

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE  
BOARD OF COUNTY COMMISSIONERS  
HELD MARCH 18, 2010  
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX  
221 PALAFOX PLACE, PENSACOLA, FLORIDA  
(4:30 p.m. – 6:52 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

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

1530

1. FOR INFORMATION: The Board was advised by Earle Rader that the 12th Annual Kid's Fishing Clinic will be held on Saturday, April 17, 2010, at Plaza de Luna Park.
2. FOR INFORMATION: The Board:
  - A. Heard comments from Larry Kelly regarding a buffer between his property and Bellview Park, which was cut down;
  - B. Was advised by Michael Rhodes, Neighborhoods and Community Services Bureau, that the 2010 Park Management Agreement, which will be on the April 8, 2010, BCC Meeting agenda for approval, addresses issues concerning properties adjacent to the ball park; furthermore, the Bellview Park Athletic Association has been notified that it should not handle any maintenance on the road on which the park is located on and has been advised to make "No Parking" announcements on a nightly basis.
3. FOR INFORMATION: The Board:
  - A. Heard the request from Sherri Myers for an explanation concerning illicit dumping taking place on Federally-owned property, located at 42nd Street and Clarinda Lane;

(Continued on Page 2)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION

3. Continued...

B. Was advised by Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, that the County has received Federal funding to demolish the abandoned houses on the property and to shorten the vegetation and clean the property.

4. FOR INFORMATION: The Board:

A. Heard the request from William Muhammad for information concerning whether or not the County is legally obligated to maintain Dave Floyd Lane; and

B. Was advised by County Attorney Rogers that all property records reflect that this is a private driveway; therefore, if the Board is interested in putting a driveway on the County's maintenance list, there would have to be a history of continuous and uninterrupted maintenance, or the County would need to show that there was either a County or public interest.

5. FOR INFORMATION: The Board heard comments from L. Gary Sansing concerning items discussed during Public Forum and other various County/National issues.

5:22 P.M. – PUBLIC FORUM ADJOURNED

5:33 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 5:33 p.m.

2. Invocation

Chairman Robinson advised that Father Jack Gray, Senior Chaplain, NAS Pensacola, would deliver the Invocation.

3. Pledge of Allegiance to the Flag

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

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

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 Commissioner Robertson's add-on item concerning Amendment 4, the Florida Hometown Democracy Land Use Initiative; Commissioner White's add-on item concerning the Florida Food Freedom Act; Commissioner Robinson's add-on item concerning Perdido Landfill Blower/Flare station; and Addendum #1 to the Clerk & Comptroller's Report [Item I-1F])*.

1635

5. Commissioners' Forum – District 4 – Commissioner Robinson requested, and received, a consensus from the Board for Interim County Administrator Newsom to schedule a meeting with the Chairman of the Board of County Commissioners, the Chairman of the Board of the Emerald Coast Utilities Authority (ECUA), ECUA and County staffs, the ECUA Executive Director, and the *(Interim)* County Administrator, to discuss the ECUA transfer station.

1636

6. Proclamations

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

1637

A. Adopting the following three Proclamations:

- (1) The Proclamation proclaiming March 25, 2010, as “National Medal of Honor Day” in Escambia County;
- (2) The Proclamation proclaiming April 2010 as “Fair Housing Month” in Escambia County; and
- (3) The Proclamation recognizing and congratulating Rotary International for more than 105 years of service and the Rotary Club of Pensacola for more than 95 years of service dedicated to improving the human condition in local communities around the world; and

- B. Adopting the Proclamation commending and congratulating Robert R. McLaughlin, County Administrator, on his retirement after 14 years of service.

Speaker(s):

Calvin Avant      Margaret T. Stopp

REGULAR BCC AGENDA – Continued

7. Written Communication

A. 517 West Detroit Boulevard

1646

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried 4-1, with Commissioner Robertson voting "no," approving to remove Mr. Perry from any liens or encumbrances, on this Case Number, and accepting the previous payment (*the pay-off was \$3,022, plus recording fees, paid by Carrie L. Richard, daughter of William N. Perry*) to represent satisfaction of this Lien, in full, with the understanding that Mr. Perry and his attorney will pay all other costs related to the closure of this matter, relative to the February 22, 2010, communication from Stephen M. Guttman, Attorney at Law (*representing the children of William N. Perry, deceased*), concerning the *Partial Release of Lien* recorded in Official Records Book 6558, at Page 1479, on February 9, 2010, for property located at 517 West Detroit Boulevard.

B. Code Enforcement Lien – 1050 Muscogee Road

1659

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving to waive "everything" but the hard costs, in the amount of \$4,642.50, for this specific piece (*property*) only, relative to the March 5, 2010, email communication from Michael R. Delarosa requesting that the Board forgive the fines relative to a Code Enforcement Lien against property located at 1050 Muscogee Road.

For Information: County Attorney Rogers provided a two-option "template" for making motions for relief from Code Enforcement Liens; i.e., Option 1 – Release of Lien to be used typically when the person seeking relief is not the violator named in the Lien, or Option 2 – Satisfaction and Cancellation of Lien, to be used typically when the person seeking relief is the violator named in the Lien and the Board finds that extraordinary circumstances justify granting relief to the violator.

Speaker(s):

Stephen M. Guttman  
Michael R. Delarosa

REGULAR BCC AGENDA – Continued

1705

8. Proof of Publication

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:

- (1) The 5:31 p.m. Public Hearing, advertised in The Escambia Sun-Press, LLC, on March 4, 2010, for consideration of the vacation, on the Board's own motion, of a portion of Hayne Street, North Pensacola Unit Four Subdivision;
- (2) The 5:32 p.m. Public Hearing, advertised in the Pensacola News Journal on March 6, 2010, for consideration of adopting an Emergency Ordinance extending the temporary moratorium, until April 26, 2010, on the issuance of building permits and development orders for arcade amusement centers;
- (3) The 5:33 p.m. Public Hearing, advertised in the Pensacola News Journal on March 6, 2010, for review of an Ordinance establishing zoning categories for arcade amusement centers and bingo facilities in Escambia County; and
- (4) The 5:34 p.m. Public Hearing, advertised in the Pensacola News Journal on March 9 and 10, 2010, for consideration of 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; and

(Continued on Page 6)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Continued...

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule March 15, 2010 – March 19 2010 – Legal No. 1454172*, as published in the Pensacola News Journal on March 13, 2010, as follows:

|          |            |   |
|----------|------------|---|
| March 15 | 4:00 p.m.  | West Florida Regional Planning Council                                      |
| March 16 | 10:00 a.m. | Dirt Road Paving Committee  |
| March 16 | 1:30 p.m.  | Environmental Enforcement Special Magistrate                                |
| March 16 | 4:00 p.m.  | Health Facilities Authority   |
| March 16 | 5:30 p.m.  | Animal Services Advisory Committee  |
| March 17 | 8:00 a.m.  | Soil & Water Conservation Board   |
| March 17 | 8:30 a.m.  | Board of Adjustment   |
| March 17 | 9:00 a.m.  | Tourism Administration & Convention Committee                               |
| March 17 | 1:00 p.m.  | Development Review Committee  |
| March 17 | 2:30 p.m.  | County Administrator Applicant Review Committee                             |
| March 18 | 9:00 a.m.  | Agenda Work Session   |
| March 18 | 9:00 a.m.  | Board of Electrical Examiners   |
| March 18 | 11:00 a.m. | BCC Information Technology Governance Council                               |
| March 18 | 4:20 p.m.  | Community Redevelopment Agency  |
| March 18 | 4:30 p.m.  | Board of County Commissioners Public Forum                                  |
| March 18 | 5:30 p.m.  | Board of County Commissioners Public Hearings & Reports                     |
| March 19 | 10:00 a.m. | Pensacola Escambia Promotion & Development Commission<br>Strategy Committee |

NEXT WEEK'S NOTE:

March 22 8:30 a.m. Planning Board Public Workshop

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. 5:31 p.m. Public Hearing

Motion made by Commissioner Young, seconded by Commissioner Valentino, and carried unanimously, denying the vacation, relative to the recommendation that the Board, at the, take the following action regarding the vacation, on the Board's own motion, of a portion of Hayne Street, North Pensacola Unit Four Subdivision (approximately 17,189 square feet, or 0.39 acre):

- A. Approve the Vacation;
- B. Adopt the Resolution to Vacate; and
- C. Authorize the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to execute them at that time.

Speaker(s):

Dennis Paedae  
James McGregor  
Roy Lee Cook  
Patricia Archie

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

10. 5:32 p.m. Public Hearing

1706

Motion made by Commissioner White, seconded by Commissioner Young, and carried 4-1, with Commissioner Valentino voting "no," adopting an Emergency Ordinance (*Number 2010-7*) extending the temporary moratorium, until April 26, 2010, on the issuance of building permits and development orders for arcade amusement centers because the moratorium is set to expire at 5:00 p.m. on March 19, 2010, with the following errata sheet revisions:

Page 1, Line 33, ...ordinances during ~~public hearings scheduled for March 18, 2010, and April 8, 2010~~ a joint meeting with the Planning Board; and

Page 3, lines 7 and 8, This moratorium shall terminate at 5:00 p.m. on Friday, ~~April 26, 2010~~ July 2, 2010; provided that the Board of County Commissioners may, by Ordinance adopted on or before ~~April 26, 2010~~ July 2, 2010, extend...

Speaker(s):

David Landry  
Ann Griffin  
Randy Cudd

11. 5:33 p.m. **First** Public Hearing

1745

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, dropping the Public Hearing and referring the Ordinance to a Joint Meeting of the Planning Board and Board of County Commissioners, relative to the recommendation that the Board review an Ordinance establishing zoning categories for arcade amusement centers and bingo facilities in Escambia County.

Speaker(s) – None.



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

12. 5:34 p.m. Public Hearing

1745

Motion made by Commissioner Valentino, seconded by Commissioner Young, and carried unanimously, taking the following action concerning 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.:

- A. Conducting the Public Hearing scheduled for 5:34 p.m. on Thursday, March 18, 2010; and
- B. Authorizing the Chairman to sign, and the Neighborhoods and Community Services Bureau Chief to issue, the permit.

Speaker(s) – None.

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

I. CONSENT AGENDA

1-5. Approval of Various Consent Agenda Items

1746

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

- 1. Accepting, for filing with the Board's Minutes, the following seven Reports prepared by the Clerk of the Circuit Court & Comptroller's Finance Department:
  - A. Payroll Expenditures for Pay Date March 5, 2010, in the amount of \$2,235,264.36;
  - B. The following two Disbursement of Funds:
    - (1) February 25, 2010, to March 3, 2010, in the amount of \$8,556,043.57; and
    - (2) March 4, 2010, to March 10, 2010, in the amount of \$3,315,439.48;
  - C. The Investment Report for the month ended February 28, 2010;

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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
- 1-5. Approval of Various Consent Agenda Items – Continued
    1. Continued...
      - D. The Tourist Development Tax Collections Data for Fiscal Year 2009-2010, which includes the January 2010 returns received in the month of February 2010; the five months revenue collected reflects 27.6% of the Budget for the Fiscal Year; and
      - E. Budget Comparison Reports for Fiscal Year 2009-2010, as follows:
        - (1) Summarized, by Fund, Budget to Actual Comparison as of February 28, 2010; and
        - (2) Actual Revenue and Expenditure Comparison to the prior Fiscal Year as of February 28, 2010; and
      - F. The Comprehensive Annual Financial Report (CAFR) for Fiscal Year ended September 30, 2009, as prepared by the Finance Department of the Clerk of the Circuit Court & Comptroller's Office and audited by O'Sullivan Creel, LLP, Certified Public Accountants and Consultants.
    2. Adopting the Resolution (*R2010-31*) authorizing the write-off of \$6,641,899.07 in accounts receivable that have been recorded in the Emergency Medical Services (EMS) Fund of the County and have been determined to be uncollectible bad debts.
    3. Accepting, for filing with the Board's Minutes, the Volunteer Fire Stipend Program Internal Audit Reports for Phase II and Phase III, as prepared by the Clerk of the Circuit Court & Comptroller's Finance Department, and the response from Frank Edwards, Fire Chief, which outlines actions taken by Chief Edwards and his staff to address areas of concern with program compliance identified by the Audit; Chief Edwards' quick response and proactive stance in addressing the areas of concern have already resulted in improvements in the administration of the Fire Stipend Program and, as indicated in his response, Chief Edwards plans to continue to provide greater oversight to the Program to ensure policy compliance.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-5. Approval of Various Consent Agenda Items – Continued

1746

4. Accepting, for filing with the Board's Minutes, the following documents provided to the Clerk to the Board's Office:
  - A. The original Agreement between Escambia County and Allied Waste for *Roll-Off Container Service, PD 08-09.071*, as approved by the Board on July 23, 2009, executed by the Interim County Administrator on February 10, 2010, and received in the Clerk to the Board's Office on March 1, 2010; and
  - B. *Okaloosa Gas District Financial Statements – September 30, 2009 and 2008*, and *Public Facilities Report March 2, 2010*, as provided by Clarke C. Bell, Vice President of Accounting and Finance, and received in the Clerk to the Board's Office on March 5, 2010.
5. Taking the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:
  - A. Approving the Minutes of the Regular Board Meeting held March 4, 2010;
  - B. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held March 4, 2010; and
  - C. Accepting, for filing with the Board's Minutes, the Report of the Leadership Workshop held February 25, 2010.

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

1746

I. ACTION ITEM

1. Berkshire Estates Final Plat

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning recording of the Final Plat of Berkshire Estates (a 78-lot, single-family residential subdivision, with public streets), located in the Bayou Grande community, lying north of Gulf Beach Highway between Weller and Kingsport Avenues, owned and developed by Berkshire Land Development, LLC; prior to recording, the County Engineer, County Surveyor, Development Services Bureau Chief, and the Clerk of the Circuit Court must sign the Final Plat, as set forth in Section 4.02.07.E of the Escambia County Land Development Code; also, prior to recording, the County Surveyor must sign the Final Plat, as set forth in Chapter 177.081 (1), Florida Statutes:

- A. Approving the Final Plat for recording;
- B. Approving the street names "Weller Avenue," "Kingsport Avenue," "Bucklebury Drive," "Bradfield Drive," and "Boxford Court";
- C. Accepting all public easements, drainage improvements within public easements/public parcels, Parcel "1" (1.22-acre Retention Pond), and Parcel "2" (0.75-acre Retention Pond), as depicted upon the Final Plat, for permanent County maintenance; the cost of maintenance for drainage improvements are to be funded through the establishment of a stormwater management MSBU (Municipal Services Benefit Unit); and
- D. Authorizing the Chairman or Vice Chairman to execute a *Two-Year Warranty Agreement for Streets and Drainage Improvements without Surety/Financial Security (Limited Liability Company)*, *Conservation Easement (Limited Liability Company)*, *Avigation Easement (Limited Liability Company)*, and a *Two-Year Warranty Agreement for Streets and Drainage Improvements without Surety/Financial* for Weller Avenue.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

II. CONSENT AGENDA

1. Scheduling of a Public Hearing

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, authorizing the scheduling (*and advertising*) of a Public Hearing for Thursday, April 8, 2010, at 5:46 p.m., (*for consideration of adopting an Ordinance amending*) the Escambia County Land Development Code, Article 6, "Nursing Homes as Conditional Use in R-3."

III. FOR INFORMATION

1. For Information: On Thursday, April 8, 2010, the Optional Sector Plan – Detailed Specific Area Plan (DSAP) Boundary will be placed on the GMR (*Growth Management Report*) for review and approval.

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

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-9. Approval of Various Consent Agenda Items

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 9, as follows:

1. Approving the *Request for Disposition of Property* and authorizing the disposal of a Dell CPU (Property Number 54112), that the Information Technology Division (*of the Management and Budget Services Bureau*) has determined is unusable, for recycling.
2. Taking the following action concerning execution and filing of the Fiscal Year 2010 Federal Transit Administration (FTA) Annual Certifications and Assurances for Escambia County Area Transit (ECAT):
  - A. Ratifying the Chairman's signature on the Federal Fiscal Year 2010 Certifications and Assurances for FTA Assistance Programs;
  - B. Ratifying the County Attorney's signature on the Federal Fiscal Year 2010 Certifications and Assurances for FTA Assistance Programs; and

(Continued on Page 14)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

- I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued
- 1-9. Approval of Various Consent Agenda Items – Continued
  2. Continued...
    - C. Ratifying the authorization of ECAT to file the Federal Fiscal Year 2010 Certifications and Assurances for FTA Assistance Programs electronically using the Federal Personal Passwords of the Chairman and the County Attorney.
  3. Approving the Request for Disposition of Surplus Property to be auctioned as surplus or properly disposed of, which is described and listed on the Disposition Form with the Bureau and reason stated.
  4. Taking the following action concerning the Neighborhood Stabilization Program (NSP) Substantial Amendment #2 to the 2008 Escambia Consortium Annual Action Plan:
    - A. Approving and authorizing submission of Substantial Amendment #2 to the 2008 Escambia Consortium Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) to: (1) reallocate NSP funds between approved NSP project activities to reflect demand for assistance; (2) specifically incorporate lease purchase and long term rental occupancy as eligible housing options under NSP Activity 02; (3) clarify the NSP Activity 05 narrative regarding beneficiary income eligibility levels allowed in addition to the 50% benefit set-aside and clarify that long term rental occupancy, in addition to development of facilities for homeless/special needs, is an integral element of NSP Activity 05; and (4) revise the purchase discount requirements to reflect current NSP policy; and
    - B. Authorizing the Interim County Administrator to execute Substantial Amendment #2 and related NSP Program forms, certifications, and any related documents as may be required to submit the Amendment to HUD, and authorizing the Interim County Administrator or Chairman, as appropriate, to execute all documents required to implement provisions of the NSP Substantial Amendment.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-9. Approval of Various Consent Agenda Items – Continued

5. Taking the following action concerning the Enterprise Zone Development Agency Board:
  - A. Appointing Meredith R. Nunnari, Deputy Executive Director, Neighborhood Enterprise Foundation, Inc., to serve a four-year term as a Non-Profit Organization Representative, effective March 2010 until March 2014; and
  - B. Appointing Jay Bradshaw, President, Coastal Moving and Storage, to serve a four-year term as a Business Representative operating within the Enterprise Zone area, effective March 2010 until March 2014.
6. Accepting, for filing with the Board's Minutes, the January 21, 2010, Community Redevelopment Agency (CRA) Meeting Minutes, prepared by Vera Cardia-Lively, Senior Office Support Assistant, CRA.
7. Taking the following action regarding the Emergency Management Preparedness and Assistance Grant Program Grant, Contract Number 10-BG-25-01-27-01-112 Modification:
  - A. Approving the Florida Division of Emergency Management, Emergency Management and Preparedness Assistance Grant Contract Modification consolidating EMPA Grant Contracts Number 09-BG-03-01-27-01-195 and Number 10-BG-25-01-27-01-112, with a zero net effect to award funds; and
  - B. Authorizing the Chairman to sign the Grant Contract Modification.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-9. Approval of Various Consent Agenda Items – Continued

1747

8. Taking the following action concerning the revision of the Human Resources Division Policies and Procedures, effective October 1, 2009; changes to these policies and procedures are necessary to conform to the Board of County Commissioners reorganization, to adhere to the Fiscal Year 2009-2010 approved Budget, to incorporate the unclassified service leave policies and procedures into this manual, and to distinguish those policies and procedures that pertain to the classified and the unclassified service:

A. Approving the following additions to the Human Resources Division Policies and Procedures:

- (1) Paid Time Off Leave Summary
- (2) Management Options Benefits
- (3) Terminal Leave
- (4) Performance Management
- (5) Personnel Forms, Records and Reports
- (6) Emergency Manpower Plan
- (7) Ethics and Standards of Conduct

B. Approving the following deletions to the Human Resources Division Policies and Procedures:

- (1) The Position Management Program
- (2) Personnel Forms and Reports
- (3) Prohibitions
- (4) Portions of Appendix "A," to include the following: (a) The Family and Medical Leave Act Policy; (b) Annual Leave Donation Policy; (c) Sick Leave Pool Policy; (d) Annual Leave Incentive Policy; (e) Tuition Reimbursement Policy; (f) Temporary and Term Contract Procedures; (g) Discipline Policy; and (h) Code of Ethics Policy

C. Approving changes, such as verbiage clean-up, for clarity and conformity to current practices; the content of some sections has been moved to another section to ensure that the information is in the appropriate area for clarity and consistency.



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-9. Approval of Various Consent Agenda Items – Continued

9. Approving, and authorizing the Chairman to sign, the *Documentation of Negotiation* and Amendment #1 to the Florida Department of Children and Families Contract AH401, effective February 24, 2010, to provide support to the deaf or hard-of-hearing.

II. BUDGET/FINANCE CONSENT AGENDA

1-19. Approval of Various Consent Agenda Items

1747

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried unanimously, approving Consent Agenda Items 1 through 20, as follows, with the exception of Item 2, which was held for a separate vote, as amended to correct the Cost Center from 250701 to 110303 in Item 19 (*Item 20 was held for a separate vote*):

1. Adopting the Resolution (*R2010-32*) approving Supplemental Budget Amendment Number 143, Other Grants and Projects (110), in the amount of \$360,750, from the United States Department of Agriculture Natural Resources Conservation Service, and to appropriate these funds to relieve hazards and damages within Escambia County created by the April 2009 floods.
2. See Page 25.
3. Taking the following action concerning the Resolution for the Federal Transit Administration (FTA) Grant for planning and capital assistance for mass transit projects for Escambia County Area Transit (ECAT) (Funding Source: Fund 320 – FTA Capital Projects; Cost Center/Revenue Code – TBD [*To Be Determined*] at time of Supplemental Budget Amendment):
  - A. Adopting the Resolution (*R2010-34*) authorizing the application and acceptance of the FTA Grant, Project Number FL-95-X019-00, providing \$125,000 in Federal assistance for planning and capital assistance for mass transit projects;
  - B. Authorizing the Chairman to sign the Resolution; and
  - C. Authorizing the ECAT General Manager to execute the Grant via the Federal Transportation Electronic Award and Management System, using the FTA-approved password and PIN.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

4. Taking the following action concerning the Escambia County Ex-Oriskany PCB (polychlorinated biphenyl) Artificial Reef Monitoring Project Grant Agreement with Florida Fish and Wildlife Conservation Commission (FWC), Grant No. 09171 (Funding Source: Fund 110, Other Grants and Projects, Cost Center/Revenue Code – TBD [*To Be Determined*] at time of Supplemental Budget Amendment):

- A. Ratifying the Chairman's signature and submittal of the Grant Agreement between Escambia County Board of County Commissioners and FWC for the Ex-Oriskany PCB Artificial Reef Monitoring Project Grant, in the amount of \$48,466.47, from the date of execution through December 30, 2011; and
- B. Authorizing the Chairman to execute the Agreement and any documents related to acceptance, execution, reporting, and Amendments to this Grant.

5. Ratifying the following March 18, 2010, action of the Escambia County Community Redevelopment Agency (CRA) concerning the Sign Grant Funding Agreement for the property located at 919 West Michigan Avenue:

- A. Approving the Sign Grant Program Funding Agreement between Escambia County CRA and Litedra Burgess, owner of commercial property located at 919 West Michigan Avenue, Pensacola, Florida, in the Palafox Redevelopment Area, in the amount of \$390, representing an in-kind match through the Palafox Tax Increment Financing, Fund 151, Cost Center 220517, Object Code 58301, and/or Neighborhood Enterprise Foundation, Inc., 2006 Community Development Block Grant, Fund 129, Cost Center 221403, Object Code 58301, for the following improvements:

Install a new free-standing sign for the existing business

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

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

6. Ratifying the following March 18, 2010, action of the Escambia County Community Redevelopment Agency (CRA) concerning the Residential Rehab Grant Funding and Lien Agreements for the property located at 210 Ruberia Avenue:

- A. Approving the Residential Rehab Grant Program Funding and Lien Agreements between Escambia County CRA and Edward P. Germann, owner of residential property located at 210 Ruberia Avenue, Pensacola, Florida, in the Barrancas Redevelopment Area, each in the amount of \$1,700, representing an in-kind match through the Barrancas Tax Increment Financing, Fund 151, Cost Center 220519, Object Code 58301, for the following improvements:

Sanitary sewer connections

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

7. Ratifying the following March 18, 2010, action of the Escambia County Community Redevelopment Agency (CRA) concerning the Commercial Facade Grant Funding and Lien Agreements for the property located at 5 Clarinda Lane:

- A. Approving the Commercial Facade, Landscape, and Infrastructure Grant Program Funding and Lien Agreements between Escambia County CRA and Goldstein Enterprises, LLC, owner of commercial property located at 5 Clarinda Lane, Pensacola, Florida, in the Palafox Redevelopment Area, each in the amount of \$10,000, representing an in-kind match through the Palafox Tax Increment Financing, Fund 151, Cost Center 220517, Object Code 58301, for the following improvements:

Sanitary sewer connections and electrical rewiring upgrade to the existing building

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

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

8. Ratifying the following March 18, 2010, action of the Escambia County Community Redevelopment Agency (CRA) concerning the Residential Rehab Grant Funding and Lien Agreements for the property located at 2 Greve Court:

- A. Approving the Residential Rehab Grant Program Funding and Lien Agreements between Escambia County CRA and Brian Kupferschmidt, owner of residential property located at 2 Greve Court, Pensacola, Florida, in the Warrington Redevelopment Area, each in the amount of \$6,000, representing an in-kind match through the Warrington Tax Increment Financing, Fund 151, Cost Center 220516, Object Code 58301, for the following improvements:

Install new storm windows and replace the roof

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

9. Ratifying the following March 18, 2010, action of the Escambia County Community Redevelopment Agency (CRA) concerning the Commercial Facade Grant Funding and Lien Agreements for the property located at 805 North Navy Boulevard:

- A. Approving the Commercial Facade, Landscape, and Infrastructure Grant Program Funding and Lien Agreements between Escambia County CRA and Tzy-Yn Hua, owner of commercial property located at 805 North Navy Boulevard, Pensacola, Florida, in the Warrington Redevelopment Area, each in the amount of \$10,000, representing an in-kind match through the Warrington Tax Increment Financing, Fund 151, Cost Center 220516, Object Code 58301, and/or Neighborhood Enterprise Foundation, Inc., 2008 Community Development Block Grant, Fund 129, Cost Center 220563, Object Code 58301, for the following improvements:

Parking lot improvements to include paving and striping

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

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

10. Ratifying the following March 18, 2010, action of the Escambia County Community Redevelopment Agency (CRA) concerning the Sign Grant Funding Agreement for the property located at 805 North Navy Boulevard:

- A. Approving the Sign Grant Program Funding Agreement between Escambia County CRA and Tzy-Yn Hua, owner of commercial property located at 805 North Navy Boulevard, Pensacola, Florida, in the Warrington Redevelopment Area, in the amount of \$2,000, representing an in-kind match through the Warrington Tax Increment Financing, Fund 151, Cost Center 220516, Object Code 58301, and/or Neighborhood Enterprise Foundation, Inc., 2007 Community Development Block Grant, Fund 129, Cost Center 220555, Object Code 58301, for the following improvements:

Install a new free-standing sign

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

11. Ratifying the following March 18, 2010, action of the Escambia County Community Redevelopment Agency (CRA) concerning the Sign Grant Funding Agreement for the property located at 2600 West Fairfield Drive:

- A. Approving the Sign Grant Program Funding Agreement between Escambia County CRA and United Cerebral Palsy of Northwest Florida, Inc., owner of commercial property located at 2600 West Fairfield Drive, Pensacola, Florida, in the Palafox Redevelopment Area, in the amount of \$2,000, representing an in-kind match through the Palafox Tax Increment Financing, Fund 151, Cost Center 220517, Object Code 58301, and/or Neighborhood Enterprise Foundation, Inc., 2007 Community Development Block Grant, Fund 129, Cost Center 220555, Object Code 58301, for the following improvements:

Install a new electrical sign on the existing sign poles

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

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

12. Authorizing a waiver of the frozen position list and approving to allow the Public Safety Bureau to advertise for and fill the budgeted Emergency Operations Officer position recently vacated by Dusty Clements (Funding Source: Fund 001, General Fund; Cost Center 330402, Emergency Management).
13. Taking the following action concerning PD 09-10.012, Burgess Road PD&E Design Re-Evaluation (Funding: Fund 351, Local Option Sales Tax II, Cost Center 210105, Object Code 56301, Project #10EN0154):
  - A. Approving the following Selection/Negotiation Committee Ranking:
    - (1) Hatch Mott MacDonald Florida, LLC
    - (2) Baskerville-Donovan, Inc.
    - (3) Volkert, Inc.
  - B. Awarding a Task Order Contract, PD 09-10.012, Burgess Road PD&E Design Re-Evaluation, from State Road (SR) 29 on SR 742 (West Burgess Road), ending at East SR 742 (at Creighton Road), per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to Hatch Mott MacDonald Florida, LLC, for a lump sum amount of \$598,026.53, and allowances of \$40,171.50, for a total of \$638,198.03.
14. Awarding Contract PD 09-10.035, Traffic Signal Construction, Cody Lane and Olive Road, to Ingram Signalization, Inc., in the amount of \$185,668 (Funding: Fund 110, Other Grants and Projects, "FDOT Olive and Cody," Cost Center 210509, Object Code 56301, *[in the amount of]* \$112,500; Fund 352, "Local Option Sales Tax III," Cost Center 210107, Object Code 56301, Project No. 08EN0604, *[in the amount of]* \$73,168).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

15. Approving, and authorizing the Interim County Administrator to execute, the following Change Order (Funding Source: Fund 352, "Local Option Sales Tax III," Cost Center 210107, Object Code 56301, Project No. 08EN0334):

Bureau: Public Works  
Division: Engineering  
Type: Addition  
Amount: \$306,438.47  
Vendor: Starfish, Inc., of Alabama  
Project Name: Ferry Pass Zone 2, Phase 4 Road and Sewer Improvements  
Contract: PD 08-09.019  
Purchase Order Number: 291323  
Change Order Number: 1  
Original Award Amount: \$1,960,690.71  
Cumulative Amount of Change Orders through Number 1: \$ 306,438.47  
New Contract Total: \$2,267,129.18

16. Approving, and authorizing the Interim County Administrator to execute, the following Change Order (Funding Source: Fund 351, Local Option Sales Tax II, Cost Center 350233/56301, "Southwest Park" – *[in the amount of]* \$172,698, Project No. 08PR0102):

Bureau: Public Works  
Division: Park and Marine Maintenance  
Type: Addition  
Amount: \$172,698  
Vendor: PBS&J (*Post, Buckley, Schuh & Jernigan*)  
Project Name: Southwest Escambia County Sports Complex  
Contract: PD 07-08.045  
Purchase Order Number: 281732  
Change Order Number: 1  
Original Award Amount: \$709,289  
Cumulative Amount of Change Orders through Number 1: \$172,698  
New Contract Total: \$881,987

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

17. Authorizing staff to initiate the purchase process for a portion of Escambia County School Board property (approximately one acre), located at 220 North Navy Boulevard, for the Escambia County Sheriff's Office; this includes, but is not limited to, obtaining title commitments, Phase I Environmental Assessments, appraisals, surveys, and conducting inspections as needed (Funding Source: Fund 351, Local Option Sales Tax II, Account 540110/56101).
18. Taking the following action concerning a parking prohibition (funds are budgeted in Fund 175, Transportation Trust Fund, Cost Center 110303, and Account Code 53401, for sign installations):
  - A. Adopting the Resolution (*R2010-35*) for a parking prohibition on Harvard Court, from 6301/ 6310 Harvard Court to the northern terminus; and
  - B. Authorizing the Chairman to sign the Resolution for Harvard Court.
19. Taking the following action concerning traffic restrictions – speed limitations (funds are budgeted in Fund 175, Transportation Trust Fund, Cost Center 110303, and Account Code 53401, for sign installations):
  - A. Adopting the Resolution (*R2010-36*) for the reduction in speed from 30 miles per hour to 25 miles per hour, for the following roadway segments:
    - (1) Untreiner Avenue, from West Detroit Avenue to West Hope Drive
    - (2) Lepley Road, from Untreiner Avenue to Moccasin Trail
    - (3) Falcon Drive from Las Brisas Drive to Oakcliff Road
    - (4) Beulah Church Road, from Rebel Road to Beulah Road
    - (5) Williams Ditch Road, from Handy Road to Smyers Road
    - (6) West Hernandez Street, from North "I" Street to North "K" Street
    - (7) Tate Road, from North Tate School Road to Grande Oaks Boulevard
    - (8) Teakwood Circle, from Prieto Drive to Teakwood Drive
    - (9) 57th Avenue, from Schofield Drive to Admiral Doyle Road

(Continued on Page 25)



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-19. Approval of Various Consent Agenda Items – Continued

19. Continued...

A. Continued...

- (10) Santa Barbara Street, from Patricia Drive to Palmdale Avenue
- (11) Goodman Lane, from 57th Avenue to Adkinson Drive
- (12) Fowler Avenue, from West Nine and One-Half Mile Road to West Nine Mile Road
- (13) Chaseville Street, from Frisco Road to South Old Corry Field Road
- (14) Lewis Street, from Westview Lane to Mirabelle Way
- (15) Westview Lane, from Cottonwood Lane to Belle Meadow Boulevard
- (16) Bobwhite Drive, from Hummingbird Lane to Hummingbird Boulevard
- (17) Williams Ditch Road, from Wishbone Road to Chavers Road

B. Authorizing the Chairman to sign the Resolution for these roadways.

2. FDOT Grant Application

1748

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning the 2010 State of Florida Department of Transportation (FDOT) Grant Application for Section 5311 Program funding (Federal Transit Administration non-urbanized area funding), to be used by the Community Transportation Coordinator and Escambia County Area Transit in the non-urbanized areas of Escambia County, including operation of the fixed route to Century:

A. Adopting the Resolution (*R2010-33*) authorizing the (*Grant*) Application and acceptance of the Grant;

B. Ratifying the Chairman's signature executing the Resolution; and

(Continued on Page 26)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

2. Continued...

C. Ratifying the Chairman's signature on the Grant Application and all supporting documents, without further action of the Board.

For Information: The Board heard Commissioner Robinson disclose, because some of the bus stops occur at Baptist Hospital and Pensacola Junior College (PJC), that he serves on the Baptist Hospital and PJC Foundations, and does business with Baptist Hospital; however, the County Attorney does not believe that he is prohibited from voting on this item.

20. BTOP Grant Application

1749

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*, taking the following action concerning a U. S. Department of Commerce, Broadband Technologies Opportunities Program (BTOP) Grant Application, subject to Legal sign-off:

- A. Approving the submittal of the U. S. Department of Commerce, Broadband Technologies Opportunities Program Grant Application, which will include a \$6 million cash match, to be provided from funds allocated in Local Option Sales Tax, for the build-out of the infrastructure for the Intelligent Transportation Systems and for neighborhood enhancements; and
- B. Authorizing the Interim County Administrator to sign the Grant Application and all required forms.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1-3. Approval of Various For Action Items

1751

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving For Action Items 1 through 3, as follows, as amended to drop Item 2:

1. Approving to forego civil legal action against The Arts Council of Northwest Florida, Inc., for the sum of \$14,055, which was wrongfully appropriated according to the Clerk's financial audit, and pursue the foregoing sum through a request for restitution in the event the State Attorney initiates criminal proceedings and convictions are obtained.
2. Dropping the recommendation that the Board authorize the scheduling (*and advertising*) of the **second** of two Public Hearings for April 8, 2010, at 5:32 p.m., for consideration of adopting an Ordinance establishing zoning categories for arcade amusement centers and bingo facilities in Escambia County.
3. Approving a Workers' Compensation washout settlement, in the amount of \$54,000, to former Sheriff's Office employee Michele Peavy; in exchange, Ms. Peavy will execute a general release of liability and waiver of employment with the County.

ITEMS ADDED TO THE AGENDA – COMMISSIONER WILSON B. ROBERTSON

1. Adoption of a Resolution

1751

Motion made by Commissioner Robertson, seconded by Commissioner White, and carried unanimously, taking the following action concerning Amendment 4, the Florida Hometown Democracy Land Use Initiative Resolution:

- A. Adopting the Resolution (*R2010-37*) opposing Amendment 4, the Florida Hometown Democracy Land Use Initiative; and
- B. Authorizing the Chairman to sign the Resolution.

ITEMS ADDED TO THE AGENDA – COMMISSIONER KEVIN W. WHITE

1752

1. Adoption of a Resolution

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

- A. Adopting the Resolution (*R2010-38*) expressing support of, and urging the Florida Legislature to support, the Florida Food Freedom Act; and
- B. Authorizing the Chairman to sign the Resolution.

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

1752

1. PD 09-10.028

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried unanimously, awarding a Purchase Order Contract, PD 09-10.028, Blower/Flare Station, Perdido Landfill, to LFG Technologies Development, LLC, in the amount of \$225,650, for the Base Unit and Items 1 through 12, needed for the Landfill Gas Collection System at Perdido Landfill, and outlined in the Solicitation, Offer and Bid Form mailed to four (4) providers known to be able to meet the requirements of the Solicitation (Funding: Fund 110, Other Grants and Projects, Account 221004, Object Code 56301).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ANNOUNCEMENTS – None.

ADJOURNMENT

There being no further business to come before the Board, Chairman Robinson declared the Regular Meeting of the Board of County Commissioners adjourned at 6:52 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: April 8, 2010