AGENDA ITEMS

1. **Call to Order**

   Chairman May called the Committee of the Whole (C/W) Workshop to order at 10:34 a.m.

2. **Was the Meeting Properly Advertised?**

   The C/W was advised by DeLana Allen-Busbee, Administrative Specialist, Clerk and Comptroller’s Office, that the meeting was advertised in the *Pensacola News Journal* on December 8, 2018, in the Board’s Weekly Meeting Schedule.
3. **Lease Fees/Property Taxes on Pensacola Beach**

A. Board Discussion – The C/W viewed and discussed a PowerPoint presentation, which was also provided in hard copy, entitled *Beach Lease Renewal Discussion – Can we do a better job upon lease renewal?*, presented by Commissioner Bergosh, and the C/W:

(1) Was advised by Commissioner Bergosh that:

(a) Beach Club and Emerald Isle Condominiums both have 128 units on the Gulf, they pay property taxes only on the improvements, and they pay a lease fee for the ground the condos sit on;

(b) For Beach Club, the payment equates to $184.33 per unit; for Emerald Isle, the payment equates to $512.58 per unit; and both leases were renegotiated in 2016;

(c) In comparison, fees on Perdido Key for equivalent properties are significantly higher, with thousands of dollars in tax difference;

(d) If compared to equivalent Perdido Key properties over the 99 year life of the lease, there is $41,272,704 in lost revenue from Emerald Isle, and $50,827,392 in lost revenue from Beach Club, which equates to over $92,000,000 in lost revenue for Escambia County and the Santa Rosa Island Authority (SRIA);

(e) The Sheriff and mosquito Municipal Services Taxing Unit generates $893,000 in revenue on the island, whereas the costs are $910,227, and mainland Escambia County ends up covering the difference;

(f) The Fire Municipal Services Benefit Unit also falls short in covering the budget, but this difference is paid for by the SRIA;

(Continued on Page 3)
3. Continued…

   A. Continued…

      (1) Continued…

         (g) He proposes a standardized lease renewal process, which should be required to be either:

            1) Perpetually renewing, which courts have determined will pay ad valorem taxes on property and improvements; or

            2) Renegotiable at 99 year increments, which will preclude ad-valorem taxation, but such leases will, and should, pay a market rate lease fee to SRIA for the land portion of the property, complete with escalation clauses worked into the renewal to ensure the lease fees keep pace with inflation;

         (2) Was advised by Commissioner Bender that during litigation concerning leases, the SRIA was given direction to cut lease fees, direction has not been given to increase those fees to date, and 50% of property owners are paying lease fees, property tax, and improvements on their land;

         (3) Was advised by Acting County Administrator Amy Lovoy, that Escambia County subsidizes approximately $2.5 million for public works and public safety annually for the island, in addition to costs for other services;

         (4) Was advised by The Honorable Chris Jones, Escambia County Property Appraiser, that the difference in the millage rate for mainland Escambia County and Pensacola Beach is around ½ to ¾ mills; in 1975, the courts designated a 99 year lease as tantamount to ownership for taxation purposes; and in 1980 this was changed to 100 year leases, which removed all 99 year leases from the tax roll;

         (5) Was advised by Paolo Ghio, Executive Director, SRIA, that the lease fees collected are put back into improvements on the island; that the beach is enjoyed by all citizens of Escambia County, not only Pensacola Beach residents; he is open to direction from the Board; and that leases have escalator clauses built in to provide for increases;

         (Continued on Page 4)
AGENDA ITEMS – Continued

3. Continued…
   
   A. Continued…

   (6) Was advised by Commissioner Barry that he is not aware of an escalator clause being in most leases, that the County and the SRIA should be working together and have a healthy relationship, and that the inequities that exist on the island need to be eliminated;

   (7) Was advised by Wes Moreno, Director, Roads and Bridges, that the County provides resources to the island, such as heavy equipment, to assist in projects, and that his team partners with SRIA to get projects completed;

   (8) Was advised by Commissioner Bender that at the November SRIA meeting, the board discussed taking the lease fees back to 100%, but have taken no action; that he is open to looking towards the solution and coming up with a resolution; and that he would like to know how many leases have the Consumer Price Index clause;

   (9) Was advised by Commissioner Underhill that, in his opinion, residential land lording is not the practice of the Board, the Board did give direction to the SRIA to reduce lease fees, the lease program was originally to promote development of the barrier island, and he would be cautious to take any action that would cause challenges to homeownership and financing;

   (10) Was advised by Commissioner Barry that Commissioner Bergosh’s presentation, or something close to it, is something he could support, and he would like to see an item concerning freezing lease renewals brought to the January 10th Board meeting; and

   (11) Was advised by Commissioner May that he would support creative solutions to this issue; and

   B. Board Direction – None.

   Speaker(s):

   Dianne Krumel
   Liz Hewson
   Melissa Pino
AGENDA ITEMS – Continued

4. Escambia-Pensacola Human Relations Commission

A. Board Discussion – The C/W viewed and discussed a PowerPoint presentation, which was also provided in hard copy, entitled Escambia-Pensacola Human Relations Commission; 44 Years of Service; Citizen Focused; Results Oriented, which outlined the establishment and the duties of the Commission, presented by Rebecca Hale, Executive Director, Escambia-Pensacola Human Relations Commission (EPHRC), and the C/W:

(1) Was advised by Commissioner May that he is open to changes, but does not support bringing the EPHRC in house, and that the service provided is so important to the community;

(2) Was advised by Ms. Hale that, in her opinion, a better relationship with the Board would make the EPHRC more effective and that the lack of participation from the County and City is a problem;

(3) Was advised by Commissioner Barry that he would like the Board to consider putting out an RLI (Request for Letters of Interest) to provide the services of the EPHRC to the community; there was a lack up backup for financial statements and that there is not a sufficient system of checks and balances; and he agreed that the service was absolutely needed;

(4) Was advised by Commissioner Underhill that there is an absolute need to have a fair housing officer and advocate for citizens; he relies on staff to respond immediately to issues in the County that he is made aware of; he struggles with how to get tasks done proactively instead of responding once a problem arises; he does not support continuing to use EPHRC in their current role; and he would like to see the functions of EPHRC brought in-house, but is open to other options;

(5) In response to Commissioner Bender, was informed by Ms. Hale that cases are still being worked and that the EPHRC conducts workshops, attends and conducts speaking engagements, holds events, appears on the radio, and participates in other activities to reach out to the community about the services available;

(Continued on Page 6)
4. Continued…

   A. Continued…

   (6) Was advised by Commissioner May that the EPHRC is important in the community, segregation of duties is an issue, he does not believe that the problems lie in lack of direction from the Board, all boards need oversight and improvement, he recommends that the Board become more engaged and seat a whole new board of directors of the EPHRC, and he is willing to serve as a member on the board if he is legally able to and report feedback to the Board of County Commissioners;

   (7) Was advised by Commissioner Barry that he supports Commissioner May’s proposal, as it serves a similar purpose to his proposal of the RLI;

   (8) Was advised by Commissioner Underhill that he is supportive of Commissioner May’s proposal as it would enable oversight and support from the County’s legal and budget staff;

   (9) Was advised by Commissioner May that he would bring something more specific forward after working with County Attorney Rogers; and

   (10) Heard consensus from the Board to fund EPHRC through the end of March; and

   B. Board Direction – None.

Speaker(s):

Kathy Wilks
Anita Hemphill
Cheryle Allen
AGENDA ITEMS – Continued

5. **New Escambia County Correctional Facility Progress Report**

   A. Board Discussion – The C/W viewed and discussed a PowerPoint presentation, which was also provided in hard copy, entitled *New Escambia County Correctional Facility Progress Update*, presented by Steve Jernigan, Bay Design, and Bob Dye, Interim Facilities Director, and the C/W:

   (1) Was informed by Mr. Jernigan that:

      (a) The project is going very well, the backfill work is currently going on, the Juvenile Justice parking lot is scheduled to be paved on December 13, 2018, permits have been issued for all architectural structural items, and the mechanical and electrical permits are close to being approved;

      (b) The project team continues to have weekly updates; and

      (c) The project is on budget and on schedule;

   (2) Was advised by Director Dye that substantial completion is anticipated by May of 2020, and that, at Commissioner May’s request, he will provide information on local hiring;

   (3) In response to Commissioner Underhill’s inquiry, was informed by Rich Powell, Corrections Director, that it will take between three and six months for the first inmates to move into the new facility, and that upon opening the new facility, it is expected to be at almost 100% capacity; and

   B. Board Direction – None.

   (COMMISSIONER BERGOSH WAS ABSENT DURING DISCUSSION OF THIS ITEM)
AGENDA ITEMS – Continued

6. Alcohol Sales Measurement

Chairman May advised that this item was dropped from the agenda.

7. Protected Tree Ordinance Review

A. Board Discussion – The C/W viewed and discussed a PowerPoint presentation, which was also provided in hard copy, entitled Protected Tree Ordinance Review, presented by Tim Day, Environmental Programs Manager, and Jimmie Jarratt, County Certified Arborist, and the C/W:

(1) Was advised by Ms. Jarratt that:

(a) The intent of the current Tree Ordinance is to promote the environmental and community benefits of a healthy, diverse, and well managed urban forest;

(b) More specifically, LDC Article 7, Section 5-7.1, intends to improve the appearance and character of developed lands and built environments through the preservation of existing trees; requires the type and quality of trees that are to be planted to prevent the unhealthy decline of existing trees; encourages appropriate removal of trees through objective criteria based on review; addresses compensation for the loss of benefit of removal of trees; emphasizes the use of native trees for reduced irrigation and improved plant establishment; increases the diversity of age and species among tree for urban forest health; and increases the proportion of wind-resistant trees to make future storms less devastating;

(Continued on Page 9)
7. Continued…

A. Continued…

(1) Continued…

(c) Staff made assessments concerning whether current codes are meeting the objectives of the County, and from October 1, 2017, to September 30, 2018, there were:

- Approximately 1,422 acres approved for commercial development
- 37% of projects removed protected trees
- 56% of protected trees were removed for development (712 of 1266 trees)
- 68% reached cap mitigation (25 caliper inches/acre)
- 1,078 mitigation trees required (2.5” caliper trees)
- 1.5 mitigation trees required per protected tree removed
- 17% of heritage tree removed (2 of 12)
- No apparent relationship between size of tree and likelihood of removal for trees less than 60” DBH (Diameter at Breast Height)

(d) In the same time period, 13 Final Subdivision Plats were approved on 206 acres, and one heritage tree was removed;

(e) There are similarities and differences between Escambia County’s Tree Ordinance and other neighboring municipalities;

(f) Citizens have provided comments and recommended improvements on the County’s current Tree Ordinance;

(2) Was advised by Chips Kirschenfeld, Natural Resources Management Director, that the current Ordinance is about 20 years old;

(3) Was advised by Commissioner Underhill that, in his opinion, the current Ordinance seems to be meeting the goals that were initially set and keeping a balance;

(4) Was advised by Mr. Day that the current Ordinance does do a good job of striking a County-wide balance;

(Continued on Page 10)
A. Continued…

(5) Was advised by Director Kirschenfeld that, since the Ordinance is over 20 years old, staff could take a look at it and come back to the Board with a few minor recommendations, but all in all, the County’s Ordinance fits well in the scheme of neighboring municipalities;

(6) Was advised by Commissioner Underhill that he expects that if adjustments need to be made to any ordinance, it is inherent in the job title for department heads as subject-matter experts;

(7) Was advised by Ms. Jarratt that the current Ordinance addresses many issues and has leniency; the Ordinance is only for commercial property; only heritage trees are protected on residential property; the canopy is being skewed towards newer and weedier trees; she recommends some protection for live oaks at a smaller size; the quality of the trees is important, not just the size; and six percent of trees proposed for development are greater than 36” in size;

(8) Was advised by Mr. Day that the tree table used for tracking trees starts at 12 inches;

(9) Was advised by County Attorney Rogers that any changes would have to go back to the Planning Board;

(10) Was advised by Commissioner Barry that he is open to reducing the size of heritage trees to 36”;

(11) Was advised by Director Kirschenfeld that the Board might consider looking at the residential exemption and that he will get additional data on tree size;

(12) Was advised by Commissioner Bender that he would like to see additional data and he is open to the reduction of size of heritage trees;

(13) Was advised by Commissioner Underhill that he would like to see something in writing showing that the canopy is being skewed and that several smaller trees could possibly have more value years down the road than one large tree;

(Continued on Page 11)
7. Continued…

B. Board Direction – None.

Speaker(s):

Margaret Hostetter
John Smith
Shelby Johnson
David Peaden

(COMMISSIONER BERGOSH WAS ABSENT DURING DISCUSSION OF THIS ITEM)


This agenda item was not discussed.

9. Ordinance Amending Structure Setbacks and Minimum Lot Widths (Referred from 11/1/18 – 5:47 p.m. Public Hearing

This agenda item was not discussed.

10. Discussion on CSX

A. Board Discussion – The C/W discussed the issue of CSX trains blocking County roads, and the C/W:

(1) Was advised by Commissioner Barry that:

(a) Quality of life is impacted by being stopped for excessive periods of time by trains on Muscogee Road and Highway 29;

(b) As Federal rules and regulations have allowed for longer trains, he now has 5-6 neighborhoods being completely blocked to any vehicles coming in or out, including emergency vehicles;

(c) Despite a history of federal law pre-empting local ordinances and State statutes, he has a duty to his constituency whose personal safety and quality of life is being harmed;

(Continued on Page 12)
AGENDA ITEMS – Continued

10. Continued…

A. Continued…

(1) Continued…

(d) He plans to sit down with Senator Doug Broxson and CSX in January for a conversation about issues in Escambia County and plans to provide the other Commissioners with 40 pages of comments from citizens regarding the blocked roads; and

(e) If he is unable to work in partnership with CSX on this issue, he would like to have someone definitively say that the County cannot enforce the statutes and ordinances regarding blocked roads;

(2) Was advised by Commissioner Underhill that he supports creating a better synergy between different layers of government and would be interested in discussing options such as bridges over tracks or the creation of roads to unblock access;

(3) Was advised by Commissioner Bender that he is supportive, has the same issues on Airport Boulevard, and that any improvement would be welcome;

(4) Was advised by Commissioner Barry that there is a real cost, whether in lost wages or productivity, to citizens waiting for a train to clear a blocked road for lengthy stretches of time and that he intends to push this issue until utter failure;

(5) Was advised by Colby Brown, Public Works Deputy Director, that his department is looking at options, such as beacons advising of blocked roads, and partnering with Pensacola Christian College (PCC) to solve the problem;

(6) Was advised by Commissioner Underhill that the impact on wages and loss of business could be significant and that PCC is on the record as ready to assist with a bridge;

(7) Was advised by Commissioner May that he has similar issues in his district, and that he would like Colby Brown to begin a conversation with PCC to resolve the issues on Airport Boulevard;

(Continued on Page 13)
AGENDA ITEMS – Continued

10. Continued…
   
   A. Continued…

   (8) Was advised by Commissioner Bender that PCC did mention a bridge and notification boards in his conversations with them, and that he would be willing to take the lead in reaching out to them;

   (9) Was advised by Commissioner Underhill that this issue needs to show up as an amendment to the Transportation Planning Organization priority list; and

   (10) Was advised by Commissioner Barry that he would like to bring back to the January 10th Regular Board Meeting a discussion of enforcing County fines of railroads that block roads for more than 15 minutes; and

B. Board Direction – None.

(COMMISSIONER BERGOSH WAS ABSENT DURING DISCUSSION OF THIS ITEM)

11. Tent Pop-Up Auto Sales
   
   A. Board Discussion – The C/W discussed two versions of an Ordinance related to Tent Pop-Up Auto Sales, which were also provided in hard copy, and the C/W:

   (1) Was advised by Commissioner Bergosh, prior to his departure, that he is in support of strengthening the Ordinance;

   (2) Was advised by Commissioner Barry that he supports option 1, which is the stronger version of the Ordinance, and recommends sending this version to the Planning Board;

   (3) Was advised by County Attorney Alison Rogers that additional language might be needed;

   (4) Was advised by Commissioner Underhill that this industry is heavily regulated at the state level, in his opinion the LDC does not exist for the purpose of protecting market share, citizens are not being harmed, and that it was already kicked back by the Planning Board;

(Continued on Page 14)
11. Continued…

A. Continued…

(5) Was advised by County Attorney Rogers that the Ordinance does require a recommendation from the Planning Board and at least one Public Hearing before this Board;

(6) Was advised by Commissioner Bender that he does support sending the Ordinance to the Planning Board; and

(7) Requested that staff send option 1 back to the Planning Board; and

B. Board Direction – None.

(COMMISSIONER BERGOSH WAS ABSENT DURING DISCUSSION OF THIS ITEM)

12. Wheelchair Ramp Partnership Pilot Project

A. Board Discussion – The C/W viewed and discussed a PowerPoint presentation, which was also provided in hard copy, entitled Wheelchair Ramp Partnership Pilot Project, presented by Meredith Reeves, Neighborhood Enterprise Manager, and the C/W:

(1) Was advised by Ms. Reeves that:

(a) Partners that have been discussed relative to wheelchair ramp installation are: Civitan International Foundation, Council on Aging of West Florida, Habitat for Humanity, and Ray of Hope;

(b) Obstacles to doing more ramps are lack of volunteers and material costs; and

(c) The County funds the materials and the partners provide the volunteer work for income-eligible citizens;

(2) Was advised by Commissioner Barry that he is open to working with any agencies and that there is a holistic value to the community in installing these ramps;

(Continued on Page 15)
12. Continued…

A. Continued…

(3) Was advised by Commissioner May that he would like to add AMI Boy’s Institute as a partner and that he has an upcoming meeting regarding wheelchair ramps with youths building the ramps;

(4) Was advised by Rusty Branch, Civitan Club President, that they just completed ramp number 473 and that they need volunteers and funding;

(5) Was advised by Commissioner Barry that this presents a chance to partner with an organization that already has a system in place and it would let the dollars go farther;

(6) Was advised by Commissioner May that he would like to also have youth constructing small structures in County parks to teach young people to build and other valuable trades;

(7) Was advised by Commissioner Underhill that he would like to see multiple partner agencies, he approves of the process and funding outlined in the PowerPoint presentation, and that a healthy lifecycle includes residents staying in their homes as long as possible; and

(8) Was advised by Commissioner Bender that he believes this to be a valuable services and will support it in any way he can; and

B. Board Direction – None.

(COMMISSIONER BERGOSH WAS ABSENT DURING DISCUSSION OF THIS ITEM)

13. Mobility Enhancement Grant Pilot Project Start Date

This agenda item was not discussed.

14. Adjourn

Chairman May declared the C/W Workshop adjourned at 2:58 p.m.