

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD AUGUST 7, 2008  
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX  
221 PALAFOX PLACE, PENSACOLA, FLORIDA  
(4:33 p.m. – 6:52 p.m.)

Present: Commissioner Gene M. Valentino, Chairman, District 2  
Commissioner Marie K. Young, Vice Chairman, District 3  
Commissioner Kevin W. White, District 5 (Regular Meeting Only)  
Commissioner D. M. "Mike" Whitehead, District 1  
Mr. Robert R. "Bob" McLaughlin, County Administrator  
Mrs. Alison Rogers, County Attorney  
Mrs. Cheryl Maher, Accounting Supervisor, Clerk & Comptroller's Office  
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 Valentino called the Public Forum Work Session to order at 4:33 p.m.

1. FOR INFORMATION: The Board heard the request from Minnie Cooper that the Board "suspend an abatement" against her property, and Commissioner Valentino advised Ms. Cooper to speak with Sandra Slay, Code Enforcement, regarding this issue. 1633
2. FOR INFORMATION: The Board heard the request from Michael Prouty for procedural information regarding Rezoning Case Z-2008-12, which is scheduled to be heard during the Regular Board Meeting, and was advised by County Attorney Rogers that the appropriate time to discuss the Case is during the Public Hearing. 1638

4:41 P.M. – PUBLIC FORUM ADJOURNED

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

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA

1. Call to Order

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

2. Invocation

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

3. Pledge of Allegiance to the Flag

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

4. Adoption of the Agenda

Motion made by Commissioner Whitehead, seconded by Commissioner Young, 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 an appointee to the Marine Advisory Committee and Commissioner Valentino's add-on item concerning SBA Number 322*).

1736

5. Commissioners' Forum

A. District 3 – The Board was advised by Commissioner Young that there will be a back-to-school parade, sponsored by Movement for Change, on Saturday, August 9, 2008, at 3:00 p.m., from Cervantes Street to Magee Field;

1736

B. District 1 – The Board heard comments from Commissioner Whitehead concerning discussions held during Agenda Work Session with the Escambia County Tax Collector and the Escambia County Property Appraiser regarding the successful outcome of the litigation concerning ad valorem taxes on leasehold improvements on Santa Rosa Island, which will ultimately benefit the citizens of Escambia County in the form of reduced taxes; and

(Continued on Page 3)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

5. Continued...

C. District 2 – The Board was advised by Commissioner Valentino that the Department of Community Affairs has decided to suspend discussions with Escambia County concerning the Perdido Key Cap Removal and move forward with preparing for an Administrative Hearing with the State relating to the Cap Removal, scheduled for February 2009.

6. Proclamations – None.

7. Employee of the Month Proclamations/Retirement Proclamations

Motion made by Commissioner White, seconded by Commissioner Whitehead, and carried 4-0, with Commissioner Robinson absent, adopting the following four Proclamations:

1739

A. The Proclamation commending and congratulating Jane E. Jernigan, Senior Office Support Assistant, Development Services Bureau, Building Inspections Division, on her retirement after 24 years of service;

B. The Proclamation commending and congratulating Theron C. Jones, Urban Planner II, Development Services Bureau, Long Range Planning Division, on his retirement after two years of service;

C. The Proclamation commending and congratulating Evelyn D. Rancifer, Public Works Bureau, Engineering Division, on her retirement after 35 years of service; and

D. The Proclamation commending and congratulating Linda J. Sheckart, Office Support Assistant, Corrections Bureau, Corrections Division, on her retirement after 10 years of service.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Written Communication

A. Code Enforcement Lien – Estate of Roxie Mae Blackmon

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, rejecting the "offer," relative to a Communication, dated July 22, 2008, from Mark R. Whittaker, Hammons, Longoria & Whittaker, P.A., concerning an Order of the Environmental Enforcement Special Magistrate against the property of the Estate of Roxie Mae Blackmon (*located at 2390 Chance Road*), recorded in Official Records Book 5915, Page 1830, and Official Records Book 6045, Page 1327.

1744

Speaker(s):

Mark R. Whittaker

B. 2204 North 61st Avenue – Theresa Downs

Motion made by Commissioner Whitehead, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, approving to release any liens and fines against the property, relative to a Communication, dated July 22, 2008, from Theresa Downs requesting that the Board release any liens and fines against property located at 2204 North 61st Avenue.

1745

C. 2910 Roosevelt Street – William R. Gainey

Motion made by Commissioner Whitehead, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, rejecting the request, relative to an undated Communication from William R. Gainey requesting that the Board waive or forgive the liens against property located at 2910 Roosevelt Street.

1745

Speaker(s):

William R. Gainey

REGULAR BCC AGENDA – Continued

9. Proofs of Publication

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

1756

A. The following eight Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on July 26, 2008, for consideration of designating 2800 Hollywood Avenue a Brownfield Area;
- (2) The 5:32 p.m. Public Hearing, advertised in the Pensacola News Journal on June 22, 2008, for consideration of Fiscal Year 2009 ECAT Disadvantaged Business Enterprise goals;
- (3) The 5:33 p.m. Public Hearing, advertised in The Escambia Sun-Press, LLC, on July 3 and 24, 2008, for consideration of vacating portions of the Plat of Marcus Pointe Commerce Park;
- (4) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on July 25, 2008, for consideration of adopting an Ordinance amending the Official Zoning Map;
- (5) The 5:46 p.m. Public Hearing, advertised in the Pensacola News Journal on July 25, 2008, for consideration of adopting an Ordinance amending LDC Article 7, "Performance Standards";
- (6) The 5:47 p.m. Public Hearing, advertised in the Pensacola News Journal on July 25, 2008, for consideration of adopting an Ordinance amending LDC Article 6, regarding portable storage containers;

(Continued on Page 6)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. Continued...

A. Continued...

(7) The 5:48 p.m. Public Hearing, advertised in the Pensacola News Journal on July 25, 2008, for consideration of adopting an Ordinance amending LDC Article 2, Section 2.10.06, to add provisions regarding setbacks as shown on approved subdivision plats; and

(8) The 5:49 p.m. Public Hearing, advertised in the Pensacola News Journal on July 25, 2008, for consideration of adopting an Ordinance relating to construction of retaining walls; and

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule August 4, 2008 – August 8, 2008 – Legal No. 72611*, as published in the Pensacola News Journal on August 2, 2008, as follows:

- August 4 5:30 p.m. Marine Advisory Committee
  - August 5 1:30 p.m. Environmental Enforcement Special Magistrate
  - August 5 2:00 p.m. LMS – Visioning Group/Board Meeting
  - August 5 6:30 p.m. District 5 Town Hall Meeting – Extension Services
  - August 6 8:30 a.m. Examination Committee for Competency Board
  - August 6 9:00 a.m. Construction Industry Competency Board
  - August 6 9:00 a.m. Escambia County Area Transit – Transit Solutions
  - August 6 1:00 p.m. Development Review Committee
  - August 7 8:00 a.m. Incident Review Board
  - August 7 9:00 a.m. Agenda Work Session
  - August 7 1:30 p.m. Citizens Environmental Committee
  - August 7 3:00 p.m. Affordable Housing Advisory Committee
  - August 7 4:30 p.m. Board of County Commissioners Public Forum
  - August 7 5:30 p.m. Board of County Commissioners Public Hearings & Reports
- NEXT WEEK'S NOTE:
- August 11 8:30 a.m. Planning Board
  - August 11 1:00 p.m. FL-AL Transportation Planning Organization – Technical Coordinating
  - August 11 3:30 p.m. FL-AL Transportation Planning Organization – Citizens Advisory
  - August 11 5:00 p.m. District 2 Commissioner's West-End Advisory Committee

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

10. 5:31 p.m. **Second** Public Hearing

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, taking the following action regarding the designation of 2800 Hollywood Avenue as a Brownfield Area:

1757

- A. Conducting the **second** of two Public Hearings on the proposed designation of 2800 Hollywood Avenue as a Brownfield Area;
- B. Adopting a Resolution (*R2008-141*) designating 2800 Hollywood Avenue as a Brownfield Area within the Palafox Redevelopment Area for the purpose of economic development and environmental rehabilitation, authorizing the Community Redevelopment Agency (CRA) Division Manager to notify the Department of Environmental Protection of the designation, and providing for an effective date; and
- C. Authorizing the Chairman to sign the Resolution.

Speaker(s) – None.

11. 5:32 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning Fiscal Year 2009 Escambia County Area Transit (ECAT) Disadvantaged Business Enterprise (DBE) goals:

1757

- A. Ratifying the scheduling and advertisement of a Public Hearing for 5:32 p.m., on August 7, 2008, for the purpose of receiving comments concerning the Fiscal Year 2009 DBE goal of 5% established for the ECAT system; and
- B. Approving, after receiving comments from the public at the Public Hearing, a Fiscal Year 2009 goal of 5% for ECAT for procurements receiving financial support from the Federal Transit Administration.

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 Whitehead, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, taking the following action regarding the vacation of portions of the Plat of Marcus Pointe Commerce Park, as described on Exhibit "A," on the Board's own motion:

1758

- A. Approving the vacation, on the Board's own motion, of portions of the Plat of Marcus Pointe Commerce Park, as described on Exhibit "A" (*that certain Greenbelt Easement, Block "D," Marcus Pointe Commerce Park, Plat Book 14 at Pages 82, 82A, and 82B, as recorded in the Public Records of Escambia County, Florida, all lying and being in Section 39, Township 1 South, Range 30 West, Escambia County, Florida*);
- B. Adopting the Resolution (R2008-142) to Vacate;
- C. Adopting the Resolution (R2008-143) designating the vacated portion of Marcus Pointe Commerce Park as a County park and conservation area; and
- D. Authorizing the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman and authorizing the Chairman or Vice Chairman to execute them at that time.

Speaker(s) – None.



REGULAR BCC AGENDA – Continued

13. Budget Workshop Recommendation(s)

Motion made by Commissioner White, seconded by Commissioner Whitehead, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning the proposed Budget for Fiscal Year 2008-2009:

1758

- A. Approving to re-appropriate \$15,000 for the Veterans' Services position (*Page 34, Proposed Budget FY 2008/2009, Escambia County, Florida [allocations to Outside Agencies, General Fund]*);
- B. Authorizing the Chairman, County Administrator, County Attorney, and Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, to work with the Sheriff and his appropriate appointees, and report back to the Board (*regarding the possibility of developing a Memorandum of Understanding to ensure the legalities of a change in the accounting procedures that will allow the Sheriff to retain certain revenues, collected on behalf of the Board, for Law Enforcement, Corrections, and Court Security, and the Board to decrease the Sheriff's draw [Page 8, Proposed Budget FY 2008/2009, Escambia County, Florida]*);
- C. Approving to directing staff to determine the staffing/operating requirements of the Escambia County Health Facilities Authority and begin negotiations with the Authority that would allow or would effect the transfer, this year, of a portion yet to be determined, of the (*Authority's investment*) proceeds, to be allocated to community non-profit health organizations;
- D. Approving to reduce the County Attorney's total proposed Budget by \$4,000 (*Page 45, Proposed Budget FY 2008/2009, Escambia County, Florida*);
- E. Approving to drop the \$2,500 allocation for Other Current Charges & Obligations in the proposed Budget for the County Administrator/Executive Support (*Page 47, Proposed Budget FY 2008/2009, Escambia County, Florida*);
- F. Approving to reduce the proposed Budget for County Administration, Community Services and Public Safety Agency/Administration, by \$150,000 (*Page 48, Proposed Budget FY 2008/2009, Escambia County, Florida*);

(Continued on Page 10)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

13. Continued...

- G. Approving to reduce the proposed Budget for the Office of Public Information & Marketing, Administration Division/Administration, by \$4,000 (*Page 49, Proposed Budget FY 2008/2009, Escambia County, Florida*);
- H. Approving to reduce the proposed Budget for Public Works, Engineering Division/ Administration, by \$19,000 (*Page 50, Proposed Budget FY 2008/2009, Escambia County, Florida*);
- I. Approving to reduce the proposed Budget for Public Works, Engineering Division/ Construction Management, by \$2,000 (*Page 51, Proposed Budget FY 2008/2009, Escambia County, Florida*);
- J. Approving to reduce the proposed Budget for Public Works, Engineering Division/ Transportation, by \$4,000 (*Page 54, Proposed Budget FY 2008/2009, Escambia County, Florida*);
- K. Approving to reduce the proposed Budget for Public Works, Engineering Division/New Road Construction, by \$61,629 (*Page 55, Proposed Budget FY 2008/2009, Escambia County, Florida*);
- L. Approving to reduce the proposed Budget for Public Works, Road Department Administration Division/Road Department Administration, by \$4,000 (*Page 60, Proposed Budget FY 2008/2009, Escambia County, Florida*);
- M. Approving to reduce the proposed Budget for Public Works, Roads & Bridges Division/Road Maintenance, Account 55401, *Books, Publications, Subscriptions & Memberships*, by \$8,000 (*Page 61, Proposed Budget FY 2008/2009, Escambia County, Florida*);
- N. Approving to add \$500,000 to the proposed Budget for Public Works, Fleet Maintenance Division/Fuel Distribution (*Page 66, Proposed Budget FY 2008/2009, Escambia County, Florida*);

(Continued on Page 11)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

13. Continued...

- O. Approving to requesting staff to explore the legalities and the action needed in order to utilize \$7.794 million in earmarked Debt Service Reserves and \$3.4 million in earmarked Santa Rosa Island Reserves for the purpose of defeasing the Bonds associated with The Pensacola Civic Center and improvements on Pensacola Beach, with a report to be brought back to the Board at the August 14, 2008, Committee of the Whole Workshop, for discussion prior to the September Budget Public Hearing;
- P. Referring to the Tourist Development Council Commissioner Valentino's request to approve an allocation, in the amount of \$230,000, from the 3rd Cent Tourist Development Tax proceeds, for the Perdido Key Chamber of Commerce;
- Q. Approving to reduce the proposed Budget for Public Works, Administration Division/Administration, by \$4,000 (*Page 67, Proposed Budget FY 2008/2009, Escambia County, Florida*);
- R. Taking the following action, due to an 18% fuel rate increase approved by the Florida Public Service Commission for Gulf Power Company:
  - (1) Approving to increase the proposed Budget for Public Works, Telecommunications Division/Telecommunications Administration, Account 54301, Utility Services, by \$390,000 (*Page 70, Proposed Budget FY 2008/2009, Escambia County, Florida*); and
  - (2) Approving to increase the proposed Budget for Public Works, Roads & Bridges, Account 54301, Utility Services, by \$25,000;
- S. Approving to reduce the proposed Budget, for the Department as a whole, for Public Works, Telecommunications Division/Telecommunications Administration, by \$6,000 (*Page 70, Proposed Budget FY 2008/2009, Escambia County, Florida*);
- T. Approving to earmark \$10,000 from the proposed Budget for Public Works, Neighborhood Services Division/Mosquito Control (*Page 75, Proposed Budget FY 2008/2009, Escambia County, Florida*) for waste tire amnesty, to be coordinated with Clean and Green and any other agencies involved;

(Continued on Page 12)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

13. Continued...

- U. Approving to reduce the proposed Budget for Public Safety, Emergency Medical Service Division/Operations, by \$75,000 (*Page 80, Proposed Budget FY 2008/2009, Escambia County, Florida*);
- V. Approving to directing staff to provide, at the August 14, 2008, Committee of the Whole Workshop, a presentation outlining any function funded through the General Fund that could be attributed to, and funded through, Solid Waste; and
- W. Directing staff to trim an additional \$2.7 million from the proposed Budget, as presented, with the amendments to date.

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 Whitehead, seconded by Commissioner White, and 4-0, with Commissioner Robinson absent, approving Consent Agenda Items 1 through 5, as follows, as amended to correct the number of *Requests for Disposition of Property* to 20 in Item 3:

1759

- 1. Accepting, for filing with the Board's Minutes, the following three Reports prepared by the Clerk & Comptroller's Finance Department:
  - A. Payroll Expenditures for Pay Date July 25, 2008, in the amount of \$2,249,292.54; and
  - B. The following two Disbursement of Funds:
    - (1) July 17, 2008, to July 23, 2008, in the amount of \$3,621,795.44; and
    - (2) July 24, 2008, to July 30, 2008, in the amount of \$1,769,994.00.

1759

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

2. Adopting the Resolution (*R2008-144*) authorizing the write-off of \$891,800.86 in receivables that have been recorded in the Emergency Medical Services (EMS) Fund of the County and have been determined to be uncollectible bad debts. 1759
  
3. Approving 20 *Requests for Disposition of Property*, to be sold as surplus or appropriately disposed of, and two (2) *Requests for Reinstatement of Property*; the Requests are prepared by various County Bureaus and state the reasons for disposition/reinstatement. 1759
  
4. Accepting, for filing with the Board's Minutes, the following documents provided to the Clerk to the Board's Office: 1759
  - A. The original *State Financial Assistance Agreement, DEP Agreement No. LP6085, Escambia County, Amendment No. 1*, based on the Board's October 6, 2005, action approving the Agreement;
  
  - B. A recorded copy of the *Subordination Agreement (Third Mortgage)*, based on the Board's April 19, 2007, action formally committing \$1,240,000 in Hurricane Housing Recovery Program funds to Morris Court II, LTD, to financially support the cost of constructing a 74-unit family housing tax credit rental development known as Morris II Apartments;
  
  - C. The original *Contract Amendment between the Department of Corrections and Escambia County Board of County Commissioners, Contract C2159, Amendment #2*, based on the Board's action of July 19, 2007, approving Contract Amendment #1 and other related documents; and
  
  - D. Closing documents relating to the sale of surplus of property, located at Muldoon and Hogan Road, to Bellview Small Engine Repair, Inc., as approved by the Board on December 6, 2007.

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:

1759

A. Approving the following Minutes:

- (1) The Minutes of the Attorney-Client Session held July 30, 2008;
- (2) The Minutes of the Special Board Meeting held July 30, 2008;
- (3) The Minutes of the Public Forum Work Session and Regular Board Meeting held July 24, 2008; and
- (4) The Minutes of the Joint City-County Meeting held July 15, 2008;

B. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held July 24, 2008, as follows:

1. FOR INFORMATION: The agenda package for the 5:30 p.m., July 24, 2008, Regular Board Meeting was reviewed as follows:
  - A. Shirley L. Gafford, Program Coordinator, County Administrator's Office, County Administrator McLaughlin, County Attorney Rogers, Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, and John Weber, Human Resources Analyst, Human Resources Department, reviewed the agenda cover sheet;
  - B. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, reviewed the Clerk's Report;

(Continued on Page 15)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
5. Continued...
- B. Report of the July 24, 2008, Agenda Work Session – Continued
  1. Continued...
    - C. Shirley L. Gafford, Program Coordinator, County Administrator's Office, County Attorney Rogers, Larry Newsom, Chief, Traffic Operations, Joy D. Blackmon, Bureau Chief, Public Works Bureau, Randy Wilkerson, Executive Director, Neighborhood Enterprise Foundation, Inc., and Robert Turpin, Chief, Marine Resources, reviewed the County Administrator's Report;
    - D. County Attorney Rogers reviewed the County Attorney's Report; and
    - E. Commissioner Whitehead and Commissioner Valentino each reviewed his add-on item(s).
- C. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held July 17, 2008, as follows:

AGENDA NUMBER

1. Call To Order

Vice Chairman Young called the Committee of the Whole (C/W) to order at 9:06 a.m.

(Continued on Page 16)

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...
- C. Report of the July 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

2. Was the Meeting Properly Advertised?

The C/W was advised by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, that the Meeting was advertised in the Pensacola News Journal on July 12, 2008, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule July 14, 2008 – July 18, 2008, Legal No. 72542.*

3. Old Courthouse Restoration

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, entitled *The Old Courthouse Restoration*, which was also provided in hard copy, by David Wheeler and Bill Lawing, and the C/W:

- (1) Upon inquiry from Commissioner Robinson regarding whether or not any restoration will be done to the 3rd or 4th floors of the Old Courthouse, was advised by County Administrator McLaughlin that, although future plans include the restoration, there are no matching funds to proceed at this time; and
- (2) Was advised by County Administrator McLaughlin that he has been contacted by parties interested in leasing space on the 4th floor; and

B. Board Direction – None.

(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...
- C. Report of the July 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Escambia County Health and Wellness

A. Discussion – The C/W viewed a PowerPoint Presentation, entitled *Escambia County Health & Wellness*, which was also provided in hard copy, and heard the request from Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, that the Board consider a new Employee Benefits Plan, and the C/W:

- (1) Heard the request from Commissioner Whitehead that the Board consider a separate plan for retirees and consider implementing a phased-in approach of the full cost of the increase for Health Insurance; and
- (2) Was advised by Commissioner Robinson and Commissioner Whitehead that they are satisfied with the new plan, with the exception of the portion regarding retirees; and

B. Board Direction – The C/W recommends that the Board move forward (*with*) all the recommendations (*of the Employee Benefits Committee*), outside of those dealing with retirees, pending the outcome of the situation related to (*the taxability of the*) leave.

**Recommended 3-0, with Commissioner White temporarily out of Board Chambers and Commissioner Valentino absent**

(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...
- C. Report of the July 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Purchasing/Small Businesses

A. Discussion – The C/W discussed Purchasing/Small Businesses, and the C/W:

- (1) Was advised by County Attorney Rogers that there are two ways to encourage small businesses to participate in the local government procurement process; i.e., create an outreach program to identify Small Business Enterprises (SBE), or adopt an Ordinance defining SBEs and grant points to encourage their participation in the process;
- (2) Heard the request from Commissioner Young that staff review available programs that do not include set-asides and provide the information at a future C/W Workshop; and
- (3) Was advised by Commissioner Whitehead that, although he does not support a set-aside, he is not opposed to awarding a contract to a SBE when two businesses bid the same amount; and

B. Board Direction – None.

(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...
- C. Report of the July 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Rural Work Program Liaison

A. Discussion – The C/W discussed Rural Work Program Liaison and viewed a map depicting future projects in the rural areas of Escambia County, and was advised by Larry Newsom, Chief, Traffic Operations, that, in the near future, staff will submit a list of roadways to be paved; and

B. Board Direction – None.

Speaker(s):

Sharon Burnett

(Commissioner Whitehead was absent during discussion of this item)

7. Ordinance Relating to the Construction of Retaining Walls

A. Discussion – The C/W discussed an Ordinance Relating to the Construction of Retaining Walls, and was advised by County Attorney Rogers that a Public Hearing will be scheduled at a later date for the Board's consideration of the proposed Ordinance; and

B. Board Direction – None.

(Commissioner Whitehead was absent during discussion of this item)

(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...
- C. Report of the July 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. Judicial Study

A. Discussion – The C/W viewed a PowerPoint Presentation, entitled *Justice & Court System Assessment Study*, by Nancy Insko, Ph.D., and Allen Beck, Ph.D., and discussed the recommendations outlined in *Management Letter #1*, and the C/W:

- (1) Was advised by Commissioner Whitehead that by using different methods to determine whether or not defendants should be incarcerated, the jail population could be reduced, which could result in a rollback in the millage rate; and
- (2) Upon inquiry from Commissioner Robinson, was advised by County Administrator McLaughlin that he has met with the Sheriff regarding the possibility of the Board assuming operation of the Jail; and

B. Board Direction – None.

Speaker(s):

Robin Wright  
Dr. Allen Beck  
Dr. Nancy Insko

(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...
- C. Report of the July 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 9. Public Access After Dark to Public Beaches at Perdido Key and Pensacola Beach (Referred from 06/05/08 Public Forum)
  - A. Discussion – The C/W was advised by Commissioner Young that this item would be referred to the August 14, 2008, C/W Workshop; and
  - B. Board Direction – None.
- 10. Boat Ramp Proposal – 1200 Mahogany Mill Road Boat Ramp Property (Referred from 06/05/08 Public Forum)
  - A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, entitled *Boat Ramp Proposal: 1200 Mahogany Mill Road*, by Keith Wilkins, Deputy Chief, Neighborhoods and Community Services Bureau; and
  - B. Board Direction – The C/W was advised by Commissioner Young that the consensus of the Board is to proceed (*with obtaining the Appraisals, Environmental Site Assessments, Wetlands determination, Survey, Title, Legal documents, and Army Corps of Engineers and Florida Department of Environmental Protection Permits*).

(Commissioner Whitehead was absent during discussion of this item)

(Continued on Page 22)

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...

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

AGENDA NUMBER – Continued

11. Escambia River Muzzle Loaders Lease Term

A. Discussion – The C/W heard an update from Keith Wilkins, Deputy Chief, Neighborhoods and Community Services, concerning Escambia River Muzzle Loaders (ERML) Lease Term, and the C/W:

- (1) Was advised by Mr. Wilkins that the ERML is willing to invest approximately \$250,000 for upgrades to the facility; that the residents of the neighborhood approve this plan; and that the ERML is pursuing non-profit organization status;
- (2) Was advised by County Attorney Rogers that the Property Appraiser would have obligations to assess either property tax or intangible tax, depending on the terms of the Lease;
- (3) Was advised by County Administrator McLaughlin that staff will prepare a draft agreement with the ERML for discussion at a future C/W Workshop; and
- (4) Upon inquiry from Commissioner White, was advised by County Administrator McLaughlin that engineering/technical issues need to be resolved before Rocky Branch Road can be paved; and

B. Board Direction – None.

(Continued on Page 23)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

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

AGENDA NUMBER – Continued

12. Consolidation Plan Fire Services/Volunteer Fire Department Information Report

A. Discussion – The C/W heard an update from Kenneth W. "Ken" Perkins, Fire Chief, regarding the Consolidation Plan Fire Services/Volunteer Fire Department Information Report, and the C/W:

- (1) Upon inquiry from Commissioner White, was advised by Mr. Perkins that there would be two vehicles at every station;
- (2) Upon inquiry from Commissioner Robinson, was advised by Mr. Perkins that County and City staff are working closely to develop a reciprocal agreement that would allow County and City Fire Departments to respond to emergencies in either the County or the City; and
- (3) Heard comments from Commissioner Robinson commending the Fire Departments for their timely response to the recent fire at the Oar House Restaurant; and

B. Board Direction – None.

(Commissioner Whitehead was absent during discussion of this item)

(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...
- C. Report of the July 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

13. Pet-Friendly Shelter Information Report

- A. Discussion – The C/W heard an update from Sandra Jennings, Bureau Chief, Neighborhoods/Community Services Bureau, regarding the Pet-Friendly Shelter Information Report, and was advised by Ms. Jennings that Molino Park Elementary School has been identified as a pet-friendly shelter location, and the C/W:
  - (1) Heard comments from Commissioner Robinson commending Community Affairs/Animal Services staff for working with the School Board;
  - (2) Upon inquiry from Commissioner Young, was advised by Michael Hardin, Bureau Chief, Bureau of Public Safety, that it is not a requirement for the County to have a pet-friendly shelter;
  - (3) Upon inquiry from Commissioner Robinson regarding the status of the spay/neuter program, was advised by Ms. Jennings that the County could consider a staff veterinarian and a technician, which would enable staff to ascertain that animals have been spayed or neutered before leaving the Animal Shelter; and

(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...
- C. Report of the July 17, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

13. Continued...

A. Continued...

(4) Was advised by County Administrator McLaughlin that this item will be included on the agenda for the August 14, 2008, C/W Workshop; and

B. Board Direction – None.

(Commissioner Whitehead was absent during discussion of this item)

14. Microsoft Enterprise Agreement

A. Discussion – The C/W heard the request from David Musselwhite, Information Technology, Management and Budget Services Bureau, for the Board's approval to proceed with the Microsoft Enterprise Agreement; and

B. Board Direction – The C/W was advised by Commissioner Young that the consensus of the Board is to proceed.

(Commissioner Whitehead was absent during discussion of this item)

(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...
- C. Report of the July 17, 2008, C/W Workshop – Continued

ITEMS ADDED TO THE AGENDA – COMMISSIONER MARIE K. YOUNG

- 1. Proposal to Escambia County School District regarding Wedgewood/Molino Property
  - A. Discussion – The C/W was advised by County Administrator McLaughlin that he presented an offer of \$2 million for Wedgewood Middle School and Old Molino School to Jim Paul, Superintendent of Schools, and Mr. Paul made a counteroffer of \$3.3 million, \$2.9 million for Wedgewood Middle School and \$400,000 for Old Molino School; and
  - B. Board Direction – The C/W was advised by Commissioner Young that the consensus of the Board is that staff proceed with acquiring appraisals so that a counteroffer can be presented to Mr. Paul.

(Commissioner Whitehead was absent during discussion of this item)

AGENDA NUMBER – Continued

- 14. Adjourn

Vice Chairman Young declared the C/W Meeting adjourned at 12:29 p.m.

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

I. PUBLIC HEARINGS

1. Rezoning Cases

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning Rezoning Case Z-2007-66:

1759

- A. Adopting the Rezoning Hearing Examiner's (RHE) recommendation (*for denial*) and rejecting the request to rezone (*to R-6*); 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-2007-66 (remanded by the BCC May 15, 2008)
  - 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: 0.39 (+/-) 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):

Reverend Jerry Gordon  
Geraldine H. Averhart  
Kurtina Gaines  
Willie Gaines  
Charles W. Horne, Sr.

(Continued on Page 28)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

1. Continued...

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning Rezoning Case Z-2008-12:

1823

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

|                            |  |
|----------------------------|--|
| (2) Case Number:           | Z-2008-12  |
| Location:                  | 821 North 65th Avenue  |
| Property Reference Number: | 11-2S-31-6304-000-000  |
| Property Size:             | 2.49 (+/-) acres   |
| From:                      | R-2, Single-Family District (cumulative),<br>Low-Medium Density (7 dwelling units per acre)  |
| To:                        | R-4, Multiple-Family District (cumulative), Medium-<br>High Density (18 dwelling units per acre) (changed<br>request at RHE meeting) |
| FLU Category:              | MU-2, Mixed Use 2  |
| Commissioner District:     | 1  |
| Requested by:              | W. R. Ward, Agent for D&W Investments, Inc.,<br>Owner  |
| RHE Recommendation:        | Denial   |

Speaker(s):

W. R. "Robert" Ward  
Anita Green  
Richard W. Stone  
Michael Prouty  
Dana Green

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

1. PUBLIC HEARINGS – Continued

2. 5:45 p.m. Public Hearing

The Board took no action concerning the recommendation that the Board adopt an Ordinance to amend the Official Zoning Map to include Rezoning Cases Z-2008-12 and Z-2007-66 (*both Rezoning Cases were denied during the previous Agenda Item*).

Speaker(s) – None.

3. 5:46 p.m. Public Hearing

Motion made by Commissioner Whitehead, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, adopting an Ordinance (*Number 2008-44*) amending Part III of the Escambia County Code of Ordinances (1999), the Escambia County Land Development Code (LDC), as amended, amending Article 7, “Performance Standards,” Section 7.01.03, to establish guidelines for fund expenditures referring to the Tree Restoration Fund; and amending Section 7.01.04, to reference the adopted fee schedule for mitigation tree.

1845

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

4. 5:47 p.m. **Second** Public Hearing

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning LDC Article 6, "Zoning Districts," Sections 6.04.12, 6.04.14, and 6.04.15:

1846

- A. Ratifying the scheduling of the August 7, 2008, 5:47 p.m. Public Hearing;
- B. Holding the **second** of two Public Hearings; and
- C. Adopting an Ordinance (*Number 2008-45*) amending Part III of the Escambia County Code of Ordinances (1999), the Escambia County Land Development Code (LDC), as amended, amending Article 6, "Zoning Districts," Section 6.04.12, which deals with the use of portable storage containers in residential zoning districts; Section 6.04.14, to clarify existing text from tenant to occupant; and Section 6.04.15, creating no fee for a County container notification.

Speaker(s) – None.

5. 5:48 p.m. Public Hearing

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning LDC Article 2, "Administration," (*Section 2.10.02.A, to correct the sentence structure; Section 2.10.04.B, to correct the sentence structure and department name*); and Section 2.10.06, regarding setbacks as shown on approved subdivision plats:

1846

- A. Ratifying the scheduling of the August 7, 2008, 5:48 p.m. Public Hearing; and
- B. Adopting an Ordinance (*[Number 2008-46] amending Part III of the Escambia County Code of Ordinances [1999]*), the Escambia County Land Development Code (LDC), amending Article 2, "Administration," Section 2.10.06, to add provisions regarding setbacks as shown on approved subdivision plats.

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

6. 5:49 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning consideration of adopting an Ordinance relating to construction of retaining walls:

1847

- A. Ratifying the scheduling of the August 7, 2008, 5:49 p.m. Public Hearing; and
- B. Adopting an Ordinance (*Number 2008-47*) amending Chapter 18, Article 2, Section 18-34, of the Escambia County Code of Ordinances; (*providing for licensing of retaining wall contractors*); providing for definitions; providing for severability; providing for inclusion in the Code; providing for effective date.

Speaker(s) – None.

GROWTH MANAGEMENT REPORT – Continued

II. ACTION ITEMS

1. West Ridge Place Final Plat

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning recording of the Final Plat of West Ridge Place (a 62-lot, single-family residential subdivision), located in the Beulah community, lying north of Mobile Highway (U. S. Highway 90) and west of Rebel Road, owned and developed by West Ridge Place, LLC; prior to recording, the County Engineer, County Surveyor, Development Services Bureau Chief, 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:

1848

- A. Approving the Final Plat for recording;
- B. Approving the street names "Lamont Road" and "Chester Drive";
- C. Accepting the public road paving, all public easements, drainage improvements, Parcel "B" (a 0.43-acre Dry Retention Pond), and Parcel "D" (a 0.79-acre Dry 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 MSBU (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, a Conservation Easement, and a Release of Claims for Damages, Hold Harmless, and Indemnification Agreement.*



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

II. ACTION ITEMS – Continued

2. Conservation Easement

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning a Conservation Easement for expansion of turn lanes at the intersection of Blue Angel Parkway and Dog Track Road:

1848

- A. Approving the *Conservation Easement* between Escambia County and the Florida Department of Environmental Protection (FDEP) to permit wetland impacts associated with expanding turn lanes at the intersection of Blue Angel Parkway and Dog Track Road (project); and
- B. Authorizing the Chairman to sign the *Conservation Easement* associated with the expansion of turn lanes at the intersection of Blue Angel Parkway and Dog Track Road.

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA

1. Scheduling of Public Hearings

Motion made by Commissioner White, seconded by Commissioner Whitehead, and carried 4-0, with Commissioner Robinson absent, scheduling the following two Public Hearings, as amended to drop Rezoning Case Z-2008-06:

1849

A. 5:45 p.m. – Thursday, September 4, 2008 – A Public Hearing to amend the Official Zoning Map to include the following Rezoning Case heard by the Rezoning Hearing Examiner (RHE) on July 28, 2008:

|                            |  |
|----------------------------|--|
| Case Number:               | Z-2008-14  |
| Location:                  | 9181 Eight Mile Creek Road North   |
| Property Reference Number: | 11-1S-31-2103-000-000  |
| Property Size:             | 2.97 (+/-) acres   |
| From:                      | AG, Agricultural District, Low Density (1.5 dwelling units per acre)                               |
| To:                        | C-2, General Commercial and Light manufacturing District (cumulative) (25 dwelling units per acre) |
| FLU Category:              | MU-1, Mixed Use 1  |
| Commissioner District:     | 5  |
| Requested by:              | Glenda Brandenburg, Agent for John and Helen Bonifay, Owners                                       |

B. 5:46 p.m. – Thursday, September 4, 2008 – A Public Hearing to review and adopt an Ordinance to the Escambia County Land Development Code (LDC), amending Article 7, "Performance Standards," Section 7.06.11.C.12.d, to amend the setback requirement for any dock, boathouse structure, pier, or any part of extensions thereof.

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

1-8. Approval of Various Consent Agenda Items

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, approving Consent Agenda Items 1 through 8, as follows, as amended to refer Item 3 to the August 21, 2008, BCC Meeting, and include the verbiage "subject to all regularly required approvals" in Item 4.B.: 1849

1. Approving the street name "Sabine Island Drive" for an un-named private road that runs north off of the north end of Narvaez Drive, beginning at the bridge and extending on to the Island at the Environmental Protection Laboratory. 1849
2. Approving the street name "Safety First Avenue" for an un-named private road that runs north off of the 11000 Block of Pate Street and one-and-one-half miles northeast of East Ten Mile Road. 1849
3. Referring to the August 21, 2008, BCC Meeting, the recommendation that the Board take the following action concerning reappointments to the BID (Building Inspections Division) Inspections Fund Advisory Board (IFAB): 1849
  - A. Waive Board Policy B.1., "Appointment Policy and Procedures"; and
  - B. Reappoint the following two members, for a three-year term, effective October 1, 2008, through September 30, 2011:
    - (1) Bob Price, Jr., Bob Price, Jr. Builder, Inc. (Construction Industry Trade); and
    - (2) Paul E. Stanley, BB & T Corporation (Licensed Architect, Professional Engineer, or Construction Lending and Finance).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

4. Taking the following action regarding the long-term property use Deed Restriction associated with Emerald Coast Ministries, Inc., Hurricane Housing Recovery Program (HHRP)-assisted transitional housing for the homeless:

1849

- A. Adopting a Resolution (*R2008-145*) releasing the Deed Restriction recorded against property located at 102 Palmetto Avenue (Account # 083166000), and (*approving the*) recording (*of*) a deed restriction on property located at 30 South 3rd Street (Account # 083120100), through filing an *Amendment to Covenants and Restrictions with Release and Cancellation as to Certain Property*, in relation to the HHRP Transitional Housing Development Agreement with Emerald Coast Ministries, Inc., as approved by the Board on May 1, 2007, to allow Emerald Coast Ministries, Inc., to secure an alternate location for the delivery of transitional housing services for women and women with children in Escambia County;
- B. Acknowledging, for the Official Record, subject to all regularly required approvals, that all transitional housing services to be provided by Emerald Coast Ministries, Inc., utilizing property and facilities at 102 Palmetto Avenue, shall be delivered from the property and facilities located at 30 South 3rd Street, subsequent to recording the *Amendment to Covenants and Restrictions with Release and Cancellation as to Certain Property*, as provided in Item “A” above; and
- C. Authorizing the Chairman to execute the Resolution, the *Amendment to Covenants and Restrictions with Release and Cancellation as to Certain Property*, and any related forms and documents as may be required to fully complete the transaction.

5. Taking the following action concerning a *Non-Exclusive Long Term Franchise Agreement for the Collection of Commercial Solid Waste* with Waste Pro of Florida, Inc.:

1849

- A. Approving an Agreement permitting the above-named company to haul commercial solid waste in Escambia County; and
- B. Authorizing the Chairman to sign the Agreement.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

6. Taking the following action concerning a Certificate of Need for Waste Pro of Florida, Inc.: 1849

A. Approving a *Certificate of Need* Application permitting the above-named company to operate in Escambia County; and

B. Authorizing the Chairman to sign the Certificate.

7. Approving, and authorizing the County Administrator to notify McCall & Associates, Inc. Architects, that the Contract for architectural services relating to the Public Safety Building has been terminated. 1849

8. Authorizing out-of-County travel for any member of the Commission, the County Administrator, and the County Attorney to attend the 2008 Gulf Power Economic Symposium in Sandestin, Florida, on September 21-23, 2008. 1849

II. BUDGET/FINANCE CONSENT AGENDA

1-13. Approval of Various Consent Agenda Items

Motion made by Commissioner Whitehead, seconded by Commissioner Young, and carried 4-0, with Commissioner Robinson absent, approving Consent Agenda Items 1 through 13, as follows, as amended to drop Item 2: 1850

1. Adopting the Resolution (*R2008-146*) approving Supplemental Budget Amendment Number 312, Internal Service Fund (Fund 501), in the amount of \$600,000, to recognize and appropriate funds from fuel distribution charges and to cover fuel costs for the remainder of the Fiscal Year. 1850

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-13. Approval of Various Consent Agenda Items – Continued

2. Dropping the recommendation that the Board take the following action concerning approval of the Amendment to the Fiscal Year 2007-2008 Miscellaneous Appropriations Agreement with Pensacola Little Theatre, Inc.:

1850

A. Approve the *Amendment to Miscellaneous Appropriations Agreement with Pensacola Little Theatre, Inc.*, extending the effective dates from March 6, 2008, through September 30, 2009;

B. Authorize the Chairman to sign the Amendment and all other necessary documents; and

C. Authorize the execution of the necessary Purchase Order.

3. Taking the following action concerning the Agreement with Preferred Governmental Claim Solutions:

1850

A. Approving the *Addendum to the Administrative Services Agreement between Escambia County and Preferred Governmental Claim Solutions, Inc., for Workers' Compensation TPA and Managed Care Services*, in the amount of \$45,000, to provide third party Workers' Compensation claims administration run-off services to Escambia County, for all open claims, with a date of loss prior to June 9, 2008 (funding is available in Fund 501 [Internal Service Fund], Cost Center 140834); and

B. Authorizing the Chairman to sign the Addendum.

4. Extending the Contract, for one year, to Securitas Security Services USA for "Security Services for Various County Buildings," PD 05-06.136, under the current terms and conditions, with no wage increases for Fiscal Year 2008-2009; the Bureaus have concurred and funding is available from various Funds and Cost Centers.

1850

5. Awarding a three-year, fixed-price Contract for "Fire Fighting Equipment Service," PD 07-08.105, to Koorsen Fire & Security, in accordance with the terms and conditions of the solicitation and appropriation of funds, in an estimated yearly amount of \$50,000, with funding available from various Funds and Cost Centers.

1850

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-13. Approval of Various Consent Agenda Items – Continued

6. Approving, and authorizing the County Administrator to execute, the following Change Order (Funding Source: Fund 001, General Fund, Cost Center 270102, Information Systems – *[in the amount of]* \$7,745.35):

1850

Bureau: Management and Budget Services  
Division: Information Technology  
Type: Addition  
Amount: \$7,745.35  
Vendor: International Business Machines (IBM) Corporation  
Purchase Order Number: 280646  
Change Order Number: 1  
Original Award Amount: \$55,000.00  
Cumulative Amount of Change Orders through this Change Order: \$ 7,745.35  
New Contract Total: \$62,745.35

7. Awarding a Unit Price, Indefinite Quantity, Indefinite Delivery Contract, PD 07-08.110, "River Road Shared Path Phase II," to Aero Training & Rental, Inc., in the amount of \$143,547.70 (funding to be provided in Fund 333, "New Road Construction," Cost Center 210204, Object Code 56301, Project Number 05EN0811).

1850

8. Authorizing the County to piggyback off of the Fort Jackson, South Carolina, Contract #W9124C-08-P-0097, 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 Nu Life Environmental Inc., for one Nexgen Model 2R-150N-57-30 2-Ram Baler, for Solid Waste Management, in the amount of \$262,747.33; this is a replacement for Property Number 50925, International Baler; funding is available from Fund 401 (Solid Waste Fund), Cost Center 230306.

1850

9. Rescinding the \$40,000 Hurricane Housing Recovery Program (HHRP) Small Rental Development Award Loan Agreement with Shirley S. Washington, for the 14th Avenue Duplex, approved by the Board on September 21, 2006 (Fund 120/HHRP, Cost Center 220426).

1850

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-13. Approval of Various Consent Agenda Items – Continued

10. Approving, and authorizing the County Administrator to execute, the following Change Order for building demolition, removal, and disposal of Underground Storage Tanks at the former Escambia County Mosquito Control Facility located at 603 West Romana Street (Funding Source: 2007 Community Development Block Grant (CDBG), Cost Center 220555, Object Code 53101):

1850

Bureau: Neighborhoods & Community Services Bureau  
Division: Neighborhood Redevelopment/CRA  
Type: Addition  
Amount: \$78,825.39  
Vendor: Cameron-Cole  
Project Name: 603 West Romana Street/Former Escambia County Mosquito Control Facility per PD 06-07.038, Professional Services as Governed by Florida Statute 287.055, Cameron-Cole, LLC  
Contract: PD 06-07.038  
Purchase Order Number: 280859  
Change Order Number: 2  
Original Award Amount: \$ 8,200.00  
Cumulative Amount of Change Orders through Number 2: \$87,625.39  
New Contract Total: \$95,825.39

11. Ratifying the Chairman's signature on the *Contract between Workforce Escarosa, Inc., and the Escambia County Board of County Commissioners, Non-Custodial Parent Placement Program Welfare Transition (WT) #-2008-2009-01*, beginning July 1, 2008, through June 30, 2009, in the amount of \$149,049; this is a 100% cost-reimbursement Contract with no local match required.

1850

12. Authorizing the Chairman to sign the *Multi-Year Joint Participation Agreement Notification of Funding NOF #27 (FL 18-0027)*, to the Florida Department of Transportation Public Transportation Joint Participation Agreement, Financial Project Number 4213681 84 01, providing \$126,709, in Florida State 5311 Non-Urbanized Area Formula Program Grant Funding, in support of Escambia County Area Transit Service during Fiscal Year 2009.

1850



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-13. Approval of Various Consent Agenda Items – Continued

13. Taking the following action regarding the Emergency Management Preparedness and Assistance Grant Program Award Letter for Agreement #08-BG-24-01-27-01-281, providing Federal funds, in the amount of \$47,050, to assist in improving our Local Division of Emergency Management operations, both for daily and emergency operations, and to assist in local disaster preparations and community outreach:

1850

A. Approving the Florida Division of Emergency Management, Emergency Management and Preparedness Assistance Grant Award Letter for the additional Federal share, to be identified in Other Grants and Projects (Fund 110), Cost Center 330405; and

B. Authorizing the Chairman to sign the Award Letter.

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1. SmartCop, Inc.

Motion made by Commissioner White, seconded by Commissioner Whitehead, and carried 4-0, with Commissioner Robinson absent, taking the following action concerning the SmartCop, Inc., *Software License and Services Agreement* and the *Software Maintenance and Support Agreement*, both dated August 19, 2004, in the sum of \$1,325,000, under PD 03-04.23:

1851

A. Authorizing the County Administrator to terminate both of the contracts for cause; and

B. Authorizing the County Attorney's Office to file a lawsuit against SmartCop, Inc., to revoke the County's acceptance of hardware and software purchased from SmartCop, Inc., to rescind both of these contracts, and to obtain any other relief that the court deems appropriate.

ITEMS ADDED TO THE AGENDA – COMMISSIONER KEVIN W. WHITE

1. Marine Advisory Committee Appointment

Motion made by Commissioner White, seconded by Commissioner Whitehead, and carried 4-0, with Commissioner Robinson absent, approving the appointment of Paul Redman as Commissioner Kevin W. White's appointee to the Marine Advisory Committee, effective this date (*August 7, 2008*), replacing Matthew Clark, who has resigned; his appointment will run concurrent with Commissioner White's term of office or at his discretion.

1851

ITEMS ADDED TO THE AGENDA – COMMISSIONER GENE M. VALENTINO

1. SBA Number 322

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried 4-0, with Commissioner Robinson absent, adopting the Resolution (*R2008-147*) approving Supplemental Budget Amendment (SBA) Number 322, Disaster Recovery Fund (112), Capital Improvement Program Fund (310), Local Option Sales Tax II (351), Local Option Sales Tax III (352), Building Inspections Fund (406), in the amount of \$23,192,775, to recognize the proceeds from various sources and to appropriate these funds for the One Stop facility, the fishing pier, and the southwest park.

1852

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ANNOUNCEMENTS – None.

ADJOURNMENT

There being no further business to come before the Board, Chairman Valentino declared the Regular Meeting of the Board of County Commissioners adjourned at 6:52 p.m.

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

ATTEST:

Ernie Lee Magaha  
Clerk of the Circuit Court & Comptroller

By: \_\_\_\_\_  
Gene M. Valentino, Chairman



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

Approved: August 21, 2008