

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD JUNE 18, 2009  
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX  
221 PALAFOX PLACE, PENSACOLA, FLORIDA  
(4:33 p.m. – 6:58 p.m.)

Present: Commissioner Marie K. Young, Chairman, District 3 (Regular Meeting Only)  
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  
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

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

1. FOR INFORMATION: The Board heard the request from Robin Spence, Real Estate Broker, U.S. Bank National Association, for a reduction in the fines associated with a Code Enforcement Lien against foreclosed property located at 305 Booth Avenue, Cantonment, and was advised by County Attorney Rogers that she will review this issue before the July 9, 2009, Regular Board Meeting. 1633
  
2. FOR INFORMATION: The Board:
  - A. Heard comments from John F. Soule, President, Pensacola Bay Fishing Bridge, Inc., regarding post-Hurricane Ivan repairs to the Pensacola Bay Fishing Bridge; and 1637
  - B. Was advised by County Attorney Rogers that litigation is pending in this matter and that she will provide a recommendation at the July 9, 2009, Regular Board Meeting to schedule a shade meeting (*Attorney-Client Session*) to discuss the Case.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

3. FOR INFORMATION: The Board:

- A. Heard comments from Antony Fiorentino, Coastal Airport, LLC, regarding the height of trees on property in the vicinity of the Airport and the encroachment of those trees into Coastal Airport's airspace; 1640
- B. Heard the request from Commissioner Robertson that Code Enforcement staff ascertain whether or not the neighboring property owners are willing to bear the expense for trimming the treetops, after being advised by County Attorney Rogers that the Board has the option of pursuing a Code Enforcement action against the property owners; and
- D. Upon inquiry from Commissioner Robinson, was advised by County Attorney Rogers that this issue can be scheduled for discussion at the July 9, 2009, Regular Board Meeting.

4. FOR INFORMATION: The Board heard comments from Martin Horwit regarding the *(proposed)* additional 3-Cent *(Local Option)* Gas Tax, sidewalks in the County, ADA *(Americans with Disabilities Act)* accessibility, specifically, difficulty opening the front door of the Governmental Complex, and Animal Control issues. 1656

5. FOR INFORMATION: The Board heard comments from Chic Demerau, Tiki Island Golf & Games, regarding two inflatable waterslides on Pensacola Beach, and his efforts to obtain permits to place two inflatable waterslides on Perdido Key, and the Board: 1701

- A. Was advised by T. Lloyd Kerr, Bureau Chief, Development Services Bureau, that the Ordinance *(Land Development Code)* does not specifically address inflatable waterslides; therefore, an inflatable waterslide would be considered a temporary structure, and must be associated with a permanent structure and a primary use;
- B. Upon inquiry from Commissioner Valentino, was advised by Mr. Kerr that one of the two waterslides on Pensacola Beach is associated with a permanent structure, and the other is located on property that is associated with a hotel that is under construction, although no primary use has been established;
- C. Was advised by County Attorney Rogers that the Board can direct staff to develop an "inflatables" Ordinance that would allow temporary structures to be disassociated with permanent structures;

(Continued on Page 3)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

5. Continued...

- D. Heard the request from Commissioner Valentino that staff proceed with preparing an "inflatables" Ordinance, for adoption at the next available Board Meeting, and, meanwhile, that staff issue a temporary permit to Tiki Island Golf & Games, subject to Board approval;
- E. Was advised by County Attorney Rogers that the two inflatable waterslides on Pensacola Beach, and the one on Perdido Key that would qualify with the zoning and the primary structure issues, should go through the DRC (*Development Review Committee*) process for permitting as temporary structures, and that staff should prepare an "inflatables" Ordinance for consideration by the Planning Board as quickly as possible;
- F. Was advised by Louis White that the parcel of property located at the foot of the (*Theo Baars*) Bridge had operated as an outdoor ATV recreational site from 1982 to 1989, and includes an existing building, with power, and that the site should be grandfathered as a site for the inflatable waterslide, and was advised by Commissioner Robinson that the site could not be grandfathered because the use had been discontinued; and
- G. Heard Commissioner Robinson read a note from Lacy Do in support of permitting the inflatable waterslides on Perdido Key.

6. FOR INFORMATION: The Board heard comments from Jeff Marker, Chairman, Santa Rosa County Marine Advisory Committee, who expressed his appreciation to Robert Turpin, Escambia County Marine Recreation, for his assistance with the recent near-shore artificial reef deployment, and presented a \$1,200 donation from the Barracuda Dive Club and Gulf Coast Dive Pros for the Andi Coyle Memorial Reef.

1723

7. FOR INFORMATION: The Board heard comments from Sherri Myers regarding Escambia County's Mosquito Control Program, and her request that Code Enforcement staff improve their enforcement efforts relative to the disposition of used tires.

1727

8. FOR INFORMATION: The Board heard comments from Barbara Mayall regarding volunteerism and the John Tesh Concert at the Saenger Theater on Sunday (*June 14, 2009*) at which Mr. Tesh presented a \$100 donation, with which she plans to purchase and donate ECAT (*Escambia County Area Transit*) tickets.

1730

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

9. FOR INFORMATION: The Board heard comments from James Stanton regarding a fire in Myrtle Grove, in the vicinity of Escambia High School, on June 17, 2009, and the need for fire hydrants in the area. 1732
  
10. FOR INFORMATION: The Board heard comments from Cheryl Hamn regarding the *(proposed)* additional 3-Cent *(Local Option)* Gas Tax and Escambia County Area Transit. 1735

5:37 P.M. – PUBLIC FORUM ADJOURNED

5:44 P.M. – REGULAR BOARD MEETING CONVENED

REGULAR BCC AGENDA

1. Call to Order

Chairman Young called the Regular Meeting of the Board of County Commissioners to order at 5:44 p.m.

2. Invocation

Commissioner White advised that Horace Jones would deliver the Invocation.

3. Pledge of Allegiance to the Flag

Chairman Young advised that Commissioner Valentino 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. 1746

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

5. Commissioners' Forum

1746

- A. District 2 – Commissioner Valentino expressed condolences to Thaddeus Cohen, Planning and Zoning and Development Review, City of Pensacola, whose wife, Sylvia, passed away on Monday (*June 15, 2009*);
- B. District 3 – Commissioner Young expressed condolences to the family of Gulf Breeze Mayor, Lane Gilchrist, who passed away; and
- C. District 4 – Commissioner Robinson advised that a plan is in the works with Gulf Power to convert methane fuel to power, and requested that a Resolution be provided for adoption at the July 9, 2009, Regular Board Meeting.

6. Proclamations

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, taking the following action concerning Proclamations:

1748

- A. Adopting the Proclamation honoring and congratulating Mr. Moreland Kelly for reaching the age of 109; and
- B. Taking the following action concerning adoption/ratification of the following four Proclamations:
  - (1) Adopting the Proclamation extending appreciation and congratulations to Ms. Lynn Kowalchuk, Deputy Supervisor of Elections for Administration, Escambia County Supervisor of Elections Office, on her retirement after over 30 years of dedicated service;
  - (2) Adopting the Proclamation recognizing Sertoma Clubs of Pensacola, the Knights of Columbus, and Cat Country 98.7, for giving their time and creative efforts to host and manage Sertoma's 4th of July Celebration in Old Seville;
  - (3) Adopting the Proclamation welcoming, to Escambia County, Dr. Boyce Watkins, the renowned guest speaker for the Movement for Change's Ninth Annual "Freedom is Not Free" Banquet; and

(Continued on Page 6)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

6. Continued...

B. Continued...

- (4) Ratifying the Proclamation, dated June 1, 2009, proclaiming June 18, 2009, as "Dump the Pump Day" in Escambia.

Speaker(s):

Moreland Kelly

7. Written Communication

A. Landworks Investments, LLC, EDATE application

Motion made by Commissioner Robertson, seconded by Commissioner White, and carried unanimously, approving to schedule a Public Hearing for consideration of adopting an Ordinance (*establishing an EDATE for Landworks Investments, LLC*), relative to a communication, dated March 27, 2009, from Kerry Anne Schultz, Esquire, Fountain, Shultz & Associates, P.L., representing Landworks Investments, LLC, requesting that the Board consider her client's application for an Economic Development Ad Valorem Property Tax Exemption (EDATE).

1756

Speaker(s):

Kerry Anne Schultz

B. Code Enforcement Lien – 7092 Apple Street

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, approving to forgive the Lien in its entirety, relative to a communication, dated April 3, 2009, from William J. Dunaway, Clark, Partington, Hart, Larry, Bond & Stackhouse, representing Matthew and Melinda Baransy, requesting that the Board execute a Release of Lien for a Code Enforcement Lien against property located at 7092 Apple Street, Case No. 05-10-0714, which was foreclosed on by Wells Fargo Bank.

1803

(Continued on Page 7)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

7. Continued...

C. Code Enforcement Lien – 1233 Betts Avenue

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried unanimously, approving to waive the fines and collect the hard costs, once the property is in compliance, relative to an undated communication, from Claude and Sherrell Ward requesting that the Board forgive the fees against property located at 1233 Betts Avenue, Molino, Florida (*relative to a Code Enforcement Lien recorded in Official Records Book 5794, at Page 1062*).

1804

Speaker(s):

Claude Ward  
Sherrell Ward

8. Proof of Publication

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

1807

A. The following three Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on June 3, 2009, for consideration of the Petition to Vacate a portion of Gant Avenue and a portion of an unopened right-of-way in Sunset Bayous Subdivision, as petitioned by Jerry Morgan;
- (2) The 5:32 p.m. Public Hearing, advertised in the Pensacola News Journal on June 6, 2009, for consideration of adopting an Ordinance approving the Local Option Fuel Tax (3-Cent), from January 1, 2010, through December 31, 2020, to be used for the funding of mass transit activities in Escambia County; and

(Continued on Page 8)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Continued...

A. Continued...

(3) The 5:33 p.m. Public Hearing, advertised in the Pensacola News Journal on June 6, 2009, for consideration of adopting an Ordinance authorizing the sale of surplus County property by internet auction; and

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule June 15, 2009 – June 19, 2009 – Legal No. 1407222*, as published in the Pensacola News Journal on June 13, 2009, as follows:

June 15	5:00 p.m.	District 2 Commissioner’s West-End Advisory Committee
June 16	9:00 a.m.	Special Board of County Commissioners Committee of the Whole
June 16	1:30 p.m.	Environmental Enforcement Special Magistrate
June 16	2:00 p.m.	Local Mitigation Strategy Board Workshop
June 16	4:00 p.m.	Health Facilities Authority
June 17	8:00 a.m.	Soil & Water Conservation Board
June 17	8:30 a.m.	Board of Adjustment
June 17	10:00 a.m.	IMAGiNE GIS Steering Committee
June 17	12:00 p.m.	Santa Rosa Island Authority Ad Hoc Committee
June 17	1:00 p.m.	Development Review Committee
June 18	9:00 a.m.	Agenda Work Session
June 18	9:00 a.m.	Board of Electrical Examiners
June 18	11:00 a.m.	BCC Information Technology Governance Council
June 18	4:20 p.m.	Community Redevelopment Agency
June 18	4:30 p.m.	Board of County Commissioners Public Forum
June 18	5:30 p.m.	Board of County Commissioners Public Hearings & Reports
June 19	9:00 a.m.	Value Adjustment Board

NEXT WEEK’S NOTE:

June 22	8:30 a.m.	Planning Board Workshop
June 22	9:00 a.m.	Inspection Fund Advisory Board Meeting



REGULAR BCC AGENDA – Continued

9. 5:31 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, taking the following action regarding the vacation a portion of Gant Avenue, approximately 9,000 square feet, or 0.20 acre, and a portion of an unopened right-of-way in Sunset Bayous Subdivision, approximately 3,600 square feet, or 0.08 acre, as petitioned by Jerry Morgan:

1808

- A. Approving the Petition to Vacate;
- B. Accepting the Hold/Harmless Agreement;
- C. Adopting the Resolution (*R2009-121*) to Vacate; and
- D. Authorizing the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman, and authorizing the Chairman or Vice Chairman to execute them at that time.

Speaker(s) – None.

10. 5:32 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, that the Board adopt, and authorize the Chairman to sign, the Ordinance approving the Local Option Fuel Tax (3-Cent), from January 1, 2010, through December 31, 2020, to be used for the funding of mass transit activities in Escambia County, and the motion failed 3-2, with Commissioner Robertson and Commissioner White voting "no" (*a majority plus one vote is required for adoption*).

1808

Speaker(s):

- Evon Emerson
- Jacob V. Knight
- Bob Graves
- Scott Remington
- Michael P. Weeks
- Christian Wagley
- Byron Keesler
- Barbara Mayall
- Sherri Myers

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

11. 5:33 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning the sale of surplus County property by internet auction:

1849

- A. Adopting the Ordinance (*Number 2009-17*) authorizing the sale of surplus County property by internet auction;
- B. Authorizing the Chairman to execute the Ordinance; and
- C. Directing that pending property sales that were advertised and auctioned via internet proceed to closing.

Speaker(s) – None.

12. Committee of the Whole Recommendation(s)

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried unanimously, approving Item A, as follows, as recommended by the Committee of the Whole (C/W), at the June 11, 2009, C/W Workshop, as amended to strike the amount specified for the management/administrative fee (*and the total*) and to reflect a 15% management/administrative fee, based on the interest earned as of the day of closing:

1850

- A. Approving to reimburse the Pensacola Junior College Foundation a 15% management/administrative fee, and \$157,604.23 for actual expenses incurred for legal fees, surveys, engineering reports, etc., associated with the acquisition of property for the (*proposed*) Public Safety Complex (*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"*), to be deducted from the interest earned on the County's \$10.9 million in Local Option Sales Tax funds invested and managed by the Foundation, prior to the return of the County's funds (*additional action taken later in the Meeting; see Page 11*); and

(Continued on Page 11)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

12. Continued...

B. Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving Item B, as follows, and taking the following action as recommended by the C/W at the C/W Workshop held June 16, 2009:

- (1) Approving to respond to Kenneth B. Bell, Chairman of the Escambia County Consolidation Study Commission (*established by House Bill 1431*) that the Board declines his request for legal assistance for the Commission, on the basis that legal assistance from the County Attorney would be a conflict of interest; and
- (2) Approving to refer the two Economic Development plans (*one authored by Commissioner Valentino and one authored by Mort O'Sullivan, Chairman, Pensacola Bay Area Chamber of Commerce*), to the next Meeting of the Pensacola-Escambia Promotion and Development Commission (PEDC), to "hammer out" a hybrid plan, with the County Administrator and the City Manager to attend the PEDC Meeting to represent Escambia County and the City of Pensacola.

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.

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, approving to reconsider Item A.

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried unanimously, approving to reimburse the Pensacola Junior College Foundation a 15% management/administrative fee, and \$157,604.23 for actual expenses incurred for legal fees, surveys, engineering reports, etc., associated with the acquisition of property for the (*proposed*) Public Safety Complex (*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"*), to be deducted from the gross interest earned, as of the day of closing, on the County's \$10.9 million in Local Option Sales Tax funds invested and managed by the Foundation, prior to the return of the County's funds.

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

1-3. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 3, as follows:

1855

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

1855

- A. Payroll Expenditures for Pay Date June 12, 2009, in the amount of \$2,236,960.85; and

- B. The following two Disbursement of Funds:

- (1) May 28, 2009, to June 3, 2009, in the amount of \$18,316,952.47; and

- (2) June 4, 2009, to June 10, 2009, in the amount of \$2,275,225.94;

- C. The Investment Report for the month ended May 31, 2009; and

- D. The Tourist Development Tax Collections Data for Fiscal Year 2008-2009, which includes April 2009 returns received in the month of May 2009; the eight months revenue collected to date reflects 45.7% of the Budget for the Fiscal Year

2. Approving three forms, *Request 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.

1855

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-3. Approval of Various Consent Agenda Items – Continued

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

1855

A. Approving the Minutes of the Regular Board Meeting held June 4, 2009; and

B. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held June 4, 2009, as follows:

1. FOR INFORMATION: The agenda package for the 5:30 p.m., June 4, 2009, Regular Board Meeting was reviewed as follows:

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

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. County Administrator McLaughlin, County Attorney Rogers, Shirley L. Gafford, Program Coordinator, County Administrator's Office; Wesley J. "Wes" Moreno, Deputy Bureau Chief, Public Works Bureau; Michael Watts, Risk Management; and Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, reviewed the County Administrator's Report;

E. County Attorney Rogers reviewed the County Attorney's Report, with comments from County Administrator McLaughlin, Claudia Simmons, Purchasing Manager, and Amy Lovoy, Bureau Chief, Management and Budget Services Bureau; and

F. County Administrator McLaughlin advised that the contract with the Ice Flyers will be discussed at the June 16, 2009, Committee of the Whole Workshop.

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

1-4. Approval of Various Consent Agenda Items

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

1855

1. Authorizing the scheduling of a Public Hearing for July 9, 2009, at 5:32 p.m., to consider (*adopting an Ordinance*) amending Chapter 46, Article 2, Division 1, Section 46-45, of the Escambia County Code of Ordinances, setting forth definitions for the County Purchasing Ordinance; Division 3, Section 46-81, of the Escambia County Code of Ordinances, setting forth the procedures for the procurement of goods and/or services by or on behalf of the Board of County Commissioners; amending Section 46-98 of the Escambia County Code of Ordinances, establishing a Selection/Negotiation Committee, and amending Section 46-102 of the Escambia County Code of Ordinances relating to the suspension/debarment procedures; providing for severability; providing for inclusion in the Code; providing for an effective date.
2. Accepting, for filing with the Board's Minutes, the May 21, 2009, Community Redevelopment Agency (CRA) Meeting Minutes, prepared by Vera Cardia-Lively, Senior Office Support Assistant, CRA.
3. Authorizing the scheduling of a Public Hearing on Thursday, July 9, 2009, at 5:33 p.m., to adopt an Ordinance establishing a Historical Preservation Economic Development Ad Valorem Tax Exemption for Robert Savage, for the property located at 202 West Gadsden Street, Pensacola, Florida, for 100% of their exemption amount for ten years.
4. Authorizing the scheduling of a Public Hearing on July 9, 2009, at 5:35 p.m., to consider adopting a Fire Municipal Services Benefit Unit Resolution to increase the commercial rate to a minimum equivalent to the residential rate.

1855

1855

1855

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA

1-25. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 25, as follows, as amended to drop Item 18:

1856

1. Taking the following action concerning the Florida Department of Law Enforcement, Office of Criminal Justice, Residential Substance Abuse Treatment (RSAT) 2009-2010 Grant Application:

1856

- A. Approving submission of the Grant Application, in the amount of \$50,000, with a match of \$17,000, for a total of \$67,000; and
- B. Ratifying the signature of the Chairman of the Board on the Grant Application.

2. Taking the following action concerning approval of the Fiscal Year 2008-2009 Miscellaneous Appropriations Agreement for Sertoma's Fourth of July:

1856

- A. Approving the Miscellaneous Appropriations Agreement for \$75,500, to be paid from the 4th Cent Tourist Development Tax Fund (108), Cost Center 360105, Account 58201;
- B. Authorizing the Chairman to sign the Agreement and all other necessary documents; and
- C. Authorizing the execution of the necessary Purchase Order.

3. Adopting the Resolution (*R2009-122*) approving Supplemental Budget Amendment Number 244, Internal Service Fund (501), in the amount of \$350,015, to recognize personnel funds and appropriate these funds into the Internal Service Fund, for the Design & Construction Administration Team (DCAT) salaries, for more appropriate accounting of the construction services they provide on County projects.

1856

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-25. Approval of Various Consent Agenda Items – Continued

4. Adopting the Resolution (*R2009-123*) approving Supplemental Budget Amendment Number 250, Other Grants and Projects Fund (110) and General Fund (001), in the amount of \$118,095, to transfer funds from the Energy Conservation Block Grant to the General Fund and to appropriate these funds into the correct Cost Center and Account Code. 1856

5. Adopting the Resolution (*R2009-124*) approving Supplemental Budget Amendment Number 251, Transportation Trust Fund (175), in the amount of \$33,180, to recognize insurance proceeds received for damage to traffic and pedestrian signals and to appropriate these funds back to the Transportation and Traffic Division. 1856

6. Adopting the Resolution (*R2009-125*) approving Supplemental Budget Amendment Number 252, E911 Operations Fund (Fund 145), in the amount of \$9,667, to recognize interest earned on E911 State Grant #S-08-04-07, and to appropriate these funds for the Enhanced 911 System Project. 1856

7. Authorizing foreclosure of the Code Enforcement Lien recorded in the Public Records of Escambia County, Florida, in OR (*Official Records*) Book 5819 at Page 1188, in the amount of \$757.50, and the two Municipal Services Benefit Unit Liens recorded in OR Book 4312 at Page 1918 and in OR Book 4426 at Page 1586, for the total amount of \$484.60, on real property located at 8541 Sonnyboy Lane, Account #021371000, Reference Number 12-1S-30-5405-000-000; the County's current total Lien amount is \$1,242.10, and the current assessed value of the property is \$19,000.00. 1856

8. Authorizing foreclosure of the Code Enforcement Lien recorded in the Public Records of Escambia County, Florida, in OR (*Official Records*) Book 5826 at Page 1021, in the amount of \$8,953.44, and the Nuisance Abatement Lien recorded in OR Book 6401 at Page 1594, in the amount of \$1,784.60, on real property located at 2600 West Blount Street, Account #063209000, Reference Number 31-2S-30-2000-190-001; the County's current total Lien amount is \$10,738.04, and the current assessed value of the property is \$29,524.00. 1856



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-25. Approval of Various Consent Agenda Items – Continued

9. Ratifying the following (*June 18, 2009*) action of the Escambia County Community Redevelopment Agency (CRA) concerning the Residential Rehab Grant Funding and Lien Agreements (*for property located*) at 1090 Bartow Avenue:

1856

- A. Approving the Residential Rehab Grant Program Funding and Lien Agreements between Escambia County CRA and William T. Harris, owner of residential property located at 1090 Bartow Avenue, Pensacola, Florida, in the Warrington Redevelopment Area, each in the amount of \$4,324, representing an in-kind match through the Warrington Tax Increment Financing (TIF), Fund 151, Cost Center 220516, Object Code 58301, for the following improvements:

Install storm windows

- B. Authorizing the Chairman to sign the Funding and Lien Agreements and any related documents necessary to implement this Grant award.

10. Ratifying the following (*June 18, 2009*) action of the Escambia County Community Redevelopment Agency (CRA) concerning the Residential Rehab Grant Funding and Lien Agreements (*for property located*) at 206 Southeast Kalash Road:

1856

- A. Approving the Residential Rehab Grant Program Funding and Lien Agreements between Escambia County CRA and Jennifer M. Nunnally, owner of residential property located at 206 Southeast Kalash Road, Pensacola, Florida, in the Warrington Redevelopment Area, each in the amount of \$5,357, representing an in-kind match through the Warrington Tax Increment Financing (TIF), Fund 151, Cost Center 220516, Object Code 58301, for the following improvements:

Install high impact windows

- B. Authorizing the Chairman to sign the Funding and Lien Agreements and any related documents necessary to implement this Grant award.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-25. Approval of Various Consent Agenda Items – Continued

11. Ratifying the following (*June 18, 2009*) action of the Escambia County Community Redevelopment Agency (CRA) concerning the Facade Grant Funding and Lien Agreements (*for property located*) at 3670 Barrancas Avenue:

1856

A. Approving the Commercial Facade, Landscape, and Infrastructure Grant Program Funding and Lien Agreements between Escambia County CRA and Deborah Dunlap, owner of commercial property located at 3670 Barrancas Avenue, Pensacola, Florida, in the Barrancas Redevelopment Area, each in the amount of \$10,000, representing an in-kind match through the Barrancas Tax Increment Financing (TIF), Fund 151, Cost Center 220519, Object Code 58301, for the following improvements:

Electrical upgrades, landscaping, and restoration of the architectural features

B. Authorizing the Chairman to sign the Funding and Lien Agreements and any related documents necessary to implement this Grant award.

12. Ratifying the following (*June 18, 2009*) action of the Community Redevelopment Agency (CRA) concerning the Residential Rehab Grant Cancellation of Lien:

1856

A. Approving the Residential Rehab Grant Program Cancellation of Lien, in the amount of \$6,000, between Escambia County CRA and Charles Green and Amber Green, owners of residential property located at 435 South Navy Boulevard, Pensacola, Florida, in the Warrington Redevelopment Area; and

B. Authorizing the Chairman to sign the Cancellation of Lien.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-25. Approval of Various Consent Agenda Items – Continued

13. Ratifying the following (*June 18, 2009*) action of the Escambia County Community Redevelopment Agency (CRA) concerning the Residential Rehab Grant Funding and Lien Agreements (*for property located*) at 311 East Palmetto Avenue:

1856

- A. Approving the Residential Rehab Grant Program Funding and Lien Agreements between Escambia County CRA and Janet Thomas, owner of residential property located at 311 East Palmetto Avenue, Pensacola, Florida, in the Warrington Redevelopment Area, each in the amount of \$4,300, representing an in-kind match through the Warrington Tax Increment Financing (TIF), Fund 151, Cost Center 220516, Object Code 58301, for the following improvements:

Install a new roof

- B. Authorizing the Chairman to sign the Funding and Lien Agreements and any related documents necessary to implement this Grant award.

14. Ratifying the following (*June 18, 2009*) action of the Escambia County Community Redevelopment Agency (CRA) concerning the Residential Rehab Grant Funding and Lien Agreements (*for property located*) at 1240 Patton Drive:

1856

- A. Approving the Residential Rehab Grant Program Funding and Lien Agreements between Escambia County CRA and Kal Frances White, owner of residential property located at 1240 Patton Drive, Pensacola, Florida, in the Warrington Redevelopment Area, each in the amount of \$1,297, representing an in-kind match through the Warrington Tax Increment Financing (TIF), Fund 151, Cost Center 220516, Object Code 58301, for the following improvements:

Install a new heating and air conditioning system

- B. Authorizing the Chairman to sign the Funding and Lien Agreements and any related documents necessary to implement this Grant award.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-25. Approval of Various Consent Agenda Items – Continued

15. Taking the following action regarding the Community Development Block Grant (CDBG)-funded Neighborhood Renewal Initiative Mini-Grant Project Agreement with Brownsville Neighborhood Watch, Inc.:

1856

- A. Awarding a Neighborhood Renewal Initiative Project Mini-Grant, in the maximum amount of \$500, for specific benefit of the Brownsville Neighborhood Watch, Inc., (Association), located in the Brownsville Redevelopment Area (funded with CDBG funds budgeted in Fund 129/2006 CDBG, Cost Center 221403); and
- B. Authorizing the Chairman to execute the Agreement and all related documents as required to implement the Project.

16. Approving, and authorizing the Chairman to sign, the *Interlocal Agreement between Escambia County, Florida and the City of Pensacola for the Delivery and Processing of Recyclable Materials*, to promote and support curbside recycling of solid waste materials; revenues generated will be deposited in the Solid Waste Fund (401), Cost Center 343409.

1856

17. Approving the continuation of the Non-Custodial Parent Placement Program Contract – WIA 2009-2010-04, between Workforce Escarosa, Inc., and the Board of County Commissioners, in the amount of \$159,600, effective July 1, 2009, through June 30, 2010 (no local funding match required).

1856

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-25. Approval of Various Consent Agenda Items – Continued

18. Dropping the recommendation that the Board take the following action concerning the *Pensacola Civic Center Ice Hockey Lease* (this Lease has been designed to provide a break-even financial program for ice utilization; however, funds will come from the Tourist Development Tax [TDT] to provide for cash flow):

1856

A. Approve the Lease between Escambia County, Pensacola Ice, LLC, and SMG Corporation, contingent upon Legal sign-off and receipt of Exhibit D, Corporate Certificate of Good Standing, and Exhibit E, Resolution of Authority, with the following two revisions to Draft 7:

- (1) Revision to Article 7, Section "a", third paragraph, providing for reimbursement to the Team, up to \$7,500, for lost revenue in the event the County schedules an event on a weekend date causing the Team to reschedule on a weekday; and
- (2) Revision to Article 8, Section "c", second paragraph, providing that refunds for hockey season tickets, if any, in the event a home ice hockey game is cancelled, shall be available from the Team; and

B. Authorize the Chairman to sign the Lease upon execution by Pensacola Ice, LLC.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-25. Approval of Various Consent Agenda Items – Continued

19. Taking the following action concerning the SAFER (Staffing for Adequate Fire and Emergency Response) Grant, (*Agreement*) Number EMW-2008-FF-01006, awarded to Escambia County by the Department of Homeland Security, in the amount of \$1,223,473 (the total cost of the Scope of Work is \$2,474,873, of which \$1,223,473, is the Federal portion and \$1,251,400 is the County match; the funds are to be used as follows: \$1,498,763 for Personnel, \$959,208 for Fringe Benefits, \$2,612 for Supplies, and \$14,290 for Contractual Services; the Salaries will be paid from the Fire Protection Fund 143, Cost Center 330206, and then reimbursed from the Grant):

1856

A. Accepting the Grant;

B. Authorizing staff to proceed with the Scope of Work outlined in the Grant Application and referenced in the Agreement Articles, including the hiring of 12 additional paid firefighters, establishing a recruitment campaign for volunteer firefighters, and submitting electronic requests for reimbursement as needed; and

C. Approving the Fire Municipal Services Benefit Unit Funding Plan presented by staff at the June 11, 2009, Committee of the Whole Workshop, which provides that commercial accounts, currently paying less than the established residential rate, be required to pay a minimum fee equivalent to the residential rate, and increases the residential rate by \$5.00 per year, beginning in Fiscal Year 2010-2011, to be raised each year through 2015, and increases the commercial rate to \$.04 per square foot in Fiscal Year 2010-2011, to be implemented by a Rate Resolution which will be brought to the Board at a later date.

20. Taking the following action concerning the *Modification to Subgrant Agreement between the Division of Emergency Management and Escambia County*, extending the deadline for the period of performance to July 31, 2009 (Agreement Number: 07HM-5@-01-27-01-021), which provides wind mitigation improvements to the engine bay doors at the McDavid Fire Station:

1856

A. Approving the Modification to the Subgrant Agreement; and

B. Authorizing the Chairman to sign the Modification.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-25. Approval of Various Consent Agenda Items – Continued

21. Approving, and authorizing the County Administrator to execute, the following Change Order and associated Motorola Agreement Change Order (Funding Source: Fund 145, "E911 Operations Fund," Cost Centers 330404, 330406, 330407, and 330408):

1856

Bureau: Public Safety  
Division: Emergency Communications  
Type: Addition  
Amount: \$489,000  
Vendor: Motorola, Inc. (#135001)  
Project Name: E911 Mapping  
Contract: Greenville County, SC, Contract RFP #01-07/24/06  
Purchase Order Number: 281564  
Change Order Number: 2  
Original Award Amount: \$2,280,356  
Cumulative Amount of Change Orders through Number 2: \$ 712,158  
New Contract Total: \$2,992,514

22. Amending the Board's action of January 8, 2009, revising the authorized annual amount approved to Roads, Inc., of NWF, from \$1,000,000 to \$2,000,000, per Contract PD 07-08.134, "General Paving, Drainage and Resurfacing Pricing Agreement" (Funding Source: Fund 352, "LOST [*Local Option Sales Tax*] III," Account 210107; Fund 351, "LOST II," Account 210105; Fund 350, "LOST," Account 210103; Fund 333, "New Road Construction," Account 210204; Fund 175, "Transportation Trust Fund," Account 210304, Funds 182-199, "Master Drainage Basin Funds," Account 210719-210736).

1856

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-25. Approval of Various Consent Agenda Items – Continued

23. Approving, and authorizing the County Administrator to execute, the following Change Order (Funding Source: Fund 352, "Local Option Sales Tax III", Account 210107/56301, Project No. 08EN0078): 1856

Bureau:	Public Works
Division:	Engineering
Type:	Addition
Amount:	\$185,322.90
Vendor:	Baskerville-Donovan, Inc.
Project Name:	Pinestead Road-Longleaf Drive Corridor
Contract:	PD 05-06.078
Purchase Order Number:	280607
Change Order Number:	6
Original Award Amount (County Portion):	\$ 625,000.00
Original Award Amount (FDOT/Grant Portion):	\$ 625,000.00
Change Order for Neighborhood Improvement Plan:	\$ 519,700.00
Amount of this Change Order	<u>\$ 185,322.90</u>
New Contract Total:	\$1,955,022.90

24. Approving the issuance of various Purchase Orders for Fiscal Year 2008-2009, to Miracle Recreation Equipment Company, in an amount not to exceed \$75,000, for installation of playground equipment in County Parks throughout Escambia County (Funding Source: Fund 352, "Local Option Sales Tax III", Account 210802/56301). 1856

25. Taking the following action regarding the Detailed Work Plan Budget for Arthropod (Mosquito) Control Division: 1856

A. Approving the Detailed Work Plan Budget – Arthropod Control for Fiscal Year 2009-2010; and

B. Authorizing the Chairman to sign the document.



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1-3. Approval of Various Action Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Action Items 1 through 3, as follows: 1857

1. Approving a settlement, in the sum of \$20,000, to be paid to Julius Sylvas, in exchange for a General Release in favor of Escambia County and William Ball, former Road Corrections Officer. 1857
2. Adopting the revised Board of County Commissioners Policy entitled "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens," specifically adding a new Section C., authorizing and directing the County Administrator to review requests for relief and deny relief when the person requesting relief has an adequate remedy under the laws governing homestead property or a policy of title insurance, the violation is not abated, or the relief is not consistent with the policy, unless he determines that the lien is invalid and unenforceable due to a defect in the code enforcement process. 1857
3. Accepting the *Public Disclosure of Interest (executed by L. Keith Bell, Vice President and General Manager of Cox Communications Gulf Coast, L.L.C.)* in connection with the purchase of property (*from CoxCom, Inc.*) for the Road Improvement Project at the intersection of Chemstrand Road and Ten Mile Road. 1857

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 Young declared the Regular Meeting of the Board of County Commissioners adjourned at 6:58 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: July 9, 2009