

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD JANUARY 7, 2010
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:35 p.m. – 6:57 p.m.)

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

PUBLIC FORUM WORK SESSION

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

1. FOR INFORMATION: The Board:
 - A. Heard comments from Lewis Bear, Jr., and David Bear regarding the newly formed organization, Arts, Culture & Entertainment, Inc. (ACE); and
 - B. Was advised by Commissioner Robinson that discussion concerning issues regarding the Arts Council of Northwest Florida and funding allocated in the Fiscal Year 2009-2010 Miscellaneous Appropriations Agreement is scheduled for the next Committee of the Whole Workshop (*on January 14, 2010*).
2. FOR INFORMATION: The Board:
 - A. Heard comments from Peter Neuhaus regarding a delinquent MSBU (*Municipal Services Benefit Unit*) bill, which he claims is "unfair" because he was not notified that MSBU assessments had to be paid in advance and he did not receive a delinquent notice;

(Continued on Page 2)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION

2. Continued...
 - B. Was advised by County Attorney Rogers that there is no legal mechanism available which allows the Board to reduce, excuse, or otherwise do anything with regards to MSBUs and interest accrued thereto; additionally, she discouraged the Board from providing any relief for Mr. Neuhaus; and
 - C. Agreed to discuss this issue at the February Committee of the Whole Workshop.
3. FOR INFORMATION: The Board:
 - A. Was advised by Commissioner White that Bennie Hassebrock wishes to rezone his property in order to allow for a mobile home, and because it would be a hardship, Mr. Hassebrock is present to request that the Board consider waiving the Rezoning application fees; and
 - B. Heard Commissioner White's request that T. Lloyd Kerr, Bureau Chief, Development Services Bureau, provide a recommendation at the first meeting in February to waive the Rezoning Application fees for Mr. Hassebrock.
4. FOR INFORMATION: The Board heard comments from L. Gary Sansing regarding various County/National issues.

5:15 P.M. – PUBLIC FORUM ADJOURNED

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

REGULAR BCC AGENDA

1. Call to Order

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

2. Invocation

Chairman Robinson advised that Father John J. Licari, St. Anne's Catholic Church, would deliver the Invocation.

1732

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

3. Pledge of Allegiance to the Flag

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

4. Adoption of the Agenda

1735

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting the agenda as prepared and duly amended (*to include Commissioner Valentino's add-on item concerning a Miscellaneous Appropriations Agreement with Arts, Culture & Entertainment, Inc., Commissioner Robertson's add-on item concerning the Escambia County Consolidation Study Commission, Commissioner White's add-on item concerning scheduling a Public Hearing to consider adopting an Ordinance repealing the 5th Cent Tourist Development Tax Ordinance, and Item I-5.B of the Clerk's Report [The Northwest Florida Arts Council Internal Audit Report]*).

5. Commissioners' Forum

1736

- A. District 3 – Commissioner Young advised that the MLK Commemorative Organization is planning its annual breakfast/religious service and parade on January 18, 2010, to celebrate the birthday of the late Dr. Martin Luther King, Jr.;
- B. District 2 – Commissioner Valentino advised that the County Attorney had presented the County Attorney's Annual Report to the Commissioners, and expressed his appreciation to the County Attorney and staff for their accomplishments, in spite of having fewer resources; and
- B. District 4 – Commissioner Robinson advised that he and his children will participate in the MLK Parade on January 18, 2010.

6. Proclamations/Special Recognition

1737

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning Proclamations/Special Recognition:

- A. Adopting the Proclamation proclaiming the third Friday of January 2010 as “Arbor Day” in Escambia County; and

(Continued on Page 4)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

6. Continued...

B. Recognizing, with a pin and certificate, Chester "Eddie" Cooper, Division Manager, Natural Resource Conservation Division, Neighborhood Redevelopment Branch, Neighborhoods and Community Services Bureau, for his 25 years of dedicated service to Escambia County.

7. Written Communication

1743

A. Code Enforcement Lien – 104 Kentucky Drive

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried unanimously, approving to collect the hard costs, in the amount of \$675, and waive the fines, relative to the communication, dated October 14, 2009, from Thomas J. Gilliam, Jr., Shell, Fleming, Davis & Menge, representing Barbara Jane Rhodes, who is requesting that the County cancel an Environmental Code Enforcement judgment against her, individually, for violations which occurred at property located at 104 Kentucky Drive.

B. Code Enforcement Lien – 10 Runyan Street

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving to waive the fines and collect the hard costs (*in the amount of \$675*), relative to the communication, dated November 5, 2009, from Betty H. Salter, President/CEO, Pensacola Habitat for Humanity, requesting that the Board waive Code Enforcement Lien, in the amount of \$6,887.50, against property located at 10 Runyan Street.

C. 3100 Lake Suzanne Drive

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, dropping from the agenda until further notice, the verbal request (*through the County Administrator's Office*), dated December 1, 2009, from Joe Maddox to be placed on the agenda to discuss forgiveness of a lien, in the amount of \$1,200.50, against property located at 3100 Lake Suzanne Drive.

Speaker(s):

Thomas J. Gilliam, Jr.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

1745

8. Proof of Publication

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, waiving the reading of the legal advertisement and accepting, for filing with the Board’s Minutes, the certified affidavit establishing proof of publication for the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule January 4, 2010 – January 8, 2010 – Legal No. 1442435*, as published in the Pensacola News Journal on January 2, 2010, as follows:

- | | | |
|-------------------|------------|---|
| January 5 | 10:00 a.m. | Merit System Protection Board Special Meeting |
| January 5 | 3:00 p.m. | Workforce Escarosa Career Council |
| January 6 | 8:30 a.m. | Application Committee for Competency Board |
| January 6 | 9:00 a.m. | Construction Industry Competency Board |
| January 6 | 11:00 a.m. | Workforce Escarosa Business Competitiveness Council |
| January 6 | 1:00 p.m. | Development Review Committee |
| January 6 | 2:30 p.m. | Workforce Escarosa Youth Development Council |
| January 7 | 8:00 a.m. | Incident Review Board |
| January 7 | 9:00 a.m. | Agenda Work Session |
| January 7 | 1:30 p.m. | Citizens Environmental Committee |
| January 7 | 3:30 p.m. | Special Board of County Commissioners Meeting |
| January 7 | 4:30 p.m. | Board of County Commissioners Public Forum |
| January 7 | 5:30 p.m. | Board of County Commissioners Public Hearings & Reports |
| NEXT WEEK’S NOTE: | | |
| January 11 | 8:30 a.m. | Planning Board |
| January 11 | 1:00 p.m. | FL-AL TPO – Technical Coordinating Committee |
| January 11 | 3:30 p.m. | FL-AL TPO – Citizens Advisory Committee |
| January 11 | 5:30 p.m. | Marine Advisory Committee |

REGULAR BCC AGENDA – Continued

9. Committee of the Whole Recommendation(s)

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Item A, as follows, as recommended by the Committee of the Whole (C/W), at the December 17, 2009, C/W Workshop:

1746

- A. Approving to not renew (*on February 7, 2010*) the Employment Agreement between Escambia County and Robert R. McLaughlin, relative to discussion concerning the County Administrator's Annual Contract Renewal (*Item 4*).

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Item B, as follows, as recommended by the Committee of the Whole (C/W), at the December 17, 2009, C/W Workshop:

- B. Approving to strike the Tobacco Tax (*Request Number 6*) from *Escambia County Board of County Commissioners 2010 Legislative Requests (Item 5)*.

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Item C, as follows, as recommended by the Committee of the Whole (C/W), at the December 17, 2009, C/W Workshop:

- C. Approving to allow the Sheriff's Office to occupy, indefinitely, the One Stop Building on Leonard Street, after the County vacates the building in May or June 2010 (*Item 6*).

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried 4-1, with Commissioner Robinson voting "no," approving Item D, as follows, as recommended by the Committee of the Whole (C/W), at the December 17, 2009, C/W Workshop:

1747

- D. Authorizing staff to negotiate a purchase and sale agreement (*with Gregory and Linda English, for two parcels of property, totaling 4.31 acres, located on Perdido River at Mobile Highway, to be used as a boat ramp*), commensurate with the values of the adjacent properties, subject to completion of the property acquisition checklist and normal staff due diligence, and provide a report to the Board (*Item 7*).

(Continued on Page 7)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. Continued...

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, approving Item E, as follows, as recommended by the Committee of the Whole (C/W), at the December 17, 2009, C/W Workshop:

- E. Approving to terminate the Lease with The Arts Council of Northwest Florida, Inc., and, possibly, establishing a new lease at a future date, and approving to honor The Arts Council's agreement with Winterfest for its activities (*on September 3, 2009, the Board adopted a Resolution approving the lease of the first floor of the Old Escambia County Courthouse to The Arts Council of Northwest Florida, Inc. [Item 12]*). 1748

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Item F, as follows, as recommended by the Committee of the Whole (C/W), at the December 17, 2009, C/W Workshop:

- F. Approving the *Escambia County Community Survey Winter/2009-2010* questions (*Item 15*). 1752

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Item G, as follows, as recommended by the Committee of the Whole (C/W), at the December 17, 2009, C/W Workshop, as amended to authorize the Chairman to send a letter to FDOT officials, indicating the Board's interest in purchasing the property:

- G. Authorizing staff to request FDOT (*Florida Department of Transportation*) to continue its surplus process (*for three parcels of property, located on Rawson Lane between Airport Boulevard and Brent Lane*), which includes having the properties appraised and offered for sale, with the understanding that Pensacola Christian College will pay or reimburse the County for all costs associated with the acquisition of these properties, even if the vacation of Rawson Lane is not approved (*Item 17*).

(Continued on Page 8)

CHAIRMAN ROBINSON RELINQUISHED THE CHAIR TO COMMISSIONER WHITE

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. Continued...

Motion made by Commissioner Robertson, 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*), approving Item H, as follows, as recommended by the Committee of the Whole (C/W), at the December 17, 2009, C/W Workshop:

H. Approving the request of Beneficial Pines at Warrington LLC, the sole general partner of Pines at Warrington Limited Partnership, and Beneficial Englewood, LLC, the sole general partner of Englewood Senior Limited Partnership, for the Board's consent to admit Affordable Housing Solutions, Inc. (*a Georgia non-profit corporation, d/b/a Affordable Housing Solutions, Inc. [Southeast]*), as a general partner of each Partnership, and approving conversion of Beneficial's current interest in each Partnership to that of a Class B Limited Partner (*Item 18*).

1753

Speaker(s):

Honorable David Morgan
Dina Thorsen

VICE CHAIRMAN WHITE RELINQUISHED THE CHAIR TO COMMISSIONER ROBINSON

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

1-7. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 7, as follows:

1754

1. Accepting, for filing with the Board's Minutes, the following six Reports prepared by the Clerk of the Circuit Court & Comptroller's Finance Department:
 - A. The following two Payroll Expenditures:
 - (1) Pay Date December 11, 2009, in the amount of \$2,228,673.43; and
 - (2) Pay Date December 23, 2009, in the amount of \$2,285,527.56;
 - B. The following three Disbursement of Funds:
 - (1) December 3, 2009, to December 9, 2009, in the amount of \$2,223,337.92;
 - (2) December 10, 2009, to December 16, 2009, in the amount of \$2,075,304.83; and
 - (3) December 17, 2009, to December 23, 2009, in the amount of \$4,285,983.87; and
 - C. The Investment Report for the month ended November 30, 2009.
2. Adopting the Resolution (*R2010-1*) authorizing the write-off of \$1,204,113.03 in receivables that have been recorded in the Emergency Medical Services (EMS) Fund of the County and have been determined to be uncollectible bad debts.
3. Approving *Records Disposition Document No. 422*, for disposition of Board of County Commissioners' records, Item 70a, Bid Records: Capital Improvement Successful Bids, for the period January 1, 1993, through December 31, 1994, in accordance with State Retention Schedule GS1.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-7. Approval of Various Consent Agenda Items – Continued
 4. Approving 15 forms, *Requests for Disposition of Property*, indicating 340 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/reinstatement.
 5. Accepting, for filing with the Board's Minutes, the following two Internal Audit Reports:
 - A. The Pensacola Sports Association (PSA) Internal Audit Report, as prepared by Smith, Dukes & Buckalew, LLP (there were no exceptions reported in the Audit; Mr. Ray Palmer of PSA, along with Mr. Robert R. "Bob" McLaughlin, met with me [*Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services*] to discuss the Report; the Audit went smoothly with the full cooperation of Mr. Palmer and the PSA staff); and
 - B. The Northwest Florida Arts Council Internal Audit Report, as prepared by the Clerk & Comptroller's Office (the scope of the Audit was limited mainly to the review of how the County and City dollars were actually used by the Arts Council in comparison to the budget outlined in the County's & City's Miscellaneous Appropriations Agreements with the Arts Council; we [*Clerk & Comptroller's staff*] reviewed the records for the Fiscal Year 2009; a brief look was made at the State specialty license plates revenues to confirm that they had received specialty license tag monies; the Report outlines a number of deficiencies in the handling of the records at the Arts Council; we [*Clerk & Comptroller's staff*] have made several recommendations for improvement; I [*Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services*] have spoken with Ms. Dina Thorsen, President of the Arts Council Board, regarding the Audit; however, no written response has been received to date).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-7. Approval of Various Consent Agenda Items – Continued

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

A. The following Financial Statements received in the Clerk to the Board's Office on December 16, 2009:

(1) *Pensacola-Escambia County Promotion and Development Commission, Pensacola, Florida, Financial Statements September 30, 2009*, as prepared and audited by Saltmarsh, Cleaveland & Gund, Certified Public Accountants and Consultants;

(2) *Escambia County Housing Finance Authority (A Component Unit of Escambia County, Florida) General Purpose External Financial Statements and Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards, and Management Letter September 30, 2009 and 2008*, as prepared and audited by Calvin Charles Johnson, Certified Public Accountant; and

(3) *Santa Rosa Island Authority A Component Unit of Escambia County, Florida Financial Statements and Supplementary Information September 30, 2009 and 2008*, as prepared and audited by Carr Riggs & Ingram, LLC;

B. The following four Agreements for Professional Services as Governed by Florida Statute 287.055 (PD 02-03.79), as received in the Clerk to the Board's Office on December 7, 2009:

(1) *Agreement Between Escambia County and Sam Marshall Architects, P.A.*, as approved by the Board on November 4, 2004;

(2) *Agreement Between Escambia County and Professional Service Industries*, as approved by the Board on September 7, 2006;

(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
- 1-7. Approval of Various Consent Agenda Items – Continued
6. Continued...
- B. Continued...
 - (3) *Agreement Between Escambia County and MEP Engineering Solutions, as approved by the Board on December 11, 2008; and*
 - (4) *Agreement Between Escambia County and Joe DeReuil Associates, LLC, as approved by the Board on December 11, 2008; and*
- C. *Amendment No. 3 to Agreement Between The Northwest Florida Water Management District and Escambia County for East Ten Mile Creek Stream Restoration Project, based on the Board's action of May 4, 2006, authorizing the Chairman to sign the Florida Forever Funding Agreement and any subsequent Grant-related documents.*
7. 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 December 10, 2009;
 - B. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held December 10, 2009, as follows:
 1. FOR INFORMATION: The agenda package for the 5:30 p.m., December 10, 2009, Regular Board Meeting was reviewed as follows:
 - A. The agenda cover sheet was reviewed by Shirley L. Gafford, Program Coordinator, County Administrator's Office, County Attorney Rogers, Keith Wilkins, Deputy Chief, Neighborhoods and Community Services Bureau, and Amy Lovoy, Management and Budget Services Bureau;
 - B. The Clerk's Report was reviewed by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services;

(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
- 1-7. Approval of Various Consent Agenda Items – Continued
7. Continued...
- B. Report of the December 10, 2009, Agenda Work Session – Continued
 1. Continued...
 - C. The Growth Management Report was reviewed by T. Lloyd Kerr, Bureau Chief, Development Services Bureau;
 - D. The County Administrator's Report was reviewed by Shirley L. Gafford, Program Coordinator, County Administrator's Office, and Larry Newsom, Transportation Director;
 - E. The County Attorney's Report was reviewed by County Attorney Rogers; and
 - F. Commissioner Robinson's add-on items were reviewed by Commissioner Robinson.
 2. FOR INFORMATION: Commissioners discussed a request from Kenneth B "Ken" Bell, Chairman, Escambia County Consolidation Study Commission (ECCSC), for administrative, legal, and financial review regarding the proposed Charter, with a consensus that County Administrator McLaughlin, County Attorney Rogers, and Amy Lovoy, Management and Budget Services Bureau Chief, will provide any document to the Commissioners prior to submittal to the ECCSC.

(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
- 1-7. Approval of Various Consent Agenda Items – Continued
7. Continued...
- C. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held December 17, 2009, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Robinson 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 December 12, 2009, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule December 14, 2009 – December 18, 2009, Legal No. 1439573.*

3. Escambia County Area Transit Annual Report

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *ECAT 2009 Annual Operations Report*, presented by Kenneth Gordon, General Manager, Escambia County Area Transit (ECAT); and

B. Board Direction – None.

(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

1-7. Approval of Various Consent Agenda Items – Continued

7. Continued...

C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. County Administrator's Annual Contract Renewal

A. Discussion – The C/W discussed renewal of the County Administrator's Contract, and the C/W:

- (1) Was advised by Commissioner White that, based on a "laundry list of issues" he has had with County Administrator McLaughlin, he will not support renewal of his contract;
- (2) Was advised by Commissioner Robinson that, although he recognizes the County's achievements during Mr. McLaughlin's two-year tenure as the County Administrator, he believes that the Board is not unified behind County Administrator McLaughlin; therefore, he has concerns that the Board "will have difficulty getting unified behind where we want to take this County";
- (3) Heard comments from Commissioner Young praising Mr. McLaughlin's character and achievements during his tenure as the County Administrator, and heard her request that the Board give County Administrator McLaughlin "an opportunity to complete this job," and "allow someone bigger than the pressure from the outside help you help us to make decisions that's going to truly move this County, and not be just falling in with special interests and other people who have special interest causes";

(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
- 1-7. Approval of Various Consent Agenda Items – Continued
- 7. Continued...
- C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

A. Continued...

- (4) Was advised by Commissioner Valentino that, for personal reasons, which would be "unfair and unkind" to Mr. McLaughlin and the Commission to disclose, he is "compelled to say that we not renew Mr. McLaughlin's contract";
- (5) Was advised by Commissioner Robertson that, because County Administrator McLaughlin has lost the support of three Commissioners, he will not support renewing his contract;

(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

1-7. Approval of Various Consent Agenda Items – Continued

7. Continued...

C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

A. Continued...

(6) Heard a motion, which died for lack of a second, from Commissioner Valentino that "effective 12:01 a.m., February 7, 2010, to have Larry Newsom serve as the new Acting County Administrator, as an at-will employee, until further notice, or until the Board of County Commissioners selects a new, permanent Administrator; the job description of the Acting County Administrator will mirror that of the current County Administrator; however, his other benefits will mirror what he has now has as head of Transportation; no extra compensation; for no extra compensation, the Acting County Administrator will assume all current duties, which he currently performs under Transportation, his current position; taking on both roles means an immediate savings of \$83,000 to the County. Number 3; the Acting County Administrator will perform all duties of the County Administrator and will consult with all Commissioners prior to any action involving significant staff changes; and, Number 4, that the Acting County Administrator create the new Bureau of Economic Development, Transportation, including Mass Transit, and Financial Strategies";

(7) Was advised by Commissioner Robinson that it is too early to begin the process of selecting an Interim County Administrator; and

(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
- 1-7. Approval of Various Consent Agenda Items – Continued
- 7. Continued...
- C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

A. Continued...

(8) Heard the suggestion from Commissioner White that discussion concerning selection of an Interim County Administrator be added the agenda for the January 7, 2010, Regular Board Meeting; and

B. Board Direction – The C/W recommends that the Board not renew the County Administrator's Contract.

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

5. Legislative Requests

A. Discussion – The C/W heard the request from County Administrator McLaughlin for Board direction regarding the *2010 Legislative Requests* for Escambia County; and

B. Board Direction – The C/W recommends that the Board strike the tobacco tax from the Requests.

Recommended 3-0, with Commissioner White and Commissioner Young temporarily out of Board Chambers

(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
- 1-7. Approval of Various Consent Agenda Items – Continued
- 7. Continued...
- C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Sheriff's Request to Use One-Stop Building on Leonard Street

- A. Discussion – The C/W discussed the Sheriff's request to use One-Stop Building on Leonard Street, and the C/W:
 - (1) Was advised by County Administrator McLaughlin that the Waterfront Rescue Mission is no longer interested in occupying the Leonard Street office building;
 - (2) Was advised by Captain Gary Montee the request is to allow the Escambia County Sheriff's Office to assume occupancy of the Leonard Street Office Building, which will be renovated to allow for a video visitation center, among other uses, and authorize establishment of a committee to approve the architectural services for the renovations; and
 - (3) Was advised by Commissioner Robinson that he would support the Sheriff's request to utilize this building, if it dissuades or changes the Sheriff's need for additional buildings; and

(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
- 1-7. Approval of Various Consent Agenda Items – Continued
- 7. Continued...
- C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Continued...

- B. Board Direction – The C/W recommends that the Board allow the Sheriff's Office to occupy, indefinitely, the One Stop Building on Leonard Street, after the County vacates the building in May or June 2010.

Recommended 5-0

Speaker(s):

Commander Larry Akin

- 7. Proposed English Property Purchase – Perdido River at Mobile Highway
 - A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Proposed English Property Purchase – Perdido River @ Mobile Highway*, presented by Robert Turpin, Manager, Marine Resources Division, Neighborhoods and Community Services Bureau, and the C/W:
 - (1) Was advised by Commissioner Robertson that although today's discussion concerns the acquisition of two parcels, owned by Gregory and Linda English, his ultimate goal is to acquire all properties, as outlined in the PowerPoint Presentation, for a state-of-the-art boat ramp, parking, picnic areas, and a community center; and

(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
- 1-7. Approval of Various Consent Agenda Items – Continued
- 7. Continued...
- C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

A. Continued...

(2) Was advised by Commissioner Robinson that he would not support paying above the appraised value for any parcels other than Parcels 4 and 5, as outlined in the PowerPoint Presentation, because he believes there is no need for additional property; and

B. Board Direction – The C/W recommends that the Board authorize staff to negotiate a purchase and sale agreement (*with Gregory and Linda English, for two parcels of property, totaling 4.31 acres, located on Perdido River at Mobile Highway, to be used as a boat ramp*), commensurate with the values of the adjacent properties, subject to completion of the property acquisition checklist and normal staff due diligence, and provide a report to the Board.

Recommended 5-0

(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
- 1-7. Approval of Various Consent Agenda Items – Continued
- 7. Continued...
- C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. SMG Incentives for Operation of the Pensacola Civic Center

- A. Discussion – The C/W was advised by Chairman Robinson that this item is tabled until the January 14, 2010, C/W Workshop; and
- B. Board Direction – None.

9. Sign Installers Compliance with the Sign Ordinance

- A. Discussion – The C/W discussed Sign Installers Compliance with the Sign Ordinance, and the C/W:
 - (1) Upon inquiry from Commissioner Robinson, was advised by Dale Baker, Development Services Bureau, that the Sign Ordinance does provide allowances for unlicensed owners to perform certain tasks, such as changing a light bulb, without a permit; furthermore, there are two types of licenses that Escambia County issues; i.e., one license allows the connection of an electrical source for a new sign and the other license does not; and
 - (2) Heard Steve Duncan's complaint regarding unlicensed individuals performing electrical work on signs, without permits; and
- B. Board Direction – None.

(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
- 1-7. Approval of Various Consent Agenda Items – Continued
- 7. Continued...
- C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

10. Non-conforming Signs

- A. Discussion – The C/W heard the request from County Administrator McLaughlin for Board direction regarding issuing citations for non-conforming Signs; and
- B. Board Direction – The C/W agreed to direct staff to continue enforcement of signs that are placed illegally in the right-of-way and temporary signs, and not retroactively pursue issuing citations for any existing sign that is not permitted.

11. Adult Arcade Ordinance

- A. Discussion – The C/W was advised by Chairman Robinson that this item is tabled until the January 14, 2010, C/W Workshop; and
- B. Board Direction – None.

(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

1-7. Approval of Various Consent Agenda Items – Continued

7. Continued...

C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

12. Policy for Rental of Old County Courthouse First Floor Gallery

A. Discussion – The C/W discussed Policy for Rental of Old County Courthouse First Floor Gallery, and the C/W:

(1) Heard the request from County Administrator McLaughlin for Board direction concerning the following two issues:

(a) Authorization to submit a *Notice of Intent to Terminate Lease* to The Arts Council of Northwest Florida, Inc., for space rented in the Old County Courthouse, because of the following violations of the Lease Agreement:

1) Failure to operate a visitor's information center on the premises;
and

2) Subleasing without first obtaining approval of the Board;

(b) Authorization to allow Winterfest to use the space on weekends until the end of the year;

(2) As to the violations of the Lease Agreement, was advised by Dina Thorson, President, The Arts Council of Northwest Florida, Inc. (Council), that it is still the Council's intent to operate an information center, and it has been the Council's intent, when negotiating the Lease Agreement with the County, to use the facility for events;

(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

1-7. Approval of Various Consent Agenda Items – Continued

7. Continued...

C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

12. Continued...

A. Continued...

(3) Was advised by County Attorney Rogers that the Board has legal grounds to terminate the Lease Agreement (*approved by the Board on September 3, 2009*) based on the two violations listed in the draft *Notice of Intent to Terminate Lease*;

(4) Heard Commissioner Valentino disclose that he serves as a member of the Council's Board;

(5) Heard the request from Commissioner Valentino that Winterfest be allowed to continue its activities, with the understanding that this item be moved to the first C/W Workshop in January to discuss the final results of the audit being conducted by the Clerk & Comptroller's staff; and

B. Board Direction – The C/W recommends that the Board terminate the Lease with The Arts Council of Northwest Florida, Inc., and, possibly, establish a new lease at a future date, and approve honoring The Arts Council's agreement with Winterfest for its activities.

Recommended 5-0

(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
- 1-7. Approval of Various Consent Agenda Items – Continued
- 7. Continued...
- C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

13. Equestrian Center Advisory Committee

- A. Discussion – The C/W was advised by Chairman Robinson that this item is tabled until the January 14, 2010, C/W Workshop; and
- B. Board Direction – None.

14. Fund Raising / Sponsorship Policy – Naming Rights Policy

- A. Discussion – The C/W was advised by Chairman Robinson that this item is tabled until the January 14, 2010, C/W Workshop; and
- B. Board Direction – None.

15. Citizens' Survey Questions

- A. Discussion – The C/W discussed Citizens' Survey Questions; and
- B. Board Direction – The C/W recommends that the Board approve the questions in the *Escambia County Community Survey Winter/2009-2010*.

Recommended 5-0

(Continued on Page 27)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-7. Approval of Various Consent Agenda Items – Continued
- 7. Continued...
- C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

16. Report on Trip to St. Louis

- A. Discussion – The C/W viewed and discussed photos of Commissioner Robinson's trip to St. Louis, Missouri (*where he attended a series of meetings with the principals from McCormack Baron Salazar, the National Mixed-Income Housing Development Group, on Monday, November 16, 2009, and Tuesday, November 17, 2009*); and
- B. Board Direction – None.

(COMMISSIONER VALENTINO AND COMMISSIONER YOUNG WERE ABSENT DURING DISCUSSION OF THIS ITEM)

17. Acquisition of Three Parcels of Property on Rawson Lane

- A. Discussion – The C/W heard the request from Joy D. Blackmon, Bureau Chief, Public Works Bureau, that the Board authorize staff to request that FDOT (*Florida Department of Transportation*) continue its surplus property process (*for three parcels of property, located on Rawson Lane between Airport Boulevard and Brent Lane*), with the understanding that Pensacola Christian College will pay or reimburse the County for all costs associated with the acquisition of these properties; and

(Continued on Page 28)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-7. Approval of Various Consent Agenda Items – Continued
- 7. Continued...
- C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

17. Continued...

- B. Board Direction – The C/W recommends that the Board authorize staff to request FDOT to continue their surplus process, which includes having the properties appraised and offered for sale, with the understanding that Pensacola Christian College will pay or reimburse the County for all costs associated with the acquisition of these properties, even if the vacation of Rawson Lane is not approved.

Recommended 5-0

CHAIRMAN ROBINSON RELINQUISHED THE CHAIR TO COMMISSIONER WHITE

- 18. Acknowledgement of General Partnership Changes to Englewood Senior Limited Partnership and Pines at Warrington Limited Partnership
 - A. Discussion – The C/W was advised by Randy Wilkerson, Executive Director, Neighborhood Enterprise Foundation, Inc., that Englewood Senior Limited Partnership and Pines at Warrington Limited Partnership, is requesting consent from the Board to the admission of Affordable Housing Solutions, Inc. *(a Georgia non-profit corporation d/b/a in Florida as Affordable Housing Solutions, Inc. [Southeast])*, as general partner of the Partnership, for tax purposes; and

(Continued on Page 29)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-7. Approval of Various Consent Agenda Items – Continued
7. Continued...
- C. Report of the December 17, 2009, C/W Workshop – Continued

AGENDA NUMBER – Continued

18. Continued...

B. Board Direction – The C/W recommends that the Board adopt the request.

Recommended 4-0, with Commissioner Robinson abstaining (*and filing Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*)

VICE CHAIRMAN WHITE RELINQUISHED THE CHAIR TO COMMISSIONER ROBINSON

19. Adjourn

Chairman Robinson declared the C/W Workshop adjourned at 12:09 p.m.

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

I. ACTION ITEM

1. Approval of a Hold Harmless Agreement

1754

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving the Hold Harmless Agreement for signs adjacent to right-of-way for Sunshine Self Storage, LLC, (*located*) at 110 East Nine Mile Road.

II. CONSENT AGENDA

1. Scheduling of Public Hearings

1755

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

A. 5:45 p.m. – Thursday, February 4, 2010 – A Public Hearing to amend the Official Zoning Map to include the following Rezoning Cases (*which are scheduled to be*) heard by the Planning Board on January 11, 2010:

- | | |
|----------------------------|---|
| (1) Case Number: | Z-2010-01 |
| Location: | 9200 Beatrice Drive |
| Property Reference Number: | 14-1S-30-2102-022-001 |
| Property Size: | 1.99 (+/-) acres |
| From: | R-3, One-family and Two-family District (cumulative), Medium Density (10 dwelling units per acre) |
| To: | C-1, Retail Commercial District (cumulative), High Density (25 dwelling units per acre) |
| FLU Category: | MU-1, Mixed Use 1 |
| Commissioner District: | 4 |
| Requested by: | Wiley C. "Buddy" Page, Agent for Pensacola Pediatrics, LLC |

(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-2010-02
Location: 18 West Scott Street and 100 West Scott Street
Property Reference Numbers: 00-0S-00-9010-026-147 and & 00-0S-00-9010-029-147
Property Size: 0.48 (+/-) acre, total
From: R-3, One-family and Two-family District (cumulative), Medium Density (10 dwelling units per acre)
To: C-2, General Commercial and Light Manufacturing District (cumulative), High Density (25 dwelling units per acre)
FLU Category: C, Commercial
Commissioner District: 3
Requested by: Wiley C. "Buddy" Page, Agent for Vision Construction Ent., Inc.

- B. 5:46 p.m. – Thursday, February 4, 2010 – A Public Hearing (*to consider adopting an Ordinance*) to amend the (*Escambia County*) Land Development Code, amending Articles 2, 3, and 7, “Administrative Waivers.”

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

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-14. Approval of Various Consent Agenda Items

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, approving Consent Agenda Items 1 through 14, as follows, as amended to include adopting the authorizing Resolution in Item 13:

1756

1. Approving the street name "Saint Mark Street" for an unnamed road that runs north off of the 3400 Block of Luke Street and 700 feet east of Hollywood Avenue.
2. Authorizing the scheduling (*and advertising*) of a Public Hearing on January 21, 2010, at 5:31 p.m., to amend the Fiscal Year 2009-2010 Budget to include fund balance carryforwards.
3. Accepting, for filing with the Board's Minutes, the Information Report concerning the following two requests for forgiveness of Code Enforcement Liens:

Ms. Dorothy Kehoe – Bertha Street and Nelle Avenue
Ms. Patricia Goodman – 7905 Griffith Street
4. Taking the following action concerning an Environmental Code Enforcement Lien against property located at 18 Feldor Drive:
 - A. Accepting the offer from Wells Fargo Home Mortgage of \$1,100, for release of the Code Enforcement Lien against 18 Feldor Drive, recorded in Official Records Book 6396, at Pages 144 and 148, of the Public Records; and
 - B. Authorizing the Chairman to execute the Release.
5. Taking the following action concerning the Environmental Enforcement Lien against property located at 8235 Sedgefield Drive:
 - A. Accepting the offer from Citimortgage, Inc., of \$1,100, for release of the Code Enforcement Lien against 8235 Sedgefield Drive, recorded in Official Records Book 6345, at Pages 506 through 510, of the Public Records; and
 - B. Authorizing the Chairman to execute the Release.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

6. Confirming the appointment of Ms. Ann C. Brooks as the Mayoral Appointment from the Town of Century to the Escambia County Mass Transit Advisory Committee; the term of the appointment shall be effective January 7, 2010, and will run concurrent with the term of Mayor Freddie McCall.
7. Confirming the appointment of Ms. Donna Fassett as the Mayoral Appointment from the City of Pensacola to the Escambia County Mass Transit Advisory Committee; the term of the appointment shall be effective January 7, 2010, and will run concurrent with the term of Mayor Michael C. Wiggins.
8. Appointing Brenda Trimble, Executive Director, Community Action Program Committee, Inc., to serve on the Board of Directors of Workforce Escarosa, Inc., as a representative of the local Workforce Investment Board, in a community-based organization representative position, for a three-year term, beginning January 8, 2010, through January 7, 2013.
9. Taking the following action concerning the Department of Health & Human Services, Centers for Medicare & Medicaid Services, Medicare Enrollment Application (CMS-855B), to make changes to current enrollment data for the Escambia County Board of County Commissioners, d/b/a Escambia County EMS:
 - A. Assigning authority of delegated official to Patricia L. Sheldon, Administrator for Financial Services, Escambia County Clerk's Finance Department; and
 - B. Authorizing the Chairman to sign the Application as the authorized official.
10. Taking the following action concerning the granting of a Conservation Easement to the (*State of*) Florida Department of Environmental Protection for the Cantonment Athletic Park Improvement Project:
 - A. Approving the *Conservation Easement* between Escambia County and the (*State of*) Florida Department of Environmental Protection to permit wetland impacts associated with the Cantonment Athletic Park Improvement Project;

(Continued on Page 34)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

10. Continued...

B. Authorizing the payment of incidental expenditures associated with the recording of the documents; and

C. Authorizing the Chairman to sign the *Conservation Easement* and any other documents associated with the granting of the Conservation Easement.

11. Taking the following action concerning the Bauer Road Bridge *Maintenance Agreement* in order for the State of Florida to receive funding for the bridge replacement:

A. Approving the *Maintenance Agreement* between the State of Florida Department of Transportation and Escambia County for continued maintenance on the replaced Bridge No. 484224, located at Bauer Road over (an) unnamed branch (of water); and

B. Authorizing the Chairman to sign the *Maintenance Agreement*.

12. Taking the following action concerning acquisition of property, by donation, for drainage improvements on Choctaw Avenue:

A. Authorizing staff to negotiate and resolve any matters related to, or associated with, the acquisition of property, by donation, for easements located on or adjacent to Choctaw Avenue, gather information, and conduct inspections as needed, to allow the Board's acceptance of the real property;

B. Authorizing the payment of documentary stamps because the property is being acquired for governmental use for improvements to the stormwater drainage system in this area; the County benefits from these acquisitions because the improvements to the drainage system will enhance the quality of life for the citizens of Escambia County;

C. Authorizing the payment of incidental expenditures associated with the recording of documents; and

(Continued on Page 35)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

12. Continued...

D. Authorizing staff to prepare, and the Chairman or Vice Chairman to accept, the Easements as of the day of delivery of the Easements to the Chairman or Vice Chairman, and authorizing the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time.

13. Taking the following action concerning the conveyance of a Utility Easement to Emerald Coast Utilities Authority in Woodrun Subdivision:

A. Approving to grant a 30-foot-wide Utility Easement through the County Public Park area in Woodrun Subdivision, and adopting the authorizing Resolution (*R2010-6*); and

B. Authorizing the Chairman to sign the *Utility Easement* and any other documents associated with the granting of the Utility Easement.

14. Taking the following action concerning the Bellview Avenue Bridge *Maintenance Agreement* in order for the State of Florida to receive funding for the bridge replacement:

A. Approving the *Maintenance Agreement* between the State of Florida Department of Transportation and Escambia County for continued maintenance on the replaced Bridge No. 484223, located at Bellview Avenue over Turner's Creek; and

B. Authorizing the Chairman to sign the *Maintenance Agreement*.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA

2-16. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 2 through 16, as follows, with the exception of Item 7, which was held for a separate vote, as amended to change the funding source from Fund 110, Other Grants and Projects, to Fund 352, Local Option Sales Tax III, in Item 3 (*Item 1 was held for a separate vote*):

1. See Page 41.
2. Adopting the Resolution (*R2010-3*) approving Supplemental Budget Amendment Number 78, Local Option Sales Tax III Fund (352), in the amount of \$30,000, to recognize a funding reimbursement from the Gulf Power Company and to appropriate these funds for the relocation and upgrades to power lines in the right-of-way on park property at Diego Circle.
3. Adopting the Resolution (*R2010-4*) approving Supplemental Budget Amendment Number 80, Local Option Sales Tax III (Fund 352), in the amount of \$1,909,226, to recognize proceeds from a Federally Funded Sub-Grant Agreement and to appropriate these funds for the Maplewoods Drainage Project.
4. Adopting the Resolution (*R2010-5*) approving Supplemental Budget Amendment Number 81, Other Grants and Projects Fund (110), in the amount of \$630,000, to recognize proceeds from the State of Florida Department of Environmental Protection and to appropriate the funds for the Jones Creek East Stream Restoration and Wetland Stormwater Treatment Project.
5. Taking the following action concerning PD 09-10.004, 2nd Street Paved Shoulders Project (Funding: Fund 110, Other Grants and Projects, Account 210512, Interbay-Barrancas Avenue, Object Code 56301):
 - A. Approving the following Selection/Negotiation Committee Ranking:
 - (1) Merrill Parker Shaw, Inc.
 - (2) Rebol-Battle & Associates, LLC
 - (3) Kenneth Horne & Associates, Inc.

1756

(Continued on Page 37)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

2-16. Approval of Various Consent Agenda Items – Continued

5. Continued...

B. Awarding Task Order Contract PD 09-10.004, 2nd Street Paved Shoulders Project, from Interbay Avenue to Barrancas Avenue, including a portion of Interbay Avenue to Navy Boulevard, Escambia County, Florida, per the terms and conditions of PD 02-03.079, Professional Services, as Governed by Florida Statute 287.055, to Merrill Parker Shaw, Inc., for a lump sum amount of \$150,000.

6. Taking the following action concerning a revolving Interfund loan from the General Fund (001) to the Mass Transit Fund (104):

A. Approving a revolving Interfund loan from the General Fund (001) to the Mass Transit Fund (104), in an amount not to exceed \$1,000,000, to cover temporary cash shortfalls until Grant reimbursements are received; and

B. Waiving all interest payments on any outstanding balance on this revolving Interfund loan.

7. See Page 42.

8. Taking the following action concerning the purchase of real property located on Airway Drive (Funding Source: Fund 352, Local Option Sales Tax III, Account 210107/56101, Project 09EN0033):

A. Authorizing staff to purchase a portion of real property (1,980 square feet, or 0.05 acre) located on Airway Drive, from the owners, Johnnie and Delores Moultry, for the negotiated price of \$3,960;

B. Authorizing the payment of documentary stamps because this property is being acquired for governmental use to improve the roadway and infrastructure along Airway Drive; this project will benefit the County and its citizens by reducing traffic delays, resolving drainage problems, and providing greater safety;

(Continued on Page 38)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

2-16. Approval of Various Consent Agenda Items – Continued

8. Continued...

C. Approving that these terms are offered under threat of condemnation, and in the event the seller rejects this offer, authorizing the County Attorney's Office to file condemnation proceedings to acquire this property; and

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

9. Taking the following action concerning the (*State of*) Florida Division of Emergency Management (FDEM) Domestic Security Grant award letter, dated October 30, 2009, identifying Grant funding being awarded to Escambia County, in the amount of \$72,000, with a Grant period of October 1, 2009, through April 30, 2012:

A. Approving the FDEM award letter identifying funding from the Homeland Security Grant Program that will be identified in Fund 110, Other Grants and Projects, Cost Center 330459;

B. Authorizing the Chairman to execute the Grant award letter; and

C. Authorizing the County Administrator to execute the subsequent Grant Contract as referenced in the award letter.

10. Taking the following action concerning the State of Florida Department of Community Affairs (DCA) Community Development Block Grant (CDBG) Disaster Recovery Grant (2008 Storms) (Funding: Fund 110, Other Grants and Projects, if awarded):

A. Adopting the Resolution (*R2010-7*) authorizing submission of the Community Development Block Grant (CDBG) Disaster Recovery Grant (2008 Storms) Application to the Florida Department of Community Affairs (DCA), in the maximum amount of \$7,067,397, for the benefit of the citizens of Escambia County, the City of Pensacola, and the Town of Century;

(Continued on Page 39)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

2-16. Approval of Various Consent Agenda Items – Continued

10. Continued...

B. Approving the Interlocal Agreement with the City of Pensacola for joint implementation of affordable housing activities, estimated at \$3,000,000 in CDBG Disaster Recovery Grant (2008 Storms) funds;

C. Approving the Interlocal Agreement with the Town of Century, subject to legal signoff, for implementation of an estimated \$600,000 in CDBG Disaster Recovery Grant (2008 Storms) funds; and

D. Authorizing the County Administrator and/or Chairman, as appropriate, to execute all Application and Grant award documents, Agreements, related forms, and any other documents as may be required to submit, receive, and fully implement the Disaster Recovery Grant.

11. Accepting the funding recommendations from the United Way Human Services Appropriations Committee for Fiscal Year 2009-2010, in the amount of \$95,500, in the adopted Fiscal Year 2009-2010 Budget, Public Social Services, General Fund 001, Cost Center 220202.

12. Approving 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

2-16. Approval of Various Consent Agenda Items – Continued

13. Taking the following action concerning approval of the Escambia Consortium 2009 Annual Action Plan for Housing and Community Development by the U.S. Department of Housing and Urban Development (HUD) and the award of \$3,987,838 in 2009 HUD funds:
 - A. Acknowledging, for the Official Record, approval of the Escambia Consortium 2009 Annual Action Plan by the U.S. Department of Housing and Urban Development, and accept the award of the 2009 Annual Action Plan detailing use of 2009 Community Development Block Grant (CDBG) funds, in the amount of \$2,101,113; 2009 HOME Investment Partnerships Act (HOME) funds, in the amount of \$1,795,021; and 2009 Emergency Shelter Grant Program (ESG) funds, in the amount of \$91,704; and
 - B. Ratifying the County Administrator's execution of CDBG, HOME, and ESG Grant Agreements, as required by HUD, and authorizing the Chairman or County Administrator, as appropriate, to execute all Grant-related documents as required to receive and implement the 2009 CDBG, 2009 HOME, and 2009 ESG Programs.
14. 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 Department of Environmental Protection (DEP) (Funding: Fund 110, Other Grants Projects; new Cost Center; \$450,000 in-kind match):
 - A. Approving the State of Florida Grant Agreement, DEP Agreement No. G0281, from the Florida Department of Environmental Protection, in the amount of \$630,000, for the Jones Creek East Stream Restoration and Wetland Stormwater Treatment Project; and
 - B. Authorizing the Chairman to sign the Agreement and any 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

2-16. Approval of Various Consent Agenda Items – Continued

15. Taking the following action concerning the Perdido Key Habitat Conservation Plan (HCP), Environmental Assessment (EA), and Application to the U.S. Fish and Wildlife Service for an Incidental Take Permit (ITP) (Funding: no funding is requested; the implementation of the HCP is intended to be funded through future development):
 - A. Approving the Perdido Key multi-species HCP, associated Environmental Assessment, and Incidental Take Permit Application; and
 - B. Authorizing the County Administrator to sign the ITP Application and any subsequent Permit-related documents.
16. Approving and authorizing a Purchase Order, in the amount of \$114,289, to Accela, Inc., for proprietary annual software maintenance for Escambia County (Funding: Fund 001, General Fund, Cost Center 140101, Information Systems – *[in the amount of]* \$57,144.50, and Fund 406, Building Inspections Fund, Cost Center 250101, Permitting – *[in the amount of]* \$57,144.50).
1. Supplemental Budget Amendment Number 74

Motion made by Commissioner Robertson, 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 the Resolution (*R2010-2*) approving Supplemental Budget Amendment Number 74, Other Grants and Projects Fund (110), in the amount of \$50,000, to recognize funding from the Florida Department of Law Enforcement and to appropriate these funds for the Pathways for Change Program to implement substance abuse treatment for state prisoners.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

7. Contract PD 09-10.002

1759

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried 4-1, with Commissioner Young voting "no," approving to re-bid, with the understanding that the re-bid process ensure a commitment from the Contractor of choice to meet the required deadline so as not to breach the existing funding requirements, relative to the recommendation that the Board award Contract PD 09-10.002, Maplewoods Phase 1 Drainage Improvements, to Gulf Equipment Corp., for a total amount of \$1,768,621.70 (Funding: Fund 352, Local Option Sales Tax III, Cost Center 210107, Object Code 56301, Project Number 09EN0093).

Speaker(s):

Hal Callaway
Matt Waite

III. FOR DISCUSSION

1. PEDC Appointment

1817

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried unanimously, appointing Steven Barry to the Pensacola-Escambia Development Commission (PEDC), effective January 7, 2010, through August 15, 2010, to fill the unexpired term of M. Blaise Adams, who as President of the Pensacola Area Chamber of Commerce, will automatically have a seat on the Commission.

For Information: The Board heard Commissioner Robinson disclose that Steven Barry is his tenant; however, his nominee is Blair Simmons.

2. Options Regarding Acting County Administrator

1818

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, approving to drop discussion concerning the Human Resources Division bringing forward options and direction for determining an Acting County Administrator upon the expiration of the current County Administrator's Contract.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. CONSENT AGENDA

1-2. Approval of Two Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 and 2, as follows:

1818

1. Authorizing Robert R. McLaughlin, County Administrator, to execute the *Settlement Agreement and Mutual Waiver and Release* to effectuate the settlement payment of \$80,000 to the County by McCall & Associates, Inc., and Schmidt Consulting Group, Inc.
2. Allowing a waiver of the frozen position list and authorize the County Attorney to advertise a secretarial position within the County Attorney's Office and hire a secretary.

ITEMS ADDED TO THE AGENDA – COMMISSIONER GENE M. VALENTINO

1. The Arts Council of Northwest Florida, Inc.

1818

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, rescinding the Fiscal Year 2009-2010 Miscellaneous Appropriations Agreement with The Arts Council of Northwest Florida, Inc., which included a \$150,000 allocation.

Speaker(s):

Dina Thorsen
David M. Bear

ITEMS ADDED TO THE AGENDA – COMMISSIONER WILSON B. ROBERTSON

1. Consolidated Government

1825

Motion made by Commissioner Robertson, seconded by Commissioner White, and carried 3-2, with Commissioner Young and Commissioner Robinson voting "no," approving to notify the Northwest Florida Legislative Delegation, by letter from the Chairman, that the Board does not support the current Escambia County Consolidation Study Commission proposal for consolidated government and that the Board does not want the proposal to go to referendum in 2010; additionally, the letter shall suggest that the issue of consolidated government needs more detailed study by the Study Commission and the issue should not go to referendum any earlier than November 2012.

Speaker(s):

Kenneth B. "Ken" Bell
Dr. Bill Spain
Dick Baker

ITEMS ADDED TO THE AGENDA – COMMISSIONER KEVIN W. WHITE

1. Scheduling of a Public Hearing

1857

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, authorizing the scheduling (*and advertising*) of a Public Hearing on February 4, 2010, at 5:31 p.m., to (*consider adopting an Ordinance to*) rescind Ordinance 2009-33, imposing and levying an additional 1% Tourist Development Tax for air services support.

ANNOUNCEMENTS

1734

1. FOR INFORMATION: The Board was advised by County Administrator McLaughlin that, based on a 2:30 p.m. weather update, rainfall was anticipated through the evening hours until approximately midnight, with freezing temperatures from approximately 3:00 a.m. through the early morning hours; the Public Works Bureau has crews on standby to sand bridges and other dangerous locations; Emergency Medical Services has extra crews on duty to respond to any incidents during peak traffic tomorrow (*January 8, 2010*); County Offices will operate normal hours; and the Superintendent of Schools had advised that schools will be open.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES

ADJOURNMENT

1858

There being no further business to come before the Board, Chairman Robinson declared the Regular Meeting of the Board of County Commissioners adjourned at 6:57 p.m.

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: January 21, 2010