

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD APRIL 8, 2010
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:36 p.m. – 7:19 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 4:36 p.m.

1. FOR INFORMATION: The Board was advised by Linda Strickland that a hedge, which is approximately 10 feet high, between her business/residence on Tippin Avenue and Arby's (*located at 6401 North 9th Avenue*), and heard her request that Arby's be required to trim or remove the hedge because of a personal safety concern, and the Board:
 - A. Was advised by Sandra Slay, Office of Environmental Enforcement, that the vegetative buffer was required as part of the Development Order for the business and does not violate any County Codes;
 - B. Was advised by T. Lloyd Kerr, Bureau Chief, Development Services Bureau, that the Land Development Code probably will not prohibit Arby's from trimming the hedge; however, he will need to review the Development Order to determine the buffer requirements;
 - C. Heard the request from Commissioner White that staff review the Code to determine if the height of the hedge can be tied to "public safety matter"; and
 - D. Was advised by Mr. Kerr and Ms. Slay that staff will review the options available to resolve this issue between Ms. Strickland and Arby's.

1636

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

2. FOR INFORMATION: The Board heard comments from Barbara Mayall concerning the need for citizen involvement in various long-range transportation planning workshops, as well as proposed Escambia County Area Transit (ECAT) route changes, and heard her suggestion that the comment form, which is currently available only on the ECAT website, be placed on the ECAT buses so riders will have an opportunity to provide their comments prior to the upcoming TPO (*Transportation Planning Organization*) and Mass Transit Advisory Council meetings. 1651

3. FOR INFORMATION: The Board heard comments from William Myrick in support of the County purchasing the "Bellamy Property" (*approximately 1.22 acres located at 8210 Scenic Highway*). 1655

4. FOR INFORMATION: The Board heard the request from Brian Voelker that the Board ask for the resignation of Fire Chief Frank Edwards, because of an incident at the Beulah Sausage Festival. 1701

5. FOR INFORMATION: The Board heard comments from L. Gary Sansing regarding Public Forum and various County/National issues 1706

5:12 P.M. – PUBLIC FORUM ADJOURNED

5:34 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 5:34 p.m.

2. Invocation

Chairman Robinson advised that Dr. Winston Prescott, Talbot Chapel A.M.E. Zion Church, would deliver the Invocation.

3. Pledge of Allegiance to the Flag

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

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 Young's add-on item concerning adoption of a Proclamation, Commissioner White's add-on item concerning an appointment to the Citizens' Environmental Committee, Commissioner Robinson's add-on item concerning a request from the Make-A-Wish Foundation of Central and Northern Florida, and Addendum #1 to the County Attorney's Report [Item I-3])*.

1736

5. Commissioners' Forum

- A. District 3 – Commissioner Young challenged Escambia County residents to lose five pounds by the end of April, in honor of the National Association of Counties' National Government Month during the month of April 2010, with the theme "Healthy Counties," and advised that if she does not reach her weight-loss goal of five pounds, she will kiss the donkey, and was advised by Sonya Daniel that the Public Information Office will distribute a flyer with 20 tips to lose five pounds in 20 days;
- B. District 2 – Commissioner Valentino advised that he would "match" Commissioner Young's five-pound weight loss; and
- C. District 4 – Commissioner Robinson urged Escambia County citizens to mail their 2010 Census surveys.

1740

6. Proclamations/Special Recognition

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

1741

- A. Taking the following action concerning adoption/ratification of the following nine Proclamations:
 - (1) Adopting the Proclamation commending and congratulating Ms. Jena Melancon for being selected by her peers to receive the National Council for International Visitors' Excellence in Programming Award;

(Continued on Page 4)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

6. Continued...

A. Continued...

- (2) Adopting the Proclamation commending and congratulating Mr. Jack Drew on his recent selection to participate in the Honor Flight to Washington, DC;
- (3) Adopting the Proclamation recognizing the dedicated and courageous efforts of the National Oceanic and Atmospheric Administration Aircraft Operations Center and aircrews for their invaluable service and continuing effort in providing our community hurricane warning and preparedness information;
- (4) Adopting the Proclamation proclaiming April 11-17, 2010, as “Public Safety Telecommunicators Week” in Escambia County;
- (5) Adopting the Proclamation proclaiming April 12-16, 2010, as “Youth Success Week” in Escambia County;
- (6) Adopting the Proclamation proclaiming May 2010 as “Celebrate Escambia Waterways Month” in Escambia County;
- (7) Adopting the Proclamation proclaiming April 15 and April 16, 2010, as “Bay Days” in Escambia County;
- (8) Adopting the Proclamation proclaiming Saturday, April 24, 2010, as “Earth Day” in Escambia County; and
- (9) Ratifying the Proclamation acknowledging, with gratitude, the Banco Bilbao Vizcaya Argentaria Compass Services Group for its contributions and historical loyalty to the Escambia County, Florida, community;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

6. Continued...

B. Adopting the following two Proclamations:

- (1) The Proclamation commending and congratulating Henry "Buck" Carter, III, Relief Emergency Communications Dispatcher, Public Safety Bureau, on his retirement after 35 years of service; and
- (2) The Proclamation commending and congratulating Debra Seale, Corrections Officer, Corrections Bureau, on her retirement after 20 years of service; and

C. Recognizing, with a certificate, Mr. and Mrs. Robert G. Carr for their efforts to beautify their yard and neighborhood, as nominated by their neighbor, Mrs. Barbara Mayall.

Speaker(s):

Jena Melancon
Jack Drew
Jimmie Jarratt
Barbara Mayall

7. Written Communication

A. Code Enforcement Lien – 1582 Kyle Drive

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving to accept \$3,768.50, which is the total hard costs, in exchange for a release of the Code Enforcement Lien against the property at 1582 Kyle Drive, relative to the February 25, 2010, communication from Tamika Wallace-Guy requesting that the Board forgive a Code Enforcement Lien against property located at 1582 Kyle Drive.

1811

(Continued on Page 6)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

7. Continued...

B. Code Enforcement Lien – 621 South Navy Boulevard

1814

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving to waive the fines, but cut them in half, which would be \$14,500, and collect the \$1,100 hard costs, for a total of \$15,600, to satisfy and cancel the Code Enforcement Lien in its entirety, relative to the March 18, 2010, communication from Robert E. Smith Lupo, Commodore King Air, requesting that the Board reduce or remove a Code Enforcement Lien against property located at 621 South Navy Boulevard.

Speaker(s):

Tamika Wallace-Guy
Jo Ann Welch
Robert E. Smith Lupo
R. Tom Lupo

REGULAR BCC AGENDA – Continued

8. Proof of Publication

1823

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 three Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in The Escambia-Sun Press, LLC, on March 25, 2010, for consideration of the vacation, on the Board's own motion, of a Drainage Easement off Wilde Lake Boulevard;
- (2) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on March 24, 2010, for consideration of adopting an Ordinance amending the Official Zoning Map; and
- (3) The 5:46 p.m. **first** Public Hearing, advertised in the Pensacola News Journal on March 24, 2010, to review an Ordinance amending LDC Article 6, "Zoning Districts," Section 6.05.09.C., and Section 6.08.02; and

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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 April 5, 2010 – April 9, 2010 – Legal No. 1457433*, as published in the Pensacola News Journal on April 3, 2010, as follows:

April 6	10:30 a.m.	Workforce Escarosa Finance Committee
April 6	1:30 p.m.	Environmental Enforcement Special Magistrate
April 6	3:30 p.m.	Tourist Development Council Meeting
April 7	8:30 a.m.	Application Committee for Competency Board
April 7	9:00 a.m.	Construction Industry Competency Board
April 7	1:00 p.m.	Development Review Committee
April 7	1:00 p.m.	Wellness Committee
April 8	9:00 a.m.	Agenda Work Session
April 8	4:30 p.m.	Board of County Commissioners Public Forum
April 8	5:30 p.m.	Board of County Commissioners Public Hearings & Reports

NEXT WEEK'S NOTE:

April 12	8:30 a.m.	Planning Board – Rezoning Hearings
April 12	8:35 a.m.	Planning Board Regular Meeting
April 12	11:00 a.m.	Special Planning Board Workshop
April 12	1:00 p.m.	FL-AL TPO – Technical Coordinating Committee
April 12	3:30 p.m.	FL-AL TPO – Citizens Advisory Committee
April 12	5:30 p.m.	Marine Advisory Committee
April 12	6:30 p.m.	Fire Services Citizens Advisory Committee

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. 5:31 p.m. Public Hearing

1823

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action regarding the vacation, on the Board's own motion, of a 20-foot x 350-foot (7,000 square feet) Drainage Easement off Wilde Lake Boulevard:

- A. Approving the vacation;
- B. Adopting the Resolution (*R2010-39*) to Vacate; and
- C. Authorizing the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman, and authorizing the Chairman or Vice Chairman to execute them at that time.

Speaker(s) – None.

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

I. CONSENT AGENDA

1-4. Approval of Various Consent Agenda Items

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

1824

- 1. Accepting, for filing with the Board's Minutes, the following four Reports prepared by the Clerk of the Circuit Court & Comptroller's Finance Department:
 - A. The following two Payroll Expenditures:
 - (1) Pay Date March 19, 2010, in the amount of \$2,169,862.15; and
 - (2) Pay Date April 1, 2010, in the amount of \$2,099,030.40; 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
- 1-4. Approval of Various Consent Agenda Items – Continued
 1. Continued...
 - B. The following two Disbursement of Funds:
 - (1) March 11, 2010, to March 17, 2010, in the amount of \$2,412,295.59; and
 - (2) March 18, 2010, to March 24, 2010, in the amount of \$3,788,417.61.
 2. Accepting, for filing with the Board's Minutes, the Minutes of the Quarterly Meeting of the County Investment Advisory Committee (CIAC) held January 29, 2010, as prepared by the Clerk to the Board's Office.
 3. Accepting, for filing with the Board's Minutes, the following documents provided to the Clerk to the Board's Office:
 - A. *Amendment No. 4 to Agreement Between the Northwest Florida Water Management District and Escambia County for East Ten Mile Creek Stream Restoration Project, Northwest Florida Water Management District Contract Number 06-060*, providing for a time extension until June 30, 2010, as executed by the Chairman and received in the Clerk to the Board's Office on March 18, 2010, based on the Board's May 4, 2006, approval of the Florida Forever Funding Agreement;
 - B. *The Pensacola Sports Association, Inc., Pensacola, Florida, Financial Statements September 30, 2009, with Independent Auditors' Report*, as prepared by Carlson & Company, Chartered, Certified Public Accountants, and received in the Clerk to the Board's Office on March 18, 2010;
 - C. *The State of Florida Auditor General's Report No. 2010-125 March 2010 Escambia County District School Board Florida Education Finance Program (FEFP) Full-Time Equivalent (FTE) Students and Student Transportation for the Fiscal Year Ended June 30, 2009*, as received in the Clerk to the Board's Office on March 23, 2010; 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

1-4. Approval of Various Consent Agenda Items – Continued

3. Continued...

D. The following documents received in the Clerk to the Board's Office on March 25, 2010, as provided by Denee M. Rudd, Accounting Supervisor, Neighborhoods and Community Services Bureau:

- (1) The *Change Rider*, increasing the Penalty from \$30,000 to \$60,000 for *Bond No. 1813224*, as executed by Dorado Services, Inc., as Principal, and The Hanover Insurance Company, as Surety, in favor of the Board of County Commissioners of Escambia County, as Obligee, on November 9, 2009;
- (2) The *Continuation Certificate for (Solid Waste Disposal Payment Guarantee) Bond No. 1815976*, in the amount of \$30,000, issued by The Hanover Insurance Company, as Surety, on behalf of Waste Pro of Florida, Inc., in favor of Escambia County Board of County Commissioners – Division of Solid Waste Management, continuing the Bond through August 10, 2010;
- (3) *Irrevocable Standby Letter of Credit Number 167*, issued by Beach Community Bank, in the amount of \$10,000, in favor of Escambia County Solid Waste Management, for the Account of Containers, Inc., effective November 17, 2009, until 5:00 p.m. November 17, 2010;
- (4) *Amendment Number 001 to Irrevocable Standby Letter of Credit Number 328000582501*, issued on September 16, 2009, by BancorpSouth Bank, in the amount of \$50,000, in favor of the Board of County Commissioners of Escambia County, Florida, through its Division of Solid Waste Management, on behalf of SAIIA Construction, LLC, extending the expiration date from November 25, 2009, to November 25, 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

1-4. Approval of Various Consent Agenda Items – Continued

3. Continued...

D. Continued...

(5) *License and/or Permit Continuous Bond, Bond No. ESD7319122*, in the penal sum of \$20,000, issued by The Insurance Company of the State of Pennsylvania, as Surety, on behalf of Marcor Remediation, Inc., as Principal, in favor of Escambia County Department of Solid Waste Management, as Obligee; and

(6) The *Continuation Certificate* executed by Western Surety Company, in the sum of \$9,720, as Surety on Bond No. 929174191, *Surety Bond for Tipping Fees – Escambia County Department of Solid Waste Management*, for Southern Scrap Company, Inc., for the term beginning December 11, 2009, and ending December 11, 2010.

4. 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 18, 2010;

B. Approving the Minutes of the Executive Session for Union Proceedings held March 29, 2010;

C. Approving the Minutes of the Special Board Meeting held April 5, 2010;

D. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held March 18, 2010; 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

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

E. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held March 11, 2010, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Robinson called the Committee of the Whole (C/W) to order at 9:03 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 March 6, 2010, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule March 8, 2010 – March 12, 2010, Legal No. 1453005*.

3. Ann Bennett Property Donation

A. Discussion – The C/W discussed Ann Bennett Property Donation, and was advised by Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, that the County does not have the resources to maintain the property (*approximately three acres on Bayou Marcus Creek*) that Mrs. Ann Bennett would like to donate to Escambia County, with a consensus to decline Mrs. Bennett's offer; 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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- E. Report of the March 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Animal Services Advisory Committee Draft Tethering Ordinance

- A. Discussion – The C/W discussed Animal Services Advisory Committee Draft Tethering Ordinance, and agreed, by consensus, to direct staff to move forward with *Tethering Option #2*, as recommended by the Animal Services Advisory Committee and outlined in the PowerPoint Presentation, which was provided in hard copy; and
- B. Board Direction – None.

Speaker(s):

George Felt, Jr.

5. ECAT Route Revision

- A. Discussion – The C/W discussed ECAT Route Revision, and the C/W:
 - (1) Was advised by Marilyn Wesley, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, that proposed revisions to current Escambia County Area Transit (ECAT) routes have been submitted for Board discussion and review, and, after Board discussion, a time period of 30 days will be allowed for public input regarding the proposed changes;
 - (2) Heard the request from Commissioner Robinson for information regarding ridership of Route 61 (*service from ECAT to Pensacola Beach*);

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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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- E. Report of the March 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Continued...

A. Continued...

- (3) Was advised by Kenneth Gordon, General Manager, ECAT, that staff was assured by representatives of Lamar that the bus shelter on the "Lillian Route," as well as other shelters that are no longer serving as bus stops, will be removed; and
- (4) Heard the request from Commissioner Robinson that Legal send correspondence to Lamar expressing the County's position regarding removal of bus shelters on County property that are no longer serving as bus stops; and

B. Board Direction – None.

Speaker(s):

Jane Birdwell

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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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- E. Report of the March 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 6. Fire MSBU Criteria for Determining Definition for Dwelling Unit for Billing Purposes
 - A. Discussion – The C/W discussed Fire MSBU (*Municipal Services Benefit Unit*) Criteria for Determining Definition for Dwelling Unit for Billing Purposes, and the C/W:
 - (1) Was advised by Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, that staff recommends *Plan A – Continue the current process*, as outlined in the PowerPoint Presentation, presented by Ms. Lovoy and included in the backup;
 - (2) Was advised by the Honorable Chris Jones, Property Appraiser, that physical assessments are conducted every five years, and the criteria on which assessments are based have been established by the Florida Department of Revenue; and
 - (3) Agreed, by consensus, to continue the current 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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- E. Report of the March 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Citizens' Environmental Committee Issues

- A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Citizens Environmental Committee*, presented by Timothy Day, Environmental Programs Manager, Development Services Bureau, and the C/W:
 - (1) Heard the request from County Attorney Rogers for Board direction regarding the establishment of the Citizens' Environmental Committee CEC by Resolution, in order to define duties, composition, and organization of the CEC;
 - (2) Was advised by Commissioner White that he would support the draft Resolution provided by the CEC;
 - (3) Heard the request from Commissioner Robinson that the CEC be tasked with providing a report concerning air quality in Escambia County; and
 - (4) Heard the request from Commissioner Valentino that the CEC be tasked with providing a recommendation concerning the expansion of the Southwest Greenway Trail throughout Escambia County; 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

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

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

AGENDA NUMBER – Continued

7. Continued...

B. Board Direction – None.

Speaker(s):

Ellen Roston

8. Budget Direction

A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Budget Direction – Fiscal Year 2010/2011*, presented by Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, and the C/W:

- (1) Agreed, by consensus, to authorize staff to work into the base Budget for Fiscal Year 2010-2011 uncollected taxes, in the amount of \$2.5 million, from residential properties (excluding Portofino) on Santa Rosa Island;
- (2) Agreed, by consensus, that the Countywide millage rate will remain at 6.9755 mills and the Law Enforcement MSTU (*Municipal Services Taxing Unit*) will remain at .685 mills;
- (3) Agreed, by consensus, to authorize staff to work into the base Budget for Fiscal Year 2010-2011 a 2% raise for members of the ATU (*Amalgamated Transit Union*) or anyone who falls below minimum pay grade;

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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

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

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

AGENDA NUMBER – Continued

8. Continued...

A. Continued...

(4) Discussed the Solid Waste Transfer Station (*located at 2910 North Palafox Street*), operated by Allied Waste Services of North America, LLC (*per the terms of the Settlement Agreement approved by the Board on October 15, 2009 [Escambia County v. Allied Waste Services of North America, LLC]*);

(5) Was advised by Ms. Lovoy that there is a total of \$3.75 million in unrestricted, one-time funding available from the General Fund, Code Enforcement Fund, and the Transportation Trust Fund, and staff has provided the following options for allocation for the Board to consider:

(a) Plan A – Fund one-time projects that reduce the County's operating costs (such as energy improvements or replacement of obsolete equipment);

(b) Plan B – Pay down debt (General Fund and Work Release Loans);

(c) Plan C – Place in Reserves;

(d) Plan D – Fund existing General Fund outside agencies for one year; or

(e) Plan E – Combine some or all of the previous plans;

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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

1-4. Approval of Various Consent Agenda Items – Continued

4. Continued...

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

AGENDA NUMBER – Continued

8. Continued...

A. Continued...

- (6) Agreed, by consensus, to request that the Constitutional Officers make an effort to reduce their Budgets by a minimum of 1% for Fiscal Year 2010-2011;
- (7) Agreed, by consensus, to a combination of Plan A, Plan B, and Plan D, as follows:
 - (a) Funding one-time projects that reduce the County's operating costs
 - (b) Paying, in its entirety, the Work Release Loan
 - (c) Funding existing General Fund outside agencies for one year
(specifics concerning allocation amounts will be discussed at a future Workshop)
- (8) Heard the request from Commissioner Robinson that the following topics be placed on the agenda for the April C/W Workshop:
 - (a) Funding for PEDC (*Pensacola-Escambia Promotion and Development Commission*) and Foundations for the Future;
 - (b) Status regarding IHMC (*on July 23, 2009, the Board authorized a letter of support for a \$1.2 million match for a \$10 million National Institute of Standards and Technology Grant, for which the Florida Institute of Human and Machine Cognition [IHMC] is applying*); 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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- E. Report of the March 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. Continued...

A. Continued...

(8) Continued...

(c) Economic development – Private sector and TDC (*Tourist Development Council*) funding; and

B. Board Direction – None.

Speaker(s):

Honorable Chris Jones, Property Appraiser
Honorable David Morgan, Sheriff
Evon Emerson

- 9. Economic Development Ad Valorem Tax Exemption Application Requirements
 - A. Discussion – The C/W discussed Economic Development Ad Valorem Tax Exemption Application Requirements and, by consensus, authorized staff to amend the application requirements to reflect that companies with 150 employees or less provide a breakdown of the number of employees, job classifications, and salaries, and require larger companies to provide a breakdown of the number of employees and an aggregate average wage and a median wage; 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
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- E. Report of the March 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

10. Reverse Auction Services

- A. Discussion – The C/W was advised by Commissioner Robinson that this item will be discussed at the April 15, 2010, C/W Workshop; and
- B. Board Direction – None.

11. Extension of Time to Accept Applications for County Administrator Position

- A. Discussion – The C/W discussed Extension of Time to Accept Applications for County Administrator Position, and the C/W:
 - (1) Heard the suggestion from Commissioner Robertson that the Board extend the Application deadline for the County Administrator position and offer a three-year contract for both the County Administrator and the County Attorney; and
 - (2) Agreed, by consensus, to extend the Application deadline to the end of April and offer a three-year contract; and
- B. Board Direction – None.

(Continued on Page 23)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- E. Report of the March 11, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

12. Functional Consolidation Services

- A. Discussion – The C/W was advised by Larry Newsom, Interim County Administrator, that following meetings with Sheriff David Morgan and Alvin "Al" Coby, City Manager, the following functions were determined to be reasonable to pursue for consolidation:

- (1) Fleet
- (2) Payroll
- (3) E-911
- (4) Emergency Band Interoperability (State System)
- (5) Traffic Maintenance
- (6) Purchasing
- (7) Permitting/Inspections
- (8) Health Clinic

- B. Board Direction – None.

(Continued on Page 24)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
4. Continued...
- E. Report of the March 11, 2010, C/W Workshop – Continued

ANNOUNCEMENTS

1. FOR INFORMATION: The C/W was advised by Commissioner White that he will present an add-on item for the March 18, 2010, BCC Meeting, concerning a Resolution supporting the "Florida Food Freedom Act."
2. FOR INFORMATION: The C/W was advised by Commissioner Robertson that he will present an add-on item for the March 18, 2010, BCC Meeting, concerning a Resolution opposing Amendment 4, the Florida Hometown Democracy Land Use Initiative.

AGENDA NUMBER – Continued

13. Adjourn

Chairman Robinson declared the C/W Workshop adjourned at 12:35 p.m.

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

I. PUBLIC HEARINGS

1. Rezoning Case Z-2010-05

1824

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried 4-1, with Commissioner Young voting "no," taking the following action concerning Rezoning Case Z-2010-05:

- A. Adopting the Planning Board’s (PB) recommendation and approving R-4; and
- B. Authorizing the Chairman to sign the Order of the Escambia County Board of County Commissioners for the Rezoning Case that was reviewed, as follows:

Case Number: Z-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
PB Recommendation: Approval

Speaker(s):

Cathy Deal
Kim Grab
Bill Stromquist
Wiley C. "Buddy" Page

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

1848

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting an Ordinance (*Number 2010-8*) to amend the Official Zoning Map to include the Rezoning Case (*Z-2010-05*) heard by the Planning Board on March 8, 2010, and approved during the previous agenda item; providing for severability, inclusion in the Code, and an effective date.

Speaker(s) – None.

3. 5:46 p.m. **First** Public Hearing

1849

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried 4-1, with Commissioner Young voting "no," reviewing an Ordinance to the Land Development Code (LDC) amending Article 6, "Zoning Districts," (*Section 6.05.09.C*) to add nursing homes, retirement homes, convalescent homes, adult congregate living facilities, and similar uses, except in the Coastal High Hazard Area (CHHA) future land use categories, as a conditional use in the R-3 zoning district; and to replace any reference to "major thoroughfares" with "collector or arterial roadways" (*and to add the distance nursing homes, retirement homes, convalescent homes, adult congregate living facilities, and similar sites shall be situated from a collector or arterial roadway*) within LDC Section 6.08.02.

Speaker(s) – None.

GROWTH MANAGEMENT REPORT – Continued

II. ACTION ITEMS

1. Conservation Easement

1850

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action regarding a Conservation Easement for the Eden Point Apartment DRC Project #PSP 0910000091:

- A. Accepting, as a condition precedent to the development of property in Escambia County, Florida, conveyance of a Conservation Easement, pursuant to Florida Statutes, Section 704.06, "Conservation easements; creation; acquisition; enforcement," consisting of 3.95 (+/-) acres of wetland at 9100 Baldrige Drive; and
- B. Authorizing the Chairman to sign all documents related to the Conservation Easement.

CHAIRMAN ROBINSON RELINQUISHED THE CHAIR TO COMMISSIONER WHITE

2. Option Sector Plan – DSAP Boundary

Motion made by Commissioner Valentino, seconded by Commissioner Young, 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 Optional Sector Plan – Detailed Specific Area Plan (DSAP) Boundary.

For Information: The Board heard Commissioner Robertson disclose that he owns property within the Sector Plan area; however, he is not precluded from voting on this issue.

VICE CHAIRMAN WHITE RELINQUISHED THE CHAIR TO COMMISSIONER ROBINSON

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA

1. Scheduling of Public Hearings

1850

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

A. 5:45 p.m. – Thursday, May 6, 2010 – A Public Hearing to (*consider adopting an Ordinance to*) amend the Official Zoning Map to include the following Rezoning Cases (*which are scheduled*) to be heard by the Planning Board on April 12, 2010:

- (1) Case Number: Z-2010-06
- Location: 8800 Block of Thunderbird Drive
- Property Reference Number: 06-1S-30-1000-012-009
- Property Size: 0.80 (+/-) acre
- From: R-1, Single-Family District, Low Density (4 dwelling units per acre) and S-1, Outdoor Recreational District
- To: R-1, Single-Family District, Low Density (4 dwelling units per acre)
- FLU Category: MU-2, Mixed Use 2
- Commissioner District: 5
- Requested by: C. Joe and Barbara Joan Robinson, Owners

(Continued on Page 29)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA – Continued

1. Continued...

A. Continued...

- (2) Case Number: Z-2010-07
Location: 4000 Block of North "W" Street
Property Reference Number: 09-2S-30-0900-020-006
Property Size: 0.60 (+/-) acre
From: R-6, Neighborhood Commercial and Residential District (cumulative), High Density (25 dwelling units per acre)
To: C-1, Retail Commercial District (cumulative) (25 dwelling units per acre)
FLU Category: C, Commercial
Commissioner District: 3
Requested by: Thomas G. Hammond Jr., P.E., Agent for Marco Stolfi, Owner
- (3) Case Number: Z-2010-08
Location: 4735 Mobile Highway
Property Reference Number: 14-2S-30-8001-015-001
Property Size: 2.52 (+/-) acres
From: R-2, Single-Family District (cumulative), Low-Medium Density (7 dwelling units per acre) and C-1, Retail Commercial District (cumulative) (25 dwelling units per acre)
To: C-2, General Commercial and Light Manufacturing District (cumulative) (25 dwelling units per acre)
FLU Category: C, Commercial
Commissioner District: 1
Requested by: Wiley C. "Buddy" Page, Agent for Chunilal R. and Saryubala C. Patel, Owners

(Continued on Page 30)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

III. CONSENT AGENDA – Continued

1. Continued...

- B. 5:46 p.m. – Thursday, May 6, 2010 – A Public Hearing (**second of two**) – LDC (*Land Development Code*) Ordinance – Article 6, nursing homes and similar uses as Conditional Use in R-3.

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

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-9. Approval of Various Consent Agenda Items

1852

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

1. Taking the following action concerning the Park License and Management Agreements for County athletic parks between the County and volunteer athletic associations:
 - A. Adopting, and authorizing the Chairman to sign, each of the Resolutions (*R2010-40, R2010-41, R2010-42, R2010-43, R2010-44, R2010-45, R2010-46, R2010-47, R2010-48, R2010-49, R2010-50, R2010-51, R2010-52, R2010-53, R2010-54, R2010-55, R2010-56, R2010-57, R2010-58*) authorizing the lease and management of County-owned property, for public recreation purposes, with the following volunteer athletic organizations:
 - (1) Bellview Baseball Association at Bellview Park
 - (2) Bellview Football Club at Bellview Park
 - (3) Brent Baseball Youth Sports Association at Brent Park
 - (4) Brent Youth Sports Association at Brent Park
 - (5) Cantonment Baseball Club at Cantonment Youth Athletic Park
 - (6) Cantonment Football Club at Cantonment Youth Athletic Park
 - (7) Ensley Chiefs Football Association at John R. Jones, Jr. Park
 - (8) Miracle League of Pensacola at John R. Jones, Jr., Park
 - (9) Molino Recreation Association at Don Sutton Park
 - (10) Myrtle Grove Athletic Association at Myrtle Grove Park
 - (11) Northwest Escambia Football League at Earnest Ward Park

(Continued on Page 31)

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

1. Continued...

A. Continued...

- (12) Northwest Escambia Little League at Harvey C. Bradberry Park
- (13) Pensacola Futbol Club at Ashton Brosnahan Park
- (14) Perdido Bay Youth Sports Association at Baars Athletic Park
- (15) Quintette Community Association at Quintette Park
- (16) Warrington Baptist Softball League at Mayfair Park
- (17) Wedgewood/Rolling Hills Homeowner's Association at Lewis Powell Park
- (18) West Pensacola Youth Association at Raymond Riddles Park
- (19) Youth Association of North East Pensacola at John R. Jones, Jr., Park; and

B. Approving, and authorizing the Chairman to sign, each Park License and Management Agreement for the same aforementioned 19 volunteer athletic organizations, effective upon Board approval.

- 2. Accepting, for filing with the April 8, 2010, Board's Minutes, the Information Report concerning the Enterprise Zone Development Agency First Quarter Report.
- 3. Approving the *Request for Disposition of Property* indicating computer equipment to be sold as surplus and/or appropriately disposed of.
- 4. Approving the *Request for Disposition of Property* indicating indoor air quality equipment to be appropriately disposed of, as the equipment is obsolete and/or inoperable and is no longer being used.
- 5. Approving the *Special Event Permit Application* for a limited waiver of the noise restrictions imposed by the Escambia County Noise Abatement Ordinance, in conjunction with outdoor activities being held by the Relay for Life, sponsored by the American Cancer Society, at the Helen Caro Elementary School Track, located at 12551 Meadson Road, Pensacola, Florida, from 12:00 p.m. (noon), Saturday, April 24, 2010, to 6:00 a.m., Sunday, April 25, 2010.

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

6. Approving the *Special Event Permit Application* for a limited waiver of the noise restrictions imposed by the Escambia County Noise Abatement Ordinance, in conjunction with outdoor activities being held by the Relay for Life, sponsored by the American Cancer Society, at the Tate High School Stadium, located at 1771 Tate Road, Cantonment, Florida, from 6:00 p.m., Friday, April 30, 2010, to 12:00 p.m. (noon), Saturday, May 1, 2010.
7. Approving the updated Escambia County Hurricane Evacuation Zones, as delineated on the map, as a result of the State of Florida's effort to update the 1999 Northwest Florida Hurricane Evacuation Study.
8. Authorizing the scheduling (*and advertising*) of a Public Hearing for April 22, 2010, at 5:31 p.m., for consideration of (*adopting an Ordinance*) amending Article I, Chapter 10, Sections 10-3 and 10-16, of the Escambia County Code of Ordinances; this amendment to the Cruelty to Animals provision of the proposed Ordinance provides for definition and restrictions on tethering animals.
9. Taking the following action regarding the Escambia/Pensacola 2011-2013 State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan:
 - A. Adopting a Resolution (*R2010-59*) adopting the Escambia/Pensacola 2011-2013 SHIP Local Housing Assistance Plan, including SHIP-financed, affordable housing strategies, specified eligibility and beneficiary definitions, average and maximum SHIP award limitations, fiscal and administrative provisions, description of affordable housing incentives, annual program service delivery goals, and required SHIP certifications;
 - B. Approving the SHIP Program Interlocal Agreement with the City of Pensacola providing for joint implementation and administration of the Escambia/Pensacola SHIP Program and the Escambia/Pensacola Local Housing Assistance Plan; and
 - C. Authorizing the Chairman and/or Interim County Administrator, as appropriate, to execute all documents required to submit, receive, and implement the SHIP Local Housing Assistance Plan and all related activities.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA

1-17. Approval of Various Consent Agenda Items

1852

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving Consent Agenda Items 1 through 17, as follows:

1. Taking the following action concerning the surplus and sale of real property located at 7940 Hayworth Avenue (formerly approved as “real property located in the 7900 Block of Hayworth Avenue”), due to the failure of the successful bidder to close on the property:
 - A. Rescinding the Board's action of March 2, 2006, taking the following action concerning the surplus and sale of real property located in the 7900 Block of Hayworth Avenue:
 - (1) Declaring surplus the Board's real property Account Number 030127500, Reference Number 22-1S-30-2401-040-005, acquired by foreclosure; a legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting bids by sealed bid;
 - (2) Authorizing the sale of this property to the highest offer above the minimum bid of \$6,000 received from sealed bid, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and
 - (3) Authorizing the Chairman to sign all documents related to the sale; and
 - B. Taking the following action concerning surplus and sale of real property located at 7940 Hayworth Avenue:
 - (1) Declaring surplus the Board's real property located at 7940 Hayworth Avenue, Account Number 03-0127-500, Reference Number 22-1S-30-2401-040-005, acquired by governmental foreclosure;
 - (2) Authorizing the sale of the property to the auction bidder with the highest offer received above the minimum bid of \$5,130, without further action of the Board; and
 - (3) Authorizing the Chairman to sign all documents related to the sale.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-17. Approval of Various Consent Agenda Items – Continued

2. Authorizing foreclosure of the Code Enforcement Lien, in the amount of \$5,412.50, recorded in Official Records Book 6295, at Page 16, of the Public Records of Escambia County, Florida, on real property located at 2208 West Herman Avenue, Account Number 05-2830-000, Reference Number 09-2S-30-1100-000-172; the current assessed value is \$23,991.00.

3. Taking the following action concerning Contract PD 09-10.022 for Administration and Project Support Escambia County Fiscal Year 2008 CDBG Disaster Recovery Grant (Funding: Fund 124, Escambia Affordable Housing, Cost Center 220406; Fund 110, Other Grants and Projects, Cost Center to be assigned by OMB [*Office of Management and Budget*]):

A. Approving the following Proposal Review Committee ranking:

- (1) Jones-Phillips and Associates, Inc.
- (2) Meridian Community Services Group, Inc.
- (3) Beck Disaster Recovery, Inc.

B. Awarding Contract PD 09-10.022, Administration and Project Support Escambia County Fiscal Year 2008 CDBG Disaster Recovery Grant, to Jones-Phillips and Associates, Inc., in the amount of \$184,250.

4. Authorizing the County to piggyback off the National Joint Powers Purchasing Alliance Contract #081209-VMC, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, and awarding a Purchase Order to Vermeer Southeast Sales and Service, Inc., in the amount of \$217,740, for the purchase of a Vermeer Model Wildcat 521 Cougar Trommel Screen (Funding: Fund 175, Transportation Trust Fund, Cost Center 210405, Object Code 56401).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-17. Approval of Various Consent Agenda Items – Continued

5. Taking the following action concerning Contract PD 09-10.008, Term Employment Services (funding is available in various Funds and Cost Centers):

A. Approving the Assignment of Agreement authorizing the assignment of Contract PD 09-10.008, Term Employment Services, originally awarded to I.H.T. of SC, Inc., to be assigned to Temporary Personnel Solutions, LLC, in accordance with the terms and conditions of the Contract; and

B. Authorizing the Chairman to sign the Assignment of Agreement.

6. Taking the following action concerning PD 09-10.019, ARRA (American Recovery and Reinvestment Act of 2009) Stimulus Project – CEI (Construction Engineering Inspections) for Beulah Road Roadway Improvements, from Nine Mile Road to south of Isaacs Road, Re-Solicitation (Funding: Fund 352, Local Option Sales Tax III [Federal Stimulus Grant Reimbursement], Cost Center 210108, Object Code 56301, Project No. 09EN0471, Financial Projects Number: 426893, Federal Aid Project Number: ARRA-531-B):

A. Approving the following Selection/Negotiation Committee Ranking:

- (1) Hatch Mott MacDonald Florida, LLC
- (2) Mehta and Associates, Inc.
- (3) Volkert Construction Services, Inc.

B. Awarding a Task Order for PD 09-10.019, ARRA Stimulus Project – CEI (Construction Engineering Inspections) for Beulah Road Roadway Improvements, from Nine Mile Road to south of Isaacs Road, Re-Solicitation, 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, in the amount of \$106,418.81.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-17. Approval of Various Consent Agenda Items – Continued

7. Taking the following action concerning the conveyance of real property located in the 1800 Block of North Tarragona Street:
 - A. Adopting the Resolution (*R2010-60*) authorizing the conveyance of Real Property, Account Number 13-4208-500, Reference Number 00-0S-00-9020-070-129, to Pensacola Habitat for Humanity, Inc., a not-for-profit corporation, for its Affordable Home Ownership Program;
 - B. Approving the sale price of \$1,425 for the property; and
 - C. Authorizing the Chairman to execute the Resolution and all documents related to the conveyance.
8. Adopting the Resolution (*R2010-61*) approving Supplemental Budget Amendment Number 163, Local Option Sales Tax III Fund (352), in the amount of \$19,018, to recognize reimbursements from auto insurance payments and to appropriate these funds for the Sheriff's Department vehicle activities.
9. Adopting the Resolution (*R2010-62*) approving Supplemental Budget Amendment Number 167, Transportation Trust Fund (175), in the amount of \$22,170, to recognize insurance proceeds received for damage to a traffic signal and to appropriate these funds back to the Transportation and Traffic Division.
10. Adopting the Resolution (*R2010-63*) approving Supplemental Budget Amendment Number 168, Other Grants and Projects Fund (110), in the amount of \$72,000, to recognize proceeds from the State of Florida Division of Emergency Management Grant Award Number 2009-SS-T9-0081 and to appropriate these funds for homeland security activities, such as disaster training.
11. Adopting the Resolution (*R2010-64*) approving Supplemental Budget Amendment Number 169, Other Grants and Projects Fund (110), in the amount of \$52,496, to recognize proceeds from the Florida Department of Health Grant ID Code Number C9017 and to appropriate these funds for Emergency Medical Services activities.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-17. Approval of Various Consent Agenda Items – Continued

12. Authorizing the County to piggyback off the City of Ft. Walton Beach Contract, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, Section 46-44, applications and exemptions; and Section 46-64, Board approval, and awarding a Contract to R & R Vending, Inc., for Vending Machine Services, PD 09-10.047, at the current vending prices and commission rates and raise the commission rate for snack vending from 12% to 20%.
13. Awarding Contract PD 09-10.027, Header Relocation Construction – Perdido Landfill, to T & K Construction, LLC, in the amount of \$106,200 (Funding: Fund 110, Other Grants and Projects, Cost Center 221004, Object Code 56301).
14. Awarding a Contract, PD 09-10.036, Landfill Gas Collection & Control System – Phase I Expansion, to American Environmental Group, LTD, LLC, in the amount of \$1,113,914 (Funding: Fund 110, Other Grants and Projects, Cost Center 221004, Object Code 56301 – *[in the amount of]* \$618,342; Fund 401, Solid Waste Fund, Cost Center 220605, Object Code 56301 – *[in the amount of]* \$495,572).
15. Taking the following action concerning Supplemental Joint Participation Agreement (JPA) (*Number 2, Financial Project*) No. 42349218401, providing Fiscal Year 2011 funding for the Perdido Key Service Development Project (Funding: Fund 104, Mass Transit; no additional cost to the County):
 - A. Approving the Supplemental JPA (*Number 2, Financial Project*) No. 42349218401, providing for the State of Florida Department of Transportation participation, in the amount of \$93,250, of Fiscal Year 2011 funding to Escambia County Area Transit for the Service Development Project on Perdido Key;
 - B. Adopting the Resolution (*R2010-65*) authorizing the application and acceptance of these funds; and
 - C. Authorizing the Chairman to execute the Resolution and all other required documents pertaining to the JPA, without further action of the Board.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-17. Approval of Various Consent Agenda Items – Continued

16. Amending the Board's action of January 21, 2010, regarding awarding a Task Order Contract, PD 08-09.105, Jack's Branch Drainage Basin Study, to Baskerville-Donovan, Inc., to change the award from "for an amount not to exceed \$348,073.06" to "a lump sum amount of \$320,073.06, plus \$28,000 for allowances" (Funding Source: Fund 351, Local Option Sales Tax II, Account 210105/56301, Project No. 08EN0868).
17. Taking the following action concerning the authorization for staff to acquire property, by donation, for rights-of-way and easements on Gulf Beach Highway (Funding Source: Fund 352, Local Option Sales Tax III, Account 210107/56101/56301, Project No. 08EN0092):
 - A. Authorizing staff to negotiate and resolve any matters related to, or associated with, the acquisition of property, by donation, for rights-of-way and easements, concerning sidewalk improvements for the Gulf Beach Highway Sidewalk Project, to gather information and conduct inspections as needed, and to allow the Board's acceptance of the real property;
 - B. Authorizing payment of documentary stamps because the property is being acquired for governmental use, which is for installation of sidewalks and related drainage and road improvements, and the County benefits from the acquisition of these properties because these improvements will improve the quality of life for the citizens of Escambia County by providing a safer and more efficient roadway and drainage system;
 - C. Authorizing the payment of incidental expenditures associated with the acquisition of these properties, which includes, but is not limited to, title searches, legal document preparation fees, and recording of documents; and
 - D. Authorizing the Chairman or Vice Chairman to accept the Deeds or Easements as of the day of delivery of the Deeds or Easements to the Chairman or Vice Chairman, and authorizing the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time, subject to Legal review and sign-off.

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION

1. 3900 North Tarragona Street

1852

Motion made by Commissioner Young, seconded by Commissioner White, and carried unanimously, approving, due to the failure of the successful bidder to close in 2007, to grant the successful bidder (Sam Phillips) an additional 90-day extension period to close on the sale of real property located at 3009 North Tarragona Street, Account Number 05-0885-000, Reference Number 04-2S-30-6001-008-007, acquired by tax deed in 2003, and amend the minimum bid amount from \$3,000 to the Property Appraiser's reassessed value of \$1,425.

2. Code Enforcement Lien – 7296 Frank Reeder Road

1853

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, accepting the offer of \$2,900 from Buyer's Title, Inc., for release of the Code Enforcement Lien against property located at 7296 Frank Reeder Road, recorded in Official Records Book 6306, at Page 566, and Official Records Book 6533, at Page 1737, of the Public Records, and authorize the Chairman to execute the Release of Lien.

3. Planning Board Member Appointment

1854

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning the "At-Large" Planning Board Member vacancy created by the resignation of Justin A. Beck:

- A. Reviewing the Resumes of Tom Bell, Mary Ann Hunt, Carl Valletto, and Keith D. Johnson, B.S., for appointment as an "At-Large" Member on the Planning Board;
- B. Appointing, utilizing the ballot sheet, Mary Ann Hunt for the vacant "At-Large" Member position for a two-year term, expiring April 5, 2012; and
- C. Requesting the County Administrator's Office to provide a letter of appointment to the incoming "At-Large" appointee and a letter of appreciation to Mr. Beck.

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION – Continued

4. Board of Adjustment Member Appointment

1856

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning the “At-Large” Board of Adjustment Member vacancy created by the April 5, 2010, term expiration of Jason K. Harvey:

- A. Reviewing the Resumes of Jason K. Harvey and Tom Bell;
- B. Appointing Tom Bell for the vacant “At-Large” Member position, for a two-year term expiring April 5, 2012, utilizing the ballot sheet; and
- C. Requesting the County Administrator’s office to provide a letter of appointment to Tom Bell and a letter of appreciation to Jason K. Harvey.

5. Debt Restructuring/Payoff

1858

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, taking the following action concerning Debt Restructuring/Payoff:

- A. Authorizing the Interim County Administrator or his designee(s) to take the steps necessary to completely repay the following debts using funds currently escrowed from back taxes on Santa Rosa Island and from the Debt Service Reserve:
 - (1) The 1997 Gulf Breeze Loan Pool loan, with a current outstanding balance of \$6,515,000, plus any accrued interest; and
 - (2) The 2003 Gulf Breeze Loan Pool Loan (the Work Release Center loan), with a current outstanding balance of \$1,735,000, plus any accrued interest;

(Continued on Page 41)

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION – Continued

5. Continued...

- B. Approving to set aside, in a Debt Service Reserve, a total of \$402,237 from back taxes on Santa Rosa Island, to defease the following debts that do not have the provisions for pre-payments:
 - (1) The Downtown Central Energy Plant loan, with a current outstanding balance of \$308,370; and
 - (2) The Leonard Street Chiller loan, with a current outstanding balance of \$455,003;
- C. Adopting the Resolution (*R2010-66*) approving Supplemental Budget Amendment Number 156, General Fund (001), Code Enforcement Fund (103), and Transportation Trust Fund (175), in the amount of \$1,944,460, to transfer funds into the General Fund (001) and into the Economic Development Fund (102), and to appropriate these funds to establish a reserve to fund certain outside agencies in Fiscal Year 2011, to purchase replacement equipment and an automated work order system, and for certain facilities-related projects; and
- D. Adopting the Resolution (*R2010-67*) approving Supplemental Budget Amendment Number 157, General Fund (001) and the Debt Service Fund (203), in the amount of \$8,278,397, to recognize a fund balance in the Debt Service Fund, to move funds from the reserves set aside for the taxes on Santa Rosa Island, and to appropriate these funds for various debt payoffs.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION – Continued

6. Acquisition of Property – 8210 Scenic Highway

1859

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried 4-0, with Commissioner White abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), authorizing staff to make an offer to Harvey D. and Anne Bellamy to purchase a parcel of property (approximately 1.22 acres), located at 8210 Scenic Highway, for \$266,250, which is the average of two appraisals (Funding Source: Fund 352, Local Option Sales Tax III, Account 220102/56101, Project 08NE0018, “Boat Ramps”).

Speaker(s):

David Dodson
Harvey Bellamy

For Information: The Board heard Commissioner Robinson disclose that, approximately eight years ago, his business represented Harvey D. and Anne Bellamy regarding this particular piece of property; however, the relationship expired and he has no current or projected relationship with the Bellamys; therefore, he is not precluded from voting on this issue.

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1-2. Approval of Two For Action Items

1915

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving For Action Items 1 and 2, as follows (*Item 3 was held for a separate vote*):

1. Taking the following action concerning the scheduling of an Attorney-Client Session regarding Murfey Thomas, et al. v. Escambia County, Florida, Case No. 2009 CA 001539:
 - A. Scheduling a private meeting with the Board's attorneys to discuss pending litigation, in accordance with Section 286.011(8), Florida Statutes, for May 6, 2010, at 4:00 p.m.; and
 - B. Approving the Public Notice printed below to be published in the Pensacola News Journal on Saturday, April 24, 2010:

PUBLIC NOTICE

IT IS THE INTENTION of the Board of County Commissioners of Escambia County, Florida, to hold a private meeting with its attorney to discuss pending litigation in the case of Murfey Thomas, et al. v. Escambia County, FL, in accordance with Section 286.011 (8), Florida Statutes. Such attorney-client session will be held at 4:00 p.m., C.D.T. on Thursday May 6, 2010, in the Board Meeting Room, First Floor, Escambia County Governmental Complex, 221 Palafox Place, prior to the meeting of the Board of County Commissioners. Commissioners Wilson Robertson, Gene Valentino, Marie Young, Grover Robinson, IV, and Kevin White, Interim County Administrator Larry M. Newsom, Attorney representing Escambia County Charles V. Peppler, Deputy County Attorney, Alison Rogers, County Attorney, and a certified court reporter will attend the attorney-client session.

2. Approving a settlement of an employment discrimination complaint filed by employee Alfred Gliniecki for \$80,000, inclusive of attorney's fees and costs; in exchange for the settlement amount, Mr. Gliniecki will resign his position with the County, waive future employment with the County, and execute a general release of any and all claims, on behalf of the County.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION – Continued

3. Emergency Ordinance

1916

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, taking the following action concerning the Emergency Ordinance amending the Animal Control Ordinance (*Number 94-7*) and the Ordinance regulating County Parks and Recreational Areas (*Number 97-15*):

- A. Waiving the notice requirements (4/5 vote required);
- B. Declaring that an emergency exists and that the immediate enactment of said Ordinance is necessary; and
- C. Adopting, and authorizing the execution of, the Emergency Ordinance (*Number 2010-9*).

ITEMS ADDED TO THE AGENDA – COMMISSIONER MARIE K. YOUNG

1. Adoption of a Proclamation

1802

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried unanimously, adopting the Proclamation proclaiming April 2010 as "National County Government Month" in Escambia County.

ITEMS ADDED TO THE AGENDA – COMMISSIONER KEVIN W. WHITE

1. Citizens' Environmental Committee Appointee

1918

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, appointing James C. Hunt, replacing Thomas Farinas, as Commissioner Kevin W. White's appointee on the Citizens' Environmental Committee, with a term of office effective April 9, 2010, and running concurrent with Commissioner White's term of office (November 2012), or at his discretion.

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

1. Request from Make-A-Wish Foundation of Central and Northern Florida

1918

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, taking the following action concerning a request from the Make-A-Wish Foundation of Central and Northern Florida:

- A. Approving the request from the Make-A-Wish Foundation of Central and Northern Florida to conduct a special event on Santa Rosa Island, as permitted by exception pursuant to Section 10-11(c)(5) of the Escambia County Code of Ordinances; and
- B. Authorizing staff to coordinate with the Make-A-Wish Foundation of Central and Northern Florida, the Santa Rosa Island Authority, and The Leaning Post Ranch to ensure proper conduct of the event, to include the provision of any necessary permitting, insurance coverage, safety precautions, and clean-up.

ANNOUNCEMENTS – None.

ADJOURNMENT

1919

There being no further business to come before the Board, Chairman Robinson declared the Regular Meeting of the Board of County Commissioners adjourned at 7:19 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 22, 2010