

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD MARCH 5, 2009
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:33 p.m. – 7:19 p.m.)

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

PUBLIC FORUM WORK SESSION

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

1. FOR INFORMATION: The Board heard comments from L. Gary Sansing concerning street parking in Downtown Pensacola. 1633

2. FOR INFORMATION: The Board:
 - A. Heard the request from Nathanielle S. Kersey that the Board consider forgiving a Code Enforcement Lien against property located at 1844 Loyola Street; and

 - B. Was advised by Commissioner White that he will add this item to the agenda for tonight's Regular Board Meeting.

1648

4:52 P.M. – PUBLIC FORUM ADJOURNED

5:32 P.M. – REGULAR BOARD MEETING CONVENED

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA

1. Call to Order

Chairman Young called the Regular Meeting of the Board of County Commissioners to order at 5:32 p.m.

2. Invocation

Chairman Young advised that Reverend Floyd Peacock, Pastor, New Birth Missionary Baptist Church, would deliver the Invocation.

3. Pledge of Allegiance to the Flag

Chairman Young advised that Commissioner White would lead the Pledge of Allegiance to the Flag.

4. Adoption of the Agenda

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried unanimously, adopting the agenda as prepared and duly amended (*to include Commissioner White's add-on item, under Written Communication, concerning a request from Nathanielle S. Kersey during Public Forum to forgive a Code Enforcement Lien*).

1734

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

5. Commissioners' Forum

1736

A. District 2 – Commissioner Valentino:

- (1) Requested that the "Green Way" in Escambia County be used as a promotional tool for tourism; and
- (2) Advised that over 150 students in the Home School Program participated in a mock County Commission Meeting, which counted as credit towards the students' Political Science course;

B. District 1 – Commissioner Robertson commented on the "Green Way" in Escambia County and thanked staff for a successful District 1 Town Hall Meeting concerning Saufley Field Landfill;

C. District 5 – Commissioner White advised that he has spoken with Code Enforcement regarding the enforcement of violations concerning signs affixed to trees;

D. District 4 – Commissioner Robinson thanked Larry Newsom and Becky Azelton for work they've been doing with Belle Meadows and Ridgefield Estates Homeowners' Association, and expressed appreciation to District 4 Citizens' Academy participants; and

E. District 3 – Commissioner Young advised that the Gary Circle and Ebonwood Projects will be starting next week.

6. Presentation of an official gift to Escambia County, presented by Celebrate Pensacola, from King Juan Carlos I and Queen Sofia, of Spain.

1745

Speaker(s):

Maria Davis
Nancy Halford

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

7. Written Communication

A. Code Enforcement Lien – Marc and Darlene Robert

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried unanimously, approving to forgive the fines and collect the hard costs, relative to a communication, dated January 5, 2009, from Charles P. Hoskin, Emmanuel, Sheppard & Condon, on behalf of Marc and Darlene Robert, requesting that the Board release a Code Enforcement Lien (*recorded in Official Records Book 6001, Page 814*), against property located at 41 Sugar Bowl Lane.

1753

Speaker(s):

Charles P. Holskin

B. Code Enforcement Lien – Harold Pridgen

Motion made by Commissioner Robertson, seconded by Commissioner Robinson, and carried unanimously, approving to collect the hard costs, in the amount of \$1,349, and waive the fines, relative to a communication, dated January 28, 2009, from Harold Pridgen requesting that the Board forgive a Code Enforcement Lien against property located at 2240 West Detroit Boulevard.

1755

Speaker(s):

Harold Pridgen

(Continued on Page 5)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

7. Continued...

C. Code Enforcement Lien – Laarni B. Sheppard

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, approving to remove the Lien from property located at 2752 Gandy Lane and from Ms. Sheppard, so that it only attaches to the tenant, who is the violator, relative to an email communication, dated February 6, 2009, from Laarni B. Sheppard concerning a Code Enforcement Lien, recorded in Official Records Book 6111, Page 264, against property located at 2752 Gandy Lane.

1757

Speaker(s):

Irene Sevilla

D. Code Enforcement Lien – Nathanielle S. Kersey

Motion made by Commissioner Robertson, seconded by Commissioner Robinson, and carried unanimously, approving to waive the \$325 in fines and leave the \$1,100 Lien on the Homestead property, relative to a request, made during Public Forum, from Nathanielle S. Kersey that the Board consider forgiving a Code Enforcement Lien against property located at 1844 Loyola Street.

1758

Speaker(s):

Nathanielle S. Kersey

REGULAR BCC AGENDA – Continued

8. Proof of Publication

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

1810

A. The following two Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on February 23, 2009, for consideration of adopting an Ordinance creating the Chasefield Subdivision Street Lighting MSBU; and
- (2) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on February 20, 2009, for consideration of an Interlocal Agreement providing for Navy participation in decisions regarding land development in Escambia County; and

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule March 2, 2009 – March 6, 2009 – Legal No. 221178*, as published in the Pensacola News Journal on February 28, 2009, as follows:

- March 2 5:30 p.m. Marine Advisory Committee
- March 3 1:30 p.m. Environmental Enforcement Special Magistrate
- March 4 8:30 a.m. Examination Committee for Competency Board
- March 4 8:30 a.m. Jones Swamp Trail Tour
- March 4 9:00 a.m. Construction Industry Competency Board
- March 4 1:00 p.m. Development Review Committee
- March 5 9:00 a.m. Agenda Work Session
- March 5 11:00 a.m. BCC Information Technology Governance Council
- March 5 1:30 p.m. Citizens Environmental Committee
- March 5 4:20 p.m. Community Redevelopment Agency
- March 5 4:30 p.m. Board of County Commissioners Public Forum
- March 5 5:30 p.m. Board of County Commissioners Public Hearings & Reports

NEXT WEEK'S NOTE:

- March 9 9:00 a.m. Planning Board
- March 9 1:00 p.m. FL-AL TPO – Technical Coordinating Committee
- March 9 3:30 p.m. FL-AL TPO – Citizens Advisory Committee

REGULAR BCC AGENDA – Continued

9. 5:31 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried unanimously, adopting, and authorizing the Chairman to sign, the Ordinance (*Number 2009-6*) creating the Chasefield Subdivision Street Lighting Municipal Services Benefit Unit (MSBU), and all related documents, and making the following findings of fact:

1811

- A. Lots in the District are specially benefited since street lighting not only increases the market value of an individual lot in the District, but also increases safety in the District surrounding individual lots and the ability of lot owners to use their individual lots after dark;
- B. The benefit from improved street lighting varies according to the relative size of the affected lots; residential lots benefit from improved street lighting uniformly because of the small variation in size throughout the District;
- C. The non-ad valorem special assessments levied represent a fair and reasonable apportionment of the cost of the special benefit received by each lot and do not represent a fair share of the cost of general governmental service provided to residents in the unincorporated areas of Escambia County; and
- D. Lots which do not receive a special benefit have been and shall be excluded from the non-ad valorem special assessment for street lighting.

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

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

I. CONSENT AGENDA

1-5. Approval of Various Consent Agenda Items

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

1811

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

1811

- A. Payroll Expenditures as of Payday February 20, 2009, in the amount of \$2,280,369.36; and

- B. The following two Disbursement of Funds:

- (1) February 12, 2009, to February 18, 2009, in the amount of \$2,199,150.00; and

- (2) February 19, 2009, to February 25, 2009, in the amount of \$3,255,547.42.

2. Approving seven forms, *Requests for Disposition of Property*, indicating equipment to be sold as surplus and/or appropriately disposed of; the Requests were prepared by various County Bureaus and state the reasons for disposition/reinstatement.

1811

3. Accepting, for filing with the Board's Minutes, the Financial Statements for the Santa Rosa Island Authority for the Fiscal Year ended September 30, 2008, as prepared and audited by Carr, Riggs & Ingram, LLC, Certified Public Accountants and Consultants.

1811

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

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

1811

A. A copy of the *Oath of Office*, dated January 6, 2009, administered by the Honorable Kim A. Skievaski, Chief Judge, First Judicial Circuit, Escambia County, to the Honorable Ernie Lee Magaha, Clerk of the Circuit Court, First Judicial Circuit, Escambia County; and

B. The original *Florida Department of State, Division of Library and Information Services, State Aid to Libraries Grant Agreement*, approved by the Board on September 18, 2008, and received in the Clerk to the Board's Office on February 13, 2009.

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

1811

A. Approving the Minutes of the Attorney-Client Session held February 19, 2009;

B. Approving the Minutes of the Public Forum Work Session and Regular Board Meeting held February 19, 2009;

C. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session, held February 18, 2009, for the February 19, 2009, BCC Meeting, as follows:

1. FOR INFORMATION: The agenda package for the 5:30 p.m., February 19, 2009, Regular Board Meeting was reviewed as follows:

A. Shirley L. Gafford, Program Coordinator, County Administrator's Office, County Attorney Rogers, and Sandra Slay, Division Manager, Office of Environmental Enforcement, reviewed the agenda cover sheet;

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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 February 18, 2009, Agenda Work Session – Continued
 1. Continued...
 - B. Cheryl Maher, Accounting Supervisor, Clerk & Comptroller's Office, reviewed the Clerk's Report;
 - C. T. Lloyd Kerr, Bureau Chief, Development Services Bureau, reviewed the Growth Management Report;
 - D. Shirley L. Gafford, Program Coordinator, County Administrator's Office, Michael Hardin, Bureau Chief, Public Safety Bureau, Stephen G. West, Assistant County Attorney, Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, and Claudia Simmons, Purchasing Manager, reviewed the County Administrator's Report;
 - E. Stephen G. West, Assistant County Attorney, reviewed the County Attorney's Report; and
 - F. Commissioner White reviewed his add-on item.
 2. FOR INFORMATION: Upon the request from Chairman Young for an update concerning Fire Services, County Administrator McLaughlin advised that Chief Perkins and Assistant Chief Whitfield had resigned as of yesterday (*February 17, 2009*), and that Chief Sanders will be acting Fire Chief until a permanent Chief is hired.

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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 February 12, 2009, as follows:

AGENDA NUMBER

1. Call To Order

Vice Chairman Robinson called the Committee of the Whole (C/W) to order at 9:02 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 February 7, 2009, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule February 9, 2009 – February 13, 2009, 2009, Legal No. 219254*.

3. Core Improvements Santa Rosa Island Authority (Referred from 12/18/08 C/W)

A. Discussion – The C/W heard an update concerning Core Improvements Santa Rosa Island Authority ([SRIA], *Pensacola Beach Core Development*) from W. A. "Buck" Lee, Executive Director, SRIA, who advised that:

(1) The first Public Workshop will be held March 18, 2009, at the Pensacola Beach Community Church; and

(2) The 1992 Bond document requires sign-off by the City of Gulf Breeze for any increase in the (*Bob Sikes Bridge Toll Facility*) toll; 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 February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Contracting Process for Engineering Projects

A. Discussion – The C/W discussed the Contracting Process for Engineering Projects, and viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Architect & Engineering*, presented by Claudia Simmons, Purchasing Manager, and the C/W:

- (1) Heard a disclosure from Commissioner Robertson that his nephew is a Senior Partner with Thompson Engineering, Mobile, Alabama; however, he is not precluded from discussing this issue at this time;
- (2) Following comments from David Peaden concerning the difficulty obtaining a list of engineering firms that do business with the County, was advised by Ms. Simmons that staff has the ability to provide a list of all Purchase Orders that have been issued to engineering firms since October 1, 2007;
- (3) Was advised by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, that if someone wishes to provide a list of the firms by name, the Clerk's Office can provide a payment history from 1997 forward;
- (4) Heard the request from Steve Geci that a policy be developed that would allow "piggybacking" on contracts with other firms;

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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 February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

A. Continued...

- (5) Heard the suggestion from Charles Baxley that the Board form a committee, comprised of representatives from engineering firms and County staff, to develop a suggested resolution to the selection process;
- (6) Was advised by County Attorney Rogers that a Board-appointed committee would be subject to the provisions of the "Sunshine Law";
- (7) Heard the suggestion from Jeff Helms that time be scheduled monthly or quarterly to allow representatives of new firms and minority businesses to make presentations to County staff and department heads;
- (8) Heard comments from Todd Stafford regarding the *(EAR-based)* Comprehensive Plan Amendment, and was advised by Commissioner Robinson that the Board might need to schedule a Special C/W Workshop to discuss this issue; 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 February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Scenic Highway Land Swap/Sale

- A. Discussion – The C/W discussed the Scenic Highway Land Swap/Sale; and
- B. Board Direction – The C/W recommends that the Board approve to declare as surplus the *(County-owned)* property *(located on Scenic Highway)*.

Recommended 4-0, with Commissioner Young absent

6. Code Enforcement Liens

- A. Discussion – The C/W discussed Code Enforcement Liens, and the C/W:
 - (1) Was advised by County Attorney Rogers that, although Chapter 162, Florida Statutes, *"Local Government Code Enforcement Boards Act,"* established the Code Enforcement Lien process currently used by the County, the Board can enact an Ordinance establishing its own procedures, including provisions by which Code Enforcement Liens become "super-priority" liens; and
 - (2) Was advised by Commissioner Robinson that the Board should adopt its own procedures; however, Code Enforcement Liens should not attach to homestead property; 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 February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Pfeiffer's Cemetery Access

A. Discussion – The C/W discussed Pfeiffer's Cemetery Access, and the C/W:

(1) Was advised by County Attorney Rogers that:

(a) Pfeiffer Cemetery is located on a large parcel of private property owned by Christine Marks, who has previously granted access to the Cemetery; however, because of illegal dumping on the property, and the related Code Enforcement issues, Neil Nash, Ms. Marks' son-in-law, has placed concrete barriers to block the dirt roadways, thereby preventing vehicular access to the Cemetery; and

(b) Mr. Nash is willing to enter into a license agreement by which the County would be granted an access easement and accept responsibility for the barriers, and, further, it is her opinion that there is sufficient public interest and concern that the matter can be pursued, although there is no legal requirement to do so;

(2) Was advised by Commissioner Robertson that, in light of the public interest, he would recommend that the County accept an easement to the roadway and erect a chain link fence around the Cemetery and the roadway, with a gate to provide access to Mr. Nash's property;

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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 February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

A. Continued...

(3) Heard the request from Commissioner Robinson that staff provide a proposal that includes the budgetary impact and the funding source prior to the Board taking any action regarding this issue; and

(4) Upon inquiry from Commissioner Robertson, was advised by County Attorney Rogers that Local Option Sales Tax funds cannot be used to fund projects on private property; and

B. Board Direction – None.

8. Lobbyist Services for Escambia County, Florida

A. Discussion – The C/W discussed Lobbyist Services for Escambia County, Florida, and was advised by County Administrator McLaughlin that the County Administrator's Report for the February 19, 2009, Regular Board Meeting, will include a recommendation regarding this issue; 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 February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 9. Nuisance Abatement Lien Daily Fines Assessment Policy – Statute of Limitations (Possibly Consider Setting a Maximum Accrual 25-50% of Property Value [Referred from BCC Agenda Review 11/06/08])
 - A. Discussion – The C/W discussed the Nuisance Abatement Lien Daily Fines Assessment Policy – Statute of Limitations, and was advised by County Attorney Rogers that this issue has been resolved, in that the Special Magistrate, at the time the Order is issued, can establish the maximum amount of the daily fines, with a statement on the Order that reads "*however, in no event shall the fine ever accrue to over 'X' amount*"; and
 - B. Board Direction – None.
- 10. Traffic Calming Policy
 - A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Traffic Calming Devices*, presented by Larry Newsom, Director of Transportation, concerning the Traffic Calming Policy, and heard the suggestion from Commissioner Robertson that the County use the Municipal Services Benefit Unit process for traffic calming; and
 - B. Board Direction – None.

(Continued on Page 18)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

11. Traffic Concurrency

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled *Transportation 2009*, presented by Larry Newsom, Director of Transportation, concerning Traffic Concurrency, and the C/W:

- (1) Upon inquiry from Commissioner Robertson, was advised by County Attorney Rogers that the Code requires use of the most recent counts to evaluate traffic concurrency; and
- (2) Heard the request from Commissioner White that Mr. Newsom proceed with developing proposed language for an LDC (*Land Development Code*) Ordinance amendment; and

B. Board Direction – None.

12. Resolution to Suspend Traffic Concurrency

A. Discussion – The C/W discussed the Resolution to Suspend Traffic Concurrency and was advised by County Administrator McLaughlin that staff's recommendation was that the Board not adopt a Resolution requesting legislation to suspend traffic concurrency (*as requested by Walton County*); 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...
- D. Report of the February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

13. Unfunded Mandates Resolution

- A. Discussion – The C/W discussed the Unfunded Mandates Resolution; and
- B. Board Direction – The C/W recommends that the Board approve to support Walton County's request *(and adopt a Resolution requesting Governor Charlie Crist and the Florida Legislature to not support legislation that would shift expenditures and the cost of programs to local government to assist the State of Florida in overcoming its budget shortfall and requesting that the State review expenditures and program costs that have been shifted to local government and ensure that unfunded mandates have not already been placed upon local government)*.

Recommended 4-0, with Commissioner Young absent

- 14. Partnership with Pensacola Junior College on Fire Rescue Training Infrastructure
 - A. Discussion – The C/W discussed the Partnership with Pensacola Junior College (PJC) on Fire Rescue Training, and the C/W:
 - (1) Heard a disclosure from Commissioner Robinson that he serves on the Board of the PJC Foundation; however, because of the volunteer nature of his position, he is not precluded from voting or taking any action on this issue; 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 February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

14. Continued...

A. Continued...

(2) Was advised by County Administrator McLaughlin that Dr. Edward Meadows, President, PJC, has requested that the Board partner with PJC and allow PJC to continue to use the County's Local Option Sales Tax funds, in order to obtain matching funds for fire and rescue training facilities, classrooms, and instruction; and

B. Board Direction – The C/W recommends that the Board approve to terminate the *(Interlocal) Agreement (among Escambia County, Florida, the Escambia Sheriff’s Office, the District Board of Trustees of Pensacola Junior College, Florida, and the Pensacola Junior College Foundation, Inc. [regarding the Joint Training Range Project, a/k/a "Joint Use Training Facility," "Escambia County Gun Firing Range and Public Safety and Fire Training Complex," "Regional Public Safety Training Facility," and "Public Safety Law Enforcement Regional Training Complex"])* and request that the County's funds *(totaling \$10,907,469)* be returned.

Recommended 4-0, with Commissioner Young absent

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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 February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

15. Speaking Request Forms

- A. Discussion – The C/W discussed Speaking Request Forms, and the C/W:
 - (1) Was advised by County Administrator McLaughlin that Bob Kerrigan has expressed a concern that the current Speaking Request Form is threatening and inhibits citizens from addressing the Board; and
 - (2) Was advised by County Attorney Rogers that Mr. Kerrigan's specific complaint is that the Form requires an address; and
- B. Board Direction – The C/W recommends that the Board approve leaving the Speaking Request Form as it is.

Recommended 4-0, with Commissioner Young absent

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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 February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

16. Saufley Landfill Closure Plan

- A. Discussion – The viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Saufley Field Road: C&D Landfill – Revitalization and Improvements*, presented by Pat Johnson, Division of Solid Waste Management, and the C/W:
 - (1) Heard the request from Commissioner Robertson that staff determine the additional costs to reduce the proposed ungraded area from 20 feet to 10 feet and provide the information at a public meeting on February 24, 2009;
 - (2) Upon inquiry from Commissioner White, was advised by County Attorney Rogers that the County will need to take possession of the property before Local Option Sales Tax funds can be used for the improvements;
 - (3) Was advised by County Administrator McLaughlin that there are approximately \$675,000 in DEP (*Department of Environmental Protection*) liens against the property, which DEP will not forgive; however, DEP might assist the County with the site remediation;
 - (4) Was advised by Mr. Johnson that the projected cost is approximately \$6 million, including a \$2 million roadway and drainage project by Public Works; 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 February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

16. Continued...

A. Continued...

(5) Was advised by County Administrator McLaughlin that a funding request has been included in the County's stimulus packages and the appropriations cycle submissions for the closure of the landfill and the landscaping; and

B. Board Direction – None.

17. ECAT Advisory Committee Recommendations / Reactivating Advisory Committee

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *ECAT Citizens Advisory Committee Recommendations – Establishment of a Permanent Citizens Advisory Committee*, presented by Marilyn Wesley, Director, Community Services, concerning the ECAT (*Escambia County Area Transit*) Advisory Committee Recommendations / Reactivating Advisory Committee, and the C/W:

(1) Was advised by Commissioner White that the City of Pensacola should not have a representative on the Committee because the City does not participate in funding ECAT;

(Continued on Page 24)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

17. Continued...

A. Continued...

- (2) Was advised by Commissioner Robertson that, while he agrees with Commissioner White, City representation might result in restored City funding;
- (3) Was advised by Commissioner Robinson that an alternative funding source should be considered (*as opposed to utilizing General Fund revenues*);
- (4) Heard the suggestion from Commissioner Robertson that existing staff be utilized for preparation of meeting agenda and minutes;
- (5) Heard the request from County Administrator McLaughlin that the Committee include a non-voting member from Santa Rosa County, to be appointed by the Santa Rosa County Administrator; and
- (6) Was advised by Commissioner White that the Committee should consist of the Committee-recommended 13 voting members, plus the non-voting member from Santa Rosa County, for a total of 14 members; and

B. Board Direction – None.

(Continued on Page 25)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 18. Medical Examiners Commission – Recommendation for Reappointment, District 1 Medical Examiner, Dr. Andrea N. Minyard
 - A. Discussion – The C/W discussed the Medical Examiners Commission – Recommendation for Reappointment, District 1 Medical Examiner, Dr. Andrea N. Minyard; and
 - B. Board Direction – The C/W recommends that the Board approve the reappointment of Dr. Andrea N. Minyard as the District 1 Medical Examiner, and authorize the County Administrator to execute and submit the form (*Medical Examiners Commission Recommendation for Reappointment*).

Recommended 4-0, with Commissioner Young absent

- 19. Siguenza Cove Dredging
 - A. Discussion – The C/W viewed and discussed a PowerPoint Presentation concerning Siguenza Cove Dredging, presented by Joy D. Blackmon, Bureau Chief, Public Works Bureau, and the C/W:
 - (1) Was advised by Ms. Blackmon that Patricia "Trish" Altgilbers had brought to staff's attention that in 2005 the County performed dredging of a canal in Bayou Grande Villas (*on July 7, 2005, the Board awarded a Contract, in the amount of \$149,520, to Subaqueous Services for "Bayou Grande Villas Maintenance Dredging"*);

(Continued on Page 26)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

19. Continued...

A. Continued...

(2) Was advised by County Attorney Rogers that:

(a) It is her opinion that the two plats (*Siguenza Cove Subdivision and Bayou Grande Villas*) are very similar, in that both plats include a dedicated public right-of-way, or easement, the end result of which is a dedication to the public, with a residual interest in the adjoining property owners; and

(b) It appears that the County accepted the dedication of the canal in Bayou Grande Villas; however, it is her legal opinion there is no evidence of an acceptance of the canal at Siguenza Cove;

(3) Was advised by County Administrator McLaughlin that when the issue arose regarding Bayou Grande Villas, staff received a legal opinion from the County Attorney's Office that the canal was, in fact, public right-of-way that was accepted by the County for maintenance;

(Continued on Page 27)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

19. Continued...

A. Continued...

- (4) Was advised by Commissioner Valentino that an email from Steve West, Assistant County Attorney, indicated that it was his opinion that, although the canal (*in Bayou Grande Villas*) was dedicated, the County never accepted the dedication and had no legal obligation to maintain the canal; however, staff had obtained the Board's approval to dredge the canal, establishing what he, Commissioner Valentino, believed to be a precedent; therefore, he would request that the Board agree that dredging of the Siguenza Cove canal serves a public purpose;
- (5) Upon inquiry from Commissioner White, was advised by Ms. Blackmon that the estimated cost to dredge the Siguenza Cove canal is \$180,000; however, she would not recommend that the County dredge the canal unless the Board accepts the maintenance, which would allow staff to identify it as a project;
- (6) Upon inquiry from Commissioner Robertson concerning the ability for the County to dredge the Siguenza Cove canal on a one-time basis, was advised by Commissioner Valentino that his initial strategy was to obtain funding with which to perform a one-time substantial dredging of the canal and then vacate the canal;

(Continued on Page 28)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the February 12, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

19. Continued...

A. Continued...

(7) Was advised by County Attorney Rogers that if the Board spends public funds to dredge the canal, then it would be indicating that there is a sufficient public interest; whereas, vacating the canal would indicate that there is not a sufficient public interest; and

(8) Heard the request from Commissioner Robertson that staff contact Randy Wilkerson, Neighborhood Enterprise Foundation, Inc., and inquire about grant funds that might be available to perform the dredging; and

B. Board Direction – None.

(Continued on Page 29)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
5. Continued...
- D. Report of the February 12, 2009, C/W Workshop – Continued

ITEMS ADDED TO THE AGENDA

1. FOR INFORMATION: The C/W heard the request from County Administrator McLaughlin that the Board allow him to continue discussions with Al Coby (*City Manager*) and Stephen Sorrell (*Executive Director, Emerald Coast Utilities Authority*) regarding solid waste management, with a consensus that County Administrator McLaughlin should continue the discussions.
2. FOR INFORMATION: The C/W:
 - A. Was advised by County Administrator McLaughlin that Tom Gilliam, Attorney representing Pensacola Junior College, has received a request from RMS Corporation, the owner of 600-plus acres of property that the County had considered purchasing for the proposed Training Facility, for reimbursement of \$11,000 in lost hunting license fees; and
 - B. Was advised by Commissioner Robertson, with a consensus, that the Board is not obligated to reimburse the fees.
3. FOR INFORMATION: The C/W heard comments from Commissioner Valentino regarding Escambia County School teachers Jeff and Marietta McCaskill, who traveled to New Zealand last June and learned that, in New Zealand, the wind, geothermal, and hydro sources of power were enough to cover the cost of their County's operations.
4. FOR INFORMATION: The C/W heard comments from Commissioner Robinson regarding the fact that he did not include a road in District 4 on the resurfacing list because the road is not in the County's jurisdiction.

(Continued on Page 30)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
5. Continued...
- D. Report of the February 12, 2009, C/W Workshop – Continued

ITEMS ADDED TO THE AGENDA – Continued

5. FOR INFORMATION: The C/W was advised by Commissioner Robinson that the Agenda Work Session for the February 19, 2009, Regular Board Meeting, has been rescheduled for Wednesday, February 18, 2009, at 9:00 a.m., because of the ceremonies for the Spanish Royal Party (*King Juan Carlos I and Queen Sophia*), on Thursday, February 19, 2009.

AGENDA NUMBER – Continued

20. Adjourn

Vice Chairman Robinson declared the C/W Meeting adjourned at 12:54 p.m.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

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

I. PUBLIC HEARINGS

1. 5:45 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning an Interlocal Agreement between Escambia County and the United States Navy (*regarding the Joint Land Use Implementation Oversight Committee [JLUS IOC]*):

1812

- A. Approving an update to the Navy/County Interlocal Agreement; and
- B. Authorizing the Chairman to sign the *Interlocal Agreement to Provide for Navy Participation in Decisions Regarding Land Development in Escambia County*.

Speaker(s) – None.

II. ACTION ITEM

1. Sunshine Hill Estates Final Plat

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, dropping the recommendation that the Board take the following action concerning recording of the Final Plat of Sunshine Hill Estates (a 22-lot, single-family, private residential subdivision, with private streets), located in the Sunny Hill Community on Sunny Hill Road and lying west of Atmore Highway (Florida State Road 97), owned and developed by BCK Properties, 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:

1812

- A. Approve the Final Plat for recording;
- B. Approve the street names "Sunny Brook Court" and "Sunshine Ridge Court"; and
- C. Authorize the Chairman or Vice Chairman to execute a *Release of Claims for Damages, Hold Harmless, and Indemnification Agreement (Limited Liability Company)*, and a *Conservation Easement (Limited Liability Company)*.

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA

1. Scheduling of Public Hearings

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

1813

- A. 5:45 p.m. – Thursday, March 19, 2009 – A Public Hearing to review and adopt Large-scale Comprehensive Plan Amendment (CPA 2009-01A), an amendment to Part II of the Escambia County Code of Ordinances 1999, the Escambia County Comprehensive Plan, as amended, amending Chapter 7, “Future Land Use Element,” providing for an amendment to the Year 2020 Future Land Use Map, as amended, changing the Future Land Use Category of two parcels, totaling 91.88 acres, along East Quintette Road, from Cottage Hill/Quintette Activity Area (AA-15), to Industrial (I); and
- B. 5:45 p.m. – Thursday, April 2, 2009 – A Public Hearing to (*consider adopting an Ordinance to*) amend the Official Zoning Map to include the following Rezoning Cases heard by the Rezoning Hearing Examiner on February 23, 2009:

- (1) Case Number: Z-2009-01
Location: 8895 Untreiner Avenue
Property Reference Numbers: 10-1S-30-1101-091-001, 10-1S-30-1101-102-001, and 10-1S-30-1101-095-001
Property Size: 4.36 (+/-) acres
From: R-5, Urban Residential / Limited Office District, High Density (cumulative) (20 dwelling units per acre)
To: C-2, General Commercial and Light Manufacturing District (cumulative) (25 dwelling units per acre)
FLU Category: C, Commercial
Commissioner District: 3
Requested by: Wiley C. “Buddy” Page, Agent for Angus and Wanda Brewton, Owners

(Continued on Page 33)

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA

1. Continued...

B. Continued...

- (2) Case Number: Z-2009-02
Location: 1332 Creighton Road
Property Reference Numbers: 31-1S-30-2202-000-001, 31-1S-30-2202-000-002, 31-1S-30-2202-000-003, and 31-1S-30-2204-000-001

Property Size: 2.3 (+/-) acres
From: R-4, Multiple-Family District, Medium-High Density (cumulative) (18 dwelling units per acre), and C-1, Retail Commercial District (cumulative) (25 dwelling units per acre)
To: C-1, Retail Commercial District (cumulative) (25 dwelling units per acre)
FLU Category: MU-1, Mixed Use 1
Commissioner District: 4
Requested by: Wiley C. "Buddy" Page, Agent for Woerner Investments, LLC, Owner

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

1-10. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 10, as follows, as amended to refer Item 1 to the March 12, 2009, Committee of the Whole Workshop, and amend Items 9 and 10 to allow only one representative from the Board to attend (*Item 11 was held for a separate vote*):

1813

1. Referring to the March 12, 2009, Committee of the Whole Workshop, the recommendation that the Board take the following action concerning a Separation (*Severance*) Incentive Program:
 - A. Adopt the Resolution authorizing a Separation (*Severance*) Incentive Program to allow qualified employees of the Board or other participating Constitutional Officers to separate from employment; and
 - B. Extend this Program to any Elected Official (Clerk of the Circuit Court [non-court programs], Supervisor of Elections, Property Appraiser, Tax Collector, or Sheriff), who wishes to participate.
2. Adopting the revised *Family and Medical Leave Act (FMLA) Policy* to include the provisions of the National Defense Authorization Act and to provide clarity to employers and employees about their responsibilities, rights, and obligations under the FMLA; the National Defense Authorization Act also established the rules for military family leave that expands the coverage of the FMLA.
3. Adopting the revised Policy, entitled, *Vehicle Policy*, amending Section II, Part B.23, of the Board of County Commissioners' Policy Manual.
4. Authorizing the scheduling of a Public Hearing for April 2, 2009, at 5:32 p.m., to consider the Petition to Vacate an unnamed right-of-way of varying width (approximately 10,750 square feet, or 0.25 acre), located in Bowling Green Subdivision, as petitioned by 1211, LLC.

1813

1813

1813

1813

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-10. Approval of Various Consent Agenda Items – Continued

5. Authorizing the scheduling of a Public Hearing for April 2, 2009, at 5:31 p.m., to consider the proposed vacation, on the Board's own motion, of a 10-foot-wide Drainage Easement (10 feet x 801.28 feet = 8,012.80 square feet, or .18 acre), located on Nowak Road. 1813
6. Authorizing the scheduling of a Public Hearing for March 19, 2009, at 5:31 p.m., to consider adopting the Pinestead Road/Longleaf Drive Corridor Study, Neighborhood Improvement Plan. 1813
7. Ratifying the (*March 5, 2009*) action of the Escambia County Community Redevelopment Agency authorizing the scheduling of a Public Hearing on Thursday, March 19, 2009, at 5:32 p.m., to consider adopting a Resolution to amend the Englewood Area Redevelopment Plan. 1813
8. Taking the following action concerning the *Agreement between Gulf Islands National Seashore and Escambia County Fire Services (Agreement No. G5320080057)*: 1813
 - A. Approving the Agreement between Gulf Islands National Seashore and Escambia County Fire Services to provide personal services and equipment required for prevention/suppression of vehicle, structural, and wildland fire or hazardous material incidents, and the protection of life and property from such fires or incidents in the Fort Pickens Area, the Santa Rosa Area, and the Perdido Key Area, administered by Gulf Islands National Seashore; and
 - B. Authorizing the Chairman to sign the Agreement.
9. Authorizing out-of-County travel for only one representative from the Board to participate in meetings with Northwest Florida's Congressional Delegation in Washington, DC, on May 12-14, 2009. 1813
10. Authorizing out-of-County travel for only one representative from the Board to attend the Florida Public Transit Association meetings in Washington, DC, on March 9-11, 2009. 1813

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

11. Sterling Challenge's On-Site Review

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried 4-1, with Commissioner White voting "no," authorizing Escambia County's participation in Sterling Challenge's On-Site Review by Sterling Examiners, March 21-27, 2009 (*reimbursement of travel expenses for Sterling Examiners to be paid from Cost Center 110301, Account 54001*).

1814

II. BUDGET/FINANCE CONSENT AGENDA

1-19. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving Consent Agenda Items 1 through 19, as follows, with the exception of Items 4, 9, 10, and 12, which were held for separate votes:

1817

1. Taking the following action concerning approval of the Amendment to the Fiscal Year 2008-2009 Miscellaneous Appropriations Agreement for the Arts Council of Northwest Florida, Inc.:
 - A. Approving the Amendment to the Fiscal Year 2008-2009 Miscellaneous Appropriations Agreement, amending Section 3, increasing the allocation by \$500, for a total allocation of \$100,500, to be paid from the 4th Cent Tourist Development Tax Fund (108), Cost Center 360105;
 - B. Authorizing the Chairman to sign the Amendment and all other necessary documents; and
 - C. Approving the necessary Change Order.
2. Approving a Purchase Order, in the amount of \$560,000, for Santa Rosa Island Authority, to be paid from the General Fund (001), Cost Center 110201, Account 58101, relative to the September 18, 2008, Board action which defeased the 2002 Capital Improvement Revenue Bonds.

1817

1817

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

3. Adopting the Resolution (*R2009-32*) approving Supplemental Budget Amendment Number 131, General Fund (001) and Community Development Block Grant Fund (129), in the amount of \$4,822,236, to recognize funds from the U. S. Department of Housing (*and Urban Development*) and appropriate these funds for the Neighborhood Stabilization Program.

1817

4. See Page 42.

5. Adopting the Resolution (*R2009-34*) approving Supplemental Budget Amendment Number 138, Other Grants and Projects Fund (110), in the amount of \$150,000, to recognize funding from the Florida Department of Transportation and appropriate these funds for the design of paved shoulders and bicycle lanes on 2nd Street, from Interbay Avenue to Barrancas Avenue.

1817

6. Adopting the Resolution (*R2009-35*) approving Supplemental Budget Amendment Number 139, E911 Operations Fund (145), in the amount of \$274,477, to recognize proceeds from an E911 State Grant Program and to appropriate the funds for an E911 Management Information System.

1817

7. Adopting the Resolution (*R2009-36*) approving Supplemental Budget Amendment Number 140, Other Grants and Projects Fund (110), in the amount of \$61,324, to recognize proceeds from an Emergency Medical Services County Award Grant and to appropriate these funds for the purchase of medical supplies.

1817

8. Adopting the Resolution (*R2009-37*) approving Supplemental Budget Amendment Number 142, General Fund (001), in the amount of \$11,599, to recognize an increase in utility proceeds from the Department of Juvenile Justice Lease Number 800:0331 and to appropriate the funds for the increase in utilities imposed by Gulf Power.

1817

9. See Page 43.

10. See Page 44.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

11. Approving, and authorizing the County Administrator to execute, the following Change Order (Funding Source: Fund 351, Local Option Sales Tax II, Account 210105/56301, Project No. 05EN1973):

1817

Bureau:	Public Works
Division:	Engineering
Type:	Addition
Amount:	\$27,744.96
Vendor:	Starfish, Inc.
Project Name:	Rhythm (<i>Drive</i>) and Melody Lane Roadway and Drainage Improvements
Contract:	07-08.032
Purchase Order Number:	281283
Change Order Number:	4
Original Award Amount:	\$492,637.70
Cumulative Amount of Change Orders through this Change Order:	<u>\$ 64,585.96</u>
New Contract Total:	\$557,223.66

12. See Page 42.

13. Taking the following action concerning the purchase of real property, owned by Leonard G. Grenier and Eddie R. Grenier, for right-of-way for the Ten Mile Road at Chemstrand Road Intersection Improvement Project (Funding Source: Fund 352, Local Option Sales Tax III, Account 210107/56301/56101, Project 08EN0255):

1817

- A. Authorizing staff to purchase a portion of property, owned by Leonard G. Grenier and Eddie R. Grenier (approximately 6,034 square feet, or 0.14 acre), for the Ten Mile Road at Chemstrand Road Intersection Improvement Project, for the negotiated price of \$10,500;
- B. Authorizing the payment of documentary stamps because this property is being acquired for governmental use to improve the roadway and infrastructure at this intersection; this Project will benefit the County and its citizens by reducing traffic delays and providing greater safety; and
- C. Authorizing the Chairman to sign all documents needed to complete the purchase.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

14. Taking the following action concerning the purchase of property, owned by Ten Mile, LLC, for right-of-way for the Ten Mile Road at Chemstrand Road Intersection Improvement Project (Funding Source: Fund 352, Local Option Sales Tax III, Account 210107/56301/56101, Project 08EN0255):

1817

A. Authorizing staff to purchase a portion of property, owned by Ten Mile, LLC (approximately 204 square feet, or 0.01 acre), for the Ten Mile Road at Chemstrand Road Intersection Improvement Project, for the negotiated price of \$408;

B. Authorizing the payment of documentary stamps because this property is being acquired for governmental use to improve the roadway and infrastructure at this intersection; this Project will benefit the County and its citizens by reducing traffic delays and providing greater safety; and

C. Authorizing the Chairman to sign all documents needed to complete the purchase.

15. Approving the Management Agreement between the Escambia County Board of County Commissioners and Mervyn Leroy Simmons for caretaker services at the Lake Stone Campground facility, and authorizing the County Administrator to sign the Agreement (funding is currently allocated in the Fiscal Year 2008-2009 Budget [Fund 001, General Fund, Cost Center 350204/220804], and will be budgeted in Fiscal Year 2009-2010).

1817

16. Approving a Purchase Order, in the amount of \$154,761.40, to SMG, for incentive fees for The Pensacola Civic Center, Fiscal Year 2007, to be paid from Fund 409 (Civic Center), Cost Center 221301, Object Code 53401.

1817

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

17. Taking the following action concerning a Coastal Dune Restoration Memorandum of Agreement (MOA) with the Florida Department of Environmental Protection (FDEP) Ecosystem Restoration Section:

1817

- A. Approving the MOA authorizing the FDEP to harvest and procreate plant stock from County coastal lands for approved dune restoration projects;
- B. Authorizing a \$50,000 expenditure from Local Option Sales Tax III, Fund 352, Project – Coastal Restoration, Cost Center 220102, Program Number 08NE0048, “Dune Restoration”; and
- C. Authorizing the Chairman to sign the MOA.

18. Taking the following action concerning a Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation, for funding (not to exceed \$150,000) for a design of paved shoulders along 2nd Street between Interbay Avenue and Barrancas Avenue (State Road [SR] 292):

1817

- A. Approving the *State of Florida Department of Transportation, Local Agency Program Agreement*, between the State of Florida Department of Transportation and Escambia County, for a design of paved shoulders along 2nd Street between Interbay Avenue and Barrancas Avenue (SR 292);
- B. Adopting a Resolution (*R2009-38*) authorizing the execution of the LAP Agreement; and
- C. Authorizing the Chairman to sign the LAP Agreement and Resolution for this Project.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

19. Authorizing the issuance of Individual or Blanket Purchase Orders, per PD 07-08.134, General Paving, Drainage and Resurfacing Pricing Agreement, in accordance with Chapter 4 of the Escambia County Code of Ordinances, to the following list of contractors, in Fiscal Year 2008-2009, to be issued from Solid Waste Fund 401, Cost Centers 220602, 220603, 220604, 220605, and 220608, for the Neighborhoods and Community Services Bureau, Solid Waste Division only, not to exceed \$1,500,000 in total:

1817

APAC-Southeast, Inc.
Henry Haire Building and Development, Inc.
Gulf Atlantic Constructors, Inc.
Panhandle Grading & Paving, Inc.
Pensacola Concrete Construction Co.
Roads, Inc., of NWF
Starfish, Inc., of Alabama
Utility Service Co., Inc.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

4&12. Approval of Two Consent Agenda Items

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, approving Consent Agenda Items 4 and 12, as follows:

1818

4. Adopting the Resolution (*R200-33*) approving Supplemental Budget Amendment Number 134, Local Option Sales Tax III (Fund 352), in the amount of \$3,278, to recognize funds from Gulf Power and appropriate these funds for the Ten Mile and Chemstrand Road Intersection Improvement Project.

1818

For Information: Commissioner Robinson disclosed that his business firm represented Mr. and Mrs. Coffey on the sale of investment property approximately two years ago; however, there is no ongoing relationship and he is not prevented from voting in this item.

12. Taking the following action concerning the purchase of property, owned by Carlton E. and Frances B. Coffey, for right-of-way for the Ten Mile Road at Chemstrand Road Intersection Improvement Project (Funding Source: Fund 352, Local Option Sales Tax III, Account 210107/56301/56101, Project 08EN0255):

1818

- A. Authorizing staff to purchase a portion of property, owned by Carlton E. and Frances B. Coffey (approximately 1,311 square feet, or 0.03 acre), for the Ten Mile Road at Chemstrand Road Intersection Improvement Project, for the negotiated price of \$3,277.50;
- B. Authorizing the payment of documentary stamps because this property is being acquired for governmental use to improve the roadway and infrastructure at this intersection; this Project will benefit the County and its citizens by reducing traffic delays and providing greater safety; and
- C. Authorizing the Chairman to sign all documents needed to complete the purchase.

For Information: Commissioner Robinson disclosed that his business firm represented Mr. and Mrs. Coffey on the sale of investment property approximately two years ago; however, there is no ongoing relationship and he is not prevented from voting in this item.

CHAIRMAN YOUNG RELINQUISHED THE CHAIR TO COMMISSIONER ROBINSON

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

9. Task Order, PD 07-08.141

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried 3-2, with Commissioner Valentino and Commissioner Young voting "no," approving to resubmit the project (solicitation) on an expedited time frame, relative to the recommendation that the Board take the following action concerning a Task Order for Design Services for Gulf Beach Highway Sidewalk Project from Blue Angel Parkway to Sorrento Road (Funding: Fund 352, Local Option Sales Tax III, Account 210107/56301, Project No. 08EN0092):

1819

A. Approve the following Selection/Negotiation Committee Ranking:

- (1) DRMP, Inc. (Dyer, Riddle, Mills & Precourt)
- (2) American Consulting Engineers of Florida, LLC
- (3) Hatch Mott MacDonald

B. Award a Task Order, PD 07-08.141, Design Services for Gulf Beach Highway Sidewalk Project from Blue Angel Parkway to Sorrento Road, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to DRMP, Inc., for a lump sum amount of \$119,313, with allowances of \$80,480, for a total of \$199,793.

Speaker(s):

Ben Faust
Steve Geci

VICE CHAIRMAN ROBINSON RELINQUISHED THE CHAIR TO COMMISSIONER YOUNG

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

10. Task Order, PD 08-09.012

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, awarding (*a Task Order*) to the Number 2 (*firm*) on the list, based on the fact that it tied with the Number 1 (*firm*), has a local presence and a local office, whereas the Number 1 (*firm*) does not, but was partnering with someone who does, and (*the Number 1 firm*) was not on the approved Vendor List as of the close of the Solicitation on October 23, 2008, which makes Fabre more qualified than the Number 1 (*firm*), relative to the recommendation that the Board take the following action concerning a Task Order for Chimes Way Park Design (Funding: Fund 151, Palafox Tax Increment Financing, Account 220517, Object Code 53101):

1903

A. Approve the following Selection/Negotiation Committee Ranking:

- (1) Wood+Partners, Inc.
- (2) Fabre Engineering, Inc.
- (3) Hatch Mott MacDonald

B. Award a Task Order, PD 08-09.012, "Chimes Way Park Design," per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to Wood+Partners, Inc., for a lump sum amount of \$46,500, with allowances of \$22,245, for a total of \$68,745.

Speaker(s):

David Malcolm
Ben Faust

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION

1. TDC Appointment

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried 4-1, with Commissioner Young voting "no," appointing Shirley K. Cronley to the Tourist Development Council (TDC), effective March 5, 2009, through November 30, 2009, as an "Interested in Tourism" appointee, filling the unexpired term of Andrew E. Rothfeder, who resigned.

1909

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

2-4. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving Consent Agenda Items 2 through 4, as follows (*Item 1 was held for a separate vote*):

1913

1. See Page 46.
2. Approving a Workers' Compensation washout settlement for former Deputy Jimmie Gunter, in the amount of \$291,832.39, inclusive of attorney fees and costs and any potential Medicare reimbursements; an excess insurance carrier shall reimburse the County for 100% of this settlement amount.
3. Accepting an offer from former employee James Snider to settle a Workers' Compensation Lien potentially valued at \$21,454.29; the County would receive \$5,000.00 and would be authorized to take a 15% offset from future benefits payments to Mr. Snider until the full value of the Lien is recouped.

1913

1913

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION – Continued

2-4. Approval of Various Consent Agenda Items – Continued

4. Taking the following action concerning Escambia County v. McCall & Associates, Inc., Case No.: 2008 CA 000007:

1913

A. Scheduling a private meeting with the Board's attorneys to discuss pending litigation, in accordance with Chapter 286.011 (8), Florida Statutes, for March 19, 2009, at 3:30 p.m.; and

B. Approving the Public Notice to be published in the Pensacola News Journal on Sunday, March 8, 2009.

1. Reimbursement of Attorney's Fees

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried 3-2, with Commissioner White and Commissioner Young voting "no," approving to go in opposition of the recommendation and pay Mr. Touart's legal fees, based on the conduct being related to the public purpose of the selection of a park site, and is not to his individual standing, but rather to the public process of the park selection, which was a duty and a function as County Manager, relative to the recommendation that the Board take the following concerning the request by George Touart for reimbursement of attorney's fees and costs to defend complaints brought against him in the Florida Commission on Ethics:

1913

A. Find that the defense of complaints, filed by Preston Solomon and Michael Coonan with the State of Florida Commission on Ethics, by former County Administrator George Touart, does not meet either statutory or common law criteria for reimbursement of legal fees and costs by Mr. Touart; and

B. Deny reimbursement of Mr. Touart's attorney's fees and costs paid to the law firm of Emmanuel, Sheppard & Condon, in the sum of \$3,629.60.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ANNOUNCEMENTS

1. FOR INFORMATION: The Board heard an update from Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, concerning the Escambia County Citizens' Academy.

ADJOURNMENT

There being no further business to come before the Board, Chairman Young declared the Regular Meeting of the Board of County Commissioners adjourned at 7:19 p.m.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

ATTEST:

Ernie Lee Magaha
Clerk of the Circuit Court & Comptroller

By: _____



Marie Young, Chairman

Deputy Clerk

Approved: March 19, 2009