



MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD JANUARY 3, 2013
BOARD CHAMBERS, FIRST FLOOR, ERNIE LEE MAGAHA GOVERNMENT BUILDING
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:37 p.m. – 7:08 p.m.)

Present: Commissioner Gene M. Valentino, Chairman, District 2
Commissioner Lumon J. May, Vice Chairman, District 3
Commissioner Steven L. Barry, District 5
Commissioner Wilson B. Robertson, District 1
Commissioner Grover C. Robinson IV, District 4
George Touart, Interim County Administrator
Alison Rogers, County Attorney
Cheryl Maher, Senior Accounting Supervisor, Clerk and Comptroller's Office
Doris Harris, Deputy Clerk to the Board
Judy H. Witterstaeter, Program Coordinator, County Administrator's Office

PUBLIC FORUM WORK SESSION

Chairman Valentino called the Public Forum Work Session to order at 4:37 p.m.

1. FOR INFORMATION: The Board heard comments from James C. Nims, Jr., concerning Escambia County's jobless rate, which increased to 8.2% in November 2012, surpassing the State and National rates of 8.1% and 7.7%, respectively, the Local Option Gas Tax, the search for and hiring of a County Administrator, and Clean Water Act and RESTORE Act funds.
2. FOR INFORMATION: The Board:
 - A. Heard comments from the following four individuals concerning the Animal Services Division:
 - (1) Jan Papra, who expressed his concern that rabies vaccinations are not being administered at the Animal Shelter, as approved by the Board in June 2012, and the approved Veterinarian Technician position has not been filled;
 - (2) Sharyn Berg, who expressed her concerns that the January 15, 2013, implementation date for the administration of rabies vaccinations will not occur, a lapse in service will occur because both Veterinarians have resigned, and the increase in the number of spay/neuter procedures as the result of a grant;

(Continued on Page 2)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

2. Continued...
 - A. Continued...
 - (3) Colleen Bridgman, who expressed her concern that only three people applied for the Veterinarian position and advised that she believes there is a lack of confidence in the County's Animal Shelter; and
 - (4) Deanna Halverson, who advised that the County was awarded a \$25,000 State Grant, which is being used to support the Low Cost Spay/Neuter program for citizens with an annual household income of \$25,000 or less, and expressed her concern that applicants are required to complete several steps before their animals can receive the rabies vaccination at the Animal Shelter;
 - B. Was advised by Marilyn Wesley, Director, Community Affairs Department, that the Veterinarian Technician position was filled in-house, which created a vacancy that the Human Resources Division has advertised, and the implementation date is January 15, 2013, for all services provided by the plan approved by the Board in June 2012; and
 - C. Was advised by Commissioner May that staff has to follow procedure and is doing everything possible to resolve these issues timely.
3. FOR INFORMATION: The Board heard the request from Barbara Mayall that Joint City/ County Meetings be scheduled at least quarterly, as opposed to two Meetings per year, and was advised by Commissioner May that he has spoken with the Mayor and the Pensacola City Council and the scheduling of Joint Meetings is forthcoming.
4. FOR INFORMATION: The Board heard comments from Mark Easton concerning the visual clutter created by temporary signage along approximately 4,000 feet of roadway to the "gateway to NAS" (*Naval Air Station*), specifically, along Barrancas Avenue and South Navy Boulevard to the (*NAS*) main gate, and his request that Section 8.05.00 of the Land Development Code be enforced relative to temporary signage.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

5. FOR INFORMATION: The Board heard comments from L. Gary Sansing concerning the importance of Public Forum, the Wildlife Sanctuary, Walden Pond, the Global Learning Center, and the quality of life that is available in Escambia County.

5:26 P.M. – PUBLIC FORUM ADJOURNED

5:37 P.M. – REGULAR BOARD MEETING CONVENED

REGULAR BCC AGENDA

1. Call to Order

Chairman Valentino called the Regular Meeting of the Board of County Commissioners to order at 5:37 p.m.

2. Invocation

Commissioner Robertson requested a moment of silent prayer to honor Donna Fassett Merritt, who recently passed away (*on December 27, 2012*).

3. Pledge of Allegiance to the Flag

Chairman Valentino led the Pledge of Allegiance to the Flag.

4. Adoption of the Agenda

Motion made by Commissioner Robertson, seconded by Commissioner Barry, and carried unanimously, adopting the agenda as prepared and duly amended to include amending Item 9.C.

5. Commissioners' Forum

- A. District 4 – Commissioner Robinson commented concerning a \$1 billion settlement today with Transocean (*Ltd*) relating to the BP Deepwater Horizon Oil Spill, and advised that the settlement represents civil fines for violation of the Clean Water Act, and that the funds will be deposited into RESTORE, and probably staged over a couple of years;

(Continued on Page 4)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

5. Continued...

- B. District 3 – Commissioner May expressed his appreciation to Commissioner Robertson for requesting the moment of silence for Donna Fassett Merritt, who helped the community's disadvantaged and disabled citizens, and expressed his condolences to Charlie Merritt (*her husband*) and her family, as well as the families of Mrs. Gray and Andre' Green, who also passed away recently; and
- C. District 2 – Commissioner Valentino announced that a Special Board Meeting has been scheduled for January 22, 2013, at 9:00 a.m., to establish the Library Governance and transition of the Library System to the County.

6. Proclamations

Motion made by Commissioner Robinson, seconded by Commissioner May, and carried unanimously, taking the following action concerning the adoption/ratification of the following five Proclamations:

- A. Adopting the Proclamation commending and congratulating the players and coaches of the 2012 Northview High School Chiefs football team for attaining the standards of excellence necessary to win the Florida State Class 1A Football Championship;
- B. Adopting the Proclamation joining other cities and counties throughout the State of Florida in proclaiming the third Friday of January 2013 as "Arbor Day";
- C. Adopting the Proclamation commending Mr. Darryl Boudreau for his exemplary public service, his dedication to protecting our environment, and his contribution to improving the quality of life for the citizens of Escambia County;
- D. Ratifying the Proclamation dated December 3, 2012, extending appreciation to Ms. Fernetta Jernigan for her 14 years of dedicated service to the citizens of Escambia County and congratulating her on her retirement years; and

(Continued on Page 5)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

6. Continued...

E. Ratifying the Proclamation dated December 12, 2012, proclaiming Wednesday, December 12, 2012, as "Charles Edward Young Day" in Escambia County.

Speaker(s):

Sid Wheatley
Gayle Weaver
Darryl Boudreau

7. Proof of Publication

Motion made by Commissioner Barry, seconded by Commissioner May, 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 five Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on December 22, 2012, for consideration of adopting an Ordinance regarding the official County Logo;
- (2) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on November 23, 2012, for consideration of adopting an Ordinance amending the Official Zoning Map;
- (3) The 5:46 p.m. Public Hearing, advertised in the Pensacola News Journal on November 23, 2012, concerning transmittal of CPA 2012-04 to DEO;
- (4) The 5:47 p.m. Public Hearing, advertised in the Pensacola News Journal on November 23, 2012, concerning transmittal of CPA 2012-07 to DEO; and

(Continued on Page 6)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

7. Continued...

A. Continued...

(5) The 5:49 p.m. Public Hearing, advertised in the Pensacola News Journal on December 19, 2012, for consideration of adopting an Ordinance approving CPA 2012-02; and

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule December 31-January 4, 2013 – Legal No. 1586668*, as published in the Pensacola News Journal on December 29, 2012, as follows:

December 31		Escambia County Offices Closed-New Year's Eve
January 1		Escambia County Offices Closed-New Year's Day
January 2	1:00 p.m.	Development Review Committee
January 3	9:00 a.m.	Board of County Commissioners Agenda Worksession
January 3	4:30 p.m.	Board of County Commissioners Public Forum
January 3	5:30 p.m.	Board of County Commissioners Public Hearings & Reports
NEXT WEEK'S NOTE:		
January 7	2:00 p.m.	RESTORE Act Meeting w/Governor's Office
January 7	2:00 p.m.	Tourism Marketing Council
January 7	5:30 p.m.	EC RESTORE Advisory Committee- Select Environmental Representative
January 8	9:00 a.m.	Board of County Commissioners Committee of the Whole
January 8	1:30 p.m.	Environmental Enforcement Special Magistrate
January 9	1:00 p.m.	Development Review Committee

8. 5:31 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner Robertson, and carried unanimously, adopting an Ordinance (*Number 2013-1*) amending Ordinance Number 2012-8, Chapter 2, Article I, Section 2-1, of the Escambia County Code of Ordinances, adopting an official County Logo to reflect the County's current logos, the circular Escambia County logo and the horizontal "my escambia" logo.

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. C/W Recommendation

Motion made by Commissioner Robinson, seconded by Commissioner May, and carried unanimously, approving Item A, as follows, as recommended by the Committee of the Whole (C/W), at the December 11, 2012, C/W Workshop:

- A. Taking the following action concerning the Time Line for Hiring the County Administrator (*C/W Item 4*):
- (1) Approving that the recruitment process will be handled in-house, and authorize a (*recruitment*) start date of January 3, 2013; and
 - (2) Approving to advertise the pay grade salary range for the position of County Administrator and an expected salary range of \$123,000.00 (\$123,779.39) to \$150,000.00, and "shoot for the May-June time frame."

Motion made by Commissioner Robinson, seconded by Commissioner May, and carried unanimously, approving Item B, as follows, as recommended by the C/W at the C/W Workshop held December 11, 2012:

- B. Taking the following action concerning the RESTORE Act Advisory Committee (*C/W Item 5*), as amended to change Item (2)(f) to an individual selected by the Mayor and ratified by the Pensacola City Council, by January 31, 2013:
- (1) Approving to allow Commissioner Robinson to run for Chairman of the State's 23-County Gulf Consortium; and

(Continued on Page 8)

REGULAR BCC AGENDA – Continued

9. Continued...

B. Continued...

- (2) Approving a nine-member RESTORE Act Advisory Committee consisting of the following individuals:
- (a) A representative of the financial industry with five (5) or more years experience, to be appointed by Commissioner Barry
 - (b) A business leader with five (5) or more years of economic development experience, to be appointed by Commissioner Valentino
 - (c) An individual with five (5) or more years of complex governmental experience, to be appointed by Commissioner Robinson
 - (d) An individual with five (5) or more years of experience in the area of transportation, to be appointed by Commissioner Robertson
 - (e) An at-large citizen representative, to be appointed by Commissioner May
 - (f) An individual selected by the Mayor and ratified by the Pensacola City Council
 - (g) An individual representing local environmental advocacy groups
 - (h) Two individuals to be selected by the Board from applications to be brought forward by the County Administrator and Assistant County Administrator

Motion made by Commissioner Robinson, seconded by Commissioner Barry, and carried unanimously, approving Item C, as follows, as recommended by the C/W at the C/W Workshop held December 11, 2012, as amended to read:

- C. Approving to allocate \$1.4 million from the rebates of the County's health insurance contract, as a result of surpassing cost control benchmarks, for the Board, the Supervisor of Elections, Tax Collector, Property Appraiser, and Santa Rosa Island Authority to participate in a leave buyback program, as outlined in Option 3 of the PowerPoint Presentation, and approving to place the remaining funds in reserve for next year's insurance costs; the Sheriff, at his discretion, may participate in a similar leave buyback program subject to the availability of funds without his existing Budget (*C/W Item 7*).

(Continued on Page 9)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. Continued...

Motion made by Commissioner Barry, seconded by Commissioner Robinson, and carried unanimously, approving Item D, as follows, as recommended by the C/W at the C/W Workshop held December 11, 2012, as amended to reflect that Commissioner Barry will replace Commissioner Robinson on the Early Learning Coalition and to delete the reference to the Northwest Florida Regional Transportation Planning Organization, as that "item" appoints its own members and has appointed Commissioner Barry:

- D. Approving the following changes to the Chairman's annual appointments to Boards and Committees (*Add-on Item #1*):
- (1) Commissioner Valentino will replace Commissioner May on the West Florida Regional Planning Council
 - (2) Commissioner Barry will replace Commissioner Robinson on the Early Learning Coalition
 - (3) Commissioner Robinson will replace Commissioner Barry on the Downtown Improvement Board
 - (4) Commissioner May will replace Commissioner Robinson on the Community Drug and Alcohol Commission

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

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

I. CONSENT AGENDA

1-5. Approval of Various Consent Agenda Items

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

1. Accepting, for filing with the Board's Minutes, the following ten reports prepared by the Clerk of the Circuit Court and Comptroller's Finance Department:
 - A. The following two Payroll Expenditures:
 - (1) Pay Date December 7, 2012, in the amount of \$2,189,906.85; and
 - (2) Pay Date December 21, 2012, in the amount of \$2,121,993.47;
 - B. The following three Disbursement of Funds:
 - (1) November 29, 2012, to December 5, 2012, in the amount of \$24,185,108.46;
 - (2) December 6, 2012, to December 12, 2012, in the amount of \$3,247,960.97;
and
 - (3) December 13, 2012, to December 19, 2012, in the amount of \$54,852,897.42;
 - C. Tourist Development Tax Collections Data for October 2012 returns received in the month of November 2012; this is the second month of collection for Fiscal Year 2012-2013; total collected for the October 2012 returns was \$433,597, which is a 6.77% increase over the October 2011 returns;
 - D. The Investment Report for the month ended November 30, 2012, as required by Ordinance Number 95-13; and

(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

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

1. Continued...

E. The following three Budget Comparison Reports for two (2) months, or 16.67%, of Fiscal Year 2012-2013:

- (1) Summarized, by fund, *Budget to Actual Summary Report For the fiscal year 2013 as of November 30, 2012*;
- (2) *Comparison of Actual Revenues & Expenditures to Prior Fiscal Year For the fiscal year 2013 as of November 30, 2012*; and
- (3) *Graph of Two Year Comparison General Fund Only Revenues vs. Expenditures October through November.*

2. Approving the Public Official Bond, underwritten by Western Surety Company, for the Honorable David Morgan, Sheriff, for a term beginning January 7, 2013, and ending January 7, 2017, Bond No. 71339384, in the amount of \$25,000.

3. Accepting, for filing with the Board's Minutes, the following Financial Statements provided to the Clerk to the Board's Office:

- A. The *Pensacola-Escambia County Promotion and Development Commission Pensacola, Florida, Financial Statements September 30, 2012*, as prepared and audited by Saltmarsh, Cleaveland & Gund, Certified Public Accountants and Consultants, and received in the Clerk to the Board's Office on December 17, 2012;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
 3. Continued...
 - B. The *Santa Rosa Island Authority, A Component Unit of Escambia County, Florida, Financial Statements and Supplementary Information September 30, 2012 and 2011*, as prepared and audited by Carr, Riggs & Ingram, LLC, Certified Public Accountants and Advisors, and received in the Clerk to the Board's Office on December 17, 2012; and
 - C. The *Financial Statements Escambia-Pensacola Human Relations Commission September 30, 2012 and 2011*, as prepared and audited by Brown Thornton ♦ Pacenta & Company, P.A., Certified Public Accountants Business & Financial Consultants, and received in the Clerk to the Board's Office on December 20, 2012.
 4. Accepting, for filing with the Board's Minutes, the following documents provided to the Clerk to the Board's Office:
 - A. The original recorded *Residential Rehab Grant Program Lien Agreement* for property located at 402 Frisco Road, owned by Lee Anne Winchester, as approved by the Board on January 20, 2011, and recorded in Official Records Book 6942, Pages 1652 and 1653, on December 4, 2012; and
 - B. Closing documents related to the sale of surplus property, located at 307 East Blount Street, to Marlin Mueller, Jr., as approved by the Board on October 21, 2010, and received in the Clerk to the Board's Office on December 14, 2012.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
5. 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 held December 20, 2012;
 - B. Approving the Minutes of the Regular Board Meeting held December 6, 2012;
 - C. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held December 6, 2012; and
 - D. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held December 11, 2012, as follows:

AGENDA NUMBER

1. Call to Order

Chairman Valentino called the Committee of the Whole (C/W) to order at 9:06 a.m.

2. Was the Meeting Properly Advertised?

The C/W was advised by Doris Harris, Deputy Clerk to the Board, that the Meeting was advertised in the Pensacola News Journal on December 8, 2012, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule December 10-December 14, 2012, Legal No. 1584672.*

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the December 11, 2012, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Joint City/County Meetings

A. Board Discussion – The C/W discussed the possibility of reinstating the Joint City/County Meetings, which were previously held quarterly, and the C/W:

(1) Was advised by Commissioner Valentino that he has spoken with Mayor Ashton Hayward, who is amenable to Joint City/County Meetings, and was further advised by Commissioner Valentino that:

(a) He suggests no more than three Joint Meetings per year, the purpose of which should be to streamline policy positions between the City and County, in the spirit of functional consolidation; and

(b) He has just learned of the Pensacola City Council's potential vote to pull the City's portion of the Local Option Gas Tax proceeds from the County;

(2) Heard the request from Commissioner Valentino that Commissioner May "run point" regarding City issues and take a "hard look" at the City's relationship with the County, and also apprise the Commissioners concerning the issues related to the feasibility and the financial condition of the Port of Pensacola;

(3) Was advised by Commissioner May that, in the spirit of collaboration and cooperation, the County and City should work together and, further, he believes that the Board should also meet with the School Board at least annually; and

(Continued on Page 15)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the December 11, 2012, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Continued...

A. Continued...

(4) Heard Commissioner Robinson's suggestion that the City and County meet jointly twice a year, with a consensus to direct staff to proceed on that basis; and

B. Board Direction – None.

4. Time Line for Hiring the County Administrator

A. Board Discussion – The C/W heard an overview from Thomas G. "Tom" Turner, Director, Human Resources, concerning a seven-page document entitled *Time Line for Hiring the County Administrator*, and the C/W:

(1) Was advised by Mr. Turner that:

(a) Staff requests Board direction concerning whether the Board wishes to hire an outside firm to conduct the search or if the Board prefers that staff conduct the search; and

(b) Staff will provide, for the Board's consideration at the January 3, 2013, Regular Board Meeting, a recommendation concerning how the position will be advertised, after which the process will begin;

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the December 11, 2012, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

A. Continued...

(2) Heard the suggestion from Commissioner Robinson that staff narrow the list of applicants to 25 candidates, who will be ranked by the Board to a list of five candidates who will be interviewed by the Board; and

(3) Heard the request from Commissioner Valentino that staff provide a "broad scope" of criteria at the January 3, 2013, Regular Board Meeting; and

B. Board Direction – The C/W recommends that the Board take the following action concerning the Time Line for Hiring the County Administrator:

(1) Approve that the recruitment process will be handled in-house, and authorize a (*recruitment*) start date of January 3, 2013; and

(2) Approve advertising the pay grade salary range for the position of County Administrator and an expected salary range of \$123,000.00 (\$123,779.39) to \$150,000.00, and "shoot for the May-June time frame."

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
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the December 11, 2012, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. RESTORE Act Advisory Committee

- A. Board Discussion – The C/W discussed the RESTORE Act (*Resources and Ecosystems Sustainability, Tourist Opportunity and Revived Economics of the Gulf States Act of 2011*) Advisory Committee; and
- B. Board Direction – The C/W recommends that the Board take the following action:
 - (1) Approve allowing Commissioner Robinson to run for Chairman of the State's 23-County Gulf Consortium; and
 - (2) Approve a nine-member RESTORE Act Advisory Committee consisting of the following individuals:
 - (a) A representative of the financial industry with five (5) or more years experience, to be appointed by Commissioner Barry
 - (b) A business leader with five (5) or more years of economic development experience, to be appointed by Commissioner Valentino
 - (c) An individual with five (5) or more years of complex governmental experience, to be appointed by Commissioner Robinson
 - (d) An individual with five (5) or more years of experience in the area of transportation, to be appointed by Commissioner Robertson
 - (e) An at-large citizen representative, to be appointed by Commissioner May

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the December 11, 2012, C/W Workshop – Continued

AGENDA NUMBER – Continued

5. Continued...

B. Continued...

(2) Continued...

(f) An individual appointed by the City of Pensacola

(g) An individual representing local environmental advocacy groups

(h) Two individuals to be selected by the Board from applications to be brought forward by the County Administrator and Assistant County Administrator

Recommended 5-0

For Information: The Board was advised by County Attorney Rogers that a new Resolution will be provided at the next Regular Board Meeting (*January 3, 2013*) to amend the Resolution (*R2012-150*) previously adopted by the Board (*at the October 18, 2012, Regular Board Meeting*).

6. County Medicaid Costs

A. Board Discussion – The C/W was advised by Chairman Valentino that County Medicaid Costs will be discussed at the January 2013 Committee of the Whole Workshop; 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
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the December 11, 2012, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Employee Raises

- A. Board Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled *Escambia County Employee Raises*, presented by Amy Lovoy, Director, Management and Budget Services Department, and the C/W:

(1) Was advised by Ms. Lovoy that:

(a) The following three options are available to the Board:

- 1) Option 1 – Use one-time money to fund a recurring 3% Cost-of-Living Adjustment (COLA) raise for employees of the Board, Property Appraiser, and Supervisor of Elections; in Fiscal Year 2013-2014, the County would require either additional revenues or a reduction in force (RIF) to fund the recurring costs; the approximate cost for the entities listed above would be about \$1,400,000; the average cost of a County employee is about \$50,000; any raises granted to the employees of the Sheriff would be funded from the Sheriff's existing budget;
- 2) Option 2 – Use one-time money to fund a recurring 3% COLA for employees of the Board, Property Appraiser, Supervisor of Elections, and Sheriff; in Fiscal Year 2013-2014, the County would require either additional revenues or a reduction in force (RIF) to fund the recurring costs; the approximate cost for the entities listed above would be about \$3,200,000; 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
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the December 11, 2012, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

A. Continued...

(1) Continued...

(a) Continued...

3) Option 3 – Allow County employees under the Board's health insurance plan who have not received a lump sum payment to sell back accrued annual, PTO (*Paid Time Off*), or MOB (*Management Option Benefits*) leave; this would include employees of the Board, Tax Collector, Property Appraiser, Supervisor of Elections, and the Santa Rosa Island Authority; 40 hours of leave would cost about \$700,000; all employees would be required to maintain a balance of at least 100 hours; a one-time source of funds would be used to fund this one-time cost; attempt to build the Fiscal Year 2013-2014 budget with a COLA funded from recurring revenues; and

(b) The leave buyback would be paid from the rebates on the County's health insurance contract as a result of surpassing cost control benchmarks; 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
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the December 11, 2012, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

A. Continued...

(2) Was advised by Henrique Dias, Sheriff's Chief Financial Officer, that the Sheriff's Office will receive approximately \$500,000 from health care savings, which will be contributed toward the cost of the leave buyback for employees of the Sheriff's Office, with the remainder to be funded from the Sheriff's Internal Service Fund; and

B. Board Direction – The C/W recommends that the Board approve allocating \$1.4 million (*from rebates on the County's health insurance contract as a result of surpassing cost control benchmarks*) for the Board and (*approve*) a \$500,000 opportunity for the Sheriff's Office (*Option 3, as outlined in the PowerPoint Presentation*), and approve placing \$1 million in reserves for next year's insurance costs.

Recommended 5-0

(Continued on Page 22)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the December 11, 2012, C/W Workshop – Continued

ITEMS ADDED TO THE AGENDA IN THE MEETING

- 1. Chairman's Annual Appointments to Boards and Committees
 - A. Board Discussion – The C/W discussed changes to the Chairman's Annual Appointments to Boards and Committees, and was advised by Commissioner Barry that he will serve on the Early Learning Coalition and the Northwest Florida Regional TPO (*Transportation Planning Organization*), to which Commissioner Robinson was appointed, in exchange for Commissioner Robinson serving on the Downtown Improvement Board in his stead; and
 - B. Board Direction – The C/W recommends that the Board approve the following changes to the Chairman's annual appointments to Boards and Committees:
 - (1) Commissioner Valentino will replace Commissioner May on the West Florida Regional Planning Council
 - (2) Commissioner Barry will replace Commissioner Robinson on the Early Learning Coalition and the Northwest Florida Regional TPO
 - (3) Commissioner Robinson will replace Commissioner Barry on the Downtown Improvement Board
 - (4) Commissioner May will replace Commissioner Robinson on the Community Drug and Alcohol Commission

Recommended 5-0

(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
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the December 11, 2012, C/W Workshop – Continued

ITEMS ADDED TO THE AGENDA IN THE MEETING – Continued

- 2. FOR INFORMATION: The C/W:
 - A. Heard Commissioner Robinson disclose that:
 - (1) He owns a building for which he and Commissioner Barry are parties to a three-year lease agreement, and a copy of the lease has been provided to the County Attorney's Office; and
 - (2) In October 2012, he represented a business client who wants to acquire property in the vicinity of his existing business, and two of the vacant lots were owned by Commissioner May, one in partnership with another individual; however, he represented the business owner, and not Commissioner May;
 - B. Heard Commissioner Robertson disclose that he was appointed to the West Florida Regional Planning Council, which leases property from him; and

(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
- 1-5. Approval of Various Consent Agenda Items – Continued
5. Continued...
- D. Report of the December 11, 2012, C/W Workshop – Continued

ITEMS ADDED TO THE AGENDA IN THE MEETING – Continued

2. Continued...

C. Was advised by County Attorney Rogers that:

- (1) She has determined that Commissioner Robinson's relationships are legitimate, grandfathered contractual arrangements that are not an issue, and, if anyone needs access to the information, it is available in the County Attorney's Office; and
- (2) Commissioner Robertson's lease of property to the West Florida Regional Planning Council is a pre-existing lease arrangement that is not an issue.

AGENDA NUMBER – Continued

8. Adjourn

Chairman Valentino declared the C/W Workshop adjourned at 12:18 p.m.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – T. Lloyd Kerr, Director,
Development Services Department

I. PUBLIC HEARINGS

1. Rezoning Cases

Motion made by Commissioner Robertson, seconded by Commissioner Robinson, and carried unanimously, taking the following action concerning Rezoning Case Z-2012-28 heard by the Planning Board (PB) on December 10, 2012:

- A. Adopting the PB's recommendation and approving ID-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:

- (1) Case Number: Z-2012-28
Address: 6125 Arthur Brown Road
Property Reference Number: 11-4N-33-4100-000-000
Property Size: 9.69 (+/-) acres
From: VAG-1, Villages Agriculture, Gross Density (5 dwelling units per 100 acres on one-acre parcels)
To: ID-2, General Industrial District (non-cumulative)
FLU Category: AG, Agricultural
Commissioner District: 5
Requested by: Neal Bjorklund, Agent for Genesis Rail System
PB Recommendation: Approval

Speaker(s) – None.

(Continued on Page 26)

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 Barry, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Robertson abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), taking the following action concerning Rezoning Case Z-2012-29 heard by the Planning Board (PB) on December 10, 2012:

- A. Adopting the PB's recommendation and approving ID-CP, contingent on the adoption of a Comprehensive Plan Amendment (*5:46 p.m. transmittal Public Hearing; see Page 29*); 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-2012-29
- Address: 4810 West Nine Mile Road
- Property Reference Number: 04-1S-31-1101-000-000
- Property Size: 241.9 (+/-) acres
- From: AG, Agricultural District, Low Density
- To: ID-CP, Commerce Park District (cumulative)
(no residential uses allowed)
- FLU Category: REC, Recreation
- Commissioner District: 1
- Requested by: Michael Langston, PE, Agent for Navy Federal Credit Union
- PB Recommendation: Approval

Speaker(s) – None.

(Continued on Page 27)

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 Robertson, seconded by Commissioner Barry, and carried unanimously, taking the following action concerning Rezoning Case Z-2012-26 heard by the Planning Board (PB) on December 10, 2012:

- A. Adopting the PB's recommendation and approving ID-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-2012-26
- Address: 85 Stone Boulevard
- Property Reference Number: 14-1N-31-1001-007-002
- Property Size: 9.93 (+/-) acres
- From: ID-CP, Commerce Park District (cumulative)
- To: ID-2, General Industrial District (non-cumulative)
- FLU Category: I-Industrial
- Commissioner District: 5
- Requested by: Wiley C. "Buddy" Page, Agent for Michael O'Neill
- PB Recommendation: Approval

Speaker(s) – None.

For Information: The Board heard Commissioner Robinson disclose that his firm, Coldwell Banker United Realtors, has property for sale in the area; however, it is not within the 500-foot radius of the subject property, and he is not precluded from voting on this issue.

(Continued on Page 28)

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 Robinson, seconded by Commissioner Robertson, and carried unanimously, taking the following action concerning Rezoning Case Z-2012-09 heard by the Planning Board (PB) on December 10, 2012:

- A. Adopting the PB's recommendation and approving ID-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:

- (4) Case Number: Z-2012-09
- Address: 2006 Border Street
- Property Reference Number: 16-2S-30-2300-001-023
- Property Size: 2.23 (+/-) acres
- From: R-5, Urban Residential/Limited Office District (cumulative), High Density, and ID-1, Light Industrial District (cumulative) (no residential uses allowed)
- To: ID-1, Light Industrial District (cumulative) (no residential uses allowed)
- FLU Category: MU-U, Mixed Use-Urban
- Commissioner District: 3
- Requested by: Wiley C. "Buddy" Page, Agent for Rick Evans Contracting
- PB Recommendation: Approval

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

1. PUBLIC HEARINGS – Continued

2. 5:45 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner Barry, and carried 4-0, with Commissioner Robertson abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), adopting an Ordinance (*Number 2013-2*) to amend the Official Zoning Map to include the Rezoning Cases (*Z-2012-28, Z-2012-29, Z-2012-26, and Z-2012-09*) heard by the Planning Board on December 10, 2012, and approved during the previous agenda item, and to provide for severability, inclusion in the Code, and an effective date.

Speaker(s) – None.

3. 5:46 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner Barry, and carried 4-0, with Commissioner Robertson abstaining (*and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*), approving, for transmittal to the Department of Economic Opportunity (DEO), Comprehensive Plan Amendment (CPA) 2012-04 (Map), amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use Map designation (*of a parcel, totaling 241.9 [+/-] acres, located at 4810 West Nine Mile Road, from Recreation [REC] to Mixed Use-Urban [MU-U]*); at its December 10, 2012, Meeting, the Planning Board recommended approving transmittal of the Map Amendment to the DEO.

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

4. 5:47 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner Robertson, and carried unanimously, approving, for transmittal to the Department of Economic Opportunity (DEO), an Ordinance amending the Escambia County Comprehensive Plan 2030 consistent with Chapter 2011-139, Laws of Florida; removing the requirement to submit an annual update of the Capital Improvements Element to the State Planning Agency; at its December 10, 2012, Meeting, the Planning Board recommended approving transmittal of the Ordinance to the DEO.

Speaker(s) – None.

5. 5:49 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner May, and carried unanimously, adopting *(an Ordinance [Number 2013-3] approving)* Comprehensive Plan Amendment (CPA) 2012-02, amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use Map designation *(of a parcel, totaling 50.24 [+/-] acres, located off the north portion of Hanks Road and south of Ashcraft Road, from Recreational [REC] to Agricultural [AG])*; at the August 13, 2012, Planning Board Meeting, the Board recommended transmittal to the Department of Economic Opportunity (DEO); the Board of County Commissioners approved transmittal at the August 23, 2012, Meeting; on September 28, 2012, the County received a letter from DEO identifying no comments related to important state resources and facilities within the Agency's authorized scope of review.

Speaker(s) – None.

GROWTH MANAGEMENT REPORT – Continued

II. CONSENT AGENDA

1. Scheduling of Public Hearings

Motion made by Commissioner Robinson, seconded by Commissioner Robertson, and carried unanimously, authorizing the scheduling of the following three Public Hearings for Thursday, February 7, 2013:

- A. 5:45 p.m. – A Public Hearing to amend the Official Zoning Map to include the following Rezoning Case to be heard by the Planning Board on January 7, 2013:

Case Number: Z-2012-25
Addresses: 7008 West Jackson and 617 North 70th
Property Reference Numbers: 11-2S-31-5410-000-000 and 11-2S-31-5410-001-001
Property Size: .52 (+/-) acre
From: R-2, Single-Family District (cumulative), Low-Medium (*Density*) (7 dwelling units per acre)
To: R-6, Neighborhood Commercial and Residential District (cumulative), High Density (25 dwelling units per acre)
FLU Category: MU-U, Mixed Use-Urban
Commissioner District: 1
Requested by: Wiley C. "Buddy" Page, Agent for Freddy Powell

- B. 5:46 p.m. – A Public Hearing – LDC Ordinance, Article 13, "Signage," Regulation of Signs and Outdoor Displays (originally consented for Public Hearing on January 3, 2013, but postponed by the Planning Board at the request of the Paolo Ghio, at the December 10, 2012, Planning Board Meeting, for further review at the January Planning Board Meeting); and
- C. 5:47 p.m. – A Public Hearing – Adopting Comprehensive Plan Amendment (CPA) 2012-06 (Text) – An Ordinance amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan 2030, as amended; amending Future Land Use Element MU-PK.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – George Touart, Interim County Administrator

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-15. Approval of Various Consent Agenda Items

Motion made by Commissioner Robertson, seconded by Commissioner Robinson, and carried unanimously, approving Consent Agenda Items 1 through 15, as follows, with the exception of Item 14, which was held for a separate vote, as amended to drop Item 3:

1. Declaring surplus, and authorizing the disposition of, all the assets shown in the Escambia County Surplus Items listing provided; all assets listed will have a \$250 trade-in value for upgraded units.
2. Authorizing the scheduling of a Public Hearing for January 17, 2013, at 5:32 p.m., to amend the Fiscal Year 2012-2013 Budget to include the fund balance carry forwards.
3. Dropping the recommendation that the Board authorize the scheduling of a Public Hearing for January 17, 2013, at 5:33 p.m., to consider the adoption of an Ordinance creating the Water Oaks Drainage Improvement MSBU (Municipal Services Benefit Unit).
4. Approving the reappointment of Dr. Neil Carter Davis to the West Florida Public Library Board of Trustees, effective per the end date of his previous appointment, November 21, 2012, through the anticipated Board of Trustees sunset date of September 30, 2013.
5. Confirming the appointment of Linda J. Lambert as the District 5 representative to the Escambia County Animal Services Advisory Committee, with the term of appointment to begin January 3, 2013, and run concurrent with the term of Commissioner Steven L. Barry, or at his discretion.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-15. Approval of Various Consent Agenda Items – Continued

6. Taking the following action concerning the County's acceptance of property for retention pond purposes on Olive Road, and property for a boat ramp project on Mobile Highway, from the Florida Department of Transportation (FDOT); the County's Olive Road East Project, a road and drainage improvement project, is currently in design; the County has an existing retention pond located near the intersection of Olive Road and Johnson Avenue; FDOT owns a vacant 3.5-acre parcel adjacent to the County pond parcel; because the design for this project indicates the need for additional stormwater capacity in this area, at the County's request, FDOT has agreed to convey this property to the County and has provided a Quit Claim Deed to convey this parcel; the County also recently acquired property on Mobile Highway at Perdido River for a public boat ramp project; after acquiring the property, it was discovered that FDOT actually owned more right-of-way on Mobile Highway than previously thought; at the County's request, FDOT has agreed to convey to the County the portion of the Mobile Highway right-of-way (approximately 1.044 acres) abutting the recently acquired County property; FDOT has provided a Quit Claim Deed to convey this property; Board acceptance is required for the conveyance of these properties to the County (funds for the recording of documents for these projects are available in the Engineering Escrow Account accessible by the Clerk's office):
 - A. Accepting the transfer of real property from FDOT for retention pond purposes on Olive Road;
 - B. Accepting the transfer of real property from FDOT for a boat ramp project on Mobile Highway;
 - C. Authorizing the payment of incidental expenses associated with the recording of the documents; and
 - D. Authorizing the Chairman or Vice Chairman to sign any documents, subject to Legal review and sign-off, necessary to complete the acceptance of these properties.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-15. Approval of Various Consent Agenda Items – Continued

7. Taking the following action concerning the adoption of a Maintenance Map for a portion of 69th Avenue, in the Myrtle Grove area, totaling approximately 4,000 feet in length; the County has maintained a portion of 69th Avenue in the Myrtle Grove area, totaling approximately 4,000 feet in length, as depicted on the Map; Chapter 95.361, Florida Statutes, asserts public ownership of certain rights-of-way maintained by the County; the Statute, "Roads presumed to be dedicated," contains three key qualifications, any of which may provide Public ownership of the subject roads: (1) four years of uninterrupted maintenance, together with proof that the County originally constructed the road; (2) proof that the road was regularly maintained or repaired for the immediate past seven years by the County; or (3) a Map filed in the office of the Clerk of Court reciting that the road has been vested in the County in accordance with either items (1) or (2) above; Map numbered 4489, Sheets 1 and 2, depicting the extent of County Maintenance, was produced under the supervision of the County Engineer; by signing the Map, the road Maintenance Supervisor has certified that the County has maintained the road for more than the required seven years, and that the extent of maintenance shown is accurate; based upon archived records and personal experience, Road Division staff acknowledges continuous maintenance for over seven years; upon approval by the Board, the Clerk of Court will file the Map in the Public Records, as described in Florida Statutes, Chapter 95.361:
 - A. Adopting a Maintenance Map, prepared by Merrill Parker Shaw, Inc., Project Number 4489, for a portion of 69th Avenue, approximately 4,000 feet in length, lying between Lillian Highway and Fairfield Drive; this Map delineates the extent of County Maintenance to define County property in areas where the County maintains roads without having deeded right-of-way;
 - B. Approving said areas shown on the Map for continued maintenance, pursuant to Florida Statutes, Chapter 95.361; and
 - C. Authorizing the Chairman or Vice Chairman to accept the Map as of the day of delivery of the Map to the Chairman or Vice Chairman, and authorizing the Chairman or Vice Chairman to execute the Map for recording at that time.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-15. Approval of Various Consent Agenda Items – Continued

8. Taking the following action concerning an appointment to the Escambia County Extension Council:

A. Appointing Larry A. Daniel, replacing Julie Boutwell for Mrs. Boutwell's remaining term of service, effective January 3, 2013, through November 30, 2014:

<u>ZONE</u>	<u>NAME AND ADDRESS</u>
6	Larry A. Daniel, 1504 Hunters Creek Drive, Cantonment, FL 32533

B. Approving to request that the County Administrator's Office provide a letter of appointment to Larry A. Daniel and a letter of appreciation to Julie Boutwell.

9. Ratifying the Chairman's signature on the *Provider Agreement*, as a condition for Escambia County Board of County Commissioners/Escambia County EMS (Emergency Medical Services) to continue to participate as a Provider under the Alabama Medicaid Program, with the provision that any litigation concerning any part of the Agreement shall be conducted in either the Circuit Court of Montgomery County, Alabama, or the United States District Court for the Middle District of Alabama, Northern Division.

10. Authorizing the scheduling of a Public Hearing for January 17, 2013, at 5:34 p.m., for consideration of the renewal of a *Permit to Construct and/or Operate a Construction and Demolition Debris Facility*, for South Palafox Properties, LLC, d/b/a Rolling Hills C&D Recycling Center, located at 6990 Rolling Hills Road, Pensacola, Florida (Funding: Fund 401, Solid Waste Fund, Account Number 343402).

11. Authorizing the scheduling of a Public Hearing for January 17, 2013, at 5:35 p.m., for consideration of the issuance of a *Permit to Construct and/or Operate a Land Clearing Disposal Management Facility*, for Sand & Dirt, Inc., d/b/a Brickton Borrow Pit/LCD Facility, located at 8800 North Highway 29, Molino, Florida (Funding: Fund 401, Solid Waste Fund, Account Number 343402).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

- 1-15. Approval of Various Consent Agenda Items – Continued
12. Taking the following action concerning the District 5 appointee to the Escambia County Mass Transit Advisory Committee (MTAC); the previous District 5 representative, Jeffery S. Overhalser, resigned his appointment; Jonathan Michael Pytynia has submitted his Resume expressing interest in the appointment to serve on the Escambia County MTAC:
 - A. Confirming the appointment of Jonathan Michael Pytynia as the District 5 representative to the Escambia County Mass Transit Advisory Committee, with an appointment term effective January 3, 2013, and running concurrently with the term of Commissioner Steven L. Barry; and
 - B. Approving to request that the County Administrator's Office provide a letter of appointment to Jonathan Michael Pytynia and a letter of appreciation to Jeffery S. Overhalser for his service.
13. Approving the *Request for Disposition of Property* Form for the Public Defender's Office, for equipment which is described and listed on the Disposition Form; the listed items are obsolete, are in excess, and have been found to be of no further usefulness to the County.
14. See Page 37.
15. Confirming Chairman Gene M. Valentino's annual appointment of Commissioner Lumon J. May to the Community Action Program Committee, Inc., for 2013.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

14. Renaming of Escambia County Governmental Complex

Motion made by Commissioner Robinson, seconded by Commissioner May, and carried 4-1, with Commissioner Valentino voting "no," taking the following action concerning the renaming of the Escambia County Governmental Complex:

- A. Rescinding the Board's action of October 18, 2012, adopting the Resolution (R2012-149) naming the Escambia County Governmental Complex as the "Ernie Lee Magaha Building"; and
- B. Adopting the Resolution (R2013-1) renaming the Escambia County Governmental Complex as the "Ernie Lee Magaha Government Building."

II. BUDGET/FINANCE CONSENT AGENDA

1-9. Approval of Various Consent Agenda Items

Motion made by Commissioner Robinson, seconded by Commissioner Barry, and carried unanimously, approving Consent Agenda Items 1 through 9, as follows, with the exception of Items 3 and 4, which were held for separate votes:

- 1. Adopting the Resolution (R2013-2) approving Supplemental Budget Amendment #051, General Fund (001) and Economic Development Fund (102), in the amount of \$297,000, to recognize an increase in funding for Economic Development and the Sheriff's Fiscal Year 2012-2013 Budget, and to appropriate these funds for Economic Development and Law Enforcement activities in Escambia County.
- 2. Adopting the Resolution (R2013-3) approving Supplemental Budget Amendment #058, Other Grants and Projects Fund (110), for a reduction in the amount of \$1,612, and to reduce the Cost Center balance in the Supplemental Nutrition Assistance Program Grant, since the actual Grant amount was less than budgeted.
- 3. See Page 40.
- 4. See Page 40.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

5. Taking the following action concerning the acceptance of a parcel of real property in the Magnolia Lake Estates area from U.I.L. Family Limited Partnership; U.I.L. Family Limited Partnership is the owner of a parcel of property (approximately 3.86 acres) located north of Magnolia Lake Estates and east of Chemstrand Road; the property is undeveloped and abuts other County retention pond parcels, is impacted by wetlands, and the owner has no interest in pursuing development of this property; the owner has offered to donate this property to the County; County staff has reviewed this request and determined that there may be a future benefit to the County to own this property, either for stormwater drainage purposes or wetland mitigation, and has no objection to the County's acceptance of this property; Board approval is required to authorize staff to proceed with the acquisition, and for the Board's acceptance of the donated property (Funding: funds for incidental expenses associated with the recording of documents are available in an Engineering Escrow Account accessed by the Escambia County Clerk's Office):
 - A. Authorizing staff to negotiate and resolve any matters related to, or associated with, the acceptance of the donation of a parcel of real property (approximately 3.86 acres), in the Magnolia Lake Estates area, from U.I.L. Family Limited Partnership, to gather information, and to conduct inspections, as needed, to allow for the Board's acceptance of the real property;
 - B. Authorizing the payment of documentary stamps because the property is being donated for governmental use, which is for stormwater drainage, and the County benefits from the acquisition of this property because it facilitates the maintenance of the stormwater drainage system in this area, which enhances the health and well-being of the citizens of Escambia County;
 - C. Authorizing the payment of incidental expenditures associated with the recording of documents; and
 - D. Authorizing staff to prepare, and the Chairman or Vice Chairman to accept, the Deed as of the day of delivery of the Deed to the Chairman or Vice Chairman, and authorizing the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

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

6. Approving the issuance of a Purchase Order to Medical Priority Consultants, Inc. (d/b/a Priority Dispatch/Protocol Support), in the amount of \$58,454, for the purchase of emergency fire call-taking (Emergency Fire Dispatch Protocol) software, annual maintenance for one year, and training for 30 employees (Funding Source: Fund 145, E-911 Operations, Cost Center 330404, E-911 Communications).
7. Approving to extend the Contract for Collections Services for Escambia County Public Safety EMS (Emergency Medical Services), PD 08-09.014, for a 12-month period, effective February 5, 2013, to United Collection Service, Inc., under the current terms and conditions (Funding Source: Fund 408, Emergency Medical Service, Cost Center 330603, EMS Billing Business Ops, Object Code 53401).
8. Approving and authorizing a Purchase Order, in the amount of \$124,888.53, to Accela, Inc., for proprietary annual software maintenance for Escambia County (Funding: Fund 001, General Fund, Cost Center 270109, IT Applications – \$62,444.26; and Fund 406, Building Inspections Fund, Cost Center 250101, Permitting – \$62,444.27).
9. Taking the following action concerning Supplemental Budget Amendment #52 and the payment of legal fees associated with the Portofino Valuation Lawsuit:
 - A. Adopting the Resolution (*R2013-4*) approving Supplemental Budget Amendment #52, General Fund (001) and the Debt Service Fund (203), in the amount of \$0, to eliminate the payment back to the Santa Rosa Island Authority for the Commercial Leaseholders Economic Incentive Fund, in the amount of \$216,666, and to utilize the funds freed up for the payment of legal fees associated with the Portofino Valuation Lawsuit; in addition, another \$26,543 will be moved from the Santa Rosa Island reserves to be used for these legal fees; and
 - B. Approving payment, in an amount not to exceed \$243,209, for court-ordered legal fees associated with the Portofino Valuation Lawsuit.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

3. Escambia County 4-H Center

Motion made by Commissioner Robinson, seconded by Commissioner Barry, and carried unanimously, awarding a Lump Sum Contract to Hernandez • Calhoun Design International, Architecture • Engineering, per the terms and conditions of PD 12-13.003, Architect & Engineering Services for New Escambia County 4-H Center, in the amount of \$170,000, with the provision that the (*cost of the*) building will not exceed \$1.5 million and that IFAS (*University of Florida Institute of Food and Agricultural Sciences*) will provide to Escambia County the vision for all its programming within Escambia County, including livestock (Funding: Fund 352, Local Option Sales Tax III, Cost Center 110267, Project Number 12PF1675).

Speaker(s):

Jacob R. Gilmore

4. Pensacola Sports Association

Motion made by Commissioner Robinson, seconded by Commissioner Barry, and carried unanimously, taking the following action concerning approval of the Fiscal Year 2012-2013 Miscellaneous Appropriations Agreement between Escambia County and the Pensacola Sports Association, Inc.:

- A. Approving the Miscellaneous Appropriations Agreement between Escambia County and the Pensacola Sports Association, Inc., in the amount of \$50,000, to be paid from the 3rd Cent Tourist Promotion Fund (108), Cost Center 360101;
- B. Authorizing the Chairman to sign the Agreement and all other necessary documents; and
- C. Authorizing the approval of the necessary Purchase Order.

For Information: The Board heard Commissioner May disclose that he previously served on the Pensacola Sports Association (PSA) Board and, although he no longer serves on the Board, his non-profit receives funding from PSA for one special event; however, according to the County Attorney, he is not precluded from voting on this issue.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION

1. PEDC Appointment

Motion made by Commissioner Robinson, seconded by Commissioner May, and carried unanimously, appointing M. Blaise Adams to the Pensacola-Escambia Development Commission (PEDC), for a two-year term, effective January 3, 2013, through January 2, 2015.

2. Fee Simple – Pensacola Beach

Motion made by Commissioner Robinson, seconded by Commissioner Barry, and carried unanimously, approving, concerning the Fee Simple issue relative to leaseholders on Pensacola Beach, to allow the County's Federal Lobbyist, Marion Turner, to begin a process, that would be looking at fee simple interest, with members of Congress, both the House of Representatives and the Senate, so that County Attorney Rogers and Interim County Administrator Touart can begin discussions with the Lobbyist.

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

I. FOR ACTION

1. RESTORE Act Advisory Committee

Motion made by Commissioner Robinson, seconded by Commissioner May, and carried unanimously, adopting the Resolution (*R2013-5*) increasing the membership of the RESTORE Act Advisory Committee and revising the quorum requirements for the Committee, as amended to revise Page 2, Paragraph 6, Section 2, of the Resolution to read "An individual appointed by the City of Pensacola, as selected by the Mayor and ratified by the City Council."

COUNTY ATTORNEY'S REPORT – Continued

II. FOR INFORMATION

1. Information Report

Motion made by Commissioner Robinson, seconded by Commissioner May, and carried unanimously, accepting the following informational report concerning Charlie Mullins and Earl Rhodes v. Board of County Commissioners and Board of Adjustment, Case No. 2012 CA 000621:

"On May 18, 2012, a summons and complaint was served on Escambia County and the Board of Adjustment by Charlie Mullins and Earl Rhodes who live in close proximity to a salvage yard and metal shredding machine in operation at 1751 North Green Street in Pensacola, Escambia County, Florida. Simultaneous with this filing, Mr. Mullins and Mr. Rhodes also sued the owners and operators of the salvage yard and metal shredder which is still pending in the Circuit Court. In the case filed against the County and the Board of Adjustment, the Plaintiffs alleged that their rights to due process under the Florida and federal Constitutions were violated because the notice given by the Board of Adjustment prior to granting a conditional use was defective in that pertinent facts were omitted. They argued had they known of the true facts of the use for which the property would be put, they could have appeared at the BOA hearing and objected.

This office filed a motion to dismiss alleging several grounds including the expiration of the statute of limitations, sovereign immunity, and that Plaintiffs were not entitled to relief under any Florida or federal statute or Florida or federal Constitution based on the facts alleged in their complaint. On December 14, 2012, the Plaintiffs voluntarily dismissed their case without prejudice. Because the statute of limitations has expired on their claims, assuming that there were any valid claims, Plaintiffs are barred from filing suit in state or federal court against Escambia County or the Board of Adjustment a second time based on the allegations of their complaint. Effectively, this case is now at an end."

ITEMS ADDED TO THE AGENDA – None.

ANNOUNCEMENTS – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ADJOURNMENT

There being no further business to come before the Board, Chairman Valentino declared the Regular Meeting of the Board of County Commissioners adjourned at 7:08 p.m.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

ATTEST:

Pam Childers
Clerk of the Circuit Court & Comptroller

By: _____
Gene M. Valentino, Chairman

Deputy Clerk



Approved: January 17, 2013