

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD MAY 6, 2010
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:33 p.m. – 7:04 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 4:33 p.m.

1. FOR INFORMATION: The Board heard comments from Anne Bennett concerning the bequest she and her husband (*Charlie*) wish to make to the County (*approximately three acres of property located on Bayou Marcus Creek, and a house which contains an expansive collection of rocks, minerals, fossils, and natural history items that have been used for educational purposes*), regarding which she advised that she would address the Board during the Written Communication portion of the Regular Board Meeting (*agenda Item 7B*). 1633
2. FOR INFORMATION: The Board heard comments from L. Gary Sansing regarding Anne and Charlie Bennett's proposed bequest, the recent disaster (*Deepwater Horizon Oil Spill*), and national and local issues. 1639

4:45 P.M. – PUBLIC FORUM ADJOURNED

5:30 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 5:30 p.m.

2. Invocation

Chairman Robinson advised that Horace Jones 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.

4. Adoption of the Agenda

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting the agenda, as prepared and duly amended to include Addendum #1 to the County Attorney's Report (*Items I-7 and I-8*), Commissioner Young's add-on item (*concerning the timeline for hiring a County Administrator*), Commissioner Robinson's three add-on items (*one concerning Supplemental Budget Amendment Number 197, one concerning an emergency Purchase Order, and one concerning a letter to BP America, Inc.*), and Addendum to the County Administrator's Report (*Item III-1*).

1731

5. Commissioners' Forum

A. District 3 – Commissioner Young advised that the weight (*loss*) drive had ended (*April 30, 2010*), and she lost five pounds; therefore, she would not be kissing a donkey, and Sonya M. Daniel, Public Information Manager, advised that a number of employees were successful in losing five pounds and, further, that she will tally the results, which will be published in the next issue of the Employee Newsletter;

1733

(Continued on Page 3)

REGULAR BCC AGENDA – Continued

5. Continued...

B. District 2 – Commissioner Valentino provided a verbal report regarding a meeting this afternoon at Naval Air Station (NAS), with Janet Napolitano, Secretary, Department of Homeland Security; the Honorable Charlie Crist, Governor; Gary Locke, Secretary, Department of Commerce; Mike Sole, Secretary, Department of Environmental Protection; and Captain Steve Poulin, United States Coast Guard, concerning the Deepwater Horizon Oil Plume, and Commissioner Valentino advised that:

1733

- (1) Secretary Napolitano had stated that the shoreline activities are her current focus while she monitors British Petroleum (BP [*America Inc.*]) and its activities at sea, and, further, since BP's profit for the last quarter was in excess of \$4 billion, Secretary Napolitano is emphatic that funds will have to continue to flow to the State and Local Agencies (*responding to the Deepwater Horizon Oil Plume*); however, the \$25 million the County anticipated receiving to cover some of its costs is not "in the end game";
- (2) Secretary Napolitano has begun an economic impact study, which not only addresses the fishing industry and charter boats, but the economic impact (*of the Deepwater Horizon Oil Plume*) on all counties;
- (3) The communication link with BP will be strengthened to ensure that citizens' expectations are met and, further, that BP will know by Sunday or Monday (*May 9 or May 10, 2010*) whether or not the dome that is to be delivered to the site will be successful in stopping the oil leak;
- (4) More than 200 vessels, skimmers, and barges, as well as dozens of aircraft, have been deployed and mobilized between Escambia County and Louisiana, 500,000 feet of boom material has been deployed, and 1.5 million feet remain in inventory for installation, if needed; 258,000 gallons of dispersants have been deployed, with more than 300,000 additional gallons available, and a total of nine staging areas have been established along the Gulf Coast, with NAS Pensacola having been designated as "Staging Area Echo";
- (5) Governor Crist has been given Title 32 status, making the National Guard available, as needed; and

(Continued on Page 4)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

5. Continued...

B. Continued...

(6) The toll-free number for BP's Claims Center is 1-800-440-0858, Claims Adjustors in the area have been authorized to immediately pay up to \$5,000 per claim, once the damage has been reviewed and assessed, and that the toll-free number for BP volunteers is 1-866-448-5816;

C. District 1 – Commissioner Robertson advised that, for the benefit of the citizens in the Pine Forest Road area, he has received confirmation that 90% of the obnoxious material that was to have been converted to fertilizer (*processed and pasteurized sewage sludge which has have been stored by the Emerald Coast Utilities Authority for the past few months in the Pine Forest Road area*) has been removed and the remaining materials will be removed by next week; and

1738

D. District 4 – Commissioner Robinson, regarding the Deepwater Horizon Oil Plume, advised that he had attended meetings at the Pensacola Bay Area Chamber of Commerce; one yesterday (*May 5, 2010*) with Attorney General Bill McCollum and Senator Don Gaetz, and one this afternoon with Alex Sink, Florida's Chief Financial Officer.

1739

6. Proclamations/Special Recognition

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

1743

A. Adopting the following two Proclamations:

(1) The Proclamation proclaiming May 16-22, 2010, as "Public Works Week" in Escambia County; and

(2) The Proclamation proclaiming May 16-22, 2010, as "Emergency Medical Services Week" in Escambia County;

(Continued on Page 5)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

6. Continued...

- B. Adopting the Proclamation commending and congratulating Ruth E. Boone, Records Management Liaison Officer, Management and Budget Services Bureau, on her retirement after eight years of service; and
- C. Recognizing, with Certificates of Appreciation, the following students for their volunteerism for the past year, during Board of County Commissioners' Meetings, through the Chain Reaction Program:
 - (1) Terrell Bradley, Board Room Page;
 - (2) Amy Meyers (Senior), Television/Production Room; and
 - (3) Jacquell Bradley, Television/Production Room.

7. Written Communication

A. Elsie R. Moore Reaves

The Board discussed, but took no action concerning, the February 23, 2010, communication from Freddie W. McCall, Sr., Mayor, Town of Century, on behalf of Elsie R. Moore Reaves, requesting that the Board forgive a Code Enforcement Lien against property located at 7820 Jefferson Avenue *(the Board was advised by Commissioner Young that she would submit Ms. Reaves' name to the Community Action Program [CAP] Board, which might be able to assist with paying the hard costs, in the amount of \$675, and was advised by Commissioner Robertson, Commissioner Valentino, and Commissioner White that they would each contribute a like amount to pay the hard costs, if the CAP Board cannot assist).*

1751

REGULAR BCC AGENDA – Continued

7. Continued...

B. Anne and Charlie Bennett

The Board discussed, but took no action concerning, the April 12, 2010, communication from Anne and Charlie Bennett concerning the proposed future property and trust bequest to the County.

1757

Speaker(s):

Freddie W. McCall, Sr.
Anne Bennett

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:

1803

A. The following three Public Hearings on the agenda:

- (1) The 5:32 p.m. Public Hearing, advertised in the Pensacola News Journal on April 30, 2010, and May 3, 2010, for consideration of the renewal of a Permit to Construct, Operate, Modify or Close a Construction and Demolition Debris or Land Clearing Disposal Management Facility for Rolling Hills C&D Debris Facility, owned by South Palafox Properties, LLC;
- (2) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on April 21, 2010, for consideration of adopting an Ordinance amending the Official Zoning Map; and
- (3) The 5:46 p.m. Public Hearing, advertised in the Pensacola News Journal on April 21, 2010, for consideration of adopting 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 May 3, 2010 – May 7, 2010 – Legal No. 1462187*, as published in the Pensacola News Journal on May , 2010, as follows:

1803

May 4	1:30 p.m.	Environmental Enforcement Special Magistrate
May 4	3:30 p.m.	Workforce Escarosa Career Council
May 5	8:30 a.m.	Application Committee for Competency Board
May 5	9:00 a.m.	Construction Industry Competency Board
May 5	11:00 a.m.	Workforce Escarosa Business Competitiveness Council
May 5	1:00 p.m.	Development Review Committee
May 5	2:30 p.m.	Workforce Escarosa Youth Development Council
May 6	9:00 a.m.	Agenda Work Session
May 6	1:30 p.m.	Citizens Environmental Committee
May 6	4:30 p.m.	Board of County Commissioners Public Forum
May 6	5:30 p.m.	Board of County Commissioners Public Hearings & Reports
May 7	9:00 a.m.	Special County Investment Advisory Committee Meeting

NEXT WEEK'S NOTE:

May 10	8:30 a.m.	Planning Board
May 10	5:30 p.m.	Marine Advisory Committee

9. 5:32 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, approving to drop the recommendation that the Board take the following action concerning the renewal of a Permit to Construct, Operate, Modify or Close a Construction and Demolition Debris or Land Clearing Disposal Management Facility for Rolling Hills C&D Debris Facility, owned by South Palafox Properties, LLC:

1804

- A. Approve, and authorize the Chairman to sign, the Permit; and
- B. Authorize the Neighborhoods and Community Services Bureau, Solid Waste Management Division, to issue the Permit renewal.

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Honorable Ernie Lee Magaha, Clerk
of the Circuit Court and 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:

1805

1. Accepting, for filing with the Board's Minutes, the following three Reports prepared by the Clerk of the Circuit Court & Comptroller's Finance Department:

1805

A. Payroll Expenditures for Pay Date April 30, 2010, in the amount of \$1,886,815.54; and

B. The following two Disbursement of Funds:

(1) April 15, 2010, to April 21, 2010, in the amount of \$18,004,900.91; and

(2) April 22, 2010, to April 28, 2010, in the amount of \$3,594,970.48.

2. Approving *Records Disposition Document No. 432*, for disposition of Board of County Commissioners' Records, Item 32a, Minutes: Official Meetings (Transcripts: Microfilmed on Rolls 458 through 460), for the period October 1, 2009, through December 10, 2009, in accordance with State Retention Schedule GS1, since the permanent records have been scanned and/or microfilmed.

1805

3. Accepting, for filing with the Board's Minutes, the Neighborhood Enterprise Foundation, Inc., Pensacola, Florida, Financial Statements and Supplementary Information, October 31, 2009, and Neighborhood Enterprise Foundation, Inc., Management Letter, October 31, 2009, as received in the Clerk to the Board's Office on April 23, 2010.

1805

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. Taking the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:
- A. Approving the Minutes of the Special Board Meeting and the Regular Board Meeting held April 22, 2010;
 - B. Approving the Minutes of the Special Emergency Board Meeting held April 28, 2010, and the Minutes of the Special Emergency Board Meeting held April 30, 2010;
 - C. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held April 22, 2010; and
 - D. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole Workshop held April 15, 2010, as follows:

1805

AGENDA NUMBER

1. Call To Order

Chairman Robinson called the Committee of the Whole (C/W) to order at 9:04 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 April 10, 2010, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule April 12, 2010 – April 16, 2010, Legal No. 1458583.*

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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...
- D. Report of the April 15, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Annual Financial Report

- A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Ernie Lee Magaha, Your Escambia County Clerk and Comptroller, presents The Citizen's Report 2009*, presented by Patricia L. Sheldon, Clerk & Comptroller's Administrator of Financial Services; and
- B. Board Direction – None.

4. County Administrator Recruitment

- A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *County Administrator Recruitment*, presented by Amy Lovoy, Bureau Chief, Management and Budget Services Bureau, and heard the request from Ms. Lovoy for Board direction regarding the process timeline, composition of the Review Committee, and the process for candidate selection and interviews; and
- B. Board Direction – The C/W recommends that the Board take the following action concerning County Administrator Recruitment:
 - (1) Approve that the process (*timeline*), from the point at which Human Resources creates the overall referral list, will begin August 1, 2010, and approve an employment date of October 1, 2010, for the County Administrator (*the timeline applications close date is April 30, 2010*);

Recommended 5-0

(Continued on Page 11)

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...

D. Report of the April 15, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

B. Continued...

(2) Approve Option 3, the hybrid (*Review*) Committee comprised of both staff and citizen appointees, as follows:

(a) Three at-large citizens, to be selected by the Commissioners using the same ballot process that is used to appoint Planning Board and Board of Adjustment Members;

(b) One appointee from the Clerk's staff, to be selected by the Honorable Ernie Lee Magaha, Clerk of the Circuit Court & Comptroller;

(c) One appointee from the Sheriff's staff, to be selected by the Honorable David Morgan, Sheriff; and

(d) The following two staff appointees:

1) Amy Lovoy, Bureau Chief, Management and Budget Services Bureau

2) Joy D. Blackmon, Interim Assistant County Administrator

Recommended 5-0

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- D. Report of the April 15, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

B. Continued...

(3) Approve *Candidates Selection for Interviews* Option 2, as follows:

- 1) The Review Committee will give the Commissioners the top 25 candidates
- 2) Each Commissioner will then rank their top five candidates
- 3) Human Resources will tally the results, and the consensus favorites of between five and eight candidates will be selected for face-to-face interviews

Recommended 5-0

- 5. Pathways for Change
 - A. Discussion – The C/W was advised by Commissioner Robinson that this item has been dropped from the agenda; and
 - B. Board Direction – None.

(Continued on Page 13)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-4. Approval of Various Consent Agenda Items – Continued
- 4. Continued...
- D. Report of the April 15, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Junior League of Pensacola – Reduction in Fees to Use Civic Center

- A. Discussion – The C/W heard the request from Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, for Board direction concerning a request from Junior League of Pensacola, Inc., that the Board consider a reduction in the total rental expenses, which includes arena rent, parking lot rent, meeting room rent, and equipment rent, for use of The Pensacola Civic Center for its 25th Anniversary of the Marketbasket fundraiser event; and
- B. Board Direction – The C/W recommends that the Board approve reducing the total rental expenses (*in the amount of \$22,899*), by 75%, with a cap of not to exceed \$12,000 of the total waived expenses.

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

7. Escambia Treating Property Transfer

- A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Escambia Treating Property Transfer*, presented by Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, and heard the request from Commissioner Robinson that staff draft a "Thank You" letter from the Board to the EPA (*Environmental Protection Agency*) Project Manger who has been involved with this project; 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...
- D. Report of the April 15, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. Boat Ramps Update

- A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Boat Ramp Update*, presented by Robert Turpin, Neighborhoods and Community Services Bureau, and heard the request from Mr. Turpin for Board direction concerning the following nine properties, which were ranked as high priority by the Marine Advisory Committee, and are listed on the *Initiate Acquisition Checklist*, provided in the backup:

- (1) 5925 and/or 5900 Hurst Hammock Drive
- (2) 5905 Hurst Hammock Drive (old ramp site)
- (3) 9700 Block Lillian Highway (johnboat/canoe/kayak)
- (4) 13380A/B/13384 Lillian Highway
- (5) 13301 Lillian Highway
- (6) 811 Dog Track Road
- (7) 5806 Bob-O-Link Road
- (8) 13946 River Road
- (9) Perdido River/Highway 90 parcels

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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...
- D. Report of the April 15, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. Continued...

B. Board Direction – The C/W recommends that the Board take the following action concerning the acquisition of property for boat ramps:

- (1) Authorize staff to obtain new appraisals for, and pursue the acquisition of, Parcels 1 through 4, the Highway 90 Perdido River parcels, Parcels 1 and 3 owned by Ricky and Traci Herndon, Parcel 2 owned by Michael R. Monsour, and Parcel 4 owned by Gregory and Linda J. English; and

Recommended 5-0

- (2) Authorize staff to initiate acquisition of Properties 1, 2, 8, and 9 on the *Initiate Acquisition Checklist*, as follows, and ascertain whether or not the owner of the parcel located immediately west of (*Property 8*) 13946 River Road is willing to sell:

- (a) Property 1 – 5925 and/or 5900 Hurst Hammock Drive, owned by Neil Smith and Joe Meeks, respectively
- (b) Property 2 – 5905 Hurst Hammock Drive (old ramp site), owned by Charles R. and Karen S. Roberson
- (c) Property 8 – 13946 River Road
- (d) Property 9 – Perdido River/Highway 90 parcels

Recommended 5-0

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

4. Continued...

D. Report of the April 15, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. Continued...

Speaker(s):

Lanie Lei Brainard

9. Lien Priority Ordinance v. 2.0

A. Discussion – The C/W discussed Lien Priority Ordinance v. 2.0; and

B. Board Direction – The C/W recommends that the Board approve, conceptually, the draft Ordinance amending Chapter 30, Article II, Section 30-37, of the Escambia County Code of Ordinances; establishing that Code Enforcement Liens shall have priority equal to taxes and superiority to all other liens and encumbrances; amending Chapter 42, Article V, Section 42-164, of the Escambia County Code of Ordinances, establishing that summary abatement liens shall have priority equal to taxes and superiority to all other liens and encumbrances.

Recommended 4-0, with Commissioner Valentino temporarily out of Board Chambers

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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...
- D. Report of the April 15, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 10. Report on Pensacola-Escambia Development Commission and Foundations for the Future New Plan
 - A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Economic Development Update*, presented by Charles Wood, Pensacola Bay Area Chamber of Commerce; and
 - B. Board Direction – None.
- 11. Economic Development – Offshore Inland Project
 - A. Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled, *Offshore Inland Marine & Oilfield Service, Incentive and Project Overview*, presented by Charles Wood, Pensacola Bay Area Chamber of Commerce, and the C/W agreed, by consensus, to move forward, conceptually, with the *Project County Incentive Request*, as follows:
 - (1) *2 traunch EDI (Economic Development Incentive) Grant contract (as created and budgeted by the Commission in 2009);*
 - (2) *\$50,000 EDI Grant upon hiring first 50 employees and reaching \$2 million in payroll; 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...
- D. Report of the April 15, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

11. Continued...

A. Continued...

(3) *Additional \$50,000 EDI Grant if the company reaches 100 employees in Escambia County, and*

B. Board Direction – None.

12. Status of the Florida Institute for Human and Machine Cognition, U.S. Department of Commerce, National Institute of Standards and Technology Grant

A. Discussion – The C/W heard the request from Julie Sheppard for continued support from the Board to provide a match of \$1.2 million for the second round of stimulus funding from the National Institute of Standards and Technology for which the Florida Institute for Human and Machine Cognition is applying for research facility construction projects, and was advised by Commissioner Robinson that a letter of support will be on the April 22, 2010, BCC Agenda, for approval; 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...
- D. Report of the April 15, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

13. Economic Development / Tourist Development Council Update and Private Sector Contributions / Tourism Status Report

A. Discussion – The C/W discussed Economic Development / Tourist Development Council Update and Private Sector Contributions / Tourism Status Report, and the C/W:

- (1) Heard an overview of a PowerPoint Presentation, which was provided in hard copy, entitled, *Visit Pensacola, Pensacola Beach – Perdido Key*, from Ed Schroeder, Pensacola Bay Area Chamber of Commerce;
- (2) Heard the request from Denis McKinnon, Jr., representing the TDC (*Tourist Development Council*), that the Board consider the following TDC suggestions:
 - (a) Restructure the Pensacola Civic Center debt (*bond*) in order to free up \$900,000 in TDC funding
 - (b) Sever the contract with the Pensacola Ice Flyers and discontinue subsidizing ice hockey in Escambia County
- (3) Heard the request from Commissioner Robertson for information regarding all revenues in relation to ice hockey in Escambia County;
- (4) Heard the request from Commissioner Valentino for all financial records for The Pensacola Civic Center; 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...

D. Report of the April 15, 2010, C/W Workshop – Continued

AGENDA NUMBER – Continued

13. Continued...

A. Continued...

(5) Was advised by Commissioner Robinson that discussion concerning ice hockey in Escambia County and The Pensacola Civic Center will be added to a future C/W Workshop agenda; and

B. Board Direction – None.

14. Fence Permits

A. Discussion – The C/W was advised by T. Lloyd Kerr, Bureau Chief, Development Services Bureau, that staff has received a complaint with regard to the \$40 Fence Permit Fee, which was adopted by the Board (*on September 6, 2007, by Resolution R2007-15*); and

B. Board Direction – The C/W recommends that the Board approve, relative to Fence Permits, that staff can use a portion of the \$40 permit fee for (*fence*) inspection.

Recommended 5-0

15. Adjourn

Chairman Robinson declared the C/W Workshop adjourned at 12:53 p.m.

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

I. PUBLIC HEARINGS

1. Rezoning Cases

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried unanimously, taking the following action concerning Rezoning Case Z-2010-06:

1805

- A. Adopting the recommendation of the Planning Board (PB) and approving R-1; and
- B. Authorizing the Chairman to sign the Order of the Escambia County Board of County Commissioners for the Rezoning Case that was reviewed, as follows:

- (1) Case Number: Z-2010-06
- 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
- PB Recommendation: Approval

Speaker(s) – None.

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

1. Rezoning Cases – Continued

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried unanimously, taking the following action concerning Rezoning Case Z-2010-07:

1806

- A. Adopting the recommendation of the Planning Board (PB) and approving C-1; and
- B. Authorizing the Chairman to sign the Order of the Escambia County Board of County Commissioners for the Rezoning Case that was reviewed, as follows:

(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
PB Recommendation: Approval

Speaker(s) – None.

(Continued on Page 23)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

1. Rezoning Cases – Continued

Motion made by Commissioner White, seconded by Commissioner Robertson, and carried unanimously, taking the following action concerning Rezoning Case Z-2010-08, as amended to change the Commissioner District from 1 to 2:

1807

- A. Adopting the Planning Board’s (PB) recommendation and approving C-2; and
- B. Authorizing the Chairman to sign the Order of the Escambia County Board of County Commissioners for the Rezoning Case that was reviewed, as follows:

(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: 2
Requested by: Wiley C. “Buddy” Page, Agent for Chunilal R.
and Saryubala C. Patel, Owners
PB Recommendation: Approval

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

2. 5:45 p.m. Public Hearing

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting an Ordinance (*Number 2010-11*) amending the Official Zoning Map to include the Rezoning Cases (*Z-2010-06, Z-2010-07, and Z-2010-08*) heard by the Planning Board on April 12, 2010, and approved during the previous agenda item; providing for severability, inclusion in the Code, and an effective date.

1807

Speaker(s) – None.

3. 5:46 p.m. (Second) Public Hearing

Motion made by Commissioner White, seconded by Commissioner Valentino, and carried unanimously, adopting an Ordinance (*Number 2010-12*) amending 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.

1807

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

II. CONSENT AGENDA

1. Scheduling of Public Hearings

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

1808

- A. 5:45 p.m. – Thursday, June 3, 2010 – Adoption Hearing – Comprehensive Plan Amendment, Evaluation & Appraisal Report (EAR) Based Amendments; and
- B. 5:46 p.m. – Thursday, June 3, 2010 – Public Hearing – LDC (*Land Development Code*) Ordinance – Articles 3 and 6, Arcade Amusement Centers & Bingo Facilities.

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

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-8. Approval of Various Consent Agenda Items

Motion made by Commissioner Valentino, seconded by Commissioner White, and carried unanimously, approving Consent Agenda Items 1 through 8, as follows:

1808

- 1. Approving the *Request for Disposition of Property (for property)* which is described and listed on the Request, with reason for disposition stated; the item is to be auctioned as surplus or properly disposed of.
- 2. Approving four forms, *Requests for Disposition of Property*, including 21 items of equipment, all of which are described and listed on the Requests, with reasons for disposition stated on each; the items are to be auctioned as surplus or properly disposed of.

1808

1808

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

- 1-8. Approval of Various Consent Agenda Items – Continued
3. Taking the following action concerning a *Memorandum of Agreement Between Escambia County, Florida, and Coastal Reef Builders, Inc., Relating to Sediment Materials*: 1808
- A. Approving the Memorandum of Agreement (MOA) allowing Coastal Reef Builders, Inc., to contribute suitable sediment materials (*at no cost*) to the County for the purposes of enhancing the County's shoreline and prevention of natural erosion; and
 - B. Authorizing the Chairman to execute the MOA, without further action of the Board.
4. Taking the following action concerning economic development incentives for the Lewis Bear Company, an economic development prospect: 1808
- A. Adopting a Resolution (*R2010-76*) establishing the Board's intent to adopt an Ordinance for an Economic Development Ad Valorem Tax Exemption (EDATE) for the Lewis Bear Company, for up to 10 years; and
 - B. Authorizing the Chairman to execute the Resolution.
5. Approving the *Request for Disposition of Property* indicating that three vehicles, no longer of use to the Board of County Commissioners for fire-rescue purposes, be disposed of through sealed bid or auction, with proceeds of such sale to be recognized in Fund 143 (Fire Protection Fund). 1808
6. Approving three forms, *Requests for Disposition of Property*, listing 14 Dell computers to be auctioned as surplus or properly disposed of, which are all described with the Agency and reason stated. 1808
7. Approving two *Requests for Disposition of Property* forms listing five items to be auctioned as surplus or properly disposed of, which are all described with the Agency and reason stated, as submitted by the Tax Collector's Office and the Clerk of the Circuit Court and Comptroller's Office. 1808

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

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

8. Confirming, subject to the receipt of their Resumes, the appointments of the following individuals to the County Administrator Application Review Committee (*which includes two staff appointees [Joy D. Blackmon, Interim Assistant County Administrator, and Amy Lovoy, Bureau Chief, Management and Budget Services Bureau], for a total of nine members*), effective May 6, 2010, through the date of hire of a County Administrator:

1808

<u>NAME</u>	<u>APPOINTED BY</u>
Commander Darlene Dickey	Sheriff David Morgan
Patty Sheldon	The Honorable Ernie Lee Magaha
Ted A. Kirchharr	Commissioner Wilson B. Robertson
Alan C. McMillan	Commissioner Gene M. Valentino
William E. "Bill" Byrd	Commissioner Marie Young
Amie McDaniel Remington, Esquire	Commissioner Grover C. Robinson, IV
Susan Hendrix	Commissioner Kevin W. White

II. BUDGET/FINANCE CONSENT AGENDA

1-17. Approval of Various Consent Agenda Items

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

1808

1. Adopting the Resolution (*R2010-77*) approving Supplemental Budget Amendment Number 188, Transportation Trust Fund (175), in the amount of \$2,115, to recognize insurance proceeds received for damage to a street light and to appropriate these funds back to the Transportation and Traffic Division.
2. Adopting the Resolution (*R2010-78*) approving Supplemental Budget Amendment Number 189, Other Grants and Projects Fund (110), in the amount of \$18,000, to recognize proceeds from two State of Florida Division of Emergency Management Subgrant Agreements and to appropriate these funds for the Community Emergency Response Team activities and the Citizen Corp Project.

1808

1808

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

3. Adopting the Resolution (*R2010-79*) approving Supplemental Budget Amendment Number 190, Mass Transit Fund (104) and FTA Capital Projects Fund (320), in the amount of \$262,125, to recognize an insurance reimbursement due to an Escambia County Area Transit (ECAT) bus accident and to appropriate these funds to reimburse the Federal Transit Administration (FTA), as well as place the remaining funds into ECAT's operating budget.

1808

4. Approving Budget Amendment Request Number 191, Corrections Bureau, Transportation Trust Fund (175), in the amount of \$18,655, to cover additional personnel costs incurred as a result of a new educational benefit, equal to longevity pay at 2%, for Police Benevolent Association Union Members for accomplishing 100 hours of demonstrable education over a five-year period and each subsequent five-year period; the additional personnel funding will come from Reserves and are one-time monies in the current Fiscal Year's Budget.

1808

5. Awarding an Indefinite Quantity, Indefinite Delivery Contract, PD 09-10.032, Muscogee Road Drainage Zone 3, Phase II, to Roads, Inc., of NWF, for a total amount of \$890,190.05 (Funding: Fund 352, Local Option Sales Tax III, Cost Center 210107, Object Code 56301, Project No. 9EN0115).

1808

6. Authorizing the County to piggyback off the City of Tallahassee Contract #1274, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, and awarding a Purchase Order to Hall-Mark Fire Apparatus, Inc., in the amount of \$60,804, for the purchase of six Bullard Model T3MAX2 Thermal Imager Packages (Funding: Fund 352, Local Option Sales Tax III, Cost Center 330228, Object Code 56401, Project Code 10FS0488).

1808

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 an Architectural and Engineering (A&E) Contract for PD 09-10.033, Design Services for County Road (CR) 297-A Widening and Drainage Improvements from Sandicrest Drive to Kingsfield Road (Funding: Fund 352, Local Option Sales Tax III, Cost Center 210107, Object Code 56301, Project #08EN0105):

1808

A. Approving the following Selection/Negotiation Committee Ranking:

- (1) American Consulting Engineers of Florida, LLC
- (2) Rebol-Battle & Associates, LLC
- (3) Fabre Engineering & Surveying

B. Awarding an A&E Contract for PD 09-10.033, Design Services for CR 297-A Widening and Drainage Improvements from Sandicrest Drive to Kingsfield Road, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to American Consulting Engineers of Florida, LLC, for a lump sum amount of \$251,506.18 and allowances of \$237,715.00, for a total of \$489,221.18.

8. Taking the following action concerning an Architectural and Engineering (A&E) Contract for PD 09-10.034, Design Services for County Road (CR) 297-A Widening and Drainage Improvements from Pine Forest Road to Sandicrest Drive (Funding: Fund 352, Local Option Sales Tax III, Cost Center 210107, Object Code 56301, Project #08EN0105):

1808

A. Approving the following Selection/Negotiation Committee Ranking:

- (1) Rebol-Battle & Associates, LLC
- (2) HDR Engineering, Inc.
- (3) Hatch Mott MacDonald of Florida

B. Awarding an A&E Contract for PD 09-10.034, Design Services for CR 297-A Widening and Drainage Improvements from Pine Forest Road to Sandicrest Drive, per the terms and conditions of PD 02-03.079, Professional Services as Governed by Florida Statute 287.055, to Rebol-Battle & Associates, LLC, for a lump sum amount of \$160,000 and allowances of \$220,000, for a total of \$380,000.

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

9. Approving to terminate, without cause, the following Contracts, under the terms and conditions of PD 02-03.79, Professional Services as Governed by Florida Statute 287.055:

1808

DeGraaf Systems, Inc.	BCC Approved October 02, 2003
Emerald Coast Engineering & Surveying, LLC	BCC Approved March 6, 2008
Gortemoller Engineering, Inc.	BCC Approved December 11, 2008
Hamlin Consulting, Inc.	BCC Approved October 2, 2003
Hogan & Associates, Inc.	BCC Approved April 21, 2005
John R. Oglesby Consulting Engineer	BCC Approved December 10, 2009
Larry M. Jacobs and Associates, Inc.	BCC Approved November 6, 2008
LFG Technologies, Inc.	BCC Approved October 1, 2009
Northwest Florida Land Surveying, Inc.	BCC Approved October 1, 2009
Spencer Maxwell Bullock Architects, PA	BCC Approved November 6, 2008
Universal Engineering Sciences, Inc.	BCC Approved November 6, 2008

10. Taking the following action concerning Professional Services as Governed by Florida Statute 287.055, PD 02-03.79 (A&E Services):

1808

- A. Awarding Task Order-based Continuing Contracts to Clemons, Rutherford & Associates, Inc., and Thomas Bryan Watson, III, P.E., per PD 02-03.79, Professional Services as Governed by Florida Statute 287.055 (A&E Services), on a “Maximum Ceiling” basis fee schedule, as follows:

- ◆ Maximum Overhead – 168%
- ◆ Maximum Profit – 12%
- ◆ Maximum FCCM – 1.50%
- ◆ Maximum Multiplier – 301.66% (providing no single item above is exceeded)
- ◆ Existing Hourly Rates for each firm (based on an audited or auditable financial package)

- B. Authorizing the Division(s), in conjunction with the Office of Purchasing, to negotiate Task Orders, according to Florida Statute 287.055, “Consultants’ Competitive Negotiation Act” (A&E Services), on a project-by-project basis.

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

11. Taking the following action concerning a Task Order Award for PD 09-10.014, C.E.I. (Construction Engineering Inspections) and Project Management for Ensley Phase IIA Project (Funding: Fund 352, *[Local Option Sales Tax]* LOST III, Account 210107, Object Code 56301, Project No. 08EN0313):

1808

A. Approving the following Selection/Negotiation Committee Ranking:

- (1) Mehta and Associates, Inc.
- (2) PBS&J (Post, Buckley, Schuh & Jernigan)
- (3) Hatch Mott MacDonald Florida, LLC
- (4) Volkert Construction Services, Inc.

- B. Awarding a Task Order for PD 09-10.014, C.E.I. (Construction Engineering Inspections) and Project Management for Ensley Phase IIA Project, per the terms and conditions of PD 02-03.079, Professional Services, as Governed by Florida Statute 287.055, to Metha and Associates, Inc., in the amount of \$214,999.07.

12. Amending the Board's action of September 17, 2009, regarding Contract PD 06-07.080, "Miscellaneous Bridge Repairs," revising the authorized annual amount approved for DKE Marine Services, from \$300,000 to \$600,000 (Funding Source: Fund 351, *[Local Option Sales Tax]* LOST II, Account 210105/56301, Project No. 05EN0788, and Fund 352, LOST III, Account 210107/56301, Project No. 09EN0235).

1808

13. Taking the following action regarding the acquisition of real property, located at 3300 Mobile Highway, from Joseph B. Trinh (Funding Source: Fund 352, Local Option Sales Tax III, Account 220102/56101, Project 08NE0058):

1808

- A. Authorizing staff to make an offer to Joseph B. Trinh to purchase a parcel (approximately 0.98 acre) for the appraised amount of \$225,000; and
- B. Authorizing the County Attorney to prepare, and the Chairman or Vice Chairman to execute, any documents necessary to complete the acquisition of this property.

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

14. Ratifying the issuance of a Purchase Order to DKE Marine Services, Inc., on Contract PD 06-07.080, "Miscellaneous Bridge Repairs," for emergency bridge repairs on Bridge #484051 on Sandy Hollow Road, in the amount of \$88,830 (Funding: Fund 351, [Local Option Sales Tax] LOST II, Account 210105/56301, Project No. 05EN0788 – [in the amount of] \$47,505, and Fund 352, LOST III, Account 210107/56301, Project No. 09EN0235 – [in the amount of] \$41,325).

1808

15. Approving the reallocation of funds, totaling \$700,000, from the Fiscal Year 2009-2010 Capital Improvement Program, from Olive Road Widening Project (District 4), to the 9th Avenue and Langley Avenue Intersection Improvement Project (District 4 (Funding Source: Fund 352, Local Option Sales Tax III, Account 210107).

1808

16. Taking the following action concerning the authorization for staff to acquire property, by donation, for rights-of-way and Easements in the Sidney Road and Pleasant Grove Area (Funding Source: Fund 351, Local Option Sales Tax II, Account 210105/56101/56301, Project No. 10EN0242):

1808

- 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 drainage improvements for the Sidney Road and Pleasant Grove Drainage Area, 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 drainage improvements, and the County benefits from the acquisition of these properties because the resulting projects 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

(Continued on Page 33)

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. Continued...

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.

17. Authorizing the County to piggyback off Florida Department of Transportation Contract Number FVPP-05-CA-1, in accordance with the Escambia County Code of Ordinances, Chapter 46, Article II, and awarding a Purchase Order to Transit Plus, Inc., in the amount of \$198,210, for the purchase of three, lift-equipped, 23-foot, Champion standard cutaway on Chevrolet/GMC chassis model, replacement mini-buses for Escambia County Area Transit paratransit service, through the Community Transportation Coordinator (Funding: Fund 320, FTA [*Federal Transit Administration*] Capital Project Fund, Cost Center 220218, FTA-ARRA FL96-X007 Grant – [*in the amount of*] \$198,210).

1808

III. FOR DISCUSSION

1. FOR INFORMATION: The Board heard a brief from Keith Wilkins, Deputy Bureau Chief, Neighborhoods and Community Services Bureau, John R. Temperilli, James Lee Witt Associates, and Jeff Helms, Gregory S. "Greg" Allen, and Scott Zengel, PBS&J (*Post, Buckley, Schuh & Jernigan, Inc.*), regarding the Deepwater Horizon Oil Plume, and was advised by Sonya M. Daniel, Public Information Manager, that the Citizens Information Center telephone number is 471-6600, information regarding training classes, the cost of which will be provided by BP (*British Petroleum of America, Inc.*), is available at www.myescambia.com, and 229 volunteers are in the queue.

1809

Speaker(s):

L. Gary Sansing

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

2-8. Approval of Various For Action Items

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried 4-0, with Commissioner White absent (*left the Meeting following approval of the County Administrator's Report*), approving For Action Items 2 through 8, as follows (*Item 1 was held for a separate vote*):

1846

1. See Page 35.
2. Taking the following action concerning the Monroe County class action lawsuit concerning TDT (*Tourist Development Tax*) on-line travel services:
 - A. Authorizing the County to opt out of the Monroe County class action lawsuit; and
 - B. Authorizing the law firm of Nabors, Giblin & Nickerson, P.A., to continue the lawsuit concerning the collection of TDT against on-line travel services.
3. Adopting the Resolution (*R2010-80*) creating Section 61, Breach Notification, of Escambia County's Privacy and Security Policies.
4. Approving *Amendment #1 to the Agreement between Escambia County, Florida and G. Thomas Smith, Esquire, serving as Code Enforcement Special Magistrate.*
5. Taking the following action concerning the establishment the Escambia County Land Development Code Advisory Committee:
 - A. Adopting a Resolution (*R2010-81*) establishing the Escambia County Land Development Code Advisory Committee;
 - B. Appointing the membership of the Escambia County Land Development Code Advisory Committee (*as follows: Eli H. Miller; Steven Jernigan; Janice Rogers Kilgore; John Rasmussen; Brian Spencer, AIA; Christian M. Wagley; J. Dan Gilmore; Muriel Wagner; Dale E. Long, PE; Amy Meyers DiRusso, PE; Scott Jernigan, PE; Thomas J. Gilliam, Jr.; John M. Harold; Paul Flounlacker; and Glenn Strange*), according to the recommended appointments listed in Exhibit "A" of the Resolution; and
 - C. Authorizing the Chairman to sign the Resolution.

1846

1846

1846

1846

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION – Continued

2-8. Approval of Various For Action Items – Continued

6. Authorizing the scheduling (*and advertising*) of a Public Hearing for May 20, 2010, at 5:33 p.m., for consideration of adopting a Lien Priority Ordinance. 1846
7. Adopting, and authorizing the Chairman to execute, the Resolution (*R2010-82*) continuing the Declaration of State of Local Emergency for 14 days, beginning Friday, May 7, at 2:00 p.m. 1846
8. Adopting the Resolution (*R2010-83*) authorizing the exercise of the Board's police powers (*to allow its employees and contractors*) to enter onto certain private properties in response to the crude oil discharge resulting from the Deepwater Horizon Drilling Platform accident. 1846

1. Saufley C&DD Landfill Liens

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried 3-0, with Commissioner White absent (*left the Meeting following approval of the County Administrator's Report*) and Commissioner Young abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), approving Items A and B, and taking the following action concerning Saufley C&DD Landfill Liens, TFR Unlimited, Inc., and TAT Enterprises, Inc.: 1847

- A. Approving to deny any payment to TFR Unlimited, Inc., for work claimed at the Saufley Landfill site prior to the County accepting the Deed to the property; TRF Unlimited, Inc., did not record a lien or judgment prior to the County's ownership of the property, and, thus, the County assumed no legal obligation to satisfy LIG's debt to TFR Unlimited, Inc.; and

(Continued on Page 36)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

I. FOR ACTION – Continued

1. Continued...

- B. Authorizing settlement of a stipulated final judgment, recorded by TAT Enterprises, Inc., in the amount of \$300,000, inclusive of any and all fees, costs, and interest, as payment in full for the judgment recorded against the Saufley Landfill property prior to the County's ownership of the site for work done by TAT Enterprises, Inc., on the property for LIG, and authorizing the acceptance, execution, and recording of all releases, satisfactions, and other documents as required by the County Attorney's Office; payment of the settlement is conditioned upon the execution, acceptance, and recording of all releases, satisfactions, and other documents from TAT and West Florida Auto Exchange, Inc., as assignee of a portion of the judgment, as well as Tony Green, Anthony Bettis, and Tom King, as required by the County Attorney's Office; no money shall be released until the County Attorney's Office is satisfied that appropriate steps have been taken and documentation is in order to protect the County's interests.

Speaker(s):

Gregory D. Smith
John F. Asmar

ITEMS ADDED TO THE AGENDA – COMMISSIONER MARIE K. YOUNG

1. Timeline for Hiring County Administrator

The Board discussed, but took no action concerning, Commissioner Young's recommendation that the Board approve the proposed accelerated timeline for hiring a County Administrator, as indicated on the Timeline Flow Chart, (*in order*) to possibly eliminate the loss of some of the candidates who may withdraw their applications due to the current timeline.

1854

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

1. Supplemental Budget Amendment

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried 4-0, with Commissioner White absent (*left the Meeting following approval of the County Administrator's Report*), adopting the Resolution (R2010-85) approving Supplemental Budget Amendment Number 197, Internal Service Fund (501) and the Disaster Recovery Fund (112), in the amount of \$10,000,000, to recognize a fund balance in the Internal Service Fund and to transfer \$5,000,000 to the Disaster Recovery Fund to establish a budget for costs associated with the Deepwater Horizon event.

1852

For Information: Commissioner Robinson disclosed that his firm's agent represents Charlie Sherrill, whose property is being leased on a short-term basis by BP; however, he has reviewed this matter with the County Attorney and there is no conflict of interest that would preclude him from voting on this issue.

2. Purchase Order

Motion made by Commissioner Robertson, seconded by Commissioner Valentino, and carried 4-0, with Commissioner White absent (*left the Meeting following approval of the County Administrator's Report*), ratifying the issuance of Purchase Order 101324, in the amount of \$1,452,000, to DRC Environmental, LLC, to furnish, install, and maintain 20,000 feet of hard containment boom for 30 days (Funding: Fund 112, Disaster Recovery Fund, Cost Center 330481, Project OILSPL10).

1853

3. British Petroleum of America, Inc.

Motion made by Commissioner Valentino, seconded by Commissioner Robertson, and carried 4-0, with Commissioner White absent (*left the Meeting following approval of the County Administrator's Report*), ratifying the Interim County Administrator's signature on a letter, dated April 29, 2010, to Mr. Lamar McKay, President, British Petroleum of America, Inc. (BP), concerning the Deepwater Horizon Oil Spill, requesting that BP establish an Escambia County, Florida, Contingency Mitigation Account, in an amount not to exceed \$5,000,000, to cover primary and intermediate costs for preventative measures.

1853

For Information: Commissioner Robinson disclosed that his firm's agent represents Charlie Sherrill, whose property is being leased on a short-term basis by BP; however, he has reviewed this matter with the County Attorney and there is no conflict of interest that would preclude him from voting on this issue.

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 7:04 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: May 20, 2010