Agency (CRA) concerning Residential Rehab Grant Funding and Lien Agreements at 1208 Wisteria Avenue:

1759

- A. Approving Residential Rehab Grant Program Funding Agreement between Escambia County CRA and Michael A. Liebeno and Audrey Faragher-Liebeno, owners of residential property located at 1208 Wisteria Avenue, Pensacola, Florida, in the Barrancas Redevelopment Area, in the amount of \$3,121.50, representing an in-kind match through Barrancas Tax Increment Financing (TIF), Fund 151, Cost Center 220519, Object Code 58301, for the following improvements:

Replacement of windows

- B. Approving Residential Rehab Grant Program Lien Agreement for the residential property located at 1208 Wisteria Avenue, in the amount of \$3,121.50; and
- C. Authorizing the Chairman to sign the Funding and Lien Agreements between Escambia County CRA and Michael A. Liebeno and Audrey Faragher-Liebeno and any other related documents necessary to implement this Grant award.

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

11. Ratifying the following action (*taken on May 15, 2008*) of the Escambia County Community Redevelopment Agency (CRA) concerning Residential Rehab Grant Funding and Lien Agreements at 2930 West Jackson Street:

1759

- A. Approving Residential Rehab Grant Program Funding Agreement between Escambia County CRA and Lois G. Hemmer, owner of residential property located at 2930 West Jackson Street, Pensacola, Florida, in the Brownsville Redevelopment Area, in the amount of \$4,962, representing an in-kind match through Brownsville Tax Increment Financing (TIF), Fund 151, Cost Center 220515, Object Code 58301, for the following improvements:

Install new central heating and air conditioning system

- B. Approving Residential Rehab Grant Program Lien Agreement for the residential property located at 2930 West Jackson Street, in the amount of \$4,962; and
- C. Authorizing the Chairman to sign the Funding and Lien Agreements between Escambia County CRA and Lois G. Hemmer and any other related documents necessary to implement this Grant award.

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. Ratifying the following action (*taken on May 15, 2008*) of the Escambia County Community Redevelopment Agency (CRA) concerning Sign Grant Program Funding Agreement at 3920 Navy Boulevard: 1759

A. Approving Sign Grant Program Funding Agreement between Escambia County CRA and Drake Enterprise, LLC, owner of commercial property located at 3920 Navy Boulevard, Pensacola, Florida, in the Warrington Redevelopment Area, in the amount of \$2,000, representing an in-kind match through the Warrington Tax Increment Financing (TIF), Fund 151, Cost Center 220516, Object Code 58301, for the following improvements:

Install new signage

B. Authorizing the Chairman to sign the Funding Agreement between Escambia County CRA and Drake Enterprise, LLC, and any other related documents necessary to implement this Grant award.

13. Ratifying the following action (*taken on May 15, 2008*) of the Escambia County Community Redevelopment Agency (CRA) concerning the Sign Grant Program Funding Agreement at 229 Beverly Parkway: 1759

A. Approving Sign Grant Program Funding Agreement between Escambia County CRA and Eddie Zarah, owner of commercial property located at 229 Beverly Parkway, Pensacola, Florida, in the Palafox Redevelopment Area, in the amount of \$2,000, representing an in-kind match through the Palafox Tax Increment Financing (TIF), Fund 151, Cost Center 220517, Object Code 58301, for the following improvement:

Install new signage

B. Authorizing the CRA Chairman to sign the Funding Agreement between Escambia County CRA and Eddie Zarah and any other related documents necessary to implement this Grant award.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

14. Taking the following action concerning PD 04-05.10, General Paving & Drainage Pricing Agreement: 1759

A. Approving the following changes to PD 04-05.10, General Paving & Drainage Pricing Agreement:

(1) Setting the maximum dollar value of an individual project awarded by the Unit Pricing Agreement to \$350,000; the project total determined to be the cumulative total for the project (no phasing); and

(2) Restricting the use of the “Balance of Line” line item in a project to 10% or less of the cumulative project total dollar amount; and

B. Requiring that the Office of Purchasing manage any awards of Road Projects over \$50,000, including those awarded from the Unit Pricing Agreements, PD 04-05.10 and PD 04-05.11.

15. Approving a price increase, effective May 26, 2008, to Southern Energy Company, for “Lubrication Products, Anti-Freeze & Brake Fluid for Various County Departments,” PD 06-07.084, in accordance with the terms and conditions of the Contract (funding is available from various Funds and Cost Centers). 1759

16. Approving a price increase, in the form of a fuel surcharge, to Southern Tires, Inc., for “Waste Tire Removal and Disposal,” PD 05-06.024, in accordance with the terms and conditions of the Contract (funding is available from Fund 401 (Solid Waste Fund), Cost Center 230306). 1759

17. Authorizing the County to piggyback off of the Florida State Contract #250-000-03-1, 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 Insight for twenty-one Panasonic Toughbook 74 laptop computers with Navigator GPS, with WIFI, and with three-year warranties, to be used with the Accela software, for a total of \$72,562.14, for Environmental Code Enforcement, with funding available from Fund 103 (Code Enforcement Fund), Cost Center 280101. 1759

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. See Below.

19. Taking the following action concerning Solid Waste Container Services:

A. Awarding a three-year Contract, with a two-year option to renew, for “Solid Waste Container Service,” PD 07-08.040, to Titan Waste Service, in accordance with the terms and conditions of the solicitation and appropriation of funds, for an estimated yearly total amount of \$114,401.16, with funding available from various Funds and Cost Centers; expenditures that will exceed \$50,000.00 will be brought to the Board for approval; and

1759

B. Authorizing the expenditure to Titan Waste Service, in the estimated amount of \$96,000.00, for Facilities Management, with funding available from Fund 001 (General Fund), Cost Center 310201.

18. PD 07-08.070

Motion made by Commissioner Robinson, seconded by Commissioner Young, and carried 4-1, with Commissioner White voting "no," awarding a Unit Price, Indefinite Quantity, Indefinite Delivery Contract, PD 07-08.070, “Chalker Road Dirt Road Paving,” to Roads, Inc., of NWF, in the amount of \$67,286.20 (funding to be provided in Fund 351, Local Option Sales Tax Extension, Cost Center 210105, Object Code 56301, Project Number 07EN0265).

1800

III. FOR DISCUSSION

1. Housing Finance Authority Appointment

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried unanimously, appointing, by ballot, Steve Jernigan, AIA, to serve the remainder of the position vacated March 31, 2008, by Elbert Jones, Jr., who was recently hired by the Housing Finance Authority as Executive Director.

1800

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR CONSENT

1-4. Approval of Various Consent Agenda Items

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

1845

1. Authorizing the Chairman to execute the *Amendment to Settlement Agreement between Escambia County, Florida and Heron's Forest Development Company, dated December 8, 2005.*
2. Authorizing to retain Barry S. Shanoff as assistant counsel, for limited purposes, on the Cases of ECUA v. Escambia County, Case No.: 2008 CA 1141, and Escambia County v. Allied Waste Services of North America, L.L.C., Case No.: 3:08cv 88/LAC/EMT.
3. Approving to not appeal the decision of the FTA (*Federal Transit Administration*) in Docket Number 2007-13 (*regarding the complaint filed against Escambia County by Beach Boy Trolley alleging that Escambia County violated FTA Charter Service Regulations by entering into an Agreement with Winterfest to lease vehicles*).
4. Taking the following action concerning Cycom County Law Software/License Agreement:
  - A. Finding that Cycom's County Law software product is the sole source for case management software specifically designed for use by an in-house County Attorney's Office, pursuant to Section 46-44(8) of the Escambia County Code of Ordinances; and
  - B. Authorizing the Chairman to execute the *License Agreement (between Escambia County and Cycom Data Systems, Inc., a California Corporation)* for the purchase, installation, maintenance, and support of the software.

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ITEMS ADDED TO THE AGENDA – None.

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 6:46 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: June 5, 2008