

THROUGH THESE DOORS WALK ONLY THE FINEST PEOPLE – THE CITIZENS OF ESCAMBIA COUNTY. DECISIONS ARE MADE IN THIS ROOM AFFECTING THE DAILY LIVES OF OUR PEOPLE. DIGNIFIED CONDUCT IS APPRECIATED.

CHAMBER RULES

1. IF YOU WISH TO SPEAK, YOU WILL BE HEARD.
2. YOU MUST SIGN UP TO SPEAK. SIGN-UP SHEETS ARE AVAILABLE AT THE BACK OF THE ROOM.
3. YOU ARE REQUESTED TO KEEP YOUR REMARKS BRIEF AND FACTUAL.
4. BOTH SIDES ON AN ISSUE WILL BE GRANTED UNIFORM/MAXIMUM TIME TO SPEAK.
5. DURING QUASI-JUDICIAL HEARINGS (I.E., REZONINGS), CONDUCT IS VERY FORMAL AND REGULATED BY SUPREME COURT DECISIONS. VERBAL REACTION OR APPLAUSE IS NOT APPROPRIATE.

**PLEASE NOTE THAT ALL BCC MEETINGS ARE RECORDED AND TELEVISED**

AGENDA

Board of County Commissioners  
Regular Meeting – March 19, 2009 – 5:30 p.m.  
Governmental Complex – First Floor

1. Call to Order.

**(PLEASE TURN YOUR CELL PHONE TO THE VIBRATE, SILENCE, OR OFF SETTING)**

2. Invocation – Commissioner Robinson.
3. Pledge of Allegiance to the Flag.
4. Are there any items to be added to the agenda?

Recommendation: That the Board adopt the agenda as prepared **(or duly amended)**.

5. Commissioners' Forum.

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6. Proclamations.

Recommendation: That the Board take the following concerning Proclamations:

A. Adopt the following two Proclamations:

- (1) The Proclamation commending and congratulating Roy R. Foley, Fire Inspector, Public Safety Bureau, on his retirement after 15 years of service; and
- (2) The Proclamation commending and congratulating Robert Fountain, Equipment Operator II, Public Works Bureau, on his retirement after three years of service;

B. Adopt the Proclamation honoring and congratulating Mrs. Violet M. Walton for reaching the age of 100; and

C. Adopt the following two Proclamations:

- (1) The Proclamation proclaiming March 25, 2009, as “National Congressional Medal of Honor Day” in Escambia County; and
- (2) The Proclamation proclaiming March 28, 2009, as “Florida 4-H Centennial Day” in Escambia County.

7. Written Communication:

- A. February 3, 2009 – Communication from Angela B. Gibson requesting that the Board consider forgiving a Code Enforcement Lien, Case No. CE-05-10-0782, against property located on Washington Street;
- B. February 4, 2009 – Communication from Paul Gaston Senay and Betty Jane Shrout requesting that the Board consider forgiving a Code Enforcement Lien; and
- C. February 12, 2009 – Communication from Cassandra A. Steen requesting that the Board consider forgiving a Code Enforcement Lien, Case Number CE 03-02-0363, against property located at 317 Hicks Street.

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8. Did the Clerk's Office receive the proofs of publication for the Public Hearing(s) on the agenda and the Board's Weekly Meeting Schedule?

Recommendation: That the Board waive the reading of the legal advertisement(s) and accept, 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*.

9. **5:31 p.m. Public Hearing for consideration of the Pinestead Road-Longleaf Drive Corridor Area Study, Neighborhood Improvement Plan.**

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, adopt the Pinestead Road-Longleaf Drive Corridor Area Study, Neighborhood Improvement Plan.

10. **5:32 p.m. Public Hearing for consideration of adopting a Resolution amending the Englewood Area Redevelopment Plan.**

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, take the following action concerning the Englewood Redevelopment Plan Update, as recommended by the Community Redevelopment Agency:

- A. Adopt a Resolution amending the Englewood Area Redevelopment Plan; amending the Plan document originally adopted by the Board on July 6, 2000; providing for severability; providing for an effective date; and
- B. Authorize the Chairman to execute the Resolution.

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11. **5:33 p.m. Public Hearing for consideration of the FDOT Grant Application for Fiscal Year 2009 Section 5311 Capital Stimulus funding.**

Recommendation: That the Board, at the 5:33 p.m. Public Hearing, take the following action concerning the State of Florida Department of Transportation (FDOT) Grant Application for Fiscal Year 2009 Section 5311 Capital Stimulus funding (Federal Transit Administration non-urbanized area funding):

- A. Ratify the scheduling and advertising of a Public Hearing for 5:33 p.m., on Thursday, March 19, 2009, for the purpose of receiving comments from the general public concerning the Escambia County Fiscal Year 2009 Section 5311 Capital Stimulus Grant Application for \$300,000 in Federal assistance for mass transit projects;
- B. Accept comments at the 5:33 p.m. Public Hearing to approve submission of the Escambia County Fiscal Year 2009 Section 5311 Capital Stimulus Grant Application for \$300,000 in Federal assistance for mass transit projects; and
- C. Adopt the Resolution authorizing the Chairman to sign all appropriate documents and file the application for receipt of Federal funds from the Federal Transit Administration.

12. Committee of the Whole Recommendation.

**(TO BE DISTRIBUTED UNDER SEPARATE COVER)**

13. Reports:

Clerk of the Circuit Court & Comptroller  
Growth Management  
County Administrator  
County Attorney

14. Items added to the agenda.

15. Announcements.

16. Adjournment.

**BACKUP NOT INCLUDED WITH THE CLERK'S REPORT IS AVAILABLE FOR REVIEW IN  
THE OFFICE OF THE CLERK TO THE BOARD  
ESCAMBIA COUNTY GOVERNMENTAL COMPLEX, SUITE 130**

CLERK OF THE COURTS & COMPTROLLER'S REPORT  
MARCH 19, 2009

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

Recommendation: That the Board accept, for filing with the Board's Minutes, the following five Reports prepared by the Clerk and Comptroller's Finance Department:

- A. Payroll Expenditures as of Payday March 6, 2009, in the amount of \$2,250,967.54; and
- B. The following two Disbursement of Funds:
  - (1) February 26, 2009, to March 4, 2009, in the amount of \$29,774,543.57; and
  - (2) March 5, 2009, to March 11, 2009, in the amount of \$2,041,924.46;
- C. The Investment Report for the month ended February 28, 2009; and
- D. The Tourist Development Tax (TDT) Collections Data for Fiscal Year 2008-2009, which includes the January 2009 returns received in the month of February 2009; the revenues collected to date represent five months, or 25%, of the Budget for the Fiscal Year.

2. Recommendation Concerning Disposition of Property and/or Reinstatement of Fixed Assets

Recommendation: That the Board approve four (4) forms, *Requests for Disposition of Property*, indicating equipment to be sold as surplus and/or appropriately disposed of; and one (1) form, *Request for Reinstatement of Property*; the Requests were prepared by various County Bureaus and state the reasons for disposition/reinstatement.

I. CONSENT AGENDA – Continued

3. Recommendation Concerning Acceptance of Documents

Recommendation: That the Board accept, for filing with the Board's Minutes, the following documents provided to the Clerk & Comptroller's Office:

- A. The *Okaloosa Gas District Financial Statements – September 30, 2008 and 2007*, and *Public Facilities Report February 27, 2009*, as provided by Clarke C. Bell, Vice President of Accounting and Finance, and received in the Clerk to the Board's Office on March 9, 2009;
- B. The February 26, 2009, memorandum from Douglas E. Barr, Executive Director, Northwest Florida Water Management District (NFWWMD), advising that the NFWWMD's March 1, 2009, Consolidated Annual Report is available on the District's website, as received in the Clerk to the Board's Office on March 9, 2009;

4. Recommendation Concerning Minutes and Reports

Recommendation: That the Board take the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:

- A. Approve the Minutes of the Public Forum Work Session and Regular Board Meeting held March 5, 2009; and
- B. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held March 5, 2009.

## **GROWTH MANAGEMENT REPORT**

**March 19, 2009**

### **I. PUBLIC HEARING**

- 1. 5:45pm – Thursday, March 19, 2009** - Comprehensive Plan Amendment, CPA2009-01A.

#### **RECOMMENDATION:**

That the Board review and adopt large-scale Comprehensive Plan Amendment 2009-01A, an amendment to Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended, amending Chapter 7, "Future Land Use Element" providing for an amendment to the Year 2020 Future Land Use Map, as amended, changing the future land use category of two parcels totaling 91.88 acres along East Quintette Road from Cottage Hill/Quintette Activity Area (AA-15) to Industrial (I).

**COUNTY ADMINISTRATOR'S REPORT  
MARCH 19, 2009**

**I. Technical/Public Service Consent Agenda**

1. **Recommendation Concerning Economic Development Ad Valorem Tax Exemptions for Wayne-Dalton Corporation – Robert R. McLaughlin, County Administrator**

**RECOMMENDATION:** That the Board take no action to repeal Ordinances 2003-52 and 2008-14, which established Economic Development Ad Valorem Tax Exemptions for Wayne-Dalton Corporation.

2. **Recommendation Concerning Resolution for an Economic Development Ad Valorem Tax Exemption for Navy Federal Credit Union Phase IV – Robert R. McLaughlin, County Administrator**

**RECOMMENDATION:** That the Board take the following action concerning an Economic Development Ad Valorem Tax Exemption for Navy Federal Credit Union Phase IV:

- A. Adopt a Resolution establishing its intent to adopt an Ordinance for an Economic Development Ad Valorem Tax Exemption for Navy Federal Credit Union Phase IV, for 100% of their expansion for up to 10 years; and
- B. Authorize the Chairman to execute the Resolution.

3. **Recommendation Concerning Community Redevelopment Agency Meeting Minutes – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

**RECOMMENDATION:** That the Board accept, for filing with the Board's Minutes, the February 19, 2009, Community Redevelopment Agency (CRA) Meeting Minutes, prepared by Vera Cardia-Lively, Senior Office Support Assistant, CRA.

4. **Recommendation Concerning Scheduling a Public Hearing to Vacate a Portion of an Alleyway Located in Block 29 of Englewood Heights Subdivision – Joy D. Blackmon, P.E., Public Works Bureau Chief**

**RECOMMENDATION:** That the Board authorize the scheduling of a Public Hearing for April 16, 2009, at 5:31 p.m., to consider the Petition to Vacate a portion of a 20-foot wide alleyway (approximately 3,000 square feet or 0.06 acres) located in Block 29, Englewood Heights Subdivision, as petitioned by Terry Hale.

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**5. Recommendation Concerning Amendment #1 Escambia / Pensacola SHIP Program 2008-2010 Housing Assistance Plan – Sandra P. Jennings, E.I., Neighborhoods/ Community Services Bureau Chief**

**RECOMMENDATION: That the Board take the following action regarding the 2008-2010 Escambia/Pensacola State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan and related matters:**

- A. Adopt a Resolution approving Amendment #1 to the Board-approved Escambia / Pensacola SHIP Program 2008-2010 Local Housing Assistance Plan to officially incorporate the Escambia County Affordable Housing Incentive Plan, as approved by the Board on December 11, 2008, into the subject Housing Assistance Plan, in accordance with Section 420.9076, Florida Statutes; and**
- B. Authorize the Chairman or Vice Chairman to execute the Resolution and other documents, as may be required, to implement the Amendment.**

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**6. Recommendation Concerning Transfer of a Portion of Airport Boulevard to the Florida Department of Transportation and the Transfer of a Portion of Burgess Road and Lanier Drive to Escambia County – Joy D. Blackmon, P.E., Public Works Bureau Chief**

**RECOMMENDATION:** That the Board take the following action, concerning the transfer of a portion of Airport Boulevard from Escambia County to the Florida Department of Transportation (FDOT) and the transfer of a portion of Burgess Road and Lanier Drive from FDOT to Escambia County:

- A. Approve the Escambia County/FDOT Roadway Transfer Agreement, authorizing the transfer to FDOT a portion of Airport Boulevard, from Hancock Lane to SR 291 (Davis Highway), as shown on the road Right-of-Way Map recorded in Road Plat Book 2, at Pages 27E and 27F of the Public Records of Escambia County;**
- B. Approve the FDOT/Escambia County Roadway Transfer Agreement accepting the transfer from FDOT a portion of Burgess Road (SR742), from Hilburn Road to (SR 291) Davis Highway and from Sanders Street to Lanier Drive, as shown on FDOT Right-of-Way Map (Section 48508-2601, Sheet 3), and a portion of Lanier Drive from Burgess Road to Creighton Road, as shown on FDOT Right-of-Way Map (Section 48013-2507, Sheet 14);**
- C. Authorize the payment of incidental expenses associated with the recording of the maps; and**
- D. Authorize the Chairman to sign all documents necessary to complete this transaction.**

7. **Recommendation Concerning Disposition of Surplus Voting Equipment - David Stafford, Supervisor of Elections**

**RECOMMENDATION:** That the Board take the following action concerning the disposition of a surplus, outmoded voting system consisting of: (123) Eagle III-P Ballot Tabulators; (2) IV-C Model 400 High Speed Tabulators; (2) Memory Pack Read/Programmers; and other miscellaneous components of the system:

- A. Pursuant to Section 101.294(2), Florida Statutes, notify the Division of Elections of the intent to dispose of surplus voting equipment;
- B. Request that, if an acceptable buyer can be located, the Division of Elections coordinate the sale of this voting equipment to said buyer;
- C. Authorize the Chairwoman to sign the correspondence to the Division of Elections; and
- D. Authorize the proper disposal of this surplus voting equipment, if the Division of Elections is unable to locate a buyer for the surplus voting equipment.

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Supplemental Budget Amendment #147 – Amy Lovoy, Management and Budget Services Bureau Chief

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #147, Disaster Recovery (Fund 112), in the amount of \$168,810, to recognize Federal & State of Florida Funding and appropriate these funds for the M.C. Blanchard Soffit Mitigation PW (FEMA Project Worksheet) for repairs to the Judicial Building during Fiscal Year 2008/2009.

2. Recommendation Concerning Supplemental Budget Amendment #151 – Amy Lovoy, Management and Budget Services Bureau Chief

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #151, Law Enforcement Trust Fund (121), in the amount of \$40,000, to recognize revenue from law enforcement seizures and to appropriate these funds for use by the Sheriff's Office.

3. Recommendation Concerning Supplemental Budget Amendment #152 – Amy Lovoy, Management and Budget Services Bureau Chief

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #152, Housing and Urban Development (HUD), Home Investment partnerships Act (HOME) Fund (147), in the amount of \$150,000, to recognize HOME Program income earned in Fiscal Year 2008/2009, and appropriate these funds for the HOME Program and HOME-eligible, affordable housing activities in Escambia County.

4. Recommendation Concerning Supplemental Budget Amendment #158 – Amy Lovoy, Management and Budget Services Bureau Chief

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #158, Transportation Trust Fund (175) and General Fund (001), in the amount of \$109,777, to reduce the subsidy to the Transportation Trust Fund and to move these employees to the General Fund, and to appropriate these personnel funds into the correct Fund and Cost Center.

5. **Recommendation Concerning Supplemental Budget Amendment #163 – Amy Lovoy, Management and Budget Services Bureau Chief**

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #163, General Fund (001), in the amount of \$36,090, to recognize lease payments from the Department of Juvenile Justice, and appropriate these funds for maintenance of the Leased building.

6. **Recommendation Concerning Supplemental Budget Amendment #164 – Amy Lovoy, Management and Budget Services Bureau Chief**

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #164, Other Grants and Projects Fund (110), in the amount of \$7,500 to recognize proceeds from a Florida Division of Emergency Management Subgrant Agreement, and to appropriate these funds for the Citizen Corps Program.

7. **Recommendation Concerning Façade Grant Funding and Lien Agreements at 103 Beverly Parkway – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

**RECOMMENDATION:** That the Board ratify the following action of the Escambia County Community Redevelopment Agency (CRA) concerning the Façade Grant Funding and Lien Agreements at 103 Beverly Parkway:

- A. Approving the Commercial Façade, Landscape, and Infrastructure Grant Program Funding Agreement between Escambia County CRA and Uniformly Yours, Inc., owner of commercial property located at 103 Beverly Parkway, Pensacola, Florida, in the Palafox Redevelopment Area, in the amount of \$10,000, representing an in-kind match through the Palafox Tax Increment Financing (TIF), Fund 151, Cost Center 220517, Object Code 58301, for the following improvements: Install stucco to existing building, exterior lighting, privacy fence, and parking lot improvements;
- B. Approving the Commercial Façade, Landscape, and Infrastructure Grant Program Lien Agreement for the property located at 103 Beverly Parkway, in the amount of \$10,000; and
- C. Authorizing the Chairman to sign the Funding and Lien Agreements between Escambia County CRA and Uniformly Yours, Inc., and any other related documents necessary to implement this Grant award.

8. **Recommendation Concerning Sign Grant Funding Agreement at 103 Beverly Parkway – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

**RECOMMENDATION:** That the Board ratify the following action of the Escambia County Community Redevelopment Agency (CRA) concerning the Sign Grant Funding Agreement at 103 Beverly Parkway:

- A. Approving the Sign Grant Program Funding Agreement between Escambia County CRA and Uniformly Yours, Inc., owner of commercial property located at 103 Beverly Parkway, Pensacola, Florida, in the Palafox Redevelopment Area, in the amount of \$2,000, representing an in-kind match through the Palafox Tax Increment Financing (TIF), Fund 151, Cost Center 220517, Object Code 58301, and/or Neighborhood Enterprise Foundation, Inc., 2007 Community Development Block Grant (CDBG), Fund 129, Cost Center 220555, Object Code 58301, for the following improvements: Install new signage; and
- B. Authorizing the Chairman to sign the Funding Agreement between Escambia County CRA and Uniformly Yours, Inc., and any other related documents necessary to implement this Grant award.

9. **Recommendation Concerning a Purchase Order for Environmental Remediation Phase for 603 West Romana Street – Sandra P. Jennings, E.I., Neighborhoods/Community Services Bureau Chief**

**RECOMMENDATION:** That the Board approve a Purchase Order to Cameron Cole, LLC, in the amount of \$105,066, funded through the 2008 Community Development Block Grant (CDBG), Fund 129, Cost Center 220563, Object Code 53101, for the environmental remediation phase of the former Escambia County Mosquito Control facility located at 603 West Romana Street (PD 06-07-038).

10. **Recommendation Concerning Transportation Regional Incentive Program Agreement – Joy D. Blackmon, P.E., Public Works Bureau Chief**

**RECOMMENDATION:** That the Board take the following action concerning the Transportation Regional Incentive Program Agreement between the State of Florida Department of Transportation (FDOT) and Escambia County toward the design update on U.S. 90A (Nine Mile Road) between SR 297 (Pine Forest Road) and U.S. 29:

- A. Approve the Agreement, which specifies the State of Florida Department of Transportation will pay one-half the project cost up to \$650,000 and the County will pay the remaining cost estimated to be \$650,000;
- B. Adopt a Resolution authorizing the Chairman to sign the Agreement; and
- C. Authorize the Chairman to sign the Resolution.

[The estimated County share for one-half the project is \$650,000. The estimated FDOT share for one-half the project is \$650,000, which is the maximum participation by FDOT. The parties further agree all remaining costs of the project will be borne by the County.]

11. **Recommendation Concerning Not Exceeding \$134,000,000 Escambia County, Florida, Solid Waste Disposal Revenue Bonds (Gulf Power Company Project) Series 2009 – Robert R. McLaughlin, County Administrator**

**RECOMMENDATION:** That the Board take the following action regarding the proposed issuance of not exceeding \$134,000,000, aggregate principal amount of Solid Waste Disposal Revenue Bonds (Gulf Power Company Project) First Series 2009 and Solid Waste Disposal Revenue Bonds (Gulf Power Company Project) Second Series 2009 (collectively, the "Bonds"):

- A. Adopt the Resolution authorizing the issuance and sale of the Bonds pursuant to the terms and conditions of the Financing Documents and approving forms of said Financing Documents; and
- B. Authorize the Chairman to execute all documents and take any other necessary action in connection therewith.

**COUNTY ADMINISTRATOR'S REPORT**

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**III. For Discussion**

- 1. Recommendation Concerning Severance Incentive Program – Amy Lovoy, Management and Budget Services Bureau Chief**

**(BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)**

COUNTY ATTORNEY'S REPORT  
March 19, 2009

**I. FOR ACTION:**

1. Clarification of Relief Granted on February 19, 2009  
Written Communication from Frederick H. Gould

That the Board clarify the relief granted to Frederick H. Gould (Gould) on February 19, 2009. Specifically, the Board should either:

- a. Authorize the release of the Code Enforcement Lien recorded in OR Book 5344 at pages 936 and 989 from Gould's property at 7 Ellinor Court upon payment of an amount to be determined by the Board; or
- b. Deny relief.

2. Attorney General Opinion on Motor Vehicle Accident Cost Recovery Fee

That the Board authorize the County Attorney to request an Attorney General's Opinion on whether the County is entitled to access driver insurance information from law enforcement officers at the scene of a motor vehicle accident pursuant to the County's Motor Vehicle Accident Cost Recovery Fee Ordinance.

3. Attorney-Client Session; *Escambia County v. Allied Waste Services of North America, LLC* (Case No. 3:08cv88/LAC/EMT)

- A. That the Board schedule a private meeting with its attorneys to discuss pending litigation, in accordance with Section 286.011 (8), Florida Statutes, for April 2, 2009 at 3:30 p.m.
- B. That the Board approve the public notice that will be published in the *Pensacola News Journal* on Sunday, March 22, 2009.