

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD MARCH 4, 2010
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:30 p.m. – 5:56 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
Mr. Larry M. Newsom, Interim 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

1630

Chairman Robinson called the Public Forum Work Session to order at 4:30 p.m.

1. FOR INFORMATION: The Board:

1631

- A. Heard comments from Chasidy Hobbs, who expressed her concern that the makeup of the Land Development Code (LDC) Citizen Committee (*Land Development Code Review and Revision Process Working Group*) creates a special advantage to the development community, and heard her request that the Board reconsider staff's original plan; and
- B. Was advised by Commissioner Robinson that he believes his proposal provides for representation of a variety of interests in the development community and is considerably more democratic than staff's original proposal.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

2. FOR INFORMATION: The Board:

1637

A. Heard comments from L. Gary Sansing concerning the LDC Citizen Committee (*Review and Revision Process Working Group*), various County issues, and Cultural Canvas Thailand (*see Item B*); and

1638

B. Heard comments from Sara Latshaw and Jessica A. Evans concerning a benefit, to be held on March 20, 2010, at 6:00 p.m., at New World Landing, to raise awareness and funds for Cultural Canvas Thailand, a nonprofit organization that promotes positive social change through art, music, drama, and dance.

3. FOR INFORMATION: The Board:

1646

A. Heard comments from Jim Hunt concerning members of the Citizens' Environmental Committee (CEC) not attending the meetings, which continues to result in canceled meetings due to no quorum, and heard his request that the Board re-establish the CEC because it is non-functional;

B. Heard comments from Chasidy Hobbs, Commissioner Robinson's appointee, who advised that, because the CEC is an 11-member committee and (*three*) vacancies exist, it is difficult to achieve a quorum of six of the eight members; therefore, the CEC has discussed a proposed revision to the bylaws; and

C. Was advised by Commissioner White that this issue is on the agenda for the March 11, 2010, Committee of the Whole Workshop.

1656

4:56 P.M. – PUBLIC FORUM ADJOURNED

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

REGULAR BCC AGENDA

1. Call to Order

1732

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

2. Invocation

Commissioner Robertson advised that Reverend David Gibson, Naval Air Station, would deliver the Invocation.

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 Valentino 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 and duly amended (*to include Addendum #1 to the County Attorney's Report [Item I-5] and Commissioner Robinson's add-on item concerning a National Fish and Wildlife Foundation Grant*).

1734

5. Commissioners' Forum

- A. District 3 – Commissioner Young informed the Board that Jena Melancon, Gulf Coast Citizen Diplomacy Council, had advised that Ms. Shukria Asil, one of four female members of the Baghlan Provincial Council in Afghanistan and one of the ten recipients of the U. S. Department of State's 2010 International Women of Courage Award for her efforts in promoting government responsiveness to the needs of women, will visit Pensacola from March 13, 2010, through March 17, 2010, and, on Monday, March 15, 2010, Ms. Asil will be presented with a gift on behalf of Escambia County, and an Honorary Citizenship Certificate and a scarf of the City by Mayor Mike Wiggins;
- B. District 5 – Commissioner White recognized three volunteer firefighters who rescued a woman, whose car was submerged in water when she drove off the bridge on Jacks Branch Road, on February 23, 2010; and
- C. District 4 – Commissioner Robinson expressed his appreciation to Wesley J. "Wes" Moreno, Deputy Bureau Chief, and Joy D. Blackmon, Bureau Chief, Public Works Bureau, for their work on Johnson Avenue, and advised that Mr. (*Bob*) McCrary had telephoned to express his appreciation (*to everyone who assisted with resolving a problem concerning Mr. McCrary's property, located on Frazier Street*).

1735

6. Proclamation

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, ratifying the Proclamation, dated February 22, 2010, proclaiming February 25, 2010, as "Military Appreciation Day in Escambia County."

1738

REGULAR BCC AGENDA – Continued

7. Written Communication

1738

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, approving to forgive all fines (*in the amount of \$41,750*), and collect the Lien, in the amount of \$1,100, and the County's abatement costs, in the amount of \$515, relative to the February 10, 2010, email communication from Dorothy Kehoe requesting that the Board forgive the fines relative to a Code Enforcement Lien against property located at Bertha Street and Nelle Avenue.

8. Proofs of Publication

1740

Motion made by Commissioner White, 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 four Public Hearings on the agenda (*the 5:31 p.m. Public Hearing is to be rescheduled*):

- (1) The 5:32 p.m. Public Hearing, advertised in the Pensacola News Journal on February 20, 2010, for consideration of adopting an Ordinance establishing an EDATE for Navy Federal Credit Union, for Phase III of its overall campus business expansion;
- (2) The 5:33 p.m. Public Hearing, advertised in the Pensacola News Journal on February 20, 2010, for consideration of adopting an Ordinance prohibiting a person from deliberately disobeying the reasonable command of a Public Safety Official made while on Pensacola Beach;
- (3) The 5:34 p.m. Public Hearing, advertised in the Pensacola News Journal on February 27 and February 28, 2010, for consideration of the purpose of receiving public comments concerning Fiscal Year 2010 ECAT Disadvantaged Business Enterprise Goal; and

(Continued on Page 5)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Continued...

A. Continued...

(4) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on February 17, 2010, for consideration of adopting an Ordinance amending the Official Zoning Map; and

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule March 1, 2010 – March 5, 2010 – Legal No. 1451849*, as published in the Pensacola News Journal on February 27, 2010, as follows:

March 3 8:30 a.m. Application Committee for Competency Board

March 3 9:00 a.m. Construction Industry Competency Board

March 3 1:00 p.m. Development Review Committee

March 4 8:00 a.m. Incident Review Board

March 4 9:00 a.m. Agenda Work Session

March 4 1:30 p.m. Citizens Environmental Committee

March 4 4:30 p.m. Board of County Commissioners Public Forum

March 4 5:30 p.m. Board of County Commissioners Public Hearings & Reports

NEXT WEEK'S NOTE:

March 8 8:30 a.m. Planning Board

March 8 1:00 p.m. FL-AL TPO – Technical Coordinating Committee

March 8 3:30 p.m. FL-AL TPO – Citizens Advisory Committee

March 8 5:30 p.m. Marine Advisory Committee

9. 5:31 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, authorizing the rescheduling of the 5:31 p.m. Public Hearing for March 18, 2010, at 5:34 p.m., to consider the renewal of a Permit to Construct, Operate, Modify or Close a Construction and Demolition Debris or Land Clearing Disposal Management Facility for Longleaf C&D Disposal Facility, owned by Waste Management, Inc.; the request to reschedule is to assure full compliance with all advertising requirements.

Speaker(s) – None.

1741

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

10. 5:32 p.m. Public Hearing

1741

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robertson abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), approving Option B and adopting an Ordinance (*Number 2010-4*) establishing an Economic Development Ad Valorem Tax Exemption for Navy Federal Credit Union (NFCU), for Phase III of its overall campus business expansion, for 100% of its business expansion for 10 years for receiving 5 points for Capital Investment, 5 points for Number of Employees, and 3 points for Wage Rate; due to the number of employees employed by NFCU, documentation of a gross payroll figure was accepted based on the total number of employees in lieu of more specific wage information detailing average wage rate per job classification, as is required of other applicants.

Speaker(s) – None.

11. 5:33 p.m. Public Hearing

1743

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried unanimously, adopting an Ordinance (*Number 2010-5*) amending Chapter 74, Article II, Section 74-36, of the Escambia County Code of Ordinances, by adding Section 74-36 (18), prohibiting a person from deliberately disobeying the reasonable command of a Public Safety Official made while such person is using the beach or any structure thereon owned or operated by the Santa Rosa Island Authority.

Speaker(s):

W. A. "Buck" Lee

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

12. 5:34 p.m. Public Hearing

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, taking the following action concerning the Escambia County Area Transit (ECAT) Disadvantaged Business Enterprise (DBE) Fiscal Year 2010 Goal:

1746

- A. Ratifying the scheduling and advertisement of the 5:34 p.m. Public Hearing on Thursday, March 4, 2010, for the purpose of receiving comments concerning the Fiscal Year 2010 DBE Goal of 5% of procurements receiving financial support from the Federal Transit Administration, established for the ECAT system; and
- B. Approving the Fiscal Year 2010 ECAT DBE Procurement Goal of 5%.

Speaker(s) – None.

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

I. CONSENT AGENDA

1-3. Approval of Various Consent Agenda Items

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

1747

- 1. Accepting, for filing with the Board's Minutes, the following three Reports prepared by the Clerk of the Circuit Court & Comptroller's Finance Department:
 - A. Payroll Expenditures for Pay Date February 19, 2010, in the amount of \$2,364,662.71; and
 - B. The following two Disbursement of Funds:
 - (1) February 11, 2010, to February 17, 2010, in the amount of \$7,857,336.04; and
 - (2) February 18, 2010, to February 24, 2010, in the amount of \$2,523,036.82.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

2. Accepting, for filing with the Board's Minutes, the *Certificate of Acceptance of Subgrant Award, Number 2010-JAGC-ESCA-1-4X-238*, in the amount of \$142,120, and *Application for Funding Assistance, Florida Department of Law Enforcement, Justice Assistance Grant – County-wide*, relative to the Board's August 20, 2009, approval to submit the Grant Application for the Pensacola Junior College Police Department.
3. Taking the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:
 - A. Approving the Minutes of the Joint City-County Meeting held February 16, 2010, and the Minutes of the Regular Board Meeting held February 18, 2010;
 - B. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held February 18, 2010, as follows:
 1. FOR INFORMATION: The agenda package for the 5:30 p.m., February 18, 2010, Regular Board Meeting was reviewed as follows:
 - A. Shirley L. Gafford, Program Coordinator, County Administrator's Office, reviewed the agenda cover sheet;
 - B. Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services, reviewed the Clerk's Report;
 - C. Shirley L. Gafford, Program Coordinator, County Administrator's Office; County Attorney Rogers; Amy Lovoy, Bureau Chief, Management and Budget Services Bureau; Sandra "Sam" Slay, Office of Environmental Enforcement; Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau; David Wheeler, Deputy Bureau Chief, Stephen G. West, Assistant County Attorney; and Sandra P. Jennings, Bureau Chief, Neighborhoods and Community Services Bureau; reviewed the County Administrator's Report; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-3. Approval of Various Consent Agenda Items – Continued
3. Continued...
 - B. Report of the February 18, 2010, Agenda Work Session – Continued
 1. Continued...
 - D. County Attorney Rogers reviewed the County Attorney's Report.
 2. FOR INFORMATION: The following non-agenda issues were discussed:
 - A. The installation of sewer lines by the Emerald Coast Utilities Authority; and
 - B. Commissioner Robertson's request that functional consolidation be discussed at the February 25, 2010, Leadership Workshop.
 - C. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held February 11, 2010, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Robinson called the Committee of the Whole (C/W) to order at 9:02 a.m.

2. Was the Meeting Properly Advertised?

The C/W was advised by Doris Harris, Deputy Clerk to the Board, that the Meeting was advertised in the Pensacola News Journal on February 6, 2010, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule February 8, 2010 – February 12, 2010, Legal No. 1448501.*

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

3. Continued...

C. Report of the February 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. New Office Space Located at 220 Navy Blvd

A. Discussion – The C/W discussed New Office Space Located at 220 Navy Blvd, and the C/W:

- (1) Heard the request from Captain Gary Montee, on behalf of Escambia County Sheriff David Morgan, that the Board consider acquisition of a parcel of property located at 220 North Navy Boulevard, owned by the Escambia County School District, for the purpose of a new 3rd Precinct location, which would provide high visibility and easy accessibility by the public who wish to file complaints or need other types of law enforcement assistance;
- (2) Upon inquiry from Commissioner White, was advised by Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, that the funds to purchase the property and construct the Precinct would be paid from the Sheriff's LOST (*Local Option Sales Tax*) allocation;
- (3) Upon inquiry from Commissioner Young, was advised by Captain Montee that the new 3rd Precinct would service the Brownsville area;
- (4) Heard the request from Commissioner Young that the Sheriff place a stronger Law Enforcement presence in the Brownsville area; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-3. Approval of Various Consent Agenda Items – Continued
- 3. Continued...
- C. Report of the February 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Continued...

A. Continued...

(5) Was advised by Commissioner Robinson that the consensus of the Board is to allow the Sheriff to move forward with negotiations with the Escambia County School District for acquisition of this property; and

B. Board Direction – None.

Speaker(s):

Chief Deputy Larry Aiken

4. Emergency Medical Services Bad Debt

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *EMS Bad Debt*, presented by Michael D. "Mike" Weaver, Division Manager, Emergency Medical Services Operations, Public Safety Bureau, and heard the request from Mr. Weaver that the Board consider staff's recommendation to write-off approximately \$9 million in Emergency Medical Services (EMS) bad debt, which would be referred to the collection agency; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-3. Approval of Various Consent Agenda Items – Continued
- 3. Continued...
- C. Report of the February 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 4. Continued...
- B. Board Direction – The C/W recommends that the Board authorize the write-off of approximately \$9 million in EMS bad debt (*\$4.2 million in pending [budgeted for Fiscal Year 2009-2010], plus an additional \$4.6 million in existing accounts receivable*), and refer the accounts to the collection agency.

Recommended 5-0

- 5. Chapter 74, Article 11, Section 74-36, Disobeying a Reasonable Command (Relative to Beach Safety)
 - A. Discussion – The C/W heard the request from W. A. "Buck" Lee, Executive Director, Santa Rosa Island Authority (SRIA), that the Board consider adoption of an Ordinance amending Chapter 74, Article II, Section 74-36, of the Escambia County Code of Ordinances, by adding Section 74-36 (18), prohibiting a person from deliberately disobeying the reasonable command of a Public Safety Official made while such person is using the beach or any structure thereon owned or operated by the SRIA; and
 - B. Board Direction – The C/W recommends that the Board approve the scheduling and advertising of a Public Hearing for March 4, 2010, at 5:33 p.m., for consideration of adopting the Ordinance.

Recommended 5-0

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

3. Continued...

C. Report of the February 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. BID Inspections Fund Advisory Board / Multi-Licensed Inspectors

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Building Inspections Division – Residential Combination Inspector & Commercial Combination Inspector, A Cost Effective, Economical Solution for County Building Inspection Departments*, presented by Dale Baker, Building Inspections Division, Development Services Bureau, and the C/W:

(1) Heard the request from Bob Price, Jr., Chairman, Inspections Fund Advisory Board, that the Board consider the following actions, as recommended by the Inspections Fund Advisory Board:

(a) Adjust single, State-licensed inspector's minimum base pay to a comparable range of \$16.13 (*per hour*);

(b) Convert one single-licensed inspector position to a multiple-licensed residential inspector, with a minimum base pay to a comparable range of \$17.42 (*per hour*), with an increase of 5% for each additional license beyond two; and

(c) Convert one single-licensed inspector position to a multiple-licensed commercial inspector, with a minimum base pay to a comparable range of \$18.82 (*per hour*), with an increase of 5% for each additional license beyond two; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

3. Continued...

C. Report of the February 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Continued...

A. Continued...

(2) Agreed, by consensus, to allow staff to move forward with creating a Multi-License Inspector position, to be included in next Fiscal Year's Budget; and

B. Board Direction – None.

Speaker(s):

Danny R. Weeden

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

3. Continued...

C. Report of the February 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Artel Gallery’s Request to Lease the Area in the Old Courthouse That was Previously Leased by the Arts Council of Northwest Florida

A. Discussion – The C/W discussed Artel Gallery’s request to lease the area in the Old Courthouse that was previously leased by The Arts Council of Northwest Florida, Inc., and the C/W:

(1) Heard the request from Stephen G. West, Assistant County Attorney, for Board direction concerning the following four issues, which need to be addressed in the Lease:

- (a) Utilities and maintenance/custodial services
- (b) Insurance
- (c) Alcoholic beverages
- (d) Termination Clause

(2) Agreed that the County will bear the costs of maintenance and utilities; and

(3) Agreed that Artel Gallery shall maintain the same insurance coverage as had been required for The Arts Council of Northwest Florida, Inc.; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

3. Continued...

C. Report of the February 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

B. Board Direction – The C/W recommends that the Board take the following action concerning the draft Lease Agreement with Artel Gallery for lease of the area in the Old Escambia County Courthouse that was previously leased by The Arts Council of Northwest Florida, Inc.:

(1) Approve that the termination clause will provide for 30 days' notice of termination for cause and 180 days' notice of termination for convenience; and

Recommended 5-0

(2) Approve limiting the "non-sale of alcoholic beverages" to wine only.

Recommended 5-0

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-3. Approval of Various Consent Agenda Items – Continued
- 3. Continued...
- C. Report of the February 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. Pensacola Junior College / Jones Creek Nature Trail

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Donation of Property for Southwest Greenway and Trail*, presented by Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, and the C/W:

- (1) Heard the request from Mr. Wilkins that the Board authorize staff to initiate the process of acquiring property, by donation, from Pensacola Junior College (PJC), for the expansion of the Southwest Escambia Greenway and Trail System (*including inspection, title work, environmental assessment, appraisal, etc., and authorize the County Attorney's Office to negotiate the terms and conditions of the deed transfer*);
- (2) Heard Commissioner Robinson disclose that he is serves on the Board of the PJC Foundation; however, because of the volunteer nature of his position, he is not precluded from voting on this issue; and
- (3) Agreed, by consensus, to authorize staff to proceed with the acquisition process; and

B. Board Direction – None.

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

3. Continued...

C. Report of the February 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

9. Land Development Code, Review and Revision Process

A. Discussion – The C/W discussed Land Development Code, Review and Revision Process, and the C/W:

- (1) Was advised by Commissioner Robinson that, because of concerns regarding "no real overall oversight" of five committees, with 25 members (*as discussed at the November 12, 2009, C/W Workshop, Item 10*), he has provided the Board with an alternative plan, which proposes the establishment of a 15-member board, which would oversee the entire process; and
- (2) Heard a motion from Commissioner Robertson, seconded by Commissioner White, "that we have a 15-member working group, as you proposed, let the ten outside appointees meet from these professional organizations, let us each appoint one, let the group select a Chairman, let the Chairman put together subcommittees, (*and*) let them all come back and make the final decisions as a 15-member working group after all the subcommittees have reported back"; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

3. Continued...

C. Report of the February 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

9. Continued...

B. Board Direction – The C/W recommends that the Board take the following action concerning the Land Development Code Review and Revision Process:

(1) Approve the establishment of a 15-member working group (*board*), to consist of five members nominated by the Board of County Commissioners, one for each District, and ten members to be selected as follows:

- One member from the architectural community
- One member from the HBA (*Home Builders Association*)
- One member from the AGC (*Associated General Contractors*)
- One member from the Pensacola Association of Realtors
- One member from the NAIOP (Commercial Development)
- One member from the environmental community
- One member from the League of Women Voters (*of the Pensacola Bay Area*)
- Three members from the engineering community

(2) Approve that the working group (*board*) will select the Chairman, the Chairman will establish subcommittees, and the subcommittees, as the 15-member working group (*board*), will make the final decisions after all the subcommittees report back to the working group (*board*).

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

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-3. Approval of Various Consent Agenda Items – Continued
- 3. Continued...
- C. Report of the February 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 10. Waiver of Fees for Hardship Cases for the Various Services the Development Services Bureau Provides (i.e. Rezoning, Variances, Conditional Uses, Development Orders, Etc.)
 - A. Discussion – The C/W heard the request from T. Lloyd Kerr, Bureau Chief, Development Services Bureau, for Board direction concerning establishing a policy regarding the waiver of fees for hardship cases for the various services the Development Services Bureau provides (i.e., Rezoning[s], Variances, Conditional Uses, Development Orders, etc.), and the C/W:
 - (1) Was advised by Commissioner Robertson that he would support such a policy as long as specific guidelines defining "hardship" are included;
 - (2) Heard the request from Commissioner White that the policy provide that decisions (*to waive fees for hardship cases*) be made at the Administrative level; and
 - (3) Was advised by Commissioner Robinson that he would prefer that the Board not establish such a policy because of various "gray" matters that may arise; and

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

3. Continued...

C. Report of the February 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

10. Continued...

- B. Board Direction – The C/W recommends that the Board approve the use of stringent rules and regulations, similar to those used by other agencies, for the administrative waiver, subject to Legal sign-off, of fees for hardship cases for the various services the Development Services Bureau provides; i.e., Rezoning(s), Variances, Conditional Uses, Development Orders, etc.

Recommended 3-1, with Commissioner Robinson voting "no" and Commissioner Valentino absent

11. Bid Process Issues – Proposed Reform

- A. Discussion – The C/W, regarding Bid Process Issues – Proposed Reform, heard the request from Claudia Simmons, Purchasing Manager, that the Board consider adoption of a Resolution establishing a Policy prohibiting lobbying and related communications during the source selection process; and

- B. Board Direction – The C/W recommends that the Board adopt the Resolution establishing a Policy prohibiting lobbying and related communications during the source selection process; providing sanctions for violation of said Policy; providing for an effective date.

Recommended 5-0

12. Adjourn

Chairman Robinson declared the C/W Workshop adjourned at 11:35 a.m.

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

I. PUBLIC HEARINGS

1. Rezoning Cases

1747

Motion made by Commissioner White, seconded by Commissioner Young, and carried unanimously, taking the following action concerning Rezoning Case Z-2010-03:

- A. Adopting the recommendation of the Planning Board (PB) and denying C-2, but approving C-1; 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:

- (1) Case Number: Z-2010-03
- Location: 3111 Fairfield Drive
- Property Reference Numbers: 16-2S-30-1300-001-039, 16-2S-30-1300-001-040, and 16-2S-30-1300-001-041
- Property Size: 0.514 (+/-) acre
- From: R-4, Multiple-Family District (cumulative), Medium-High Density (18 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 Roger and Karen Wood, Owners
- PB Recommendation: Denial of C-2, but Approval of C-1

Speaker(s) – None.

(Continued on Page 23)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

1. Rezoning Cases – Continued

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried unanimously, taking the following action concerning Rezoning Case Z-2010-04:

1748

- A. Adopting the recommendation of the Planning Board (PB) and approving VR-2; 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:

(2) Case Number:	Z-2010-04
Location:	51 Highway 97
Property Reference Number:	33-3N-31-1004-000-000
Property Size:	36.51 (+/-) acres
From:	V-2, Villages Single-Family Residential District (2 dwelling units per acre), and GBD, Gateway Business District
To:	VR-2, Villages Rural Residential District (1 dwelling unit per 0.75 acre)
FLU Category:	AA-13, Activity Area Molino
Commissioner District:	5
Requested by:	Bennie and Gay Hassebrock, Owners
PB Recommendation:	Approval

Speaker(s) – None.

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

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting an Ordinance (*Number 2010-6*) to amend the Official Zoning Map to include the Rezoning Cases (*Z-2010-03 and Z-2010-04*) heard by the Planning Board on February 8, 2010, and approved during the previous agenda item; providing for severability, inclusion in the Code, and an effective date.

1749

Speaker(s) – None.

CHAIRMAN ROBINSON RELINQUISHED THE CHAIR TO COMMISSIONER WHITE

II. ACTION ITEM

1. (Escambia County Mid-West) Sector Plan MOU

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 the *Amendment to the Memorandum of Understanding between Escambia County and Classic Home Builders, Inc., Longview Plantation I, LLC, DDJ Land Company, LLC (on September 20, 2007, the Board approved the Memorandum of Understanding [MOU], which was executed by the Chairman on October 4, 2007, regarding the [Escambia County Mid-West, a/k/a "Optional"] Sector Plan, which consists of approximately 16,000 acres, located south of Barrineau Park Road, between the Perdido River and U. S. Highway 29, and north of Interstate 10).*

1749

For Information: The Board was advised by Commissioner Robertson that he owns property in the Sector Plan area, and could acquire additional property; therefore, at some point in the future, he might need to declare a conflict (*and abstain from voting*).

VICE CHAIRMAN WHITE RELINQUISHED THE CHAIR TO COMMISSIONER ROBINSON

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA

1. Scheduling of a Public Hearing

1751

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, authorizing the scheduling (*and advertising*) of a Public Hearing for Thursday, April 8, 2010, at 5:45 p.m., to (*consider adopting an Ordinance to*) amend the Official Zoning Map to include the following Rezoning Case (*which is scheduled*) to be heard by the Planning Board on March 8, 2010:

Case Number: Z-2010-05
Location: 13900 Innerarity Point Road
Property Reference Numbers: 14-3S-32-1000-040-002 and 14-3S-32-1000-050-002
Property Size: 30.47 (+/-) acres
From: R-3, One-Family and Two-Family District (cumulative), Medium Density (10 dwelling units per acre)
To: R-4, Multiple-Family District (cumulative), Medium-High Density (18 dwelling units per acre)
FLU Category: MU-3, Mixed Use 3
Commissioner District: 2
Requested by: Wiley C. "Buddy" Page, Agent for Redfish Harbor, LLC, Owner

COUNTY ADMINISTRATOR'S REPORT – Larry M. Newsom, Interim County Administrator

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-8. Approval of Various Consent Agenda Items

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, approving Consent Agenda Items 1 through 8, as follows, with the exception of Item 6, which was held for a separate vote:

1751

1. Approving the *Request for Disposition of Property*, indicating that two ambulances, no longer of use to the Board of County Commissioners as emergency vehicles, be disposed of through transfer to the Escambia County Sheriff's Office assets inventory.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

2. Taking the following action concerning disposition of surplus equipment and donation of a 1993 FL60 Freightliner (Property Number 501503) to the Lillian Volunteer Fire Department:
 - A. Approving the *Request for Disposition of Property* for the (*above-mentioned*) vehicle, which is obsolete and serves no useful function to the County, to be appropriately disposed of through donation to the Lillian Volunteer Fire Department;
 - B. Adopting a Resolution (*R2010-27*) authorizing conveyance of the vehicle to the Lillian Volunteer Fire Department; and
 - C. Authorizing the Chairman to sign required documents related to the donation.
3. Taking the following action concerning the execution of the *Maintenance Agreement* written for the American Recovery and Reinvestment Act of 2009 (*ARRA*) Project (I.D.: 428397-1-52-01):
 - A. Approving the *Maintenance Agreement* between the Florida Department of Transportation and Escambia County for the *ARRA* Project (I.D.: 428397-1-52-01), to resurface County Road 292A (Gulf Beach Highway), from State Road (SR) 292 (North Sorrento Road/Perdido Key Drive), to SR 292 (Gulf Beach Highway/North Sorrento Road); and
 - B. Authorizing the Chairman to sign the *Maintenance Agreement*.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

4. Taking the following action concerning a Lease Agreement between Escambia County and Navy Park Partnership for administrative and operational space located at 3960 Navy Boulevard, Pensacola, Florida, to be used and paid for by the Escambia County Health Department:
 - A. Approving a three-year Lease Agreement between Escambia County and Navy Park Partnership, to be effective upon completion of the build-out, as described in Exhibit "B" (*to the Lease Agreement*), for 2,480 square feet of space located at Navy Park Plaza, 3960 Navy Boulevard, Pensacola, Florida, Units 1 and 2, Building "A," Phase I, with the option to renew the term of the Lease for two additional years, with the monthly Lease payments to be paid by the Escambia County Health Department; and
 - B. Authorizing the Chairman or Vice Chair to sign the *Navy Park Plaza Lease Agreement* and other related documents as necessary.
5. Authorizing the scheduling (*and advertising*) of a Public Hearing for April 8, 2010, at 5:31 p.m., to consider the proposed vacation, on the Board's own motion, of a 20-foot by 350-foot (7,000 square-foot) Drainage Easement off Wilde Lake Boulevard.
6. See Page 28.
7. Rescinding the following Board's action of January 8, 2009 (*concerning economic development incentives [funds are based on refund fees and taxes paid to the County by IMS Expert Services, as set forth in Ordinance Number 2007-56]*); due to the significant negative economic climate on the national level, IMS Expert Services has been unable to meet the terms of the Agreement:
 - A. Approving to enter into an Agreement with Intelligent Management Solutions (IMS) Expert Services for Economic Development Incentives; and
 - B. Authorizing the Chairman to sign the *Economic Development Agreement Between Escambia County and Intelligent Management Solutions, Inc., d/b/a IMS Expert Services*.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

8. Taking the following action concerning a Resolution of the Escambia County Board of County Commissioners expressing support for and requesting the State of Florida take immediate action to remove Escambia River logjams:

A. Adopting the Resolution (*R2010-29*); and

B. Authorizing the Chairman to sign the Resolution.

6. Florida Forever Resolution

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning the Florida Forever Resolution:

1751

A. Adopting the Resolution (*R2010-28*) urging the Florida Legislature to fund the Florida Forever Program and to make Florida Forever a conservation success long into the future; and

B. Authorizing the Chairman to sign the Resolution.

Speaker(s):

Jim Hunt

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA

1-11. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried unanimously, approving Consent Agenda Items 1 through 11, as follows, with the exception of Item 3, which was held for a separate vote:

1752

1. Approving Budget Amendment Request Number 125, General Fund (001), in the amount of \$12,555, to recognize an increase to the Sheriff's Budget and to appropriate these funds for the purchase of a new fingerprinting machine; there are offsetting revenues to the General Fund through fingerprinting services provided by the Sheriff.
2. Adopting the Resolution (*R2010-30*) approving Supplemental Budget Amendment Number 126, Transportation Trust Fund (175), in the amount of \$15,636, to recognize insurance proceeds received for damage to traffic and pedestrian signals, and to appropriate these funds back to the Transportation and Traffic Division.
3. See Page 33.
4. Awarding a design/build, low-bid Contract, PD 09-10.018, Beulah Road Roadway Improvements from Nine Mile Road to South of Isaacs Road (Re-Solicitation), to Panhandle Grading and Paving, Inc., in the amount of \$544,297 (Funding: Fund 352, Local Option Sales Tax III, Cost Center 210108, Object Code 56301, Project Number 09EN0471, Financial Projects Number: 426893-2-58-01, Federal Aid Project Number: ARRA-536-B).
5. Awarding a Task Order Contract, PD 09-10.030, Design/Build Services for a Traffic Signal at County Road (CR) 297 (Pine Forest Road) and CR 297A, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to Ingram Signalization, Inc., through the engineering firm Comprehensive Engineering Services, Inc., in the amount of \$132,000 (Funding: Fund 352, Local Option Sales Tax III, Cost Center 210107, Object Code 56301, Project No. 09EN0185).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-11. Approval of Various Consent Agenda Items – Continued

6. Taking the following action concerning the *Federally-Funded Subgrant Agreement* between Escambia County and the State of Florida (Contract Number 10-DS-04-01-27-01):

A. Approving the Agreement between Escambia County, Florida, and the State of Florida, Division of Emergency Management (Contract Number 10-DS-04-01-27-01), providing State funds, in the amount of \$49,440, to conduct a full-scale exercise related to first response to terrorist activities, and allowing \$1,236 for administrative expenses associated with the exercise, with the funds being established in Fund 110 (Other Grants and Projects), Cost Center 330218; and

B. Authorizing the Chairman to sign the Agreement.

7. Taking the following action concerning the purchase of real property owned by Johnnie and Delores Moultry, located on Airway Drive (Funding Source: Fund 352, Local Option Sales Tax III, Account 210107/6101, Project 09EN0033):

A. Approving the *Contract for Sale and Purchase* in connection with the purchase of property owned by Johnnie and Delores Moultry, located on Airway Drive (1,980 square feet, or 0.05 acre), for the negotiated price of \$3,960; and

B. Authorizing the Chairman to sign the *Contract for Sale and Purchase* needed to complete the purchase.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-11. Approval of Various Consent Agenda Items – Continued

8. Taking the following action regarding the purchase of a parcel of property for the Area “A” Density Reduction Project, consisting of approximately 1.01 acres located off Fenceline Road, owned by Fernando M. Torres, Jr., and Barbara A. Torres (Funding Source: Fund 110, "Other Grants and Projects – Density Reduction PNS-NAS," Account 221006/56101):

- A. Authorizing the purchase of one parcel of property from Fernando M. Torres, Jr., and Barbara A. Torres (*[Property Reference Number]* 03-3S-31-2004-005-001), for the appraised value of \$55,000, 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 to control development and promote the long-term viability of Pensacola Naval Air Station (NAS) and will enhance the public safety and general welfare of the citizens of Escambia County; 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 from the Board.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-11. Approval of Various Consent Agenda Items – Continued

9. Taking the following action concerning a Project Agreement with the United States Department of Agriculture, Natural Resources Conservation Service, to provide up to \$481,000.00 to relieve hazards and damages within Escambia County created by the April 2009 Flood (Funding Source: this award will increase Fund 110, Other Grants and Projects, in the amount of \$481,000.00, and require a 25% in-kind match; matching funds will come from Local Option Sales Tax for road and stream restoration projects from the Public Works Bureau for restoration projects, to include Fund 181, Master Drainage Basin 16, Account 210734/56301 – *[in the amount of]* \$69,937.88; Fund 181, Master Drainage Basin 17, Account 210735/ 56301 – *[in the amount of]* \$11,662.88; Fund 181, Master Drainage Basin 13, Account 210731/56301 – *[in the amount of]* \$30,990.00; and Fund 181, Master Drainage Basin 5, Account 210723/56301 – *[in the amount of]* \$7,621.43; total in-kind match is \$120,218.19):

- A. Approving, and authorizing the Chairman to sign, the *United State Department of Agriculture Natural Resources Conservation Service Project Agreement* and all other related Emergency Watershed Protection (EWP) documents, including Amendments pertaining to the Project Agreement No. 69-4209-10-1740;
- B. Accepting, subject to Legal sign-off, Temporary Easements, Hold Harmless Agreements, and other documents of conveyance, as may be required, from property owners of Escambia County whose properties are adjacent to designated EWP sites;
- C. Authorizing payment of incidental costs related to the recording of the documents in the Public Records of Escambia County; and
- D. Authorizing payment of documentary stamp taxes; easements donated for government use for water control structure construction provide public benefit since construction will prevent further property damage and future flooding (cost of recording and documentary stamp taxes will be paid from Cost Centers 220101, Admin-Neighborhood & Environmental, and 220901, Natural Resource Conservation).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-11. Approval of Various Consent Agenda Items – Continued

10. Approving, for Fiscal Year 2009-2010, the issuance of blanket and/or individual Purchase Orders to LFG Technologies, Inc., in the amount of \$67,480, based upon the approval of the *Operations and Maintenance Agreement* between LFG Technologies, Inc., and Escambia County, Florida, on July 9, 2009, for certain operation and maintenance services of the Landfill Gas Collection System, for a term of five years (Funding: Fund 401, Solid Waste, Cost Center 220602).
11. Approving the Pensacola Bay Fishing Bridge Fee Schedule, effective March 15, 2010 (Funding: Other Grants and Projects, Fund 110, Cost Center 220807; Restricted Fund 101, new Cost Center).

3. Central Office Complex

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried 4-0, with Commissioner Valentino abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), taking the following action concerning Escambia County Central Office Complex Network Infrastructure, PD 09-10.029 (Funding: Fund 351, Local Option Sales Tax II, Cost Center 110261, Project Number 05AD0029, One Stop Building, Object Code 56201):

- A. Authorizing the County to piggyback off the Florida State Contract #250-000-09-1, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II; and
- B. Awarding a Purchase Order to WAVEnet Technologies, Inc., in the amount of \$150,727.30, for the purchase of the network infrastructure for the Escambia County Central Office Complex.

1753

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION

1. Navy Federal Credit Union EDATE

1754

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried 4-0, with Commissioner Robertson abstaining, and filing *Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*, approving Options A(2) and B(2), and taking the following action concerning renewal Applications for an Economic Development Ad Valorem Tax Exemption (EDATE) for Navy Federal Credit Union (NFCU), for Building 1 and the Phase 2 Expansion:

- A. Approving an Application for an EDATE for Building 1 at a rate of 100% for the remainder of the exemption period for receiving 5 points for Capital Investment, 5 points for Number of Employees, and 3 points for Wage Rate; due to the number of employees employed by NFCU, documentation of a gross payroll figure was accepted based on the total number of employees in lieu of more specific wage information detailing average wage rate per job classification, as is required of other applicants; and
- B. Approving an Application for an EDATE for the Phase 2 Expansion at a rate of 100% for the remainder of the exemption period for receiving 5 points for Capital Investment, 5 points for Number of Employees, and 3 points for Wage Rate; due to the number of employees employed by NFCU, documentation of a gross payroll figure was accepted based on the total number of employees in lieu of more specific wage information detailing average wage rate per job classification, as is required of other applicants.

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1-5. Approval of Various For Action Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving For Action Items 1 through, 5, as follows:

1755

1. Authorizing the scheduling (*and advertising*) of the **first** of two Public Hearings for March 18, 2010, at 5:33 p.m., for consideration of adopting an Ordinance establishing zoning categories for arcade amusement centers and bingo facilities in Escambia County.
2. Authorizing the scheduling (*and advertising*) of a Public Hearing for March 18, 2010, at 5:32 p.m., for consideration of adopting an Ordinance extending the temporary moratorium, until April 9, 2010, 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 March 19, 2010.
3. Authorizing the County Attorney's Office to appeal an Order of the Code Enforcement Special Magistrate requiring disclosure of e-mail communications between the County Attorney's Office and County employees and other witnesses related to pending Code Enforcement litigation (*regarding property located at 10139 Sinton Drive*).
4. Authorizing the County Attorney's Office to dismiss the lawsuit against Jay Camac (*Escambia County, a political subdivision of the State of Florida, v. Jay Camac, Case No.: 2009 CA 003386*), and not seek a judgment for monetary damages and costs (*concerning Mr. Camac's refusal to vacate the Molino School Property after it was purchased by the County in August 2009 [Mr. Camac occupied the property pursuant to an agreement with the Escambia County School Board, which was terminated by the School Board in June 2009]*).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION – Continued

1-5. Approval of Various For Action Items – Continued

5. Taking the following action concerning approval of a Fiscal Year 2009-2010 Miscellaneous Appropriations Agreement:
 - A. Rescinding the Board's action taken at the February 18, 2010, Regular Board Meeting, approving a Miscellaneous Appropriations Agreement, in the amount of \$3,887, to The Pensacola Symphony Orchestra Guild, Inc., and approving the Miscellaneous Appropriations Agreement, in the amount of \$3,887, to be paid from the 4th Cent Tourist Development Tax Fund 108, Cost Center 360105, for The Greater Pensacola Symphony Orchestra, Inc.;
 - B. Approving to find that said expenditures of County tax monies serve an essential public purpose as established by law;
 - C. Authorizing the Chairman to sign the Agreement and all other necessary documents; and
 - D. Authorizing the execution of the necessary Purchase Order.

For Information: The Board heard County Attorney Rogers disclose that Item 3 was presented by the Deputy County Attorney (*Charles V. Pepler*), since the subject property is located in her parents' neighborhood.

ITEMS ADDED TO THE AGENDA – COMMISSIONER GROVER C. ROBINSON, IV

1756

1. National Fish and Wildlife Foundation Grant

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning the \$50,000 National Fish and Wildlife Foundation (NFWF) Sea Turtle Habitat Light Pollution Reduction Grant (FL), Project # 2010-0046-000, between the NFWF and the Escambia County 4-H Foundation, Inc. (Funding: Fund 110, Other Grants and Projects; new Cost Center; \$50,000 voluntary private party match required):

- A. Approving transmittal of a letter from Escambia County to the NFWF accepting transfer of the Grant from the Escambia County 4-H Foundation Inc.; and
- B. Authorizing the Chairman to sign the letter and any subsequent Grant-related documents, including no-cost extensions.

ANNOUNCEMENTS – None.

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 5:56 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: March 18, 2010