

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD NOVEMBER 5, 2009
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:41 p.m. – 7:07 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
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 4:41 p.m.

1. FOR INFORMATION: The Board heard comments from Commissioner Robinson recognizing Troop 425 from St. Paul's Boy Scouts.

4:44 P.M. – PUBLIC FORUM ADJOURNED

5:30 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 5:30 p.m. 1730

2. Invocation

Commissioner Robinson advised that he would deliver the Invocation (*Rabbi Eric Tokajer, Brit Ahm Messianic Synagogue, was not present*). 1732

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

3. Pledge of Allegiance to the Flag

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

4. Adoption of the Agenda

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting the agenda as prepared.

5. Commissioners' Forum

1734

A. District 5 – Commissioner White expressed his appreciation to Joy D. Blackmon, Bureau Chief, Public Works Bureau, Larry Newsom, Transportation Director, and other staff who were instrumental in acquiring stimulus funding, which has made road construction in District 5 possible;

B. District 1 – Commissioner Robertson expressed his appreciation to County Administrator McLaughlin, County Attorney Rogers, and Code Enforcement staff for their assistance in resolving the issue concerning the "fertilizer" from the Solid Waste Department (*the Septage Receiving and Processing Station located on Highway 297 and the processed and pasteurized sewage sludge storage site located on Pine Forest Road*);

C. District 2 – Commissioner Valentino:

(1) Approval to Amend the Agenda

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, approving an add-on item to adopt a Resolution opposing amberjack fishing limits.

(2) Expressed his appreciation to the group who participated in a recent dive to the USS Oriskany; and

(3) Expressed "Happy Birthday" wishes to Alison Rogers, County Attorney, whose birthday is Sunday (*November 8, 2009*);

(Continued on Page 3)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

5. Continued...

- D. District 4 – Commissioner Robinson provided comments regarding red snapper counts, Gulf Power Company's new scrubber (*which will reduce sulfur dioxide emissions*), and Gulf Power's decision to delay the Gas-to-Energy Project (*on July 9, 2009, the Board approved a Landfill Gas Sales Agreement with Gulf Power*); and
- E. District 3 – Commissioner Young advised that a public meeting will be held at Englewood Baptist Church on November 10, 2009, at 5:30 p.m., and expressed her appreciation to staff for their efforts in improving the Ebonwood Neighborhood.

6. Proclamations

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning adoption/ratification of the following 20 Proclamations:

1739

- A. Adopting the Proclamation commending and expressing appreciation to J. Chris Wachtel for his years of faithful and dedicated service to Escambia County while serving as an appointee to the Marine Advisory Committee and the County Investment Advisory Committee;
- B. Adopting the Proclamation commending and congratulating Patrick Sheldon for achieving the rank of Eagle Scout;
- C. Adopting the Proclamation commending and congratulating the Pensacola Boys' Base for being recommended for an International Habitat Award by Pensacola's Habitat for Humanity;
- D. Adopting the Proclamation commending and expressing appreciation to L. Gary Sansing for his years of participation in local County Government;
- E. Adopting the Proclamation proclaiming Friday, November 6, 2009, as "Veterans' Stand Down 2009 Day" in Escambia County;
- F. Adopting the Proclamation proclaiming November 15-21, 2009, as "National Hunger and Homelessness Awareness Week";

(Continued on Page 4)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

6. Continued...

- G. Adopting the Proclamation commending and congratulating Pastor Earl F. Jackson for his 25 years of service to the Damascus Road Missionary Baptist Church;
- H. Adopting the Proclamation commending and expressing appreciation to Joe Morris and Son Funeral Home for 44 years of dedicated service to Escambia County residents and their families;
- I. Adopting the Proclamation commending and expressing appreciation to Reeds Funeral Home for 31 years of dedicated service to Escambia County residents and their families;
- J. Adopting the Proclamation commending and expressing appreciation to Trahan Mortuary for 11 years of dedicated service to Escambia County residents and their families;
- K. Adopting the Proclamation commending and expressing appreciation to Jackson-McMurray Funeral Home for six years of dedicated service to Escambia County residents and their families;
- L. Adopting the Proclamation commending and expressing appreciation to Tracy Morton Memorial Chapel for dedicated service to Escambia County residents and their families;
- M. Adopting the Proclamation commending and expressing appreciation to Holy Cross Cemetery for 67 years of dedicated service to Escambia County residents and their families;
- N. Adopting the Proclamation commending and expressing appreciation to Resthaven Gardens Cemetery for 57 years of dedicated service to Escambia County residents and their families;
- O. Adopting the Proclamation commending and expressing appreciation to Barrancas National Cemetery for 189 years of dedicated service to Escambia County residents and their families;

(Continued on Page 5)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

6. Continued...

- P. Adopting the Proclamation commending and expressing appreciation to Florida Removal Service for 15 years of dedicated service to Escambia County residents and their families;
- Q. Adopting the Proclamation commending and expressing appreciation to Southern States Removal Service for 12 years of dedicated service to Escambia County residents and their families;
- R. Adopting the Proclamation commending and expressing appreciation to Walker Services for Funeral Homes for their years of dedicated service to Escambia County residents and their families;
- S. Ratifying the Proclamation dated October 14, 2009, proclaiming Monday, October 19, 2009, as “Kiss Day” in Escambia County; and
- T. Ratifying the Proclamation dated October 27, 2009, proclaiming Friday, October 30, 2009, as “Kobacker Arts Day” in Escambia County.

Speaker(s):

Lisa Wachtel
Patrick Sheldon
Oliver Jones
Jerron Barnett
Mick Breault
Dennis Trahan
Tracy Morton
Sandra Jackson
Deacon Stephen Wulf
Artis Parker
D. J. Trahan

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

7. Written Communication

A. Approval of Revenue Bonds

1811

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), adopting, and authorizing the Chairman to sign, a supplemental Resolution (R2009-213) which authorizes the issuance, by the Escambia County Health Facilities Authority, of not exceeding \$555,000,000 in Revenue Bonds for Baptist Hospital, Inc., and The Baptist Manor, Inc. (collectively, the Baptist Obligated Group or the "Borrower"), Series 2009, and adds additional uses for the proceeds of the Bonds.

B. Code Enforcement Lien – 3600 Ashcraft Road

1812

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried 4-1, with Commissioner Robinson voting "no," approving to waive the entire lien (*which consists of \$56,750 in fines and \$1,100 in hard costs*), relative to the communication, dated October 9, 2009, from Leslie Barnes, 3210 Dockens Road, McDavid, Florida, requesting that the Board waive the penalties associated with a Code Enforcement Lien filed against property located at 3600 Ashcraft Road, Century, Florida.

Speaker(s):

Leslie Barnes

REGULAR BCC AGENDA – Continued

8. Proof of Publication

1817

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:

A. The following five Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on November 2, 2009, for consideration of Supplemental Budget Amendment Number 23 to re-budget funds associated with ongoing projects not completed by the end of Fiscal Year 2008-2009;
- (2) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on October 21, 2009, for consideration of adopting an Ordinance amending the Official Zoning Map;
- (3) The 5:46 p.m. Transmittal Public Hearing, advertised in the Pensacola News Journal on October 21, 2009, for consideration of Comprehensive Plan Amendment – Evaluation & Appraisal Report (EAR)-Based Amendments;
- (4) The 5:47 p.m. Public Hearing, advertised in the Pensacola News Journal on October 21, 2009, for consideration of adopting an Ordinance approving Comprehensive Plan Amendment, Capital Improvement Program; and
- (5) The 5:48 p.m. **first** Public Hearing, advertised in the Pensacola News Journal on October 21, 2009, to review an Ordinance amending LDC Articles 3, "Definitions," and 6, "Mobile Vending Units"; and

(Continued on Page 8)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Continued...

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule November 2, 2009 – November 6, 2009 – Legal No. 1432306*, as published in the Pensacola News Journal on October 31, 2009, as follows:

November 3	9:00 a.m.	Citizens Academy
November 3	1:30 p.m.	Environmental Enforcement Special Magistrate
November 4	8:30 a.m.	Examination Committee for Competency Board
November 4	9:00 a.m.	Construction Industry Competency Board
November 4	9:00 a.m.	Environmental Enforcement Special Magistrate
November 4	10:00 a.m.	Benefits Committee Meeting
November 4	1:00 p.m.	Development Review Committee
November 4	5:00 p.m.	Santa Rosa Island Authority Regular Meeting
November 5	9:00 a.m.	Agenda Work Session
November 5	1:30 p.m.	Citizens Environmental Committee
November 5	4:30 p.m.	Board of County Commissioners Public Forum
November 5	3:00 p.m.	Heath Facilities Authority
November 5	4:30 p.m.	Board of County Commissioners Public Forum
November 5	5:30 p.m.	Board of County Commissioners Public Hearings & Reports

NEXT WEEK'S NOTE:

November 9	8:30 a.m.	Planning Board
November 9	2:30 p.m.	West Florida Regional Planning Council Executive Committee
November 9	5:30 p.m.	Marine Advisory Committee

REGULAR BCC AGENDA – Continued

1818

9. 5:31 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning re-budgeting ongoing projects that were not completed by the end of Fiscal Year 2008-2009:

- A. Ratifying the scheduling (*and advertising*) of the 5:31 p.m. Public Hearing on November 5, 2009, to amend the Fiscal Year 2009-2010 Budget for the purpose of recognizing prior year grants and fund balances and appropriating these funds for ongoing projects;
- B. Adopting the Resolution (*R2009-214*) approving Supplemental Budget Amendment Number 23, in the amount of \$32,802,098.37, to re-budget the following funds associated with ongoing projects that were not completed by the end of Fiscal Year 2008-2009:

- General Fund (001)
- Tourist Promotion Fund (108)
- Other Grants and Projects Fund (110)
- Disaster Recovery Fund (112)
- Article V Fund (115)
- CDBG/Entitlement Fund (129)
- Community Redevelopment Fund (151)
- Southwest Sector CRA Fund (152)
- Transportation Trust Fund (175)
- MSBU Assessment Fund (177)
- Master Drainage Fund (181)
- FTA Capital Fund (320)
- New Road Construction Fund (333)
- Local Option Sales Tax II Fund (351)
- Local Option Sales Tax III Fund (352)
- Solid Waste Fund (401)
- Civic Center Fund (409)

- C. Approving all associated Fiscal Year 2009-2010 Purchase Orders for projects with existing Purchase Orders.

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

1818

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

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:
 - A. The following two Payroll Expenditures:
 - (1) For Pay Date October 16, 2009, in the amount of \$2,108,947.55; and
 - (2) For Pay Date October 30, 2009, in the amount of \$1,817,220.78; and
 - B. The following three Disbursement of Funds:
 - (1) October 8, 2009, to October 14, 2009, in the amount of \$2,347,546.12;
 - (2) October 15, 2009, to October 21, 2009, in the amount of \$5,974,183.96; and
 - (3) October 22, 2009, to October 28, 2009, in the amount of \$7,217,332.51.
2. Approving the transfer of machinery and equipment from the Board's Fixed Assets Inventory Records to the Escambia County Sheriff's Office, as of September 30, 2009, in the amount of \$3,103,633.17.
3. Approving six (6) forms, *Request for Disposition of Property*, indicating 18 items of 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.

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 to the Board's Office:
 - A. The original recorded *Subordination Agreement (Morris Court II Apartments)*, as executed by the Chairman on September 24, 2009, and recorded in Official Records Book 6514, Pages 1557 through 1566, on October 5, 2009, based on the Board's April 19, 2007, action formally committing \$1,240,000 in Hurricane Housing Recovery Program (HHRP) funds to Morris Court II, LTD, to financially support the cost of constructing a 74-unit family housing tax credit rental development; and
 - B. The *2009 Annual Investment Report* for the Fiscal Year ended September 30, 2009, for Sheriff David Morgan, which includes the *Escambia County Sheriff's Office Investment Policy*, as provided by the Honorable David Morgan, Sheriff, to the Honorable Marie Young, Chairman, Board of County Commissioners, pursuant to Section 218.415(15), Florida Statutes, and received in the Clerk to the Board's Office on October 23, 2009.
5. Taking the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:
 - A. Approving the Minutes of the Regular Board Meeting held October 15, 2009;
 - B. Approving the Minutes of the Attorney-Client Session held October 15, 2009;

(Continued on Page 12)

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. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held October 15, 2009, as follows:

1. FOR INFORMATION: The agenda package for the 5:30 p.m., October 15, 2009, Regular Board Meeting was reviewed as follows:

- A. The agenda cover sheet was reviewed by Judy H. Witterstaeter, Administrative Assistant, County Administrator's Office; County Attorney Rogers; Sandra Slay, Office of Environmental Enforcement; Joy D. Blackmon, Bureau Chief, Public Works Bureau; Larry Newsom, Transportation Director; and Franklin H. "Frank" Edwards, Bureau Chief/Fire Chief, Public Safety Bureau;
- B. The Clerk's Report was reviewed by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services;
- C. The Growth Management Report was reviewed by T. Lloyd Kerr, Development Services Bureau;
- D. The County Administrator's Report was reviewed by Judy H. Witterstaeter, Administrative Assistant, County Administrator's Office, and Joy D. Blackmon, Bureau Chief, Public Works Bureau; and
- E. The County Attorney's Report was reviewed by County Attorney Rogers; and

(Continued on Page 13)

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 Workshop held October 8, 2009, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Young called the Committee of the Whole (C/W) to order at 9:05 a.m.

2. Was the Meeting Properly Advertised?

The C/W was advised by Doris Harris, Deputy Clerk to the Board, that the Meeting was advertised in the Pensacola News Journal on October 3, 2009, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule October 5, 2009 –October 9, 2009, Legal No. 1427264.*

3. Ann Bennett Property Donation

A. Discussion – The C/W discussed Ann Bennett Property Donation, and the C/W:

- (1) Was advised by Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, that Mr. and Mrs. Bennett own approximately three acres on Bayou Marcus Creek that they would, upon their demise, like to donate to Escambia County for use as an ecological community center; and

(Continued on Page 14)

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 October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Continued...

A. Continued...

(2) Was advised by Mrs. Bennett that:

(a) As a condition of the donation, the property would have to be used as an ecological public benefit; therefore, the property cannot be sold or developed, but may be used as an environmental study center or community center; and

(b) Should the County violate any of the conditions for the use of the property, as outlined in the Bennetts' Will, the property would be reverted and donated to another entity; and

B. Board Direction – The C/W was advised Commissioner Young that the consensus is that staff move forward and take the necessary steps to accept the donation.

(Continued on Page 15)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Gulf Coast African-American Chamber of Commerce

A. Discussion – The C/W discussed Gulf Coast African-American Chamber of Commerce (GCAACC), and the C/W:

- (1) Was advised by Oliver Darden, Chairman, GCAACC, that the funding (*allocated for the GCAACC for Fiscal Year 2009-2010, in the amount of \$40,000*), will be utilized to assist in the development of small and minority business and to assist the Office of Purchasing in increasing minority participation in the procurement process;
- (2) Heard the request from Commissioner Valentino for a detailed report of the GCAACC's performance measures in relation to its program(s);
- (3) Was advised by Commissioner White that one of the reasons he did not support GCAACC's funding request is because the Office of Purchasing already has outreach programs to educate businesses on obtaining work from the County;
- (4) Was advised by Commissioner Robertson that it is his opinion that there should be one Chamber of Commerce in Escambia County that represents all citizens, regardless of their ethnicity;
- (5) Was advised by Commissioner Robinson that his concern is with the duplication of effort with finite dollars with which the Board must contend for this Fiscal Year; 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
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

A. Continued...

(6) Was advised by County Administrator McLaughlin that in speaking with members of the community, he has learned that one of the impediments in bidding on government jobs is the ability to meet the financing requirements of the surety bond, and staff is currently researching ways the County can address that issue; and

B. Board Direction – None.

5. Escambia County Volunteer Program

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Escambia County Volunteer Program*, presented by Tonya Green, Administrator's Aide, County Administration; and

B. Board Direction – The C/W was advised by Commissioner Young that the consensus is to move forward with the Volunteer Program.

(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 October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Saufley Field, LLC, Presentation

- A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Center for Innovation and Technology – Saufley Field Enhanced Use Lease*, presented by County Administrator McLaughlin, and who advised that the Department of Navy is requesting that the Board support the Navy's request for a jurisdictional change of the property located at Saufley Field, which is presently under exclusive Federal jurisdiction, and its proposal to lease portions of the property to local businesses under the Enhanced Use Lease Program for a period of up to 50 years; and
- B. Board Direction – The C/W was advised by Commissioner Young that the consensus is to proceed with drafting a letter of support for the Department of Navy.

Speaker(s):

Bob Brown

(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 October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 7. Pensacola Care, Incorporated/Pensacola Development Center Located at 1 Villa Drive
 - A. Discussion – The C/W discussed Pensacola Care, Incorporated/Pensacola Development Center Located at 1 Villa Drive, and the C/W:
 - (1) Heard the request from County Administrator McLaughlin for Board direction concerning a letter he received from Fletcher Fleming, Shell, Fleming, Davis & Menge, Attorneys at Law, representing Pensacola Care, Incorporated (PCI), regarding the Pensacola Developmental Center (PDC) facility, located at 1 Villa Drive, which is owned by Escambia County and leased by PCI;
 - (2) Was advised by County Attorney Rogers that:
 - (a) The tax-exempt Bonds (Initial Bonds) used to construct the facility will be paid in full, by PCI, on July 1, 2011, and, once the Initial Bonds are paid in full, the lease will expire; and
 - (b) As outlined in an email from Richard Lott, the County will have the following three options:
 - 1) Let the lease expire and take over the building, and either use it for some County purpose, or lease or sell to the highest bidder;
 - 2) Renew the lease for another long term, such as 15-30 years, and allow PCI to continue occupancy; or

(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 October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

A. Continued...

(2) Continued...

b) Continued...

3) Convey the property to PCI;

(3) Was further advised by County Attorney Rogers that PCI must determine as soon as possible whether or not it will be able to occupy the PDC facility after July 1, 2011, because there are a minimum of 59 severely disabled adults living in the facility that will have to be relocated if the lease is terminated; and

(4) Heard the request from Commissioner Robertson for a recommendation from staff and information concerning the value and liability of ownership of the property; and

B. Board Direction – The C/W was advised by Commissioner Young that the consensus is to direct staff to research all options and bring a recommendation back to the Board.

(Continued on Page 20)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 8. Contract Renewal for Lobbying Service for Escambia County – Gentry and Associates
 - A. Discussion – The C/W discussed renewal of the *Agreement for Lobbyist Services* with Gentry & Associates, LLC, which includes a fee increase in the amount of \$10,000; and
 - B. Board Direction – The C/W was advised by Commissioner Young that the consensus is to move forward with the contract renewal.
- 9. Mobile Highway Community Redevelopment Agency Land Acquisition
 - A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Property Acquisition – Brownsville Redevelopment Area*, presented by Marcie Whitaker, Community Redevelopment Agency, and heard the request from Mrs. Whitaker for Board direction concerning authorization to conduct appraisals on five parcels located on Mobile Highway, in the Brownsville Redevelopment Area, which are further identified in the PowerPoint Presentation, and offer letters of interest to the property owners; and
 - B. Board Direction – The C/W was advised by Commissioner Young that the consensus is to move forward with the acquisition of land.

(Continued on Page 21)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

10. Amended Vehicle Policy

- A. Discussion – The C/W heard an overview of proposed amendments to Escambia County's *Vehicle Policy*; and
- B. Board Direction – The C/W recommends that the Board adopt the amended *Vehicle Policy*.

Recommended 5-0

11. Rawson Lane Vacation (Between Airport Boulevard and Brent Lane)

- A. Discussion – The C/W discussed Rawson Lane Vacation (Between Airport Boulevard and Brent Lane), and the C/W:
 - (1) Received an overview from Joy D. Blackmon, Bureau Chief, Public Works Bureau, of an upcoming request from Pensacola Christian College (PCC) that the County vacate a portion of Rawson Lane, between Airport Boulevard and Brent Lane, so that Rawson Lane can be incorporated into the PCC Campus; and
 - (2) Heard the request from Ms. Blackmon for Board direction concerning authorizing staff to submit a request to the Florida Department of Transportation (FDOT) to convey certain portions of Rawson Lane in order to facilitate PCC's anticipated request (*Petition to Vacate*); and

(Continued on Page 22)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

11. Continued...

- B. Board Direction – The C/W recommends that the Board accept the transfer of ownership of property on Rawson Lane, between Airport Boulevard and Brent Lane, from the State of Florida Department of Transportation to Escambia County.

Recommended 5-0

Speaker(s):

Thomas J. Gilliam, Jr.

(Continued on Page 23)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 12. Agreement for Reimbursement – Geci and Associates Engineers, Inc. (Garcon Swamp and Southwest Side Drainage Basin Studies)
 - A. Discussion – The C/W discussed Agreement for Reimbursement – Geci and Associates Engineers, Inc. (Garcon Swamp and Southwest Side Drainage Basin Studies); and
 - B. Board Direction – The C/W recommends that the Board take the following action concerning an *Agreement for Reimbursement* between Geci & Associates Engineers, Inc., and Escambia County, regarding the inability of Geci & Associates Engineers, Inc., to complete the Contract for the Garcon Swamp and Southwest Side Drainage Basin Studies:
 - (1) Approve the *Agreement for Reimbursement* between Geci & Associates Engineers, Inc., and Escambia County (*wherein Geci & Associates Engineers, Inc., will reimburse the County \$109,473.70 for incomplete survey work relating to PD 02-03.79*); and
 - (2) Authorize the Chairman to sign the Agreement.

Recommended 5-0

(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 October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

13. Longevity Pay for Volunteer Firefighters

- A. Discussion – The C/W discussed Longevity Pay for Volunteer Firefighters; and
- B. Board Direction – The C/W recommends that the Board approve retaining the longevity pay in the incentive plan for volunteers.

Recommended 5-0

14. Pensacola Ice Flyers' Invitation

- A. Discussion – The C/W discussed an invitation from Tim Kerr, Pensacola Ice Flyers, to a reception on October 23, 2009, at 5:30 p.m., at The Pensacola Civic Center, followed by a special seating on the Flight Deck for the Pensacola Ice Flyers' first game of the season, regarding which the Pensacola Ice Flyers will provide a book of five tickets for each Commissioner; and
- B. Board Direction – The C/W was advised by Commissioner Young that the consensus is that each Commissioner will purchase his or her own tickets.

Speaker(s):

Alan Siskind

(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 October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

15. Statement of Work – Employee Health Clinic

- A. Discussion – The C/W heard the request from County Administrator McLaughlin for Board Direction concerning advertising the RFP (*Request for Proposals*) for an On-Site Employee Health Clinic; and
- B. Board Direction – The C/W recommends that the Board move forward with advertising the RFP (*Request for Proposals*) for an On-site Employee Health Clinic.

Recommended 4-0, with Commissioner Robertson absent

16. Proposed Acquisition of Bellamy Property Located at 8210 Scenic Highway

- A. Discussion – The C/W discussed the proposed acquisition of the "Bellamy Property" located at 8210 Scenic Highway; and
- B. Board Direction – The C/W recommends that the Board direct staff to move forward with the acquisition process.

Recommended 3-0, with Commissioner Robertson absent and Commissioner White abstaining (*and filing Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*)

(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 October 8, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

17. Disposition of Surplus Equipment Policy

- A. Discussion – The C/W discussed Disposition of Surplus Equipment Policy; and
- B. Board Direction – The C/W heard the request from Commissioner Valentino, with consensus, that staff amend the County's Disposition of Surplus Equipment Policy to provide for sale/auction of surplus property before charitable donation.

18. Felix Miga Senior Citizen Center

- A. Discussion – The C/W heard the request from Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, for Board direction concerning the acquisition of a property adjacent to the Felix Miga Senior Citizen Center, for the purpose of expanding the Center's parking lot; and
- B. Board Direction – The C/W recommends that the Board direct staff to move forward with the acquisition process.

Recommended 5-0

19. Adjourn

Chairman Young declared the C/W Meeting adjourned at 11:32 a.m.

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

I. PUBLIC HEARINGS

1. Rezoning Case Z-2009-04

1818

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried 4-1, with Commissioner Robinson voting "no," taking the following action concerning Rezoning Case Z-2009-04:

- A. Overturning the RHE's (*Rezoning Hearing Examiner's*) recommendation and approving C-2, on the basis that the RHE erred in his decision that the rezoning would be incompatible with surrounding areas, would not result in a logical and orderly development pattern, and is not consistent with the LDC; and
- B. Authorizing the Chairman to sign the Order of the Escambia County Board of County Commissioners for the Rezoning Case that was reviewed, as follows:

Case Number: Z-2009-04
Location: 5700 Blue Angel Parkway
Property Reference Number: 02-2S-31-2203-005-005
Property Size: 0.45 (+/-) acre
From: R-6, Neighborhood Commercial and Residential District, High Density (cumulative) (25 dwelling unit per acre)
To: C-2, General Commercial and Light Manufacturing District cumulative) (25 dwelling units per acre)
Overlay: Airfield Influence Planning District-2 (AIPD-2) NOLF Saufley (3 dwelling units per acre)
FLU Category: R, Residential
Commissioner District: 1
Requested by: David J. Tau and Melody A. Tau, Owners
RHE Recommendation: Denial

Speaker(s):

William Shanahan
David J. Tau

For Information: The Board was advised by Commissioner White that he had received ex parte communication; however, the communication would not affect his decision.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

2. 5:45 p.m. Public Hearing

1846

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting an Ordinance (*Number 2009-38*) to amend the Official Zoning Map to include Rezoning Case Z-2009-04, heard (*by the Rezoning Hearing Examiner*) on September 28, 2009, and approved during the previous agenda item, and to provide for severability, inclusion in the Code, and an effective date.

Speaker(s) – None.

3. 5:46 p.m. Transmittal Public Hearing

1846

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving to reschedule the Public Hearing for December 10, 2009, at 5:47 p.m., relative to the recommendation that the Board take the following action concerning Comprehensive Plan Amendment – Evaluation & Appraisal Report (EAR)-based Amendments:

- A. Repeal the Escambia County Comprehensive Plan: 2000, Ordinance Number 93-20, in its entirety;
- B. Review the Comprehensive Plan Amendment – EAR-based Amendments to replace Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; and
- C. Approve transmittal of the recommended approval to the Department of Community Affairs.

Speaker(s):

R. Todd Harris
J. Dan Gilmore

For Information: The Board heard Commissioner Robertson disclose that he owns a 12-acre parcel on Highway 29, within the Sector Plan (*area*); however, County Attorney Rogers had advised that it was not necessary for him to abstain from voting on this issue.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

4. 5:47 p.m. Public Hearing

1851

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting (*an Ordinance [Number 2009-39] approving*) the proposed Comprehensive Plan Amendment, Capital Improvement Program, amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the updated five-year Capital Improvement Program Schedule, and adopting the revised Table 14-1, to be included in Chapter 14 of the Comprehensive Plan, entitled, "Capital Improvement Element."

Speaker(s) – None.

5. 5:48 p.m. first Public Hearing

1852

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, reviewing an Ordinance amending Part III of the Escambia County Code of Ordinances (1999), the Escambia County Land Development Code, amending Article 3, "Definitions," Section 3.02.00, to define mobile vending units; and Article 6, "Zoning Districts," Section 6.04.17, to establish the operation of mobile vending units as permitted uses in the R-6, C-1, C-2, ID-1, ID-2, C-1PK, CC-PK, CG-PK, and PRPK zoning districts, and to include additional restrictions for operation of mobile vending units.

Speaker(s) – None.

GROWTH MANAGEMENT REPORT – Continued

II. CONSENT AGENDA

1. Scheduling of Public Hearings

1853

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, authorizing the scheduling (*and advertising*) of the following two Public Hearings:

A. 5:45 p.m. – Thursday, December 10, 2009 – A Public Hearing to amend the Official Zoning Map to include the following (*Rezoning*) Cases heard by the Planning Board on October 26, 2009, and (*which are scheduled to be heard on*) November 9, 2009:

- (1) Case Number: Z-2009-05
- Location: 5717 North “W” Street
- Property Reference Number: 44-1S-30-1105-000-004
- Property Size: 1.95 (+/-) acres
- From: R-6, Neighborhood Commercial and Residential District, High Density (cumulative [25 dwelling units per acre]), and ID-1, Light Industrial District (cumulative [no residential uses allowed; 0 dwelling units per acre])
- To: ID-1, Light Industrial District (cumulative [no residential uses allowed; 0 dwelling units per acre])
- FLU Category: C, Commercial
- Commissioner District: 3
- Requested by: Thomas J. Gilliam, Jr., Agent for Nettie H. Barron, Owner

(Continued on Page 31)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

II. CONSENT AGENDA – Continued

1. Continued...

A. Continued...

- (2) Case Number: Z-2009-06
Location: 7595 Scenic Highway
Property Reference Number: 08-1S-29-2000-000-200
Property Size: 1.98 (+/-) acres
From: R-1, Single-Family District, Low Density Residential (4 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: E. George Rothbauer, Agent for James M. McKelvey, Jr., Owner
- (3) Case Number: Z-2009-07
Location: 7753 North Davis Highway
Property Reference Number: 18-1S-30-4208-000-000
Property Size: 1.74 (+/-) acres
From: C-1, Retail Commercial District (cumulative [25 dwelling units per acre])
To: C-2, General Commercial and Light Manufacturing District (cumulative [25 dwelling units per acre])
FLU Category: MU-1, Mixed Use 1
Commissioner District: 3
Requested by: Wiley C. "Buddy" Page, Agent for AMSDR Investment, Inc., Owner

(Continued on Page 32)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

II. CONSENT AGENDA – Continued

1. Continued...

A. Continued...

- (4) Case Number: Z-2009-08
Location: 7011 Pine Forest Road
Property Reference Number: 24-1S-31-3401-000-000
Property Size: 1.83 (+/-) acres
From: C-1, Retail Commercial District (cumulative [25 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: 1
Requested by: Thomas G. Hammond, Jr., Agent for Service Lumber & Roofing Supply, Inc., Owner

- B. 5:46 p.m. – Thursday, December 10, 2009 – *(second of two)* Public Hearings – Land Development Code Ordinance, amending Articles 3 (*Definitions*), and 6, “Mobile Vending Units.”

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

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-13. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 13, as follows, with the exception of Item 10, which was held for a separate vote:

1. Confirming Commissioner Kevin White's appointment of Hudson W. Woodfin, Jr., to the Marine Advisory Committee, effective November 5, 2009, replacing Captain Paul Redman; this appointment will run concurrent with Commissioner White's term of office, or at his discretion.
2. Adopting a policy establishing a Volunteer Program for Escambia County; the primary purpose of the Volunteer Program is to augment and enhance community engagement and the delivery of County services to the citizens of Escambia County; additionally, the Volunteer Program encourages involvement in local government and promotes participation by individuals and groups within Escambia County.
3. Authorizing the scheduling (*and advertising*) of a Public Hearing, for Thursday, November 19, 2009, at 5:33 p.m., for consideration of adopting an Ordinance establishing an Economic Development Ad Valorem Tax Exemption for Rodney Rich & Company, for 100% of their expansion, for ten years.
4. Authorizing out-of-County travel for the following:
 - A. A representative of the Commission, the County Administrator, and/or the County Attorney wishing to participate in the conferences/events as noted on the 2009/2010 Annual Travel Schedule; and
 - B. Commissioners participating in the Florida Association of Counties' County Commissioner Certification Program.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

5. Approving the amendment to the Policy for Surplus Property Disposition for Affordable Housing (*Development*), Section II, B.15, to allow the County to convey properties directly to qualified, non-profit agencies without auction and to set the price for said conveyance.
6. Taking the following action concerning the Deferred Retirement Option Program (DROP):
 - A. Approving the DROP Policy, effective October 1, 2009; and
 - B. Authorizing the County Administrator, or his designee, to administer the Policy.
7. Taking the following action concerning the Contract between the Escambia County Board of County Commissioners and the State of Florida, Department of Health, Escambia County Health Department:
 - A. Adopting, as allowed by Florida Statutes, Chapter 154, the Resolution (*R2009-215*) entitled, *A Resolution Authorizing a Contract Between the Escambia County Board of County Commissioners and the State of Florida, Department of Health, Escambia County Health Department, for the Provision of Certain Medical Services*, for operation of the Escambia County Health Department Contract year of October 1, 2009, through September 30, 2010; and
 - B. Authorizing the Chairman to sign the Resolution and Contract.
8. Taking the following action concerning a Certificate of Need for LJFD, Inc.:
 - A. Approving a Certificate of Need Application permitting the above-named company to operate in Escambia County; and
 - B. Authorizing the Chairman to sign the Certificate.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

9. Approving Modification #1 to the Contract between Workforce Escarosa, Inc., and the Escambia County Board of County Commissioners Non-Custodial Parent Placement Program, WIA 2009-2010-04, to specifically stipulate the funding source for the current fiscal cycle of July 1, 2009, through June 30, 2010, and the origin of the funding; Modification #1 will also change the referenced name of Workforce Investment Act (WIA) to Welfare Transition Program.
10. See Page 36.
11. Authorizing the scheduling (*and advertising of*) a Public Hearing for November 19, 2009, at 5:33 p.m., to consider the proposed vacation of an unnamed right-of-way (66 feet x approximately 1,200 feet = 79,200 square feet, or 1.80 acres), located on Brownsville Middle School property, on the Board's own motion.
12. Taking the following action concerning the electronic filing of Campaign Reports:
 - A. Adopting a Resolution (*R2009-216*) requiring all local Campaign Finance Reports be filed electronically; and
 - B. Authorizing the Chairman to execute the Resolution.
13. Taking the following action concerning the requirement to purchase a new accessible voting system:
 - A. Adopting a Resolution (*R2009-217*) in support of delaying the requirement to purchase a new accessible voting system; and
 - B. Authorizing the Chairman to execute the Resolution.

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

10. Approval of an Interlocal Agreement

1853

Motion made by Commissioner Robinson, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning the *Interlocal Agreement between Escambia County and the District Board of Trustees of Pensacola Junior College, Florida, for the Provision of Certain Student Clinical Training* (PJC Contract # 09/10-0144):

- A. Approving the Interlocal Agreement to allow clinical learning experiences, under the auspices of Escambia County Emergency Medical Services, for students enrolled in Pensacola Junior College training programs in applied health occupations; and
- B. Authorizing the Chairman to sign the Interlocal Agreement.

For Information: The Board heard Commissioner Robinson disclose that he serves as the President of the Pensacola Junior College Foundation; however, because it is an unpaid position for a not-for-profit (*organization*) he is not prohibited from voting on this issue.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA

1-25. Approval of Various Consent Agenda Items

1854

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried unanimously, approving Consent Agenda Items 1 through 25, as follows, with the exception of Items 20 and 23, which were held for separate votes, as amended to drop Item 24 and change the Funding Source from Fund 114 to Fund 115, Article V Fund, in Item 25:

1. Approving the Interlocal Agreement between Escambia County and the Office of the State Attorney, to allow the State Attorney to hire an Assistant State Attorney and an Administrative Assistant to assist in the prosecution of physical and sexual abuse cases involving juveniles, per the terms and conditions of the Edward Byrne Memorial Justice Assistance Grant, in an amount not to exceed \$122,470.
2. Approving a Purchase Order, in the amount of \$560,000, for Santa Rosa Island Authority (SRIA), to be paid from the Debt Service Fund 203, Cost Center 110248, Account 58101; the Board of County Commissioners defeased the 2002 Capital Improvement Revenue Bonds; the SRIA will continue to contribute these funds, but the County will refund the same amount of money from the Debt Service Reserve.
3. Authorizing foreclosure on real property located at 13 Linda Street, Account Number 072955000, Reference Number 35-2S-30-6000-009-004, due to the Code Enforcement Lien, in the amount of \$11,072.50, recorded in Official Record Book 6171, at Page 1565, of the Public Records of Escambia County, Florida; the current assessed value of the property is \$17,575.00.
4. Authorizing foreclosure on real property located at 1910 West St. Catherine Avenue, Account Number 062217000, Reference Number 17-2S-30-1600-820-082, due to the Nuisance Abatement Lien, in the amount of \$3,876.31, recorded in Official Record Book 4917, at Page 803, of the Public Records of Escambia County, Florida; the current assessed value of the property is \$5,225.00.
5. Authorizing foreclosure on real property located at 1925 North "P" Street, Account Number 061119000, Reference Number 17-2S-30-1200-080-003, due to the Code Enforcement Lien, in the amount of \$15,234.50, recorded in Official Record Book 6340, at Page 1675, of the Public Records of Escambia County, Florida; the current assessed value of the property is \$8,122.00.

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

6. Authorizing foreclosure on real property located at 3005 West Gonzalez Street, Account Number 063398000, Reference Number 33-2S-30-1000-005-002, due to the Code Enforcement Lien, in the amount of \$9,980.50, recorded in Official Record Book 6258, at Page 1275, of the Public Records of Escambia County, Florida; the current assessed value of the property is \$5,700.00.
7. Authorizing foreclosure on real property located at 8020 Mobile Highway, Account Number 090832000, Reference Number 18-1S-31-1105-000-000, due to the Code Enforcement Lien, in the amount of \$43,012.50, recorded in Official Record Book 5965, at Page 1873, of the Public Records of Escambia County, Florida; the current assessed value of the property is \$25,992.00.
8. Adopting the Resolution (*R2009-218*) approving Supplemental Budget Amendment Number 17, SHIP Fund (120), in the amount of \$1,705,000, to recognize funds from the Florida Housing Finance Corporation for the Impact Fee Proviso Grant and appropriate these funds for the State Housing Initiatives Partnership (SHIP) Affordable Housing Program.
9. Adopting the Resolution (*R2009-219*) approving Supplemental Budget Amendment Number 25, Other Grants and Projects Fund (110), in the amount of \$40,000, to recognize proceeds from the National Association of Counties Research Foundation and to appropriate the funds for the Jones Creek East Stream Restoration Project.
10. Adopting the Resolution (*R2009-220*) approving Supplemental Budget Amendment Number 386, Solid Waste Fund (401), in the amount of \$5,900,000, to recognize the transfers from the Local Option Sales Tax Funds (350, 351, and 352), and to appropriate these funds for the landfill closure costs.

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. Taking the following action concerning Contract PD 08-09.100, Project Development and Environmental Update and Re-evaluation for (SR 10) U.S. 90 (Nine Mile Road), from SR 297 (Pine Forest Road) to SR 95 (U.S. 29) (Funding: Fund 352, Local Option Sales Tax III, Cost Center 210107, Account 56301, Project Number 08EN0165]:
 - A. Approving the following Selection/Negotiation Committee Ranking:
 - (1) Dyer, Riddle, Mills & Precourt, Inc. (DRMP)
 - (2) American Consulting Engineers of Florida, LLC
 - (3) Hatch Mott McDonald, LLC
 - B. Awarding Contract PD 08-09.100, Project Development and Environmental Update and Re-evaluation for (SR 10) U.S. 90 (Nine Mile Road), from SR 297 (Pine Forest Road) to SR 95 (U.S. 29), to Dyer, Riddle, Mills and Precourt, Inc., in the amount of \$650,000.
12. Awarding a Lump Sum Contract, PD 09-10.001, Construction of Wellness Center, to Morette Company, Inc., for a total amount of \$63,135 (Funding: Fund 501, Internal Services Fund, Cost Center 140614, Object Code 56201).
13. Taking the following action concerning Task Order Contract PD 08-09.054, Kupfrian Park Improvements Phase II (100% Design) (Funding: Fund 351, Local Option Sales Tax II, Cost Center 210105, Object Code 56301, Project Number 05EN2313):
 - A. Approving the following Selection/Negotiation Committee Ranking:
 - (1) HDR Engineering, Inc.
 - (2) Rebol-Battle & Associates
 - (3) Fabre Engineering
 - B. Awarding Task Order Contract PD 08-09.054, Kupfrian Park Improvements Phase II (100% Design), to HDR Engineering, Inc., in the amount of \$146,675.22, to be governed by the terms and conditions of PD 02-03.079, Professional Services Contract.

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

14. Authorizing the County to piggyback off of the Houston Galveston Area Cooperative Contract Number HT 11-07, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, and awarding a Purchase Order to Santex Truck Center, LTD, in the amount of \$72,355, for the purchase of a freight van for the Fire Division (Funding: Fund 352, Local Option Sales Tax III, Cost Center 330228, Fire Services Capital Projects, Object Code 56401, Machinery and Equipment).
15. Awarding a Contract for PD 08-09.110, "Uniform Purchase Contract," to Azar's Uniforms and At Work Uniforms, in the annual amount of \$109,000 each; the term of this Contract is 12 months, with two options for 12-month extensions, for a maximum of 36 months (Funding: Fund 401, Solid Waste Fund, Object Code 55201, Cost Centers 220601, 220602, 220603, and 220604; Fund 408, Emergency Medical Services Fund, Object Code 55201, Cost Center 330302; and Fund 143, Fire Protection Fund, Object Code 55201, Cost Center 330206).
16. Awarding a one-year extension for Contract PD 07-08.116, for \$4,000,000 per year, effective October 1, 2009, to Cougar Oil, Inc., d/b/a Southern Energy, Inc., for gasoline and diesel fuel, under the same terms and conditions, for Fiscal Year 2009-2010 (Funding: Fund 501, Internal Service Fund, Cost Center 210407, Account 55201).
17. Taking the following action concerning the State of Florida Grant Agreement between the State of Florida Department of Environmental Protection and the Escambia County Board of County Commissioners, from the Florida Department of Environmental Protection (DEP) (Funding: Fund 110, Other Grants and Projects; new Cost Center; \$580,000 in-kind match):
 - A. Approving the State of Florida Grant Agreement, DEP Agreement No. G0275, from the Florida Department of Environmental Protection, in the amount of \$850,000, for the Bayou Chico/Jones Creek Stormwater Retrofit Project; and
 - B. Authorizing the Chairman to sign the Agreement and all subsequent Grant-related documents including no-cost extensions.

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. Taking the following action concerning the Neighborhood Stabilization Program (NSP) Agreement with Community Organizations Active in Disaster, Inc. (a/k/a BRACE, LLC), hereinafter referred to as “BRACE” (Funding: Fund 129/NSP, Cost Center 220502):
 - A. Approving a *Non-Profit Development Agreement* with BRACE, subject to Legal sign-off, committing a maximum of \$900,000 in approved NSP funds to finance: (1) costs associated with negotiation, acquisition, and closing on the purchase of the foreclosed property known as Heritage Oaks Mobile Home Park, located at 1523 Gulf Beach Highway (Property Reference Number 35-2S-31-1000-004-149), to bring the property under the control of the non-profit developer; (2) clearance of blighting conditions (including deteriorated and abandoned mobile homes); (3) general property, utility, and infrastructure improvements; and (4) securing, transporting, and properly installing code-compliant, replacement manufactured housing units to avoid displacement of current residents and to preserve or provide at least 50 workforce housing sites for long-term occupancy by eligible low, moderate, and middle income families; and
 - B. Authorizing the Chairman or Vice Chairman to execute the Agreement and all related documents required to implement the project.
19. Taking the following action concerning the Hurricane Housing Recovery Program (HHRP) Rental Development Agreement (Funding: Fund 120/HHRP, Cost Center 220426; Fund 147/HOME, Cost Center 220501):
 - A. Formally terminating the \$167,297 HHRP Rental Development Loan Agreement with Brittney Developers, Inc., for the Myrtle Grove Elderly Apartments, as approved by the Board on June 15, 2006, based upon the default of the developer and pending foreclosure action against the developer regarding the property located at 1426 61st Avenue, Pensacola, Florida (Property Reference Number 352S303100001003, Property Account Number 07268000);

(Continued on Page 42)

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. Continued...

- B. Authorizing Neighborhood Enterprise Foundation, Inc. (NEFI), to directly, or in cooperation with AMR at Pensacola, Inc. (AMR), participate in bidding and purchase actions, up to \$167,297, at the foreclosure sale concerning the referenced property, for the express purpose of protecting the County's interest and securing direct or indirect control of the property;
- C. Authorizing NEFI to draft a Rental Development Completion Agreement with AMR at Pensacola, Inc., a local non-profit, subject to Legal sign-off, that will formally commit a maximum of \$367,500 in combined HHRP and HOME (*HOME Investment Partnerships Act*) Program funds for the assumption of the Myrtle Grove Elderly Apartments Development, specifically requiring completion of a minimum of six duplexes (12 units of affordable housing) on the subject property, in accordance with the long-term occupancy requirements of the HHRP and HOME Programs;
- D. Formally prohibiting Brittney Developers, Inc., Brian Daniel Developers, Inc., and Joseph A. Reeves, individually or any affiliated businesses or corporate entities in which Joseph A. Reeves is a legal partner, from participation in Escambia County's affordable housing programs, for a minimum of five years from the date of this Board action; and
- E. Authorizing the Chairman or County Administrator, as appropriate, to execute all Agreements, correspondence, or related documents as required to implement the authorized actions.

20. See Page 44.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

21. Taking the following action regarding the purchase of a parcel of property consisting of approximately 0.47 acre, located at 14260 Innerarity Point Road, owned by Richard Awalt, Dawn Taylor, and Lani A. Bond, for the Innerarity Point Fire Station (Funding Source: Fund 351, Local Option Sales Tax II, Cost Center 330210, Account 56101, Project Code 09FS0052):
 - A. Authorizing the purchase of one parcel of property from Richard Awalt, Dawn Taylor, and Lani A. Bond (14-3S-32-3001-000-001), for a purchase price of \$68,200, in accordance with the terms and conditions contained in the Contract for Sale and Purchase;
 - B. Authorizing the payment of documentary stamps because the property is being purchased for governmental use, for public safety, and to enhance the capabilities of Fire-Rescue in the Innerarity Point area; and
 - C. Authorizing the County Attorney to prepare, and the Chairman or Vice Chairman to execute, any documents necessary to complete the purchase, without further action of the Board.

22. Taking the following action concerning the Agreement between Escambia County, Florida, and Bethany Christian Services of the Gulf Coast, Inc. (Fund 101, Restricted Fund, Revenue Code 335611, "Choose Life" License Plates):
 - A. Approving the designation of Bethany Christian Services of the Gulf Coast, Inc., as the lead agency in Escambia County to administer and distribute revenue proceeds from the sale of "Choose Life" license plates; and
 - B. Authorizing the Chairman to sign the Agreement.

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. See Page 45.

24. Dropping the recommendation that the Board consider Joe Maddox's request for Lien forgiveness on his homesteaded property located at 3100 Lake Suzanne Drive; the Lien amount of \$1200.50 consists of \$1,100.00 court costs, interest, and filing fees, which are the hard costs; although his request does not meet the Board's "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens" Policy, he is requesting consideration by the Board of County Commissioners for forgiveness of the entire amount.

25. Approving the issuance of a blanket Purchase Order to Securitas Security Services USA, in the amount of \$215,000, based upon previously awarded Contract, PD 05-06.136, to provide security services for the M.C. Blanchard Judicial Center, Juvenile Justice Center, and Escambia County Cobb facility (*2251 North Palafox Street*); funds are available in Fund 115, Article V Fund, Cost Center 410505.

20. Approval of a Purchase Order

1856

Motion made by Commissioner White, seconded by Commissioner Robinson, and carried unanimously, dropping, and scheduling for discussion at the December 17, 2009, Committee of the Whole Workshop, the recommendation that the Board approve a Purchase Order, in the amount of \$167,991.19, to SMG, for management fees for The Pensacola Civic Center, for Fiscal Year 2009-2010, to be paid from Fund 409 (Civic Center Fund), Cost Center 221301 (Civic Center Admin), Object Code 53401.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

23. Approval of an Agreement

1903

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robinson abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), taking the following action concerning the *Program Participation Agreement* between Baptist Hospital, Inc., a Florida not-for-profit Corporation, d/b/a Christian Counseling Center (hereinafter the “Center”), and the Escambia County Board of County Commissioners; the Center has created an outreach program to assist individuals who have recently been released from a correctional facility in assimilating into society; the program is commonly referred to as “Pathways for Change”; the County agrees to contribute, for Fiscal Year 2009-2010, \$140,000 to the Program (the “County Contribution”) (Funding Source: General Fund 001, Cost Center 110201, Object Code 54901):

- A. Approving the Agreement; and
- B. Authorizing the Chairman to sign the Agreement.

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1-4. Approval of Various For Action Items

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

1903

- 1. Taking the following action concerning Carl R. Gilbert, II and Sharon Gilbert vs. Harry R. McNesby, Charlie Walker, and Sotirios Thagouras, Case No.: 3:08cv51/RV/MD:

- A. Approving the settlement, in accordance with the terms of the Mediation Settlement Agreement reached on October 21, 2009;

(Continued on Page 46)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION – Continued

1-4. Approval of Various For Action Items – Continued

1. Continued...

B. Authorizing Mr. (*Joseph*) Hammons (*Esquire*), who is representing Mr. Walker and Mr. Thagouras in their official capacities, to join in a Motion to Dismiss with prejudice the claims brought against Mr. Walker and Mr. Thagouras in their official and individual capacities; and

C. Directing that the settlement payment be made to the Plaintiff's attorney's trust account and not be disbursed to the Plaintiffs until a General Release of All Claims executed by Mr. and Mrs. Gilbert in favor of Mr. Walker and Mr. Thagouras, in their official and individual capacities, is delivered to the County Attorney's Office.

2. Taking the following action concerning the scheduling of an Attorney-Client Session regarding Rapid Management Company v. Board of County Commissioners, Case No.: 2008 CA 000527:

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

B. Approving the Public Notice printed below to be published in the Pensacola News Journal on Saturday, November 7, 2009:

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 Rapid Management Company v. Board of County Commissioners, in accordance with Section 286.011(8), Florida Statutes. Such attorney-client session will be held at 3:30 p.m., C.S.T. on Thursday, November 19, 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 Charles V. Peppler, Deputy County Attorney, Alison Rogers, County Attorney 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
- 1-4. Approval of Various For Action Items – Continued
 3. Approving a Workers' Compensation washout settlement, in the amount of \$195,000, to former employee Carlis Goodale, that will relieve the County of paying benefits for three separate work-related injuries; in exchange, Mr. Goodale will execute a general release of liability and waiver of employment with the County.
 4. Authorizing the scheduling (*and advertising*) of a Public Hearing for November 19, 2009, at 5:34 p.m., for consideration of adopting an Emergency Ordinance extending the temporary moratorium on the issuance of building permits and development orders of arcade amusement centers because the moratorium is set to expire at 5:00 p.m. on November 20, 2009.

ITEMS ADDED TO THE AGENDA – COMMISSIONER GENE M. VALENTINO

1. Recommendation Made During the Meeting

1904

Motion made by Commissioner Valentino, seconded by Commissioner Robinson, and carried unanimously, adopting a Resolution (*R2009-222*), to be prepared by the County Attorney and to mirror a Resolution adopted by the Okaloosa County Board of Commissioners, opposing the National Oceanic and Atmospheric Administration Fisheries Service amberjack fishing season lockdown, which was based on Magnuson-Stevens Fishery Conservation and Management Act data collected in 1991.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ANNOUNCEMENTS

1. FOR INFORMATION: The Board was advised by Chairman Young that Commissioner Robinson will assume the position of Chairman effective November 19, 2009.

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 7:07 p.m.

1907

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

ATTEST:

Ernie Lee Magaha
Clerk of the Circuit Court & Comptroller

By: _____
Grover C. Robinson, IV, Chairman



Deputy Clerk

Approved: November 19, 2009