

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD SEPTEMBER 4, 2008
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:35 p.m. – 7:30 p.m.)

Present: Commissioner Gene M. Valentino, Chairman, District 2
Commissioner Marie K. Young, Vice Chairman, District 3
Commissioner Grover C. Robinson, IV, District 4
Commissioner Kevin W. White, District 5
Commissioner D. M. "Mike" Whitehead, District 1
Mrs. Lisa N. Bernau, Chief Deputy Clerk, representing the
Honorable Ernie Lee Magaha, Clerk of the Circuit Court & Comptroller
Mr. Robert R. "Bob" McLaughlin, County Administrator (Public Forum Only)
Mr. Gordon Pike, Interim Assistant County Administrator (Regular Meeting Only)
Mrs. Alison Rogers, County Attorney
Mrs. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services
Mrs. Shirley L. Gafford, Program Coordinator, County Administrator's Office
Mrs. Doris Harris, Deputy Clerk to the Board

PUBLIC FORUM WORK SESSION

Chairman Valentino called the Public Forum Work Session to order at 4:35 p.m.

1. FOR INFORMATION: The Board heard the request from Larry Scapecchi that Board reconsider selling property located at 97 Hood Drive known as the Sheriff's Ensley Sub-Station and, in addition, was advised by Mr. Scapecchi that it is his belief that the Escambia County Jail should remain under the control of the Sheriff; 1635

2. FOR INFORMATION: The Board: 1637
 - A. Heard comments from Jim Murphy, who alleges that a 10-foot street frontage buffer and a 3-foot hedge buffer requirement for his property, which is to become a used car lot, are either not required of other car lots in Escambia County or not being enforced; and

 - B. Heard the request from Commissioner White that, because Mr. Murphy was not aware that he would have to apply for a variance concerning the buffer requirements at the time he went through the DRC (*Development Review Committee*) process, the fees associated with Mr. Murphy obtaining a variance from the Board of Adjustment be waived.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

3. FOR INFORMATION: The Board heard the request from Ronald Townsend, on behalf of the owner of property located on North Tarragona Street, that the Board consider granting relief against fines associated with a Code Enforcement violation, and heard the recommendation from Commissioner Valentino that the request be submitted in writing in order to be addressed as an agenda item under Written Communication at the next Board Meeting.

1656

4. FOR INFORMATION: The Board:

1702

A. Heard comments from Rene L. West, Executive Landscaping, Inc., concerning a citation he received in 2006, which Mr. West alleges was issued to him unjustly, for building a retaining wall without a permit;

B. Was advised by County Attorney Rogers that:

(1) Mr. West has a client who is refusing to pay a \$22,000 bill, and the basis for which the client is justifying non-payment is that Mr. West engaged in illegal activity while performing the landscaping work on the property because Mr. West did receive a citation from the County for building a retaining wall without a permit;

(2) In the interim, the County has adopted an Ordinance clarifying the requirements for retaining walls; and

(3) Mr. West's attorney has requested that the County issue a statement indicating that Mr. West was wrongfully cited; and

C. Heard the request from Commissioner Whitehead, with consensus from the Board, that the County Attorney work with Mr. West's attorney concerning obtaining a release in exchange for a statement.

5. FOR INFORMATION: The Board heard comments from L. Gary Sansing concerning Commissioner Whitehead.

1721

5:21 P.M. – PUBLIC FORUM ADJOURNED

6:41 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 6:41 p.m.

2. Invocation

Chairman Valentino advised that Pastor Darren McClellan, Perdido Bay United Methodist 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 White, seconded by Commissioner Robinson, and carried unanimously, adopting the agenda as prepared.

1844

5. Commissioners' Forum

A. District 4 – Commissioner Robinson expressed gratitude toward the County's Finance Department (*Management and Budget Services Bureau*) for their work during the Budget process;

1844

B. District 1 – Commissioner Whitehead announced the birth of his grandson, Kyle Zachary Turman;

C. District 3 – Commissioner Young announced that the son of a County employee passed away; and

(Continued on Page 4)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

5. Continued...

D. District 2 – Commissioner Valentino:

- (1) Requested a briefing from staff concerning the differences between a survey published in the Pensacola News Journal and the survey conducted by staff; and
- (2) Commended the staff of the Pensacola Bay Area Chamber of Commerce for a successful Annual Luncheon.

6. Proclamations – None.

7. Employee of the Month/Retirement Proclamations

Motion made by Commissioner Whitehead, seconded by Commissioner Robinson, and carried unanimously, adopting the Proclamation commending and congratulating Donald R. Mayo, Director of Building Inspections, on his retirement after 35 years of service.

1850

8. Written Communication

A. Code Enforcement Lien – James and Doris L. Robinson

1850

Motion made by Commissioner Young, seconded by Commissioner Whitehead, and failed 2-3, with Commissioner Robinson, Commissioner White, and Commissioner Valentino voting "no," to collect the hard costs, in the amount of \$675, plus the Clerk's fees, and to forgive the fines, relative to a communication, dated August 13, 2008, from James and Doris L. Robinson requesting that the Board consider waiving a Code Enforcement Lien, in the amount of \$3,306, against property located at 2321 North "D" Street.

Speaker(s):

Doris L. Robinson
James Robinson

(Continued on Page 5)

REGULAR BCC AGENDA – Continued

8. Continued...

B. 6101 Dallas Avenue – Pearley Sapp

1859

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, denying the request, relative to a communication, dated August 14, 2008, from Bennie Sides, Accounting Specialist III, Agent for Lutheran Services Florida, on behalf of Pearley Mae Sapp, requesting that the Board consider waiving the fines against property located at 6101 Dallas Avenue.

9. Proofs of Publication

1902

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

A. The following two Public Hearings on the agenda:

- (1) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on August 22, 2008, for consideration of adopting an Ordinance amending the Official Zoning Map; and
- (2) The 5:46 p.m. Public Hearing, advertised in the Pensacola News Journal on August 22, 2008, for consideration of adopting an Ordinance to amend the setback requirement for any dock, boathouse structure, pier, or any part of extensions thereof; and

(Continued on Page 6)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. Continued...

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule September 1, 2008 – September 5, 2008, Legal No. 72715*, as published in the Pensacola News Journal on August 30, 2008, as follows:

September 1	Holiday/Labor Day – County Offices Closed
September 2	2:00 p.m. Local Mitigation Strategy Public Awareness TSG
September 3	1:00 p.m. Development Review Committee
September 4	9:00 a.m. Agenda Work Session
September 4	1:30 p.m. Citizens Environmental Committee
September 4	2:00 p.m. Public Safety Training Center Meeting
September 4	2:30 p.m. Affordable Housing Advisory Committee
September 4	3:45 p.m. Board of County Commissioners Attorney-Client Session
September 4	4:30 p.m. Board of County Commissioners Public Forum
September 4	5:01 p.m. Board of County Commissioners Budget Public Hearing
September 4	5:02 p.m. Board of County Commissioners Public Hearing: Adoption of Non-Ad Valorem Assessment Roll
September 4	5:30 p.m. Board of County Commissioners Public Hearings & Reports
NEXT WEEK'S NOTE:	
September 8	8:30 a.m. Planning Board
September 8	1:00 p.m. FL-AL Transportation Planning Organization – Technical Coordinating
September 8	1:00 p.m. Sustainable Emerald Coast Advisory Committee
September 8	3:30 p.m. FL-AL Transportation Planning Organization – Citizens Advisory
September 8	5:30 p.m. Marine Advisory Committee

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

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

I. CONSENT AGENDA

1-5. Approval of Various Consent Agenda Items

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

1903

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

1903

A. Payroll Expenditures as of Payday August 22, 2008, in the amount of \$2,263,136.48; and

B. The following two Disbursement of Funds:

(1) August 14, 2008, to August 20, 2008, in the amount of \$17,571,097.02; and

(2) August 21, 2008, to August 27, 2008, in the amount of \$2,802,881.25.

2. Approving, in accordance with State Retention Schedule GS1, *Records Disposition Document No. 406*, for disposition of Board of County Commissioners' records, Item 32a, Minutes: Official Meetings (Transcripts: Microfilmed on Rolls 441-442), for the period April 3, 2008, through May 27, 2008, since the permanent records have been scanned and/or microfilmed.

1903

3. Taking the following action concerning disposition/reinstatement of property and removal of fixed assets:

1903

A. Approving 30 forms, *Requests for Disposition of Property*, indicating equipment to be sold as surplus or appropriately disposed of, and three (3) *Requests* to reinstate previously retired equipment to active status; the Requests are prepared by various County Bureaus and state the reasons for disposition/reinstatement; and

B. Approving to remove the Board's cost, in the amount of \$93,362.09, from the fixed asset record for the former Mosquito Control building that is located at 603 Romana Street, which is scheduled for demolition; the building was severely damaged and compromised by Hurricane Ivan; some repairs were done to the building, but it is no longer usable and is scheduled for demolition.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Accepting, for filing with the Board's Minutes, a copy of the *Oath of Office* for Escambia County Health Facilities Authority member Patricia Pennewill, who was reappointed to a new four-year term, commencing August 22, 2008, and concluding August 21, 2012, as provided to the Clerk to the Board's Office. 1903

5. Taking the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office: 1903

A. Approving the Minutes of the Public Forum Work Session and Regular Board Meeting held August 21, 2008;

B. Approving the Minutes of the Special Emergency Meeting held August 22, 2008;

C. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held August 21, 2008, as follows:

1. FOR INFORMATION: The agenda package for the 5:30 p.m., August 21, 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;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
5. Continued...
- C. Report of the August 21, 2008, Agenda Work Session – Continued
 1. Continued...
 - C. Shirley L. Gafford, Program Coordinator, County Administrator's Office, County Administrator McLaughlin, County Attorney Rogers, Paulette Stallworth, Human Resources Analyst, Human Resources Department, Keith Wilkins, Deputy Bureau Chief, Neighborhoods/Community Services Bureau, Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, and Randy Wilkerson, Executive Director, Neighborhood Enterprise Foundation, Inc., reviewed the County Administrator's Report, with comments from Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, regarding Item II-4;
 - D. County Attorney Rogers reviewed the County Attorney's Report; and
 - E. Commissioner White and Commissioner Robinson each reviewed his add-on item.
 2. FOR INFORMATION: Michael Hardin, Bureau Chief, Public Safety Bureau, and John Dosh, Emergency Management, provided a verbal update on Tropical Storm Fay.

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
5. Continued...
- D. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held August 14, 2008, as follows:

AGENDA NUMBER

1. Call to Order

Chairman Valentino called the Committee of the Whole (C/W) to order at 9:01 a.m.

2. Was the Meeting Properly Advertised?

The C/W was advised by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, that the Meeting was advertised in the Pensacola News Journal on August 9, 2008, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule August 11, 2008 – August 15, 2008, Legal No. 72641*.

3. Staff to Reduce Fiscal Year 2008/2009 Budget by \$2.7 Million (Referred from July 31, 2008, C/W)

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation regarding the (*Proposed*) Budget, presented by Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, regarding staff to Reduce Fiscal Year 2008-2009 Budget by \$2.7 million, and the C/W:

- (1) Heard the suggestion from Commissioner Whitehead that the Board delay the re-write of the Land Development Code (LDC), which would "free up" \$1 million in reserves;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the August 14, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 3. Continued...
 - A. Continued...
 - (2) Was advised by T. Lloyd Kerr, Bureau Chief, Development Services Bureau, that staff is reviewing the possibility of dividing the LDC Ordinance in order to make the re-write financially manageable; and
 - (3) Was advised by Ms. Lovoy that the final Budget proposal will be presented at the September 4, 2008, Budget Public Hearing; and
 - B. Board Direction – None.
- 4. Escambia County Health Facilities Authority Reserves (Referred from July 30, 2008, C/W)
 - A. Discussion – The C/W discussed the Escambia County Health Facilities Authority Reserves, and the C/W:
 - (1) Was advised by County Attorney Rogers that she met with the Health Facilities Authority, and would offer the following suggestions for the Board to consider:
 - (a) Authorize the County Administrator, or County representative, to provide a more detailed presentation to the Authority Board;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the August 14, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 4. Continued...
 - A. Continued...
 - (1) Continued...
 - (b) Allow non-profit agencies to go through the regular application process with the Authority this year, and take another approach next year;
 - (c) Restructure the Authority, which would require outside bond counsel; and
 - (d) Consider the issuance of health-related bonds by the County, as opposed to the Authority;
 - (2) Heard the suggestion from Commissioner Valentino that staff deal directly with the Authority to develop a process; and
 - (3) Upon inquiry from Commissioner Robinson, was advised by County Attorney Rogers that the County has the capability to issue bonds; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the August 14, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

B. Board Direction – The C/W recommends that the Board take the following action concerning the Escambia County Health Facilities Authority reserves:

- (1) Approve directing staff to meet with the Authority Board to discuss the Board of County Commissioners' (BCC) concerns, with a designee of the BCC to also be in attendance; and
- (2) Approve directing County Attorney Rogers and her staff to explore the BCC's options, and provide a Report at a future C/W Workshop.

Recommended 5-0

Speaker(s):

Eugene "Gene" Franklin

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the August 14, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 5. Report Itemizing Revenues Currently Being Reimbursed by the Sheriff's Office to the BCC (Referred from July 30, 2008, C/W)
 - A. Discussion – The C/W discussed the Report Itemizing Revenues Currently Being Reimbursed by the Sheriff's Office to the BCC, and the *Sheriff's Proposed Budget FY 08/09*; and
 - B. Board Direction – None.
- 6. Debt Services Reserves / Civic Center Bond (Referred from July 30, 2008, C/W)
 - A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, entitled *2002 Tourist Development Bond (TDT)*, presented by Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, and heard the request from Ms. Lovoy that the Board combine \$2.5 million (\$2,569,988) in escrowed funds and accrued interest, which are not tied to any litigation, with \$2.2 million (\$2,250,567) in General Fund Debt Service Reserves to fully fund the TDT Bond Reserve (*in the amount of \$2,851,388*), the Leonard Street Central Energy Plant Loan (*in the amount of \$1,218,203*), and the Downtown Energy Performance Loan (*in the amount of \$750,964*), and the C/W:
 - (1) Heard the request from Commissioner Whitehead that the Board pay off that portion of the Bond issue associated with the beach re-nourishment project;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the August 14, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Continued...

A. Continued...

(2) Upon inquiry from Commissioner Robinson, was advised by Ms. Lovoy that the Gulf Breeze Loan Pool is paid from the General Fund; and

(3) Heard a motion from Commissioner Robinson that the Board consider offsetting the (*ad valorem*) taxes by the lease fees for Pensacola Beach commercial leaseholders; and

B. Board Direction – The C/W recommends the Board approve specifically earmarking, to pay off that portion (*of the Tourist Development Tax Bond*) that is associated with the (*\$10 million*) beach re-nourishment project on Santa Rosa Island, the Santa Rosa Island Authority revenues (*\$2,569,988 in reserves*) that have been collected.

Recommended 5-0

Speaker(s):

John Panyko

(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...
- D. Report of the August 14, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 7. Presentation Outlining Any Function Funded Through the General Fund that Could Be Attributed to, and Funded Through, Solid Waste Management (Tipping Fees) (Referred from July 31, 2008, C/W)
 - A. Discussion – The C/W heard a Presentation Outlining Any Function Funded Through the General Fund that Could Be Attributed to, and Funded Through, Solid Waste Management (Tipping Fees); and
 - B. Board Direction – None.
- 8. Parks and Recreation Budget (Contractual Services, Repair and Maintenance and Utility Services) (Referred from July 30, 2008, C/W)
 - A. Discussion – The C/W heard an update from Joy Blackmon, Bureau Chief, Public Works Bureau, concerning Parks and Recreation Budget (Contractual Services, Repair and Maintenance and Utility Services), and was advised by Commissioner Robinson that the City of Pensacola should contribute to the costs for mowing at St. Michaels Cemetery; 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...
- D. Report of the August 14, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 9. Fire Services – Insurance & Per Diem (Report Concerning Physicals for Firefighters) (Referred from July 31, 2008, C/W)
 - A. Discussion – The C/W heard an update from Kenneth W. "Ken" Perkins, Fire Chief, concerning Fire Services – Insurance & Per Diem (Report Concerning Physicals for Firefighters), and was advised by Mr. Perkins that Blue Cross Blue Shield will not cover the full cost of the physicals; however, staff can explore the possibility of a Request for Proposals for items not typically included in physicals; and
 - B. Board Direction – None.
- 10. Vehicle Analysis / Replacement – Acquisition Policy / Alternative Low-Fuel-Usage Vehicles (Referred from July 31, 2008, C/W)
 - A. Discussion – The C/W heard an update regarding Vehicle Analysis / Replacement – Acquisition Policy / Alternative Low-Fuel-Usage Vehicles, and was advised by County Administrator McLaughlin that:
 - (1) Staff has identified in excess of 70 vehicles that can be prepared for surplus, and 121 vehicles that are in the process; and
 - (2) Although the County's fuel consumption has been reduced by 52,000 gallons, the cost for fuel increased by \$930,000; and
 - B. Board Direction – None.

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the August 14, 2008, C/W Workshop – Continued

AGENDA NUMBER – Continued

11. Topics for Joint City-County Meeting – September 16, 2008

- A. Discussion – The C/W discussed Topics for Joint City-County Meeting – September 16, 2008; and
- B. Board Direction – None.

12. Adjourn

Chairman Valentino declared the C/W meeting adjourned at 11:38 a.m.

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

I. PUBLIC HEARINGS

1. A. Z-2008-14

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried unanimously, adopting the Rezoning Hearing Examiner's (RHE) recommendation for Rezoning Case Z-2008-14 and denying C-2:

1904

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
RHE Recommendation:	Denial

Speaker(s):

Glenda Brandenburg
John Bonifay
Evelyn Polk

(Continued on Page 20)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

1. Continued...

B. SRIA-2008-02

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, adopting the Santa Rosa Island Authority's recommendation for Rezoning Case SRIA-2008-02 (*and approving CH-PB*):

1923

Case Number:	SRIA-2008-02
Location:	701 Pensacola Beach Boulevard
Property Reference Number:	28-2S-26-2000-002-001
Property Size:	1.14 (+/-) acres
From:	GR-PB (General Retail-Pensacola Beach)
To:	CH-PB (Commercial Hotel-Pensacola Beach)
Requested By:	Santa Rosa Island Authority
FLU Category:	MU-5, Mixed Use 5
Commissioner District:	4
SRIA Recommendation:	Approval

C. Approval of Orders

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, authorizing the Chairman to sign the Orders of the Escambia County Board of County Commissioners for the Rezoning Cases that were reviewed.

1923

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

2. 5:45 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, adopting an Ordinance (*Number 2008-48*) to amend the Official Zoning Map to include Rezoning Case SRIA-2008-02.

1924

Speaker(s) – None.

3. 5:46 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, adopting an Ordinance (*[Number 2008-49] amending Part III of the Escambia County Code of Ordinances [1999]*), the Escambia County Land Development Code; amending Article 7, “Performance Standards,” Section 7.05.00.C.12.d, *Docks, piers and mooring devices*, to amend the setback requirement for any dock, boathouse structure, pier, or any part of extensions thereof.

1924

Speaker(s) – None.

II. ACTION ITEMS

1. Millview Estates Phase 2 Final Plat

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, taking the following action concerning recording of the Final Plat of Millview Estates Phase 2 (a 16-lot, single-family residential subdivision), located in the Millview community, lying south of Lillian Highway (U. S. Highway 98) and east of Dog Track Road (County Road 297), owned and developed by TCP Development Corporation; 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;

1924

A. Approving the Final Plat for recording;

(Continued on Page 22)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

II. ACTION ITEMS – Continued

1. Continued...

- B. Approving the street name “Bucksaw Drive”;
- C. Accepting the public road paving, all public easements, drainage improvements, and Parcel “B” (a 0.78-acre Detention 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*, and a *Conservation Easement*.

2. Perdido Key Restoration Project

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, taking the following action regarding DEP (*Department of Environmental Protection*) Contract No. 06ES1, Amendment No. 2:

1925

- A. Approving *Amendment No. 2, DEP Agreement No. 06ES1*, authorizing a time extension to the Grant (*for the Perdido Key Beach Restoration Project*) for a period of two years, from August 1, 2008, to August 1, 2010; and
- B. Authorizing the Chairman to sign the Amendment.

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA

1. Scheduling of Public Hearings

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, scheduling the following three Public Hearings:

1925

A. 5:45 p.m. – Thursday, October 2, 2008 – A Public Hearing to amend the Official Zoning Map to include the following Rezoning Cases heard by the Rezoning Hearing Examiner (RHE) on August 25, 2008:

- (1) Case Number: Z-2008-04
- Location: 4430 North Highway 29
- Property Reference Number: 16-2N-31-4000-000-007
- Property Size: 1.49 (+/-) acres
- From: VR-1, Villages Rural Residential Districts, Gross Density (1 dwelling unit per 4 acres)
- To: GBD, Gateway Business District (0 dwelling units per acre)
- FLU Category: RR, Rural Residential
- Commissioner District: 5
- Requested by: Wiley C. “Buddy” Page, Agent for Roger Rogers, Owner

(Continued on Page 24)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA – Continued

1. Continued...

A. Continued...

- (2) Case Number: Z-2008-15
Location: 2475 Interstate Circle
Property Reference Number: 13-1S-31-1100-000-023
Property Size: 1.19 acres
From: R-3, One- and two-Family District, Medium Density (10 dwelling units per acre), and C-1, Retail Commercial District, High Density (cumulative) (25 dwelling units per acre)
To: C-2, General Commercial and Light Manufacturing District (25 dwelling units per acre)
FLU Category: C, Commercial, and I, Industrial
Commissioner District: 1
Requested By: Wiley C. “Buddy” Page, Agent for Fisher Cabinets, Inc., Owner
- (3) Case Number: Z-2007-45
Location: 2480 Interstate Circle
Property Reference Number: 13-1S-31-1100-001-012
Property Size: 6.87 (+/-) acres
From: R-3, One- and two-Family District, Medium Density (10 dwelling units per acre)
To: C-2, General Commercial and Light Manufacturing District (25 dwelling units per acre)
FLU Category: C, Commercial, and I, Industrial
Commissioner District: 1
Requested by: Wiley C. “Buddy” Page, Agent Richard G. and Celia M. Mills, Owners

(Continued on Page 25)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA – Continued

1. Continued...

B. 5:46 p.m. – Thursday, October 2, 2008 – A Public Hearing to review and adopt an Ordinance to the Land Development Code (LDC), amending Article 4, "Subdivisions and Site Plans," Section 4.04.13.A, "Drainage System," to add specifics for basin slopes, stormwater retention, and ramp construction materials, and to remove the pond maintenance fee; and

C. 5:47 p.m. – Thursday, October 2, 2008 – A Public Hearing to consider (*adopting*) an Ordinance extending the time for which development orders shall remain effective by one year.

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

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-8. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving Consent Agenda Items 1 through 7, with the exception of Items 6 and 8, which were held for separate votes, as amended to delete the unfunded Deputy Chief of Staff position in Item 1:

1925

1. Approving the Board of County Commissioners' (BCC) Organizational Chart, as amended to delete the unfunded Deputy Chief of Staff position.

1925

2. Taking the following action concerning the *Tobacco-Free Hiring Policy* for applicants applying for Board of County Commissioners' employment:

1925

A. Approving the *Tobacco-Free Hiring Policy*, effective October 1, 2008;

B. Adopting the Resolution (*R2008-156*) providing a guideline relating to a *Tobacco-Free Hiring Policy*; and

C. Authorizing the Chairman to sign the Resolution.

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

3. Authorizing the scheduling of a Public Hearing on Thursday, September 18, 2008, at 5:31 p.m., to consider an Ordinance amending Chapter 37, Article II, Section 37-36, of the Escambia County Code of Ordinances, Ordinance 2002-28, concerning the powers of the County Administrator during a State of Local Emergency. 1925
4. Approving the street name "Quiet Drive" for an un-named, private road that runs south off of the 7900 Block of Mobile Highway and is 720 feet west of Thomley Trail. 1925
5. Taking the following action regarding the Old Molino Elementary School Library Project: 1925
 - A. Authorizing re-submission of a *Public Library Construction Grant Application* to the Florida Department of State, Division of Library and Information Services, for the Old Molino Elementary School Library Project;
 - B. Adopting the Resolution (*R2008-157*) as part of the Application packet; and
 - C. Authorizing the Chairman to sign the Resolution and all Grant-related documents relevant to this Project.
6. See Page 27.
7. Approving, and authorizing the Chairman to sign, the *Certificate of Public Convenience and Necessity* for Escambia County Public Safety Bureau/Emergency Medical Services, effective October 1, 2008, through September 30, 2009, for the provision of Advanced Life Support ambulance service in Escambia County. 1925

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

6. Workforce Escarosa, Inc., Board of Directors Appointment

1927

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried unanimously, appointing Dr. Edward Meadows, President, Pensacola Junior College, to serve as a required member, without an expiration date, to the Workforce Escarosa, Inc., Board of Directors, replacing Dr. Thomas Delaino, effective September 4, 2008.

For Information: Commissioner Robinson disclosed that he is the President of the PJC Foundation; however, because the Foundation is a charitable organization and the position is voluntary, he is not prevented from voting on this item.

8. Pensacola-Escambia Development Commission Appointment

1927

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried unanimously, taking the following action concerning a reappointment to the Pensacola-Escambia Development Commission:

- A. Waiving the Board's Policy, Section I, Part B 1. (D), Appointment Policy and Procedures; and
- B. Reappointing M. Blaise Adams to serve another two-year term, effective August 16, 2008, through August 15, 2010.

For Information: Commissioner Robinson disclosed that he serves as a Director to RBC Bank, for which Mr. Adams is the Marketing Executive; however, because of the volunteer nature of his appointment, he is not prevented from voting on this item.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA

1-13. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving Consent Agenda Items 1 through 13, as follows, as amended to drop Item 12:

1928

1. Approving, and authorizing the County Administrator to execute, the following Change Order (Funding: Fund 408, EMS; Cost Center 330304, Billing):

1928

Bureau: Public Safety
Division: Emergency Medical Services (EMS)
Type: Addition
Amount: \$21,000
Vendor: Armstrong & Associates, Inc.
Project Name: Collection Agency Services
Contract: PD 03-04.5
Purchase Order Number: 280080
Change Order Number: 1
Original Award Amount: \$45,000
Cumulative Amount of Change Orders through this Change Order: \$21,000
New Contract Total: \$66,000

2. Taking the following action regarding the Hazardous Materials Analysis Grant Contract Number: 09CP-04-01-27-01-000, providing State Grant funds, in the amount of \$11,049:

1928

- A. Approving the State of Florida, Division of Emergency Management, *State-Funded Subgrant Agreement*, that provides Grant funding to update the Hazardous Materials Facility Analysis data; the Grant provides State funding to the County, in the amount of \$11,049, for the Contract period July 1, 2008, through June 30, 2009, with no match requirement; funding will be identified in Fund 110, Other Grants and Projects, Cost Center 330323; and
- B. Authorizing the Chairman to execute the Contract.

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

3. Taking the following action concerning approval of the Amendment to the Fiscal Year 2007-2008 Miscellaneous Appropriations Agreement for the Pensacola Little Theatre, Inc.:

1928

A. Approving the Amendment to the Fiscal Year 2007-2008 Miscellaneous Appropriations Agreement, extending the effective dates from March 6, 2008, through September 30, 2009;

B. Approving a Change Order to allocate the funds from the Capital Improvement Program (Fund 310), Cost Center 110205, Account 58201, in lieu of the Local Option Sales Tax II Fund (351); and

C. Authorizing the Chairman to sign the Amendment and all other necessary documents.

4. Adopting the Resolution (*R2008-158*) approving Supplemental Budget Amendment Number 339, Disaster Recovery (Fund 112), in the amount of \$168,810, to recognize Federal and State of Florida funding and appropriate these funds for the M. C. Blanchard Soffit Mitigation PW (Federal Emergency Management Agency [FEMA] Project Worksheet) for repairs to the Judicial Building.

1928

5. Approving Budget Amendment Request Number 340, Public Works Bureau, Local Option Sales Tax II (Fund 351), in the amount of \$105,000, to cover a shortage in the Fiscal Year 2008 Personnel Budget in Cost Center 210105.

1928

6. Awarding a one-year Contract, with two one-year options, to Cougar Oil, Inc. d/b/a Southern Energy, for "Gasoline and Diesel Fuel," PD 07-08.116, for approximately \$7,000,000 per year, in accordance with the terms and conditions of the solicitation and annual appropriation of funds (funds are available in Fund 501 [Internal Service Fund], Cost Center 260206).

1928

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

7. Taking the following action concerning the Group Long Term Disability Insurance Contract with Madison National Life Insurance Company for the County's Group Long Term Disability Insurance (PD 03-04.46); Madison National Life is the carrier and National Insurance Services administers the plan (Funding Source: Cost Center 140830):

1928

A. Awarding an extension to the Madison National Life Insurance Company Contract for one year, from October 1, 2008, to September 30, 2009, to provide Long Term Disability Insurance for all eligible County employees; there will be no increase in premiums or benefits; the estimated cost to support this program will be approximately \$142,000, of which the County's estimated cost is \$75,000; and

B. Authorizing the County Administrator to sign the renewal letter.

8. Taking the following action concerning the Group Life Accidental Death and Dismemberment (AD&D) Insurance Services Contract with ReliaStar Life Insurance Company for the County's Group Life AD&D Insurance (PD 03-04.46) (Funding Source: Cost Center 140610):

1928

A. Awarding an extension to the ReliaStar Contract for one year, from October 1, 2008, to September 30, 2009, to provide life and AD&D insurance for all eligible County employees; the cost for basic life insurance will increase from \$.27 to \$.31 per thousand dollars of coverage for both active employees and retirees; AD&D and supplemental life rates will remain at the same cost; the estimated cost to support this program will be approximately \$350,000.00, of which the County's estimated cost is \$151,291.12; and

B. Authorizing the County Administrator to sign the renewal letter.

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

9. Awarding Contract, PD 07-08.131, "Elevator Maintenance Services for Various Facilities, Escambia County," to Bagby Elevator Company, Inc., for a period of 36 months, effective October 1, 2008, and extending through September 30, 2011, with an option to extend for two 12-month periods, providing for maintenance and service of various elevators located throughout Escambia County, as required by the Facilities Management Division, for an annual amount of up to \$73,000; funding shall be provided from the General Fund (001), Cost Center 310201, Object Code 54601. 1928

10. Taking the following action concerning annual Grant funding received from the Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Service, for Mosquito Control: 1928
 - A. Approving the Fiscal Year 2008-2009 Annual Certified Budget for the Mosquito Control Division, Public Works Bureau; and

 - B. Authorizing the Chairman to sign the document.

11. Authorizing the County Administrator to approve and execute any Owner-Direct Purchase Orders that exceed \$50,000 for the F&W Construction Company, Contract PD 06-07.025, for the Design-Build Services for the Pensacola Bay Fishing Bridge Replacement (Funding: Fund 351, Local Option Sales Tax II, Cost Center 350234). 1928

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

12. Dropping the recommendation that the Board take the following action concerning the surplus and sale of real property located at 97 Hood Drive known as the Sheriff's Ensley Sub-Station:

1928

A. Declare surplus the Board's real property, Account Number 02-0336-910, Reference Number 11-1S-30-1101-140-280, acquired in 1998; a legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting offers by sealed bid;

B. Authorize the sale of this property to the bidder with the highest offer received from sealed bids above the minimum bid of \$185,044, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and

C. Authorize the Chairman to sign all documents related to the sale.

13. Approving payment, in the amount of \$377.23, for international cell phone charges incurred for official business by Commissioner Valentino during the period of July 12-17, 2008, while attending the Farnborough International Air Show in London, England.

1928

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION

1. VAB Citizen Appointment

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried unanimously, taking the following action concerning the Escambia County Value Adjustment Board (VAB), relative to revisions to Section 194.015, Florida Statutes, that governs the VAB:

1928

- A. Accepting the resignation of Commissioner Gene M. Valentino from the VAB, effective August 31, 2008, to comply with the revision in membership from three Escambia County Commissioners to two; and
- B. Appointing, by ballot, Steven Barry (*to the VAB*), effective September 1, 2008, through August 31, 2010, to comply with the revision in membership to include a citizen of Escambia County.

For Information: Commissioner Robinson disclosed that Steven Barry is one of his commercial tenants.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

Motion made by Commissioner Whitehead, seconded by Commissioner White, and carried unanimously, approving Action Items 1 through 3 and Information Item 1, as follows, as amended to pull Action Item 3:

1930

I. FOR ACTION

1-3. Approval of Various Action Items

1. Scheduling a Public Hearing for September 18, 2008, at 5:32 p.m., to consider amending Chapter 2, Article V, Division 1, Section 2-207(f), of the Escambia County Code of Ordinances, to repeal the fixed \$400 monthly stipend for Board members of the Merit System Protection Board and to preserve the ability to provide a stipend in the future by Resolution. 1930
2. Authorizing payment to Attorney Richard J. Miller, Edwards, Angell, Palmer & Dodge, LLP, and Attorney Carol Desmond, Satterlee, Stephens, Burke & Burke, LLP, to provide assistance to the County Attorney's Office for the limited purpose of providing guidance in the areas of public financing, bond law, and tax law as they pertain to the Health Facilities Authority and the Housing Finance Authority. 1930
3. Pulling the recommendation that the Board approve the Interlocal Agreement with the Santa Rosa Island Authority providing for an offset of collected property taxes against lease fees for commercial leaseholders on Santa Rosa Island. 1930

II. FOR INFORMATION

1. Information Report

Accepting, for filing with the Board's Minutes, the information concerning Alexakos & Owens, L.L.C. vs. Escambia County, Florida, Board of County Commissioners, Case No.: 2008 CA 001888, wherein the Court granted Petitioner's Petition for Review of Final Order. 1930

ITEMS ADDED TO THE AGENDA – None.

ANNOUNCEMENTS – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

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 7:30 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: September 18, 2008