

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD SEPTEMBER 3, 2009
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:32 p.m. – 6:48 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 Kevin W White, District 5
Mr. Robert R. "Bob" McLaughlin, County Administrator
Mrs. Alison Rogers, County Attorney
Mrs. Lisa N. Bernau, Chief Deputy Clerk, representing the
Honorable Ernie Lee Magaha, Clerk of the Circuit Court & Comptroller
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

Absent: Commissioner Gene M. Valentino, District 2

PUBLIC FORUM WORK SESSION

Chairman Young called the Public Forum Work Session to order at 4:32 p.m.

1. FOR INFORMATION: The Board:
 - A. Heard comments from Sherri Myers, who advised that she had recently been unable to gain entry into the Escambia-Pensacola Human Relations Commission (HRC) facility, located at 2257 North Baylen Street, because the entrance door was locked and the door buzzer was not functioning, and, further, that the handicapped parking spaces at The Pensacola Civic Center are not the required 12-foot width and will need to be re-striped; and
 - B. Was advised David Wheeler, Deputy Bureau Chief, Public Works Bureau, that he will install a working buzzer at the HRC building.
2. FOR INFORMATION: The Board heard comments from L. Gary Sansing regarding economic development, the Wildlife Sanctuary, and various other County issues.

1632

1640

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

3. FOR INFORMATION: The Board heard comments from Barbara Mayall regarding a bus shelter that is located at K-Mart on Mobile Highway, although there is no associated bus stop, and was advised by Kenneth Gordon, General Manager, Escambia County Area Transit, that Lamar Advertising owns, and has been asked to remove, the shelter to which Ms. Mayall referred.

1645

4:51 P.M. – PUBLIC FORUM ADJOURNED

6:27 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 6:27 p.m.

2. Invocation

Chairman Young advised that Horace Jones would deliver the Invocation.

3. Pledge of Allegiance to the Flag

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

4. Adoption of the Agenda

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried 3-0, with Commissioner Robinson temporarily out of Board Chambers and Commissioner Valentino absent, adopting the agenda as amended *(to include Addendum #1 to the County Attorney's Report [Item I-4])*.

1827

5. Commissioners' Forum – District 3 – Commissioner Young expressed condolences to the family of Commissioner Gene M. Valentino, whose brother passed away on Wednesday *(September 2, 2009)*.

1829

REGULAR BCC AGENDA – Continued

6. Proclamations/Special Recognition

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried 4-0, with Commissioner Valentino absent, taking the following action concerning Proclamations/Special Recognition, as amended to include a certificate, on behalf of the Honorable Ernie Lee Magaha, Clerk of the Circuit Court & Comptroller, expressing appreciation to Doris Harris for 20 years of service:

1830

- A. Adopting the Proclamation proclaiming the fourth Monday in September as "Family Day – A Day to Eat Dinner With Your Children" in Escambia County; and
- B. Recognizing, with pins and certificates, the following employees for their dedication and years of service to Escambia County:
 - (1) Carl Few, Roads Division, Public Works Bureau, 35 years;
 - (2) Francis Powell, Roads Division, Public Works Bureau, 35 years; and
 - (3) Ronnie Rigby, Roads Division, Public Works Bureau, 25 years.

7. Proof of Publication

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Valentino absent, waiving the reading of the legal advertisement(s) and accepting, for filing with the Board's Minutes, the certified affidavit(s) establishing proof of publication for the Public Hearing(s) on the agenda, and the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule*, as follows:

1832

- A. The following two Public Hearings on the agenda:
 - (1) The 5:31 p.m. Public Hearing, advertised in The Escambia Sun-Press, LLC, on August, 2009, for consideration of the Petition to Vacate alleyways and right-of-way in Wilder Subdivision; and

(Continued on Page 4)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

7. Continued...

A. Continued...

(2) The 5:32 p.m. Public Hearing, advertised in the Pensacola News Journal on August 22, 2009, for consideration of adopting an Ordinance amending the Purchasing Code; and

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule August 31, 2009 – September 4, 2009 – Legal No. 0001421069*, as published in the Pensacola News Journal on August 29, 2009, as follows (a subsequent *Board of County Commissioners – Escambia County, Florida, Meeting Schedule* was published on September 2, 2009, to include a *Special Meeting of the County Investment Advisory Committee on September 4, 2009, at 9:00 a.m.*):

| | | |
|-------------------|-----------|---|
| September 2 | 8:30 a.m. | Examination Committee for Competency Board |
| September 2 | 9:00 a.m. | Construction Industry Competency Board |
| September 2 | 1:00 p.m. | Development Review Committee |
| September 3 | 8:00 a.m. | Incident Review Board |
| September 3 | 9:00 a.m. | Agenda Work Session |
| September 3 | 1:30 p.m. | Citizens Environmental Committee |
| September 3 | 4:30 p.m. | Board of County Commissioners Public Forum |
| September 3 | 5:01 p.m. | Board of County Commissioners Budget Public Hearing |
| September 3 | 5:02 p.m. | Board of County Commissioners Public Hearing: Adoption of Non-Ad Valorem Assessment Roll |
| September 3 | 5:30 p.m. | Board of County Commissioners Public Hearings & Reports |
| September 4 | 9:00 a.m. | Special County Investment Advisory Committee Meeting |
| NEXT WEEK'S NOTE: | | |
| September 7 | | Holiday/Labor Day – County Offices Closed |

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. 5:31 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried 4-0, with Commissioner Valentino absent, taking the following action regarding the Petition to Vacate alleyways and an unnamed right-of-way in Wilder Subdivision (approximately 36,620 square feet, or 0.84 acre), as petitioned by Glen and Claire Dunaway:

1833

- A. Approving the Petition to Vacate;
- B. Accepting the Hold/Harmless Agreement;
- C. Adopting the Resolution (*R2009-172*) 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.

9. 5:32 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Valentino absent, adopting an Ordinance (*Number 2009-30*) amending Chapter 46, Article 2, Division 3, Section 46-86, of the Escambia County Code of Ordinances (*the Purchasing Code*), setting forth the procedures for amendments/changes after award to restore language removed by scrivener's error; providing for inclusion in the Code; providing for an effective date.

1835

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

1-6. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Valentino absent, approving Consent Agenda Items 1 through 6, as follows, as amended to correct the number of items for disposition from 21 items to 142 items in Item 3:

1835

1. Accepting, for filing with the Board's Minutes, the following three Reports prepared by the Clerk and Comptroller's Finance Department:
 - A. Payroll Expenditures as of Payday August 21, 2009, in the amount of \$2,129,362.55; and
 - B. The following two Disbursement of Funds:
 - (1) August 13, 2009, to August 19, 2009, in the amount of \$7,067,760.28; and
 - (2) August 20, 2009, to August 26, 2009, in the amount of \$6,207,037.20.
2. Accepting, for filing with the Board's Minutes, the monthly *Budget to Actual Summary Report* for the Fiscal Year through August 25, 2009.
3. Taking the following action concerning disposition of property and/or reinstatement of fixed assets:
 - A. Approving equipment dispositions, per four forms, *Requests for Disposition of Property*, indicating 142 items of equipment to be sold as surplus and/or appropriately disposed of, and one form for reinstatement of property; the Requests were prepared by various County Bureaus and state the reasons for disposition/reinstatement; and
 - B. Approving the write-off of the historical cost of ice rink components that are currently undergoing renovations; it is necessary to write off the historical cost of those ice rink components so as not to overstate the book value of the building asset; the historical cost of the components is calculated to be \$173,153.26.

1835

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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

1-6. Approval of Various Consent Agenda Items – Continued

4. Adopting the Resolution (*R2009-173*) authorizing the write-off of \$1,179,540.91 in receivables that have been recorded in the Emergency Medical Services Fund of the County and have been determined to be uncollectible bad debts. 1835

5. Accepting, for filing with the Board's Minutes, the following documents provided to the Clerk & Comptroller's Office: 1835

A. Closing documents relating to the sale of property, located at 1120 Barth Lane, to James Whaley and Asami Eckhardt, based on the Board's January 10, 2008, action declaring the property surplus and authorizing its sale to the highest bidder, as executed by the Chairman on August 13, 2009, and received in the Clerk to the Board's Office on August 21, 2009;

B. Closing documents relating to the sale of property, located on Rudder Lane, to James Whaley and Asami Eckhardt, based on the Board's November 2, 2006, action declaring the property surplus and authorizing its sale to the highest bidder, as executed by the Chairman on August 13, 2009, and received in the Clerk to the Board's Office on August 21, 2009; and

C. Closing documents relating to the sale of property, located on Interstate Circle, to Ralph Meacham, based on the Board's May 7, 2009, action declaring the property surplus and authorizing its sale to the highest bidder, as executed by the Chairman on August 25, 2009, and received in the Clerk to the Board's Office on August 25, 2009.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-6. Approval of Various Consent Agenda Items – Continued

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

1835

A. Approving the Minutes of the Public Forum Work Session and Regular Board Meeting held August 20, 2009;

B. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held August 20, 2009, as follows:

1. FOR INFORMATION: The agenda package for the 5:30 p.m., August 20, 2009, Regular Board Meeting, was reviewed as follows:

A. Shirley L. Gafford, Program Coordinator, County Administrator's Office; County Attorney Rogers; Pat Johnson, Solid Waste Management; Amy Lovoy, Bureau Chief, Management and Budget Services Bureau; and Sonya M. Daniel, Public Information Manager, reviewed the agenda cover, with comments from Todd Stafford, Heaton Brothers Construction, regarding the 5:35 p.m. Public Hearing;

B. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, reviewed the Clerk's Report;

C. Shirley L. Gafford, Program Coordinator, County Administrator's Office; County Administrator McLaughlin, County Attorney Rogers, and Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, reviewed the County Administrator's Report;

D. County Attorney Rogers reviewed the County Attorney's Report; and

E. Commissioner White, Commissioner Robertson, and Commissioner Young each reviewed his/her add-on item(s).

(Continued on Page 9)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-6. Approval of Various Consent Agenda Items – Continued
6. Continued...
- C. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held August 13, 2009, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Young called the Committee of the Whole (C/W) to order at 9:04 a.m.

2. Was the Meeting Properly Advertised?

The C/W was advised by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, that the Meeting was advertised in the Pensacola News Journal on August 8, 2009, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule August 10, 2009 – August 14, 2009, Legal No. 1417196.*

3. Boys and Girls Clubs

A. Discussion – The C/W heard comments from Kelly Gontarski and Crawford "Bear" Henley regarding the merger of the Escambia County Boys and Girls Club and the Boys and Girls Club of the Emerald Coast; and

B. Board Direction – None.

(Continued on Page 10)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-6. Approval of Various Consent Agenda Items – Continued
- 6. Continued...
- C. Report of the August 13, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 4. The Zoo Northwest Florida – Funding Issue
 - A. Discussion – The C/W discussed The Zoo Northwest Florida – Funding Issue, and heard the request from Danyelle Lantz, Executive Director of The Zoo, for \$125,000 in 4th Cent Tourist Development Tax (TDT) funding for continued County support for The Zoo; and
 - B. Board Direction – The C/W recommends that the Board approve that The Zoo Northwest Florida will receive no funds from the 4th Cent TDT.

Recommended 4-1, with Commissioner Robertson voting "no"

- 5. Economic Development
 - A. Discussion – The C/W discussed Economic Development, and the C/W:
 - (1) Was advised by County Administrator McLaughlin that:
 - (a) The Pensacola Bay Area Chamber of Commerce (Chamber), in recent weeks, has considered deviating from the concept that was presented to the Board and the Pensacola City Council in March 2009 and is proposing that economic development be completely removed from under the Chamber;

(Continued on Page 11)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-6. Approval of Various Consent Agenda Items – Continued

6. Continued...

C. Report of the August 13, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Continued...

A. Continued...

(1) Continued...

(b) The proposal includes the establishment of a subcommittee, primarily comprised of the Chamber's transition team, that would oversee and implement a plan for a new economic development entity, which would need an executive director;

(c) The PEDC (*Pensacola-Escambia Promotional and Development Commission*), in its most recent meeting, was going to recommend the Chamber's concept to the Pensacola City Council and to the BCC; however, based on the Chamber's most recent proposal happened recently, that concept has changed;

(d) He has provided a proposal, which is to be used as a framework for this discussion, and includes the following elements for the Board's consideration:

1) The PEDC Board would be the County's transition team that would develop, get approval of, and implement the new economic development entity or enterprise; and

2) Minority representation on the PEDC Board;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-6. Approval of Various Consent Agenda Items – Continued

6. Continued...

C. Report of the August 13, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Continued...

A. Continued...

(1) Continued...

(e) If the Board moves forward with this concept, the Special Act of 1967, which created the PEDC, will need to be amended to finalize that direction;

(2) Upon inquiry from Commissioner White, heard a summary from Mort O'Sullivan, Chairman of the Pensacola Bay Area Chamber of Commerce, of an alternative plan which would accomplish complete separation of economic development from the Chamber and establish a stand-alone economic development entity, which does not include participation of the PEDC;

(3) Heard the request from Mr. O'Sullivan that the Board consider funding the PEDC and Foundations for the Future at last year's levels, and that consideration be given for additional funding, in the amount of \$200,000, which would be contingent upon a match from the private sector;

(4) Upon inquiry from Commissioner Robinson, was advised by John Hutchinson, General Manager, Corporate Services, Gulf Power Company, that Gulf Power Company would not support an economic development entity which is subject to the Sunshine Law;

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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

1-6. Approval of Various Consent Agenda Items – Continued

6. Continued...

C. Report of the August 13, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Continued...

A. Continued...

(5) Heard comments from Commissioner Valentino concerning the following three issues, which, in his opinion, are not being thoroughly addressed:

(a) Governing structure

(b) Funding source(s)

(c) Sunshine Law

(6) Was advised by Commissioner Robinson that he does not support government involvement in the marketing aspect of economic development; and

(7) Was advised by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, that as long as public funding is being provided to any group or entity, there will be an expectation that records will be subject to the Sunshine; and

B. Board Direction – None.

Speaker(s):

Meredith Robinson

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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
- 1-6. Approval of Various Consent Agenda Items – Continued
- 6. Continued...
- C. Report of the August 13, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 6. Economic Development Funding – Long Term Strategy
 - A. Discussion – The C/W discussed Economic Development Funding – Long Term Strategy; and
 - B. Board Direction – The C/W recommends that the Board take the following action concerning Economic Development Funding:
 - (1) Approve an allocation from the Economic Development Fund, in the amount of \$150,000, for the Pensacola-Escambia Promotion and Development Commission, and approve an allocation for Foundations for the Future, in the amount of \$402,000, plus an additional \$200,000, contingent upon a private-sector match; and
 - (2) Approve that any growth in the franchise fees will be set aside strictly for economic development.

Recommended 5-0

(Continued on Page 15)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-6. Approval of Various Consent Agenda Items – Continued
- 6. Continued...
- C. Report of the August 13, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Technology Policy

- A. Discussion – The C/W discussed the proposed Technology Policy, presented by County Attorney Rogers; and
- B. Board Direction – The C/W recommends that the Board adopt the *County Commissioners' Technology Policy*, as amended to insert the words "silence, turn to vibrate" in Section B.1., and forward the adopted Policy to the Information Technology Governance Council to determine whether the Policy should be woven into existing County Policies that apply to County employees.

Recommended 5-0

8. Adult Arcade / Amusement Centers

- A. Discussion – The C/W viewed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Regulation of Arcade Amusement Centers and Bingo*, presented by Ryan Ross, Assistant County Attorney, and discussed which zoning category and/or categories would be more appropriate for adult amusement centers and bingo halls; and

(Continued on Page 16)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-6. Approval of Various Consent Agenda Items – Continued
6. Continued...
- C. Report of the August 13, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. Continued...

- B. Board Direction – The C/W recommends that the Board refer to T. Lloyd Kerr, Bureau Chief, Development Services Bureau, and the Planning Board, to address the appropriate zoning categories for arcades and bingo, the issue concerning Regulation of Arcade Amusement Centers and Bingo.

Recommended 5-0

ITEMS ADDED TO THE AGENDA

1. FOR INFORMATION: The C/W:
 - A. Heard the request from County Administrator McLaughlin for Board direction regarding the degree of staff participation permissible on the Public Safety Advisory Panel of the Consolidation Study Commission; and
 - B. Heard the request from Commissioner Robertson, with consensus, that staff provide factual information only, with no opinions.

AGENDA NUMBER – Continued

9. Adjourn

Chairman Young declared the C/W Meeting adjourned at 11:52 a.m.

GROWTH MANAGEMENT REPORT – T. Lloyd Kerr, Director, Planning and Engineering

I. PUBLIC HEARINGS

1. Sunshine Hill Estates Final Plat

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried 4-0, with Commissioner Valentino absent, taking the following action concerning recording of the Final Plat of Sunshine Hill Estates (a 22-lot, single-family, private residential subdivision), 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:

1835

- A. Approving the Final Plat for recording;
- B. Approving the street names "Sunny Brook Court" and "Sunshine Ridge Court"; and
- C. Authorizing the Chairman or Vice Chairman to execute a *Conservation Easement (Limited Liability Company)*.

GROWTH MANAGEMENT REPORT – Continued

II. CONSENT AGENDA

1. Motion made by Commissioner White, seconded by Commissioner Robertson, and carried 4-0, with Commissioner Valentino absent, approving to schedule the following two Public Hearings, as amended to change the time of the September 17, 2009, Public Hearing from 5:45 p.m. to 3:30 p.m.:
 - A. 3:30 p.m. – Thursday, September 17, 2009 – the **first** of two (1 of 2) Public Hearings to review an Ordinance amending Part III of the Escambia County Code of Ordinances (1999), the Escambia County Land Development Code (Ordinance 96-3, as amended), adding “Temporary Structures” as a definition to Article 3 and amending applicable zoning districts in Article 6 and Article 13 pertaining to Temporary Structures; and
 - B. 5:45 p.m. – Thursday, October 1, 2009 – the **second** of two (2 of 2) Public Hearings to review and adopt an Ordinance amending Part III of the Escambia County Code of Ordinances (1999), the Escambia County Land Development Code (Ordinance 96-3, as amended), adding “Temporary Structures” as a definition to Article 3 and amending applicable zoning districts in Article 6 and Article 13 pertaining to Temporary Structures.

1835

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

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

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-8. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Valentino absent, approving Consent Agenda Items 1 through 8, as follows, as amended to change the times for the Public Hearings from 5:31 p.m. to 3:01 p.m., and from 5:32 p.m. to 3:02 p.m., respectively, in Items 2 and 4:

1836

1. Taking the following action concerning reappointments to the BID (Building Inspections Division) Inspections Fund Advisory Board (IFAB):

1836

- A. Waiving Board Policy B.1, Appointment Policy and Procedures; and
- B. Reappointing the following two members for a three-year term, effective October 1, 2009, through September 30, 2012:
 - (1) John Harold, J. M. Harold Construction, Inc. (Construction Industry Trades); and
 - (2) Christopher Moorhead, Coastal Bank and Trust (Licensed Architect, Professional Engineer, or Construction Industry Lending and Finance).

2. Authorizing the scheduling (*and advertising*) of a Public Hearing on September 17, 2009, at 3:01 p.m., to consider the adoption of a County Ordinance amending the "State Court Facilities Surcharge Ordinance," increasing the surcharge assessed on non-criminal traffic infractions from \$15 to \$30.

1836

3. Approving the amendment to the Tobacco-Free Hiring Policy, decreasing the amount of time an applicant for employment must be tobacco-free, from 12 months to 30 days prior to the application date or employment date.

1836

4. Authorizing the scheduling (*and advertising*) of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) for September 17, 2009, at 3:02 p.m., to consider adoption of an Ordinance creating the Li-Fair Subdivision Street Lighting MSBU.

1836

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

5. Authorizing the scheduling (*and advertising*) of a Public Hearing for October 1, 2009, at 5:31 p.m., to consider the exchange of property, located in Dovefield Estates, between Escambia County and Barry Tweedie, to correct encroachment issues concerning the County retention pond. 1836

6. Taking the following action concerning the Urban and Community Forestry Grant Resolution from the Florida Department of Agriculture and Consumer Services: 1836

A. Adopting the Resolution (*R2009-174*) supporting entering into a Memorandum of Agreement (*with the State of Florida, Department of Agriculture and Consumer Services*), to enable the County to be eligible for the Urban and Community Forestry Grant; and

B. Authorizing the Chairman to sign the Resolution.

7. Taking the following action concerning the Workforce Escarosa, Inc., Local Workforce Services Plan Modification Fiscal Year 2009-2010, for the two-County area (Escambia and Santa Rosa), which comprises Region One: 1836

A. Approving the Workforce Escarosa, Inc., Local Workforce Services Plan Modification Fiscal Year 2009-2010; and

B. Authorizing the Chairman to execute the Plan Modification.

8. Authorizing the scheduling and advertising of a Public Hearing for September 17, 2009, at 3:03 p.m., for consideration of adopting an Ordinance creating new Sections 90-65 through 90-69 of the Escambia County Code of Ordinances, imposing and levying an additional one percent (1%) Tourist Development Tax (the 5th Cent) in the incorporated and unincorporated areas of Escambia County; providing for the collection and designation of the additional tax; establishing the uses of the additional tax as promotion of tourism in support of air service into Escambia County, Florida, for a set period of three consecutive years, commencing October 1, 2010. 1836

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA

1-14. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Valentino absent, approving Consent Agenda Items 1 through 14, as follows, with the exception of Items 9 and 13, which were held for separate votes:

1836

1. Adopting the Resolution (*R2009-175*) approving Supplemental Budget Amendment Number 325, Local Option Sales Tax (LOST) II (351), in the amount of \$82,040, to recognize revenues received through the auctioning of law enforcement vehicles and to appropriate these funds back to the LOST II Fund, from which the vehicles were originally purchased.
2. Adopting the Resolution (*R2009-176*) approving Supplemental Budget Amendment Number 326, General Fund (001), in the amount of \$16,620, to recognize reimbursements from auto insurance payments and to appropriate these funds for the Sheriff's Department vehicle activities.
3. Authorizing foreclosure of the Code Enforcement Lien recorded in Official Records Book 5295, Page 1244, in the amount of \$7,413, of the Public Records of Escambia County, Florida, on real property located at 1000 West Yonge Street, real property Account Number 062754000, Reference Number 18-2S-30-6000-070-030; the current assessed value of the property is \$11,400.
4. Authorizing foreclosure of the Nuisance Abatement Liens recorded in Official Records Book 4525, Page 1320, in the amount of \$4,665.18, and recorded in Official Records Book 4657, Page 405, in the amount of \$1,466.72, of the Public Records of Escambia County, Florida, on real property located at 3011 North Miller Street, real property Account Number 050990000, Reference Number 04-2S-30-6001-013-013; the County's current Lien amount is \$6,131.90; the current assessed value of the property is \$5,700.00.
5. Authorizing foreclosure of the Nuisance Abatement Lien recorded in Official Records Book 3927, Page 453, in the amount of \$5,684.91, of the Public Records of Escambia County, Florida, on real property located at 3014 Berwick Street, real property Account Number 050998000, Reference Number 04-2S-30-6001-029-013; the current assessed value of the property is \$5,700.00.

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-14. Approval of Various Consent Agenda Items – Continued

6. Awarding a Contract, in the amount of \$250,000, for Household Hazardous Waste, Transportation and Disposal, PD 08-09.070, to EQ-The Environmental Quality Company, for a period of 36 months, effective date October 1, 2009 (Funding: Solid Waste Fund 401, Cost Center 220602, Object Code 53401). 1836
7. Awarding a three-year Contract, for \$119,580 per year, for Communication Maintenance for Microwave Systems and Fixed Equipment, PD 08-09.047, to Motorola Communications and Electronics, Inc., in accordance with the terms and conditions of the solicitation and annual appropriation of funds (Funding: General Fund 001, Object Code 54601, Cost Center 330403). 1836
8. Approving issuance of a Purchase Order to Horton Emergency Vehicles, in the amount of \$573,872, on Contract PD 05-06.048, "Purchase of Ambulances," for the purchase of three ambulances for use by the Public Safety Bureau (Funding Source: Fund 352, Local Option Sales Tax III, Project No. 08PS0028 –Ambulances, Cost Center 330435, Account 56401). 1836
9. See Page 25.
10. Taking the following action concerning Escambia County Area Transit (ECAT) providing transportation services for disabled persons, as required by the Americans with Disabilities Act (ADA) (Funding: the estimated cost of this project is \$1,024,189 and is included in the proposed Fiscal Year 2009-2010 Mass Transit Operating Budget, Fund 104; Federal funding, in the amount of \$302,490, for the ADA costs, and \$85,000 for the non-urbanized area service, are included as revenue in the proposed Fiscal Year 2009-2010 Mass Transit Operating Budget, Fund 104): 1836
 - A. Approving the *Agreement to Provide Transportation*, effective October 1, 2009, through September 30, 2010, in the estimated amount of \$1,024,189 (payable in monthly installments), between Escambia County and Pensacola Bay Transportation Company, LLC; and
 - B. Authorizing the Chairman to execute the Agreement.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-14. Approval of Various Consent Agenda Items – Continued

11. Taking the following action concerning the Supplemental JPA (Joint Participation Agreement) (*Financial Project*) No. 42349118401, providing Fiscal Year 2009-2010 funding for Escambia County Area Transit (ECAT), for the Southwest Route Service Development:

1836

- A. Approving the Supplemental JPA (*Number 1*), (*Financial Project*) No. 42349118401, providing for Florida Department of Transportation participation, in the amount of \$191,500, Fiscal Year 2009-2010 funding for ECAT, for the Southwest Route Service Development;
- B. Adopting the authorizing Resolution (*R2009-177*); and
- C. Authorizing the Chairman to sign the Resolution and all required JPA documents.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-14. Approval of Various Consent Agenda Items – Continued

12. Taking the following action concerning the Supplemental JPA (Joint Participation Agreement) (*Financial Project*) No. 42349218401, providing Fiscal Year 2009-2010 funding for Escambia County Area Transit (ECAT), for the Perdido Key Route Service Development (Funding: no additional cost to the County):

1836

A. Approving the Supplemental JPA (*Number 1*), (*Financial Project*) No. 42349218401, providing for Florida Department of Transportation participation, in the amount of \$50,000, Fiscal Year 2009-2010 funding for ECAT, for the Perdido Key Route Service Development;

B. Adopting the authorizing Resolution (*R2009-178*); and

C. Authorizing the Chairman to sign the Resolution and all required JPA documents.

13. See Page 25.

14. Taking the following action concerning (*the Lease Agreement between Escambia County and The Arts Council of Northwest Florida, Inc., for*) the lease of County-owned space at the Old Escambia County Courthouse, 223 South Palafox Place, Pensacola, Florida, to the Arts Council of Northwest Florida, Inc. (ACNWFL) (Funding Source: ACNWFL is leasing the property at a rate of \$1 per year; ACNWFL will be billed monthly by the County, for the previous month, for its proportional share of the cost of the utility, custodial, and maintenance services):

1836

A. Adopting a Resolution (*R2009-179*) approving the lease of the first floor of the Old Escambia County Courthouse, 223 South Palafox Place, with The Arts Council of Northwest Florida, Inc., at a rate of \$1 per year, for a period of three years, for the operation of a visitor's information center, exhibitions, office space, classrooms, and other supporting uses to further promote local arts and culture to the public; and

B. Authorizing the Chairman to execute all documents necessary to complete this transaction.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

9. Recreation Fees

Motion made by Commissioner Robertson, seconded by Commissioner White, and carried 4-0, with Commissioner Valentino absent, approving the *Proposed Recreation Fee Increases and Changes for FY 2009-2010, Neighborhoods/Community Services Bureau, Parks Programs Division*, resulting in an increase of approximately \$74,580 in revenue, effective October 1, 2009 (Funding: General Fund 001/Cost Centers 220801 [Adult Sports], 220803 [Parks – Recreation], and 220804 [Lake Stone]), as amended to strike the increase for Senior/Disabled Escambia County Residents and to strike all fees pertaining to the \$10 per participant in youth sports (*Athletic Association Fees \$10/child/sport*).

1837

13. Economic Development Incentive Fund Program Agreement

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried 3-0, with Commissioner Valentino absent and Commissioner Robertson abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), taking the following action concerning the Navy Federal Credit Union *Economic Development Incentive Fund Program Agreement* (funds are available in the Economic Development Fund (102), Cost Center 360704, Account 58201, Aids to Private Organizations; these funds will be available on October 1, 2009, in the new budget year (the funds are budgeted for next Fiscal Year 2009-2010):

1840

- A. Approving the Agreement with the Navy Federal Credit Union for economic development incentives; and
- B. Authorizing the Chairman to sign the Agreement between Escambia County and Navy Federal Credit Union.

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION

1. West Florida Public Library Board of Trustees

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Valentino absent, approving Items A, B, and C, as follows:

1842

- A. Accepting, for filing with the Board's Minutes, the name change of the West Florida Regional Library Board of Trustees to the West Florida Public Library Board of Trustees, effective October 1, 2006, per Section 6 of Ordinance Number 20-06, Code of Ordinances, the City of Pensacola;
- B. Accepting, for filing with the Board's Minutes the change in membership, per Section 2-4-39 of Ordinance Number 20-06, Code of Ordinances, the City of Pensacola, as follows: "The members consist of seven citizens who are appointed: three each by Escambia County, and the City of Pensacola. The Seventh is appointed by those six members"; and
- C. Reappointing Mr. Phillip White to serve another four-year term, effective January 1, 2010, through December 31, 2014.

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried 4-0, with Commissioner Valentino absent, approving Item D, and confirming the appointment, by ballot, of Dr. Neil Carter Davis to the West Florida Public Library Board of Trustees, effective September 9, 2009, through November 20, 2012, to fill the unexpired term of Ms. Edie Pocase, who resigned.

For Information: The Board heard the request from Commissioner Robinson that the record reflect his nomination of Ms. Sandra S. Harwood.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION – Continued

2. Muscogee Nation of Florida

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Valentino absent, approving to take no action concerning the recommendation that the Board authorize the Chairman, as requested by Walton County, to sign letters of support for Federal Recognition of the Muscogee Nation of Florida and send the letters to the Committee Chairs who are considering Bills SB530 and HR1899 that are presently before Congress; both Bills have been referred to their respective Committees – the Senate Committee on Indian Affairs and the House Committee on Natural Resources; the job at hand is to urge these Bills through the Committee process and on to the floor of the House and the Senate.

1844

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

1847

I. FOR ACTION

1. Health Facilities Authority Grant

Motion made by Commissioner Robinson, seconded by Commissioner White, and carried 4-0, with Commissioner Valentino absent, approving to accept the (*Escambia County*) Health Facilities Authority offer of \$200,000 as a one-time Grant (*to the Board of County Commissioners*) , with the caveat that a request will be submitted, as quickly as possible, for an additional \$47,239 grant, to be used during Fiscal Year 2009-2010, for nonprofit health care organizations, and authorizing the Chairman to sign the Agreement for Charitable Grant and any other necessary documents.

1847

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

- I. FOR ACTION – Continued
and
- II. FOR INFORMATION

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Valentino absent, approving Items I-2 through I-4 and Items II-1 and II-2 of the County Attorney's Report, as follows:

- I. FOR ACTION
2. Taking the following action concerning the Case, Carl R. Gilbert, II, and Sharon Gilbert vs. Harry R. McNesby, Charlie Walker, and Sotirios Thagouras; Case No. 3:08cv51/RV/MD:
 - A. Scheduling a private meeting with the Board's Attorneys to discuss pending litigation, in accordance with Section 286.011(8), Florida Statutes, for September 10, 2009, at 8:30 a.m.; and
 - B. Approving the following public notice to be published in the Pensacola News Journal on Saturday, September 5, 2009:

1847

PUBLIC NOTICE

IT IS THE INTENTION of the Board of County Commissioners of Escambia County, Florida, to hold a private meeting with its attorney to discuss pending litigation in the case of Carl and Sharon Gilbert v. Harry R. McNesby, et al., in accordance with Section 286.011(8), Florida Statutes. Such attorney-client session will be held at 8:30 a.m. on Thursday, September 10, 2009, in the Board Meeting Room, First Floor, Escambia County Governmental Complex, 221 Palafox Place, prior to the meeting of the Board of County Commissioners. Commissioners Wilson Robertson, Gene Valentino, Marie Young, Grover Robinson, IV, and Kevin White, County Administrator Robert McLaughlin, Attorney representing Escambia County, Joseph Hammons, Esq., County Attorney Alison Rogers and a certified court reporter will attend the attorney-client session.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION – Continued

3. Adopting the Resolution (*R2009-180*) in order to clarify action taken at the July 9, 2009, Board Meeting to eliminate the Commissioners' \$200 per month fixed travel allowance. 1847
4. Approving a settlement of the claim for damages for personal injuries, in the sum of \$15,000, to be paid to Nicholia Peterson, in exchange for a General Release and Hold Harmless Agreement in favor of Escambia County. 1847

II. FOR INFORMATION

1. Accepting, for information, the Order of U. S. District Judge Roger Vinson, dated August 24, 2009, denying the County's Motion for Summary Judgment in the Case, Carl R. Gilbert, II, and Sharon Gilbert vs. Harry R. McNesby, et al., Case No.: 3:08-cv-51-RV/MD. 1847
2. Accepting, for information, the Order of U. S. District Judge Casey Rodgers concerning the forfeiture of properties and assets previously owned by Kent and Jo Hovind, regarding United States of America v. Kent W. Hovind and Jo D. Hovind, Case No.: 3:06cr83/MCR. 1847

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 6:48 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: September 17, 2009