

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 – November 3, 2011 – 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 White.
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.
6. Presentation by Pensacola Habitat for Humanity, on behalf of its homeowners, of a check for payment of property taxes.

7. Proclamations.

Recommendation: That the Board take the following action concerning adoption of the following three Proclamations:

- A. Adopt the Proclamation proclaiming November 13-19, 2011, as "National Hunger and Homelessness Awareness Week" in Escambia County;
- B. Adopt the Proclamation proclaiming November 2011, as "National Hospice Month" in Escambia County; and
- C. Adopt the Proclamation proclaiming November 2011, as "Pancreatic Cancer Awareness Month" in Escambia County.

8. Written Communication:

October 6, 2011- Email communication from Whitney Vaughan Fike requesting the Board forgive the fines relative to a Code Enforcement Lien against property located at 3720 Barrancas Avenue.

Recommendation: That the Board review and consider lien relief request made by Mr. and Mrs. Adam T. and Whitney Fike against property located at 3720 Barrancas Avenue.

On June 18, 2009, the Board amended the "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens" Policy, Section III, H 2. Staff was instructed to review all request for forgiveness of Environmental (Code) Enforcement Liens to determine if the request met the criteria for forgiveness, in accordance with the Board's policy.

After reviewing the request for forgiveness of Liens, staff made the determination that the request does not fall within any of the criteria that would allow the County Administrator to deny relief, in accordance with the Board's Policy, "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens" Policy, Section III, H2.

The owners have no other recourse, but to appeal before the Board under Written Communication.

9. 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.

10. 5:31 p.m. Public Hearing for consideration of adopting an Ordinance setting a referendum for renewal of the Economic Development Ad Valorem Tax Exemption (EDATE).

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, adopt an Ordinance setting a referendum for renewal of the Economic Development Ad Valorem Tax Exemption (EDATE).

11. 5:32 p.m. Public Hearing for consideration of the Petition to Vacate various rights-of-way in Leonard Tracts Subdivision, as petitioned by Figure 8 Florida LLC.

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, take the following action concerning the vacation of various rights-of-way (approximately 237,599 square feet, or 5.45 acres) in Leonard Tracts Subdivision, as petitioned by Figure 8 Florida LLC:

A. Approve the vacation of various rights-of-way (approximately 237,599 square feet, or 5.45 acres) in Leonard Tracts Subdivision, as petitioned by Figure 8 Florida LLC;

B. Accept the Hold/Harmless Agreement;

C. Adopt the Resolution to Vacate; and

D. Authorize the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to execute them at that time.

Figure 8 Florida LLC owns several large parcels of property in the Leonard Tracts Subdivision as recorded in Plat Deed Book 100 at Page 171 of the public records of Escambia County, Florida. Leonard Tracts Subdivision is an undeveloped subdivision located at the northeast corner of the intersection of US 29 and Beck's Lake Road in the Cantonment area. Petitioner has plans to develop their property, which is divided by several of the unimproved rights-of-way (30' wide) as shown on the plat of Leonard Tracts Subdivision. To facilitate the company's development plans, petitioner is requesting the Board vacate any interest the County has in various platted rights-of-way, as shown on Exhibit "A" (approximately 237,599 square feet or 5.45 acres) lying within the boundaries of said Leonard Tracts Subdivision.

12. Reports:

CLERK & COMPTROLLER'S REPORT

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

I. Consent Agenda

1. Recommendation Concerning Acceptance of Reports Prepared by the Clerk of the Circuit Court & Comptroller's Finance Department

That the Board accept, for filing with the Board's Minutes, the following five reports prepared by the Clerk of the Circuit Court & Comptroller's Finance Department:

A. The following two Payroll Expenditures:

(1) Pay Date October 14, 2011, in the amount of \$2,135,778.61; and

(2) Pay Date October 28, 2011, in the amount of \$2,111,636.15; and

B. The following three Disbursement of Funds:

(1) October 6, 2011, to October 12, 2011, in the amount of \$2,149,043.02;

(2) October 13, 2011, to October 19, 2011, in the amount of \$9,290,239.31;
and

(3) October 20, 2011, to October 26, 2011, in the amount of \$2,346,139.06.

2. Recommendation Concerning Acceptance of Documents Provided to the Clerk to the Board's Office

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

A. The *U.S. Department of Housing and Urban Development, Applicant/Recipient Disclosure/Update Report*, based on the Board's January 7, 2010, action concerning the State of Florida Department of Community Affairs (DCA) Community Development Block Grant (CDBG) Disaster Recovery Grant (2008 Storms); and

B. The *2011 Annual Investment Report*, as provided by the Honorable David Morgan, Escambia County Sheriff, and received in the Clerk to the Board's Office on October 18, 2011.

3. Recommendation Concerning Minutes and Reports Prepared by the Clerk to the Board's Office

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

A. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held October 20, 2011; and

B. Approve the Minutes of the Regular Board Meeting held October 20, 2011.

GROWTH MANAGEMENT REPORT

I. Public Hearing

1. Recommendation Concerning the Review of the Rezoning Cases heard by the Planning Board on October 10, 2011

That the Board take the following action concerning the rezoning cases heard by the Planning Board on October 10, 2011:

- A. Review and either adopt, modify, or overturn the Planning Board's recommendations for Rezoning Cases Z-2011-16 and Z-2011-17 or remand the cases back to the Planning Board; and
- B. Authorize the Chairman to sign the Orders of the Escambia County Board of County Commissioners for the rezoning cases that were reviewed.

1. Case No.: Z-2011-16
Location: 7420 W Nine Mile Rd
Property Reference No.: 01-1S-32-4303-001-002
Property Size: .30 (+/-) acre
From: RR, Rural Residential District (cumulative) Low Density (2 du/acre)
To: R-6 Neighborhood Commercial and Residential District, (cumulative) High Density (10 du/acre)
FLU Category: MU-S, Mixed Use Suburban
Commissioner District: 1
Requested by: Tim Eagan, Agent for Paul Roberts, Owner
Planning Board Approval
Recommendation:
Speakers: T. R. Eagan
Michael McNally
Paul Roberts

2 Case No.: Z-2011-17
Location: 9991 Guidy Lane
Property Reference No.: 07-1S-30-1018-000-000
Property Size: .35 (+/-) acre
From: R-2, Single Family District (cumulative), Low-Medium Density (7 du/acre)
To: R-6 Neighborhood Commercial and Residential District, (cumulative) High Density (25 du/acre)
FLU Category: MU-U, Mixed Use Urban

Commissioner District: 5
Requested by: Wiley C. Buddy Page, Agent for Charles and Linda Welk, Owners
Planning Board Recommendation: Denial
Speakers: Wiley C. Page (Buddy Page)
Charles Welk
Duffy Meligan
Steven White

2. 5:45 p.m. A Public Hearing for Consideration for Adopting an Ordinance Amending the Official Zoning Map

That the Board adopt an Ordinance to amend the Official Zoning Map to include the rezoning cases heard by the Planning Board on October 10, 2011 and approved during the previous agenda item and to provide for severability, inclusion in the code, and an effective date.

3. 5:46 p.m. A Public Hearing Concerning the review of Comprehensive Plan Amendment (CPA) 2011-02

That the Board of County Commissioners approve for transmittal to the Florida Department of Economic Opportunity and other appropriate State Agencies, the proposed Comprehensive Plan Amendment (CPA) 2011-02, amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan 2030, as amended; amending the Future Land Use Map designation.

II. Consent Agenda

1. Recommendation Concerning the Scheduling of Public Hearing

That the Board authorize the scheduling of the following Public Hearing:

Thursday December 8, 2011

5:45 p.m. A Public Hearing concerning the Escambia County Comprehensive Plan, Amending Chapter 15, "Capital Improvements Element"

COUNTY ADMINISTRATOR'S REPORT

I. Technical/Public Service Consent Agenda

1. Recommendation Concerning Removal of Policies from BCC Policy Manual Pertaining to Development Services Department - T. Lloyd Kerr, AICP, Development Services Department Director

That the Board approve removing the following five Policies from the Board of County Commissioners' (BCC) Policy Manual pertaining to the Development Services Department, as they are now part of the Escambia County Land Development Code:

A. Certificate of Zoning - Alcoholic Beverages, Section II, Part D. 2, date adopted - August 19, 1976;

B. Assisted Housing Projects, Section II, Part D.1, date adopted - November 24, 1987;

C. Setback Permits, Section III, H.1, (no date adopted noted);

D. Setback Requirements for Mobile Homes, Section III, I-1, date adopted - January 28, 1986; and

E. Setback Waivers and Tree Ordinance Waivers, Section III, date adopted - February 23, 1982.

2. Recommendation Concerning Request for Disposition of Property for the Development Services Department - T. Lloyd Kerr, AICP, Development Services Department Director

That the Board approve the Request for Disposition of Property Form for the Development Services Department, Building Inspections Division, for property which is described and listed on the form for the reason stated, with the item to be disposed of as indicated.

3. Recommendation Concerning the Conveyance of Two Utility Easements to Emerald Coast Utility Authority (ECUA) - Joy D. Blackmon, P.E., Public Works Department Director

That the Board take the following action concerning the conveyance of two Utility Easements on County-owned property located in the Lakewood Subdivision area to Emerald Coast Utilities Authority (ECUA):

A. Approve granting two Utility Easements on County-owned property located in the Lakewood Subdivision area to ECUA; and

B. Authorize the Chairman or Vice Chairman to sign the necessary documents granting Utility Easements to ECUA.

ECUA has a project under construction to expand sanitary sewer service in the Lakewood Subdivision area. Design for this project indicates the need for two new lift stations, and ECUA is requesting that the County convey the Utility Easements to ECUA to accommodate this construction.

4. Recommendation Concerning Scheduling a Public Hearing for the Coventry Estates Subdivision Street Lighting MSBU - Amy Lovoy, Management and Budget Services Department Director

That the Board authorize the scheduling of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on November 17, 2011, at 5:33 p.m., to consider adoption of an Ordinance creating the Coventry Estates Subdivision Street Lighting MSBU.

5. Recommendation Concerning an Appointment to the Workforce Escarosa, Inc. Board of Directors - Marilyn D. Wesley, Community Affairs Department Director

That the Board confirm the appointment of Randall (Randy) Fleming, Circuit 1 Community Development Administrator, State of Florida Department of Children and Families (DCF), to the Workforce Escarosa, Inc., Board of Directors as the Public Assistance/DCF permanent representative, effective November 3, 2011, for an indefinite term.

6. Recommendation Concerning 2012 Board of County Commissioners' Meeting/Committee of the Whole Meeting Schedule - Charles R. "Randy" Oliver, County Administrator

That the Board approve the 2012 Board of County Commissioners' Meeting/Committee of the Whole Meeting Schedule, as submitted.

7. Recommendation Concerning Appointment to Escambia County Canvassing Board for 2012 Elections - Charles R. "Randy" Oliver, County Administrator

That the Board take the following action concerning an appointment to the Escambia County Canvassing Board:

A. Appoint Commissioner Grover C. Robinson, IV, to serve on the Escambia County Canvassing Board for the 2012 elections. Commissioner Robinson would serve during the following elections: The Presidential Preference Primary January 31, 2012; the Primary Election, August 14, 2012; and the General Election, November 6, 2012; and

B. Authorize out-of-County travel and funding to a Canvassing Board Workshop scheduled in Orlando, Florida, on Friday, December 9, 2011.

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Budget Amendment #010 - Amy Lovoy, Management and Budget Services Department Director

That the Board approve Budget Amendment #010, General Fund (001) in the amount of \$25,351, to appropriate additional personnel funds due to a leave payout caused from an employee resigning.

2. Recommendation Concerning Supplemental Budget Amendment #013 - Amy Lovoy, Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #013, General Fund (001) and Community Redevelopment Fund (151) in the amount of \$3,686, to recognize an adjustment to the Escambia County Tax Increment Financing (TIF) Districts. This moves \$5,994 from reserves for operating and appropriates an additional \$3,686 for the County TIF Areas and an additional \$2,308 for the City TIF Areas based on the final certification of property values.

3. Recommendation Concerning Supplemental Budget Amendment #021 - Amy Lovoy, Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #021, Local Option Sales Tax III Fund (352) in the amount of \$1,000,000, to recognize Grant funds from the U.S. Department of Justice, and to appropriate these funds for the communications re-banding initiative at the Public Safety Department.

4. Recommendation Concerning Supplemental Budget Amendment #022 - Amy Lovoy, Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #022, Other Grants & Projects Fund (110) in the amount of \$19,434, to recognize Grant funds from the Florida Department of Health, and to appropriate these funds for the improvement and expansion of pre-hospital Emergency Management System (EMS) systems in Escambia County.

5. Recommendation Concerning Supplemental Budget Amendment #333 - Amy Lovoy, Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #333, Civic Center Fund (409) in the amount of \$357,121, to recognize additional concessions revenues over budget, and to appropriate these funds for the final associated September 2011 Civic Center expenses.

6. Recommendation Concerning Kupfrain Park Area Improvements - Avery Street from Pace Boulevard to "J" Street - Amy Lovoy, Management and Budget Services Department Director

That the Board award an Indefinite Quantity, Indefinite Delivery Contract, PD 10-11.077, Kupfrain Park Area Improvements - Avery Street from Pace Boulevard to "J" Street, to Gulf Atlantic Constructors, Inc., for a total amount of \$826,000. The project features lane and drainage improvements.

[Funding: Fund 352 (LOST III), Cost Center 210107, Object Code 56301, Project Number 10EN0433]

7. Recommendation Concerning COPS Technology Grant #2010CKWX0486 - Michael D. Weaver, Public Safety Department Director

That the Board take the following action concerning the U.S. Department of Justice, Community Oriented Policing Services (COPS), Law Enforcement Technology Grant #2010CKWX0486 for replacement of a 300 foot microwave communications tower, equipment shelter and emergency generator:

A. Ratify the Chairman's and the Interim County Administrator's signatures on the electronic COPS Technology Program Grant Application, dated June 24, 2010;

B. Accept the Grant in the amount of \$1,000,000, for the period December 16, 2009, through December 15, 2012;

C. Ratify the Chairman's and County Administrator's signatures on the award document; and

D. Authorize the Chairman and/or County Administrator to sign Amendments, requests for payment and other related documents as may be required.

8. Recommendation Concerning Approval of the 2011-2012 Home Investments Partnerships Act (HOME) Program Interlocal Agreements with the City of Pensacola and Santa Rosa County - Keith Wilkins, REP, Community & Environment Department Director

That the Board take the following action concerning implementation of the 2011 Home Investments Partnership Act (HOME) Program Grant (#M-11-DC-12-0225):

A. Approve the HOME Program Interlocal Agreement with the City of Pensacola, providing for the utilization of \$316,852 in 2011 HOME funds, to support approved Substantial Housing Rehabilitation/Reconstruction assistance and related project management activities within the City of Pensacola, with an effective date of November 1, 2011;

B. Approve the HOME Program Interlocal Agreement with Santa Rosa County, providing for the utilization of \$232,232 in 2011 HOME funds, to support approved homebuyer assistance and related project management activities within Santa Rosa County, with an effective date of November 1, 2011; and

C. Authorize the Chairman or Vice Chairman to execute the Interlocal Agreements and all documents required to implement HOME project activities.

[Funding: Fund 147/HOME, Cost Center 220401]

9. Recommendation Concerning the Conveyance of an Underground Distribution Easement to Gulf Power Company for Electric Service on County-owned Property - Joy D. Blackmon, P.E., Public Works Department Director

That the Board take the following action concerning the conveyance of an Underground Distribution Easement to Gulf Power Company for electric service on County-owned property, located on North Highway 95-A for improvements on the Old Molino School property:

A. Approve granting an Underground Distribution Easement to Gulf Power Company for electric service on County-owned property, located on North 95-A for improvements on the Old Molino School property; and

B. Authorize the Chairman to sign the Easement document and any other documents, subject to Legal review and sign-off, associated with the granting of the Underground Distribution Easement to Gulf Power Company.

[Funding Source: Funds for incidental expenditures associated with the recording of documents are available in the Engineering Escrow account accessed by the Escambia County Clerk's Office]

III. Discussion

1. Recommendation Concerning the Sale of Real Property Located at 7251 North Century Boulevard - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning the sale of real property located at 7251 North Century Boulevard, Account Number 11-1678-000, Reference Number 07-5N-30-1205-000-000:

- A. Authorize the sale of the property in accordance with Section 46-131 of the Escambia County Code of Ordinances. The real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property, and the size, shape, location and value of the property would make it of use only to one or more adjacent property owners; and
- B. Authorize the Chairman to sign all documents related to the sale.

COUNTY ATTORNEY'S REPORT

I. For Action

1. Recommendation Concerning Demolition of a Residential Structure Located at 4635 Whisper Way

That the Board authorize the Environmental Code Enforcement Department to pursue the demolition of a residential structure located at 4635 Whisper Way in Escambia County pursuant to an order of the environmental code enforcement special magistrate.

2. Recommendation concerning scheduling an Attorney-Client Session regarding *Jacenta Walker v. Escambia County Office of Environmental Enforcement, et al.* - Case No.: 2010 CA 001107

That the Board take the following action:

A. Schedule a private meeting with its attorneys to discuss pending litigation, in accordance with Section 286.011 (8), Florida Statutes, for Thursday, November 10, 2011 at 8:30 a.m.; and,

B. Ratify the public notice printed below that was published in the Pensacola News Journal on Saturday, October 29, 2011.

PUBLIC NOTICE

IT IS THE INTENTION of the Board of County Commissioners of Escambia County, Florida, to hold a private meeting with its attorney to discuss pending litigation in the case of *Jacenta Walker v. Escambia County Office of Environmental Enforcement, et al.*, in accordance with Section 286.011 (8), Florida Statutes. Such attorney-client session will be held at 8:30 a.m., C.T. on Thursday, November 10, 2011, in the Board Meeting Room, First Floor, Escambia County Governmental Complex, 221 Palafox Place, prior to the meeting of the Board of County Commissioners. Commissioners Wilson B. Robertson, Gene M. Valentino, Marie K. Young, Grover C. Robinson, IV, and Kevin W. White, County Administrator Charles R. "Randy" Oliver, County Attorney Alison Rogers, Attorney representing Escambia County Ryan E. Ross, Assistant County Attorney, and a certified court reporter will attend the attorney-client session.

3. Recommendation Concerning Approval of a Workers' Compensation Settlement to Former Employee Ginger Lee

That the Board approve a Workers' Compensation settlement to former employee Ginger Lee, in the amount of \$57,500.00, and a separate attorney's fee, in the amount of \$2,500.00. In return for the settlement amount, Ms. Lee will execute a general release of liability and waiver of future employment.

13. Items added to the agenda.
14. Announcements.
15. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1688

Proclamations Item #: 7.

BCC Regular Meeting

Meeting Date: 11/03/2011

Issue: Adoption of Proclamations

From: Charles R. (Randy) Oliver

Organization: County Administrator's Office

CAO Approval:

RECOMMENDATION:

Proclamations.

Recommendation: That the Board take the following action concerning adoption of the following three Proclamations:

- A. Adopt the Proclamation proclaiming November 13-19, 2011, as "National Hunger and Homelessness Awareness Week" in Escambia County;
- B. Adopt the Proclamation proclaiming November 2011, as "National Hospice Month" in Escambia County; and
- C. Adopt the Proclamation proclaiming November 2011, as "Pancreatic Cancer Awareness Month" in Escambia County.

BACKGROUND:

Various departments, outside agencies, special interest groups, civic and religious organizations in recognition of specific events, occasions, people, etc., request Proclamations.

Information provided on the Proclamation is furnished by the requesting party and placed in the proper acceptable format for BCC approval by the County Administration staff. Board approval is required by Board Policy Section I, A (6).

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

N/A

Attachments

Proclamations

PROCLAMATION

WHEREAS, for the past several years the National Coalition for the Homeless and National Student Campaign Against Hunger and Homelessness have sponsored "National Hunger and Homelessness Awareness Week"; and

WHEREAS, the purpose of this Proclamation is to educate the public about the many reasons people are hungry and homeless, which includes a shortage of affordable housing in Escambia County, Florida, for very low-income residents and to encourage support for homeless assistance service-providers, as well as, support for community service opportunities for students and school service organizations; and

WHEREAS, there are many organizations, including the Waterfront Rescue Mission, the EscaRosa Coalition on the Homeless and Bridges to Circles, committed to providing shelter, supportive services, meals and food supplies to the homeless; and

WHEREAS, the theme of "National Hunger and Homelessness Awareness Week" 2011 is "Bringing America Home"; and

WHEREAS, the Board of County Commissioners recognizes that hunger and homelessness continue to be a serious problem for many individuals and families in Escambia County; and

WHEREAS, the intent of "National Hunger and Homelessness Awareness Week" is consistent with the activities of the Waterfront Rescue Mission, the EscaRosa Coalition on the Homeless and Bridges to Circles.

NOW, THEREFORE, the Board of County Commissioners of Escambia County, Florida, hereby proclaims November 13-19, 2011, as

"NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK"

BE IT FURTHER PROCLAIMED, that the Board of County Commissioners encourages all citizens to recognize that many people do not have housing and need support from citizens and private and public nonprofit service entities.

**BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA**

Kevin W. White, Chairman
District Five

Wilson B. Robertson, Vice Chairman
District One

Gene M. Valentino, District Two

Marie Young, District Three

Grover C. Robinson, IV, District Four

ATTEST: **Ernie Lee Magaha**
Clerk of the Circuit Court

Deputy Clerk

Adopted: November 3, 2011

PROCLAMATION

WHEREAS, Covenant Hospice volunteers and staff provide “Excellence in End-of-Life Care” for those persons in our community with life-limiting illnesses; and

WHEREAS, across the nation last year, hospice care helped meet the medical, emotional and spiritual needs of approximately one million patients with life-limiting illnesses and their loved ones; and

WHEREAS, Covenant Hospice focuses on the entire family and helps promote, educate, and support the community; and

WHEREAS, in the United States, hospice has flourished from one program in 1974 to over 5,000 Hospice and Palliative Care Programs today; and

WHEREAS, the number of hospice volunteers has grown to a record number of 500,000; and

WHEREAS, since 1984, Covenant Hospice has diligently and faithfully served the citizens of Northwest Florida and Alabama. Covenant Hospice serves well over 1,200 patients daily, which is a substantial increase from the 6,700 patients served in 2010; and

WHEREAS, an increase in public awareness and understanding of hospice care will better serve the families of our community who are faced with life-limiting illnesses.

NOW, THEREFORE, BE IT PROCLAIMED, that the Board of County Commissioners of Escambia County, Florida, hereby proclaims November 2011 as

“NATIONAL HOSPICE MONTH”

in Escambia County and joins the hundreds of cities, counties, and states in observing the month of November as “National Hospice Month”. Today and throughout the year, Escambia County will actively encourage the support and participation of friends, neighbors, colleagues and fellow citizens in associated hospice activities and programs.

**BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA**

Kevin W. White, Chairman
District Five

Wilson B. Robertson, Vice Chairman
District One

Gene M. Valentino, District Two

Marie Young, District Three

Grover C. Robinson, IV, District Four

ATTEST: **Ernie Lee Magaha**
Clerk of the Circuit Court

Deputy Clerk

Adopted: November 3, 2011

PROCLAMATION

WHEREAS, in 2011, an estimated 44,030 people will be diagnosed with pancreatic cancer in the United States and 37,660 will die from the disease. Approximately 2,610 deaths will occur in Florida in 2011. Pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States. There is no cure for pancreatic cancer, and there have been no significant improvements in survival rates in the last 40 years; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74% of pancreatic cancer patients die within the first year of their diagnosis, while 94% of pancreatic cancer patients die within the first five years; and

WHEREAS, of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34% and 70% higher than the other groups; and

WHEREAS, the Federal Government invests less money in pancreatic cancer research than it does in any of the other leading cancer killers. Pancreatic cancer research constitutes only 2% of the National Cancer Institute's Federal research funding; and

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Escambia County and nationwide, by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer.

NOW, THEREFORE, BE IT PROCLAIMED, that the Board of County Commissioners of Escambia County, Florida, designates the month of November 2011 as "Pancreatic Cancer Awareness Month" in Escambia County, Florida.

**BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA**

Kevin W. White, Chairman
District Five

Wilson B. Robertson, Vice Chairman
District One

Gene M. Valentino, District Two

Marie Young, District Three

Grover C. Robinson, IV, District Four

**ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court**

Deputy Clerk

Adopted: November 3, 2011



BOARD OF COUNTY COMMISSIONERS Escambia County, Florida

AI-1659

Written Communication Item #: 8.

BCC Regular Meeting

Meeting Date: 11/03/2011

Issue: Environmental (Code) Enforcement Lien Relief – 3720 Barrancas Avenue

From: Gordon Pike

Organization: Corrections

CAO Approval:

RECOMMENDATION:

October 6, 2011- Email communication from Whitney Vaughan Fike requesting the Board forgive the fines relative to a Code Enforcement Lien against property located at 3720 Barrancas Avenue.

Recommendation: That the Board review and consider lien relief request made by Mr. and Mrs. Adam T. and Whitney Fike against property located at 3720 Barrancas Avenue.

On June 18, 2009, the Board amended the "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens" Policy, Section III, H 2. Staff was instructed to review all request for forgiveness of Environmental (Code) Enforcement Liens to determine if the request met the criteria for forgiveness, in accordance with the Board's policy.

After reviewing the request for forgiveness of Liens, staff made the determination that the request does not fall within any of the criteria that would allow the County Administrator to deny relief, in accordance with the Board's Policy, "Guidelines for Relief from Environmental (Code) Enforcement Special Magistrate Liens" Policy, Section III, H2.

The owners have no other recourse, but to appeal before the Board under Written Communication.

BACKGROUND:

Received complaint for trash, overgrowth and dilapidated house on February 8, 2006.

Notice of violation sent to owner via regular and certified mail. Letter returned marked "Unclaimed"

June 27, 2006 Owner pulled demolition permit to remove sheds.

Elizabeth Lyons with LandAmerica Lawyers Title requested copy of notice of violation. Sent copy of notice via fax. Our office received document from LandAmerica Lawyers Title with new owner's name. Documents noted Mr. Dyjak was made aware of pending code violations.

February 20, 2007 Notice of Hearing sent to Marvis Robertson and Edmund Dyjak both regular and certified mail.

Attorney for Mr. Dyjak requested a continuance. Continuance granted. On March 13, 2007 Officer spoke with Mr. McGuire (attorney) to discuss violation and abatement.

Notice of Hearing sent both regular and certified mail. My. Dyjak's notice returned marked "Unclaimed". Mrs. Robertson's notice was received on 03/15/07.

Reinspection conducted on April 2, 2007 and violations remain.

Hearing held. \$1,100.00 court cost awarded. Owner has until 04/15/07 to have permit for garages for repairs or demolition and has until 05/15/07 to have all repairs completed or structures demolished. \$50.00 per day fine issued against owner.

Copy of order sent both regular and certified mail to Mrs. Robertson and Mr. Dyjak.

April 17, 2007 Reinspection conducted for part 1 of order. Violations remain.

May 15, 2007 Reinspection conducted for part 2 of order. Violations remain.

January 30, 2008 Final Notice Prior to Demolition sent both regular and certified mail to Mr. Dyjak.

February 22, 2008 Mr. Dyjak came into the Office of Environmental Enforcement to advise he wants to repair rear structure and will begin work on house.

February 5, 2009 Final Notice Prior to Demolition was sent both regular and certified mail to Mr. Dyjak. Letter returned marked "Unclaimed"

Sandra Slay, Division Manager, spoke with Mr. Dyjak via phone. Owner agreed to demolish garages and make repairs to house. Work to start 02/23/09. Officer will reinspection property in 21 days.

January 18, 2011 Mr. and Mrs. Fike purchased property.

On March 3, 2011 Reinspection conducted and officer found violations abated by new owners.

Received request from Ms. Fike for lien forgiveness/reduction. Denial letter sent to Mr. and Mrs. Fike from County Administrator on 10/11/11. New owners had title search policy.

On October 17, 2011 Received e-mail from Steve West, County Attorney's Office, stating to schedule owners to appear before the Board. Although the owners did have title insurance the lien was listed among the exceptions for coverage.

BUDGETARY IMPACT:

The itemized costs shown in the code enforcement for lien:

Cost

A. Administrative Cost: \$1,100.00

B. Daily Fines: \$70,750.00

TOTAL \$71,850.00

LEGAL CONSIDERATIONS/SIGN-OFF:

If approved by the Board, the County Attorney's Office will prepare the release.

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

Upon execution, the release will be sent to the Escambia County Clerks of the Court for recording.

Attachments

3720 Barrancas Avenue

Sandra F Slay

From: Whitney Fike [whitneyvike@gmail.com]
Sent: Thursday, October 06, 2011 10:04 PM
To: Sandra F Slay
Cc: Melissa A. Reber; Stephen G. West
Subject: Re: 3720 Barrancas Avenue - Formerly owned by Mr. Edmund Dyjak.

Ref: 3720 Barrancas Avenue, Pensacola, FL 32507
Current owners: Adam T. Fike & Whitney Vaughan Fike
Former owner: Edmund Dyjak

Mailing address: 205 Rue Max, Pensacola, FL 32507
Contact number: 850-232-8683;

Dear Ms. Slay,

Thank you for your helpful response to my questions concerning our property at 3720 Barrancas Avenue. After months of work on the house and property that was brought into code in March, but we continued to work on the house we feel that now is the time to recontact you.

As the new owners we would like to begin the process of requesting a lien forgiveness on this property. These liens were put in place by the office of Environmental Enforcement when the former owner, Edmund Dyjak, failed to maintain this structure and property to county code specifications which resulted in an accrual of many violations. After purchasing this property from Mr. Dyjak on January 18, 2011, we began work immediately to bring the structure and property into compliance, keeping in constant contact with Officer Melissa A. Reber with Environmental Enforcement to confirm that we were headed in the right direction. All of the proper permits were applied for and granted by the County Building Inspectors Office. Once our renovation work resulted in the property and structure being in compliance and having no outstanding violations, Ms. Reber advised us that she had signed off on the property and had discontinued the fines.

We are aware and totally understand that there are certain "hard costs" associated with these liens that cannot be forgiven and must be paid. We respectfully request that you pass our request of a forgiveness on all liens except those which are the "hard cost" liens associated with court costs, abatements, etc. to the Escambia County Board of County Commissioners. any further documentation or records are needed associated with this request, please feel free to contact me.

Thank you for your consideration,

Whitney Vaughan Fike

On Mon, Jan 31, 2011 at 11:07 AM, Sandra F Slay <SFSLAY@co.escambia.fl.us> wrote:

Good Morning Mrs. Fike,



Office of Environmental Enforcement



Escambia County Central Office Complex
3363 West Park Place
Pensacola, Florida 32505
Phone: 850.595-1820
Fax: 850.595-1840
Sandra Slay, Division Manager

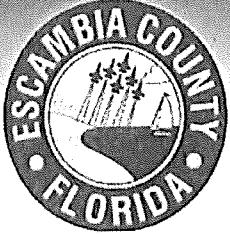
Property Address: 3720 Barrancas Ave
Property Owner: Mavis Robertson/Edmund Dyjak
Original Complaint: Overgrowth , trash, debris and dilapidated house
EE Case #: CE06020202

- 02/08/06** Received complaint for trash, overgrowth and dilapidated house
- 05/19/06** Notice of violation sent to owner via regular and certified mail. Letter returned marked "Unclaimed"
- 06/27/06** Owner pulled demolition permit to remove sheds.
- 12/06/06** Elizabeth Lyons with LandAmerica Lawyers Title requested copy of notice of violation. Sent copy of notice via fax.
- 12/21/06** Received document from LandAmerica Lawyers Title with new owner's name. Documents noted Mr. Dyjak was made aware of pending code violations.
- 02/20/07** Notice of Hearing sent to Marvis Robertson and Edmund Dyjak both regular and certified mail.
- 03/13/07** Attorney for Mr. Dyjak requested a continuance. Continuance granted.
- 03/13/07** Officer spoke with Mr. McGuire (attorney) to discuss violation and abatement.
- 03/14/07** Notice of Hearing sent both regular and certified mail. My. Dyjak's notice returned marked "Unclaimed". Mrs. Robertson's notice was received on 03/15/07.
- 04/02/07** Violations remain.
- 04/03/07** Hearing held. \$1,100.00 court cost awarded. Owner has until 04/15/07 to have permit for garages for repairs or demolition and has until 05/15/07 to have all repairs completed or structures demolished. \$50.00 per day fine issued against owner.
- 04/14/07** Copy of order sent both regular and certified mail to Mrs. Robertson and Mr. Dyjak.

- 04/17/07 Reinspection conducted for part 1 of order. Violations remain.**
- 05/15/07 Reinspection conducted for part 2 of order. Violations remain.**
- 01/30/08 Final Notice Prior to Demolition sent both regular and certified mail to Mr. Dyjak.**
- 01/28/08 Received estimate for demolition of \$2,350.00**
- 02/22/08 Mr. Dyjak came into the Office of Environmental Enforcement to advise he wants to repair rear structure and will begin work on house.**
- 02/29/08 Reinspection conducted. Windows have been repaired.**
- 02/05/09 Final Notice Prior to Demolition was sent both regular and certified mail to Mr. Dyjak. Letter returned marked "Unclaimed"**
- 02/18/09 Sandra Slay, Division Manager, spoke with Mr. Dyjak via phone. Owner agreed to demolish garages and make repairs to house. Work to start 02/23/09. Officer will reinspection property in 21 days.**
- 04/08/09 Violations remains.**
- 01/18/11 Mr. and Mrs. Fike purchased property.**
- 03/01/11 Violations abated by new owners.**
- 10/17/11 Received request from Ms. Fike for lien forgiveness/reduction. Denial letter sent to Mr. and Mrs. Fike from County Administrator on 10/11/11. New owners had title search policy.**
- 10/17/11 Received e-mail from Steve West, County Attorney's Office, stating to schedule owners to appear before the Board. Although the owners did have title insurance the lien was listed among the exceptions for coverage.**

Lien Amount

Court Cost	\$1,100.00
Fines (\$50.00 per day)	<u>\$70,750.00</u>
TOTAL	\$71,850.00



Board of County Commissioners • Escambia County, Florida

Charles R. "Randy" Oliver
County Administrator

October 11, 2011

Whitney Vaughan Fike
205 Rue Max
Pensacola, FL 32507

Re: Your Request for Relief against a County Code Enforcement Lien for Property at
3720 Barrancas Avenue, Pensacola, FL 32507

Dear Ms. Fike:

In accordance with Section III, H2, of the Escambia County Board of County Commissioners Policy Manual, I have reviewed your request for relief from the County code enforcement lien described in your email dated October 6, 2011. Regrettably, I must deny your request for relief for the following reason:

- In accordance with Section III, H2., C., you appear to have an adequate alternate remedy under a policy title insurance.

If you have any questions or require any additional information, please contact Gordon Pike, Bureau Chief, Code Enforcement or Sandra Slay, Division Manager, Code Enforcement at 471-6162.

Sincerely,

A handwritten signature in cursive script that reads "Charles R. Oliver".

Charles R. "Randy" Oliver
County Administrator

CRO:SGW/cks

cc: Gordon Pike, Department Director, Code Enforcement
Sandra Slay, Division Manager, Code Enforcement

Sandra F Slay

From: Stephen G. West
Sent: Monday, October 17, 2011 2:16 PM
To: Shirley L. Gafford; Sandra F Slay
Cc: Brenda J. Spencer
Subject: Whitney Fike - 3720 Barrancas Ave.

Ladies:

Whitney Fike called today. She recently received a letter from Randy Oliver denying her request for relief from a code enforcement lien based on the BCC policy against granting relief if the owner has a remedy under a policy of title insurance. She related that she did have a title insurance policy issued in connection with her purchase, but the lien was listed among the exceptions to coverage. She confirmed that she was aware of the lien at the time of purchase (she appears to have paid a substantially reduced price, presumably to account for the liability she was assuming). So her letter can be presented to the BCC (although in the past the Board has been hesitant to grant relief under these circumstances). Please let Ms. Fike know when her letter will be included on the agenda.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1675

Public Hearings Item #: 10.

BCC Regular Meeting

Meeting Date: 11/03/2011

Issue: 5:31 p.m. Public Hearing - Renewal of the Economic Development Ad Valorem Tax Exemption (EDATE) Ordinance

From: Alison P. Rogers, County Attorney

Organization: County Attorney's Office

CAO Approval:

RECOMMENDATION:

5:31 p.m. Public Hearing for consideration of adopting an Ordinance setting a referendum for renewal of the Economic Development Ad Valorem Tax Exemption (EDATE).

Recommendation: That the Board, at the 5:31 p.m. Public Hearing, adopt an Ordinance setting a referendum for renewal of the Economic Development Ad Valorem Tax Exemption (EDATE).

BACKGROUND:

The existing EDATE Ordinance 2000-26 referendum was held at the First Primary Election on September 5, 2000 and passed by the voters of Escambia County, Florida. Unless renewal by referendum of the voters of the County this benefit to certain new and expanding businesses will expire on December 10, 2012.

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

The County Attorney Alison Rogers has drafted the ordinance. The Notice of Intent to adopt this ordinance was advertised in the *Pensacola News Journal* on Saturday, October 22, 2011.

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

The County Attorney Alison Rogers will coordinate with the Supervisor of Elections David Stafford in getting this referendum on the election ballot.

Attachments

Ordinance

ORDINANCE NO. 2011-___

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, RENEWING PURSUANT TO SECTION 196.1995(7), FLORIDA STATUTES FOR TEN YEARS THE AUTHORITY TO GRANT CERTAIN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS ESTABLISHED BY CHAPTER 90, ARTICLE IV, DIVISION 2, SECTIONS 90-146 THROUGH 90-153, ESCAMBIA COUNTY CODE OF ORDINANCES (ORDINANCE NO. 2000-26); PROVIDING THAT SUBJECT TO APPROVAL BY REFERENDUM OF THE VOTERS OF THE COUNTY ON JANUARY 31, 2012 SUCH EXEMPTION AUTHORITY BE RENEWED BEGINNING DECEMBER 10, 2012; DIRECTING THE SUPERVISOR OF ELECTIONS TO PLACE SUCH REFERENDUM QUESTION ON THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION BALLOT OF ESCAMBIA COUNTY; PROVIDING BALLOT LANGUAGE; DIRECTING THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS TO ADVERTISE NOTICE OF SUCH REFERENDUM ELECTION IN ACCORDANCE WITH LAW; PROVIDING FOR GRANTING OF CERTAIN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS; PROVIDING ALL PROVISIONS OF CHAPTER 90, ARTICLE IV, DIVISION 2, SECTIONS 90-146 THROUGH 90-153, ESCAMBIA COUNTY CODE OF ORDINANCES (ORDINANCE 2000-26) TO CONTINUE IN FULL FORCE AND EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the voters of Escambia County by referenda held on November 3, 1992 and September 5, 2000 approved the authority to grant certain economic development ad valorem tax exemptions pursuant Ordinances No. 92-43 and 2000-26 for a period of ten years to encourage economic development in the County.

WHEREAS, pursuant to said ordinances, certain new and expanding business properties may be exempted from ad valorem taxation as provided for in section 196.1995, Florida Statutes (2010), as amended, and Section 3, Article VII of the Constitution of the State of Florida; and

WHEREAS, such authority by Escambia County to grant such exemptions will expire on December 10, 2012 unless renewed by referendum of the voters of the County pursuant to Section 196.1995(7), Florida Statutes (2010), as amended; and

WHEREAS, as a result, the Board of County Commissioners has determined it will be in the best interests of the public health, safety and welfare of the citizens of Escambia County to renew the statutory authority for such exemptions for an additional ten years as permitted under Florida law.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. RENEWAL. Pursuant to the authorization granted by Section 3, Article VII of the State Constitution and by other applicable law, the authority to grant economic development ad valorem tax exemptions established by Ordinances No. 92-43 and 2000-26, now codified at Chapter 90, Article IV, Division 2, Sections 90-146 through 90-153, Escambia County Code of Ordinances, and approved by the voters of Escambia County by referendum for a ten-year period from December 10, 1992 through December 10, 2002 and for a subsequent period from December 10, 2002 through December 10, 2012 is hereby renewed for an additional ten years. Such renewal shall become effective December 10, 2012 and shall run through December 10, 2022 as provided for in section 196.1995, Florida Statutes (2010), as amended.

Section 2. REFERENDUM ELECTION. The renewal of the authority to grant economic development tax exemptions reestablished in Section 1 of this Ordinance shall not take effect unless and until the such renewal of this exemption authority is approved by a majority of the electors of Escambia County voting in the referendum election required by this Ordinance and provided herein.

Section 3. HOLDING REFERENDUM ELECTION. To that end, the Supervisor of Elections of Escambia County is hereby directed to hold a referendum election required by this Ordinance on January 31, 2012 during and as a part of the Presidential Preference Primary Election of Escambia County, Florida.

Section 4. BALLOT QUESTION. The Supervisor of Elections of Escambia County shall cause the following question to be placed upon the ballot for such referendum election pursuant to sections 196.1995(1) through 196.1995(7), Florida Statutes (2010) as amended:

**COUNTY REFERENDUM QUESTION
RELATING TO RENEWAL OF AUTHORITY TO GRANT
ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS**

**PRESIDENTIAL PREFERENCE PRIMARY ELECTION
JANUARY 31, 2012**

Shall the Board of County Commissioners of Escambia County, Florida be authorized to grant, pursuant to s. 3, Art. VII of the State Constitution, property tax exemptions to new businesses and expansions of existing businesses?

Yes--For authority to grant exemptions. _____

No--Against authority to grant exemptions _____

Section 5. ADVERTISEMENT. The Clerk of the Board of County Commissioners shall ensure that notice of the referendum election mandated by this ordinance shall be advertised in accordance with the Florida law.

Section 6. GRANTING ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS. Such exemptions to any person, firm or corporation hereunder shall only be granted in accordance with Section 196.1995, Florida Statutes (2010), as amended, and other applicable Florida law.

Section 7. ORDINANCE IN FULL FORCE AND EFFECT. All other provisions of Ordinances No. 92-43 and 2000-26, as codified at Chapter 90, Article IV, Division 2, Sections 90-146 through 90-153, Escambia County Code of Ordinances not in conflict herewith or otherwise in conflict with applicable Florida law shall continue in full force and effect.

Section 8. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 9. INCLUSION IN THE CODE. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Escambia County Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 10. EFFECTIVE DATE. This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED this _____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

ATTEST: ERNIE LEE MAGAHA
Clerk of the Circuit Court

Kevin W. White, Chairman

Deputy Clerk

(Seal)

Enacted: _____

Filed with Department of State: _____

Effective: _____



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1624

Public Hearings Item #: 11.

BCC Regular Meeting

Meeting Date: 11/03/2011

Issue: 5:32 p.m. Public Hearing – Vacate Various Rights-of-Way in Leonard Tracts Subdivision

From: Joy D. Blackmon, P.E.

Organization: Public Works

CAO Approval:

RECOMMENDATION:

5:32 p.m. Public Hearing for consideration of the Petition to Vacate various rights-of-way in Leonard Tracts Subdivision, as petitioned by Figure 8 Florida LLC.

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, take the following action concerning the vacation of various rights-of-way (approximately 237,599 square feet, or 5.45 acres) in Leonard Tracts Subdivision, as petitioned by Figure 8 Florida LLC:

A. Approve the vacation of various rights-of-way (approximately 237,599 square feet, or 5.45 acres) in Leonard Tracts Subdivision, as petitioned by Figure 8 Florida LLC;

B. Accept the Hold/Harmless Agreement;

C. Adopt the Resolution to Vacate; and

D. Authorize the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to execute them at that time.

Figure 8 Florida LLC owns several large parcels of property in the Leonard Tracts Subdivision as recorded in Plat Deed Book 100 at Page 171 of the public records of Escambia County, Florida. Leonard Tracts Subdivision is an undeveloped subdivision located at the northeast corner of the intersection of US 29 and Beck's Lake Road in the Cantonment area. Petitioner has plans to develop their property, which is divided by several of the unimproved rights-of-way (30' wide) as shown on the plat of Leonard Tracts Subdivision. To facilitate the company's development plans, petitioner is requesting the Board vacate any interest the County has in various platted rights-of-way, as shown on Exhibit "A" (approximately 237,599 square feet or 5.45 acres) lying within the boundaries of said Leonard Tracts Subdivision.

BACKGROUND:

Figure 8 Florida LLC owns several large parcels of property in the Leonard Tracts Subdivision as recorded in Plat Deed Book 100 at Page 171 of the public records of Escambia County, Florida. Leonard Tracts Subdivision is an undeveloped subdivision located at the northeast corner of the intersection of US 29 and Beck's Lake Road in the Cantonment area. Petitioner has plans to develop their property, which is divided by several of the unimproved rights-of-way (30' wide) as shown on the plat of Leonard Tracts Subdivision. To facilitate the company's development plans, petitioner is requesting the Board vacate any interest the County has in various platted rights-of-way, as shown on Exhibit "A" (approximately 237,599 square feet or 5.45 acres) lying within the boundaries of said Leonard Tracts Subdivision. Staff has made no representations to the Petitioner or Petitioner's agent that Board approval of this request operates to confirm the vesting or return of title to the land to the Petitioner or to any other interested party.

There are no encroachment issues involved with this vacation request. Staff has reviewed the request and has no objections to the proposed vacation. All utility companies concerned have been contacted and have no objection to the requested vacation. No one will be denied access to his or her property as a result of this vacation.

BUDGETARY IMPACT:

Indirect staff cost associated with the preparation of documents and recommendation.

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

All work associated with this request is being done in-house and no additional staff is required.

POLICY/REQUIREMENT FOR BOARD ACTION:

This recommendation is based on the Board's Vacating, Abandoning, and Closing Existing Public Streets, Rights-of-Way, Alleyways, Roads, Highways, Other Places Used for Travel or Other Lands Dedicated for Public Use or Purposes, or Any Portions Thereof to Renounce and Disclaim Any Right of the County and The Public In and To Said Lands policy for closing, vacating and abandoning County owned property – Section III, and Florida Statutes, Chapter 336.

IMPLEMENTATION/COORDINATION:

Upon Board approval of the vacation, the necessary documents will be signed and delivered to the Petitioner or to the Petitioner's Agent, who will have them recorded in the public records and will have notices published.

Staff has been in contact with Wiley C. "Buddy" Page, as agent for the Petitioner. It is the responsibility of Petitioner or Petitioner's agent to advertise the Notice of Public Hearing.

Attachments

Petition

Hold Harmless Agreement

Resolution

Notice of Adoption

Plat
Map

PETITION TO VACATE, ABANDON, AND CLOSE EXISTING PUBLIC STREETS,
RIGHTS-OF-WAY, ALLEYWAYS, ROADS, HIGHWAYS OTHER PLACES
USED FOR TRAVEL, OR OTHER LANDS DEDICATED FOR
PUBLIC USE OR PURPOSES, OR ANY PORTIONS THEREOF,
TO RENOUNCE AND DISCLAIM ANY RIGHT
OF THE COUNTY AND THE PUBLIC
IN AND TO SAID LANDS.

Petitioner hereby files this petition with the Board of County Commissioners of Escambia County, Florida, to vacate, abandon, close and disclaim any right of the County and the public in and to certain land delineated as rights-of-way in Escambia County, Florida, a copy of map thereto being attached hereto as Exhibit "A", and further states as follows:

1. That the Petitioner, Figure 8 Florida, LLC presently owns an interest in the real property, which adjoins said public road rights-of-way, alleyway, or other land. Said public road rights-of-way, alleyway, or other land being more particularly described as follows:

That portion of the following described roads as shown on the plat of Leonard Tracts Subdivision as recorded in Plat Deed Book 100 at Page 171 of the public records of Escambia County, Florida:

That portion of Satsuma Road (30' R/W) bounded on the east by Lot 6 and bounded on the west by Lot 7 of said subdivision;

That portion of Satsuma Road (30' R/W) bounded on the east by Lots 42 and 51 and bounded on the west by Lots 41 and 52 of said subdivision;

That portion of Indiana Avenue (30' R/W) bounded on the north by Lots 3, 4, 5 and 6 and bounded on the south by Lots 19, 20, 21 and 22 of said subdivision;

All of Blueberry Lane (30' R/W) bounded on the east by Lots 1, 2, 23, 24 and 25 and bounded on the west by Lots 3, 22 and 27 of said subdivision;

That portion of Pecan Avenue (30' R/W) bounded on the north by Lots 27 through 36 inclusive and bounded on the south by Lots 37 through 45 inclusive, of said subdivision;

The most easterly portion of Lake Avenue (30' R/W) bounded on the north by Lot 25 and bounded on the south by Lot 26 of said subdivision, less any portion lying within the boundaries of Becks Lake Road (R/W varies);

All lying and being in Section 11, Township 1 North, Range 31 West, Escambia County, Florida.

2. That the Petitioner, Figure 8 Florida, LLC desires that the Board of County Commissioners surrender, renounce and disclaim any right of the County and the public in and to that portion of the public road rights-of-way, alleyway, or other land described above and lying and being in Section 11 Township 1 North Range 31 West and recorded in Plat Deed Book 100 at Page 171 of the public records of Escambia County, Florida.

3. That the portion of public road rights-of-way, alleyway, or other lands sought to be vacated, abandoned, and closed herein, is no longer needed to fulfill a public purpose.

THEREFORE, Petitioner request that the above described public road rights-of-way, alleyway, or other land be vacated, abandoned, and closed and that the Board of County Commissioners of Escambia County, Florida, surrender, renounce and disclaim any right of the County and the public in and to said public road rights-of-way, alleyway, or other land.

Petitioner acknowledges that:

Approval by the Board of County Commissioners of a petition to vacate, abandon, discontinue, close, renounce, or disclaim any right of the County or the public in any land does not operate to confirm the vesting or return of title to the land in the petitioner or any other interested party. Any interested party who wishes to verify the title to land or the effect of the approval of a petition to vacate, abandon, discontinue, close, renounce, or disclaim any right of the County or the public in any land should seek legal counsel.

Figure 8 Florida LLC

Petitioner(s) Name

501 Riverside Ave., Suite 902

Street Address

Jacksonville, FL 32202

City

State

904 421 3265

Phone Number

Wiley C., "Buddy" Page

Agent's Name

850 232 9853

Agent's Phone Number

05/17/11

Date

HOLD/HARMLESS AGREEMENT

WHEREAS, Figure 8 Florida LLC hereafter called "Petitioner(s)" has requested that the Board of County Commissioners of Escambia County, Florida, on behalf of Escambia County, vacate certain public road rights-of-way, alleyway, or other lands pursuant to the provisions of Section 336.09, Florida Statutes, and Vacation Policy - Section III(A) of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Escambia County, Florida, hereafter called "County" has no objection to granting such petition, providing that certain covenants and agreements are made on behalf of the citizens and residents of Escambia County, Florida, and on behalf of Escambia County;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and the mutual promises contained herein, Petitioner(s) and County do agree as follows:

1. County, pursuant to the authority of and after compliance with the requirements of Chapter 336, Florida Statutes and Vacation Policy - Section III(A), agrees to vacate, abandon, and close the following described public street, road, alleyway or a portion thereof, or other land dedicated for public use and to surrender, renounce and disclaim any right of the County and public in and hereto:

That portion of the following described roads as shown on the plat of Leonard Tracts Subdivision as recorded in Plat Deed Book 100 at Page 171 of the public records of Escambia County, Florida:

That portion of Satsuma Road (30' R/W) bounded on the east by Lot 6 and bounded on the west by Lot 7 of said subdivision;

That portion of Satsuma Road (30' R/W) bounded on the east by Lots 42 and 51 and bounded on the west by Lots 41 and 52 of said subdivision;

That portion of Indiana Avenue (30' R/W) bounded on the north by Lots 3, 4, 5 and 6 and bounded on the south by Lots 19, 20, 21 and 22 of said subdivision;

All of Blueberry Lane (30' R/W) bounded on the east by Lots 1, 2, 23, 24 and 25 and bounded on the west by Lots 3, 22 and 27 of said subdivision;

That portion of Pecan Avenue (30' R/W) bounded on the north by Lots 27 through 36 inclusive and bounded on the south by Lots 37 through 45 inclusive, of said subdivision;

The most easterly portion of Lake Avenue (30' R/W) bounded on the north by Lot 25 and bounded on the south by Lot 26 of said subdivision, less any portion lying within the boundaries of Becks Lake Road (R/W varies);

All lying and being in Section 11, Township 1 North, Range 31 West, Escambia County, Florida.

2. Petitioner(s), hereby covenant(s) and agree(s) that they have complied with all requirements of Chapter 336, Florida Statutes and Vacation Policy - Section III(A) of the Board of County Commissioners in bringing this request before the County and in obtaining the County's agreement set forth above.

3. Petitioner(s), hereby covenant(s) and warrant(s) that no person will be denied ingress/egress or access to their property or use by the vacation of the public rights-of-way or other land which is described herein.

4. Petitioner(s), further hereby agree(s) to defend, indemnify and hold harmless Escambia County, its agents and employees against any and all liability, claims, suits, actions, debts, damages, losses, costs, charges and expenses, including court costs and attorney's fees which may or might arise because of or related to the vacation of the public rights-of-way, alleyway, or other land dedicated for public use which is described herein.

Executed in the presence of:

Stacy McKinney
Witness

Stacy McKinney
Print or type name

Famil C. A.
Witness

Famela C. Fitch
Print or type name

FIGURE 8 (FLORIDA), LLC

Corporation or Company Name

Ashton Hudson, President

Petitioner(s)

ASHTON HUDSON
Print or type name(s)

Title: PRESIDENT

Date: 10-18-11

STATE OF FLORIDA
COUNTY OF ESCAMBIA DUVAL

The foregoing instrument was acknowledged before me this 18th day of October, 20 11, by Ashton Hudson as president of Figure 8 Florida, LLC. He/She is () personally known to me, () produced current Florida/Other _____ driver's license as identification, and/or () produced current _____ as identification.

Katherine Moore McDaniel
Notary Public
Katherine Moore McDaniel
Print or type name

(Notary Seal must be affixed)

Commission Expires: 3/20/15
Commission Number: EE075853



BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By _____
Kevin W. White, Chairman

ATTEST: ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT

By _____
Deputy Clerk

Approved by the B.C.C. on: _____

RESOLUTION NUMBER R_____ - _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, VACATING, ABANDONING, AND CLOSING CERTAIN PUBLIC PROPERTY ACQUIRED FOR EXISTING PUBLIC STREETS, RIGHTS-OF-WAY, ALLEYWAYS, ROADS, HIGHWAYS, OTHER PLACES USED FOR TRAVEL, OR OTHER LANDS DEDICATED FOR PUBLIC USE OR PURPOSES, OR ANY PORTIONS THEREOF, TO RENOUNCE AND DISCLAIM ANY RIGHT OF THE COUNTY AND THE PUBLIC IN AND TO SAID LANDS.

WHEREAS, Figure 8 Florida LLC has petitioned this Board to vacate, abandon, and close the following public rights-of-way, alleyway, or other lands and to renounce and disclaim the right of Escambia County, Florida and of the public, and;

WHEREAS, the Board of County Commissioners of Escambia County, Florida, has determined it to be in the best interest of Escambia County to adopt a resolution vacating, abandoning, and closing the following described property:

That portion of the following described roads as shown on the plat of Leonard Tracts Subdivision as recorded in Plat Deed Book 100 at Page 171 of the public records of Escambia County, Florida:

That portion of Satsuma Road (30' R/W) bounded on the east by Lot 6 and bounded on the west by Lot 7 of said subdivision;

That portion of Satsuma Road (30' R/W) bounded on the east by Lots 42 and 51 and bounded on the west by Lots 41 and 52 of said subdivision;

That portion of Indiana Avenue (30' R/W) bounded on the north by Lots 3, 4, 5 and 6 and bounded on the south by Lots 19, 20, 21 and 22 of said subdivision;

All of Blueberry Lane (30' R/W) bounded on the east by Lots 1, 2, 23, 24 and 25 and bounded on the west by Lots 3, 22 and 27 of said subdivision;

That portion of Pecan Avenue (30' R/W) bounded on the north by Lots 27 through 36 inclusive and bounded on the south by Lots 37 through 45 inclusive, of said subdivision;

The most easterly portion of Lake Avenue (30' R/W) bounded on the north by Lot 25 and bounded on the south by Lot 26 of said subdivision, less any portion lying within the boundaries of Becks Lake Road (R/W varies);

All lying and being in Section 11, Township 1 North, Range 31 West, Escambia County, Florida.

and any right of the County and the public in and to the above described road rights-of-way, alleyway or other land dedicated for public use is hereby surrendered, renounced and disclaimed; and

WHEREAS, Petitioner(s), Figure 8 Florida LLC, has caused to be published on _____, A.D., 20____, notice in a newspaper of general circulation in Escambia County, Florida, of the filing of said petition and that a public hearing thereon would be held at 5:32 p.m. on November 3, 2011 in the Board meeting room, Escambia County Governmental Complex, Pensacola, Florida; and

WHEREAS, the vacating, abandoning, and closing of existing public streets, rights-of-way, alleyways, roads, highways, other places used for travel, or other lands dedicated for public use or purposes, or any portions thereof, to renounce and disclaim any right of the County and the Public in and to said lands will not materially interfere with the County road system or the delivery of public services and will not deprive any person of any reasonable means of ingress/egress to such person's property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

1. That the motion to vacate is hereby adopted and approved.

2. That the following described property acquired for public road rights-of-way, alleyway, or other public purposes is hereby vacated, abandoned, and closed;

That portion of the following described roads as shown on the plat of Leonard Tracts Subdivision as recorded in Plat Deed Book 100 at Page 171 of the public records of Escambia County, Florida:

That portion of Satsuma Road (30' R/W) bounded on the east by Lot 6 and bounded on the west by Lot 7 of said subdivision;

That portion of Satsuma Road (30' R/W) bounded on the east by Lots 42 and 51 and bounded on the west by Lots 41 and 52 of said subdivision;

That portion of Indiana Avenue (30' R/W) bounded on the north by Lots 3, 4, 5 and 6 and bounded on the south by Lots 19, 20, 21 and 22 of said subdivision;

All of Blueberry Lane (30' R/W) bounded on the east by Lots 1, 2, 23, 24 and 25 and bounded on the west by Lots 3, 22 and 27 of said subdivision;

That portion of Pecan Avenue (30' R/W) bounded on the north by Lots 27 through 36 inclusive and bounded on the south by Lots 37 through 45 inclusive, of said subdivision;

The most easterly portion of Lake Avenue (30' R/W) bounded on the north by Lot 25 and bounded on the south by Lot 26 of said subdivision, less any portion lying within the boundaries of Becks Lake Road (R/W varies);

All lying and being in Section 11, Township 1 North, Range 31 West, Escambia County, Florida.

and any rights of the County and the public in and to the above described land is hereby surrendered, renounced and disclaimed.

3. That this resolution shall be spread upon the minutes of the Board of County Commissioners of Escambia County, Florida, and said petitioner shall publish a notice of its adoption one time within thirty (30) days hereafter in a newspaper of general circulation in Escambia County, Florida.

ESCAMBIA COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By _____
Kevin W. White, Chairman

ATTEST: ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT

By _____
Deputy Clerk

Adopted: _____

NOTICE OF ADOPTION OF RESOLUTION OF BOARD OF COUNTY COMMISSIONERS VACATING, ABANDONING, AND CLOSING EXISTING PUBLIC STREETS, RIGHTS-OF-WAY, ALLEYS, ROADS, HIGHWAYS OTHER PLACES USED FOR TRAVEL, OR OTHER LANDS DEDICATED FOR PUBLIC USE OR PURPOSES, OR ANY PORTIONS THEREOF TO RENOUNCE AND DISCLAIM ANY RIGHT OF THE COUNTY AND THE PUBLIC IN AND TO SAID LANDS.

NOTICE IS HEREBY GIVEN that on November 3, A.D., 2011, in accordance with Sections 336.09 and 336.10, Florida Statutes and Vacation Policy - Section III(A) of the Board of County Commissioners Policy Manual, the Board of County Commissioners of Escambia County, Florida, adopted a resolution vacating, abandoning and closing use of that certain public road rights-of-way, alleyway, or other land in Escambia County, Florida, described as follows:

That portion of the following described roads as shown on the plat of Leonard Tracts Subdivision as recorded in Plat Deed Book 100 at Page 171 of the public records of Escambia County, Florida:

That portion of Satsuma Road (30' R/W) bounded on the east by Lot 6 and bounded on the west by Lot 7 of said subdivision;

That portion of Satsuma Road (30' R/W) bounded on the east by Lots 42 and 51 and bounded on the west by Lots 41 and 52 of said subdivision;

That portion of Indiana Avenue (30' R/W) bounded on the north by Lots 3, 4, 5 and 6 and bounded on the south by Lots 19, 20, 21 and 22 of said subdivision;

All of Blueberry Lane (30' R/W) bounded on the east by Lots 1, 2, 23, 24 and 25 and bounded on the west by Lots 3, 22 and 27 of said subdivision;

That portion of Pecan Avenue (30' R/W) bounded on the north by Lots 27 through 36 inclusive and bounded on the south by Lots 37 through 45 inclusive, of said subdivision;

The most easterly portion of Lake Avenue (30' R/W) bounded on the north by Lot 25 and bounded on the south by Lot 26 of said subdivision, less any portion lying within the boundaries of Becks Lake Road (R/W varies);

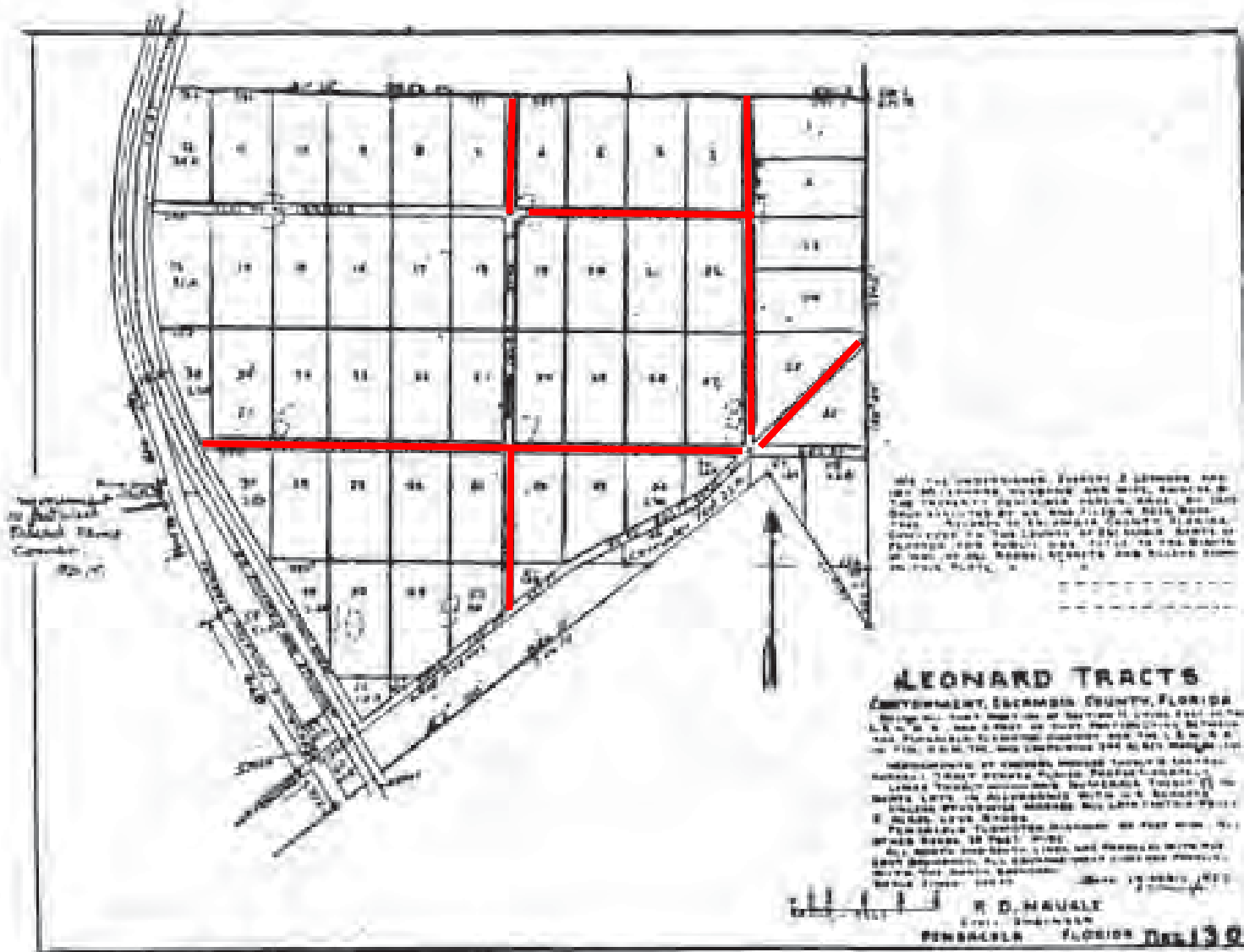
All lying and being in Section 11, Township 1 North, Range 31 West, Escambia County, Florida.

and surrendered, renounced and disclaimed any right of Escambia County, Florida and the public in and to the aforesaid property.

Dated this _____ day of _____, A.D., 20_____.

Board of County Commissioners
Escambia County, Florida

— RIGHTS-OF-WAY REQUESTED TO BE VACATED



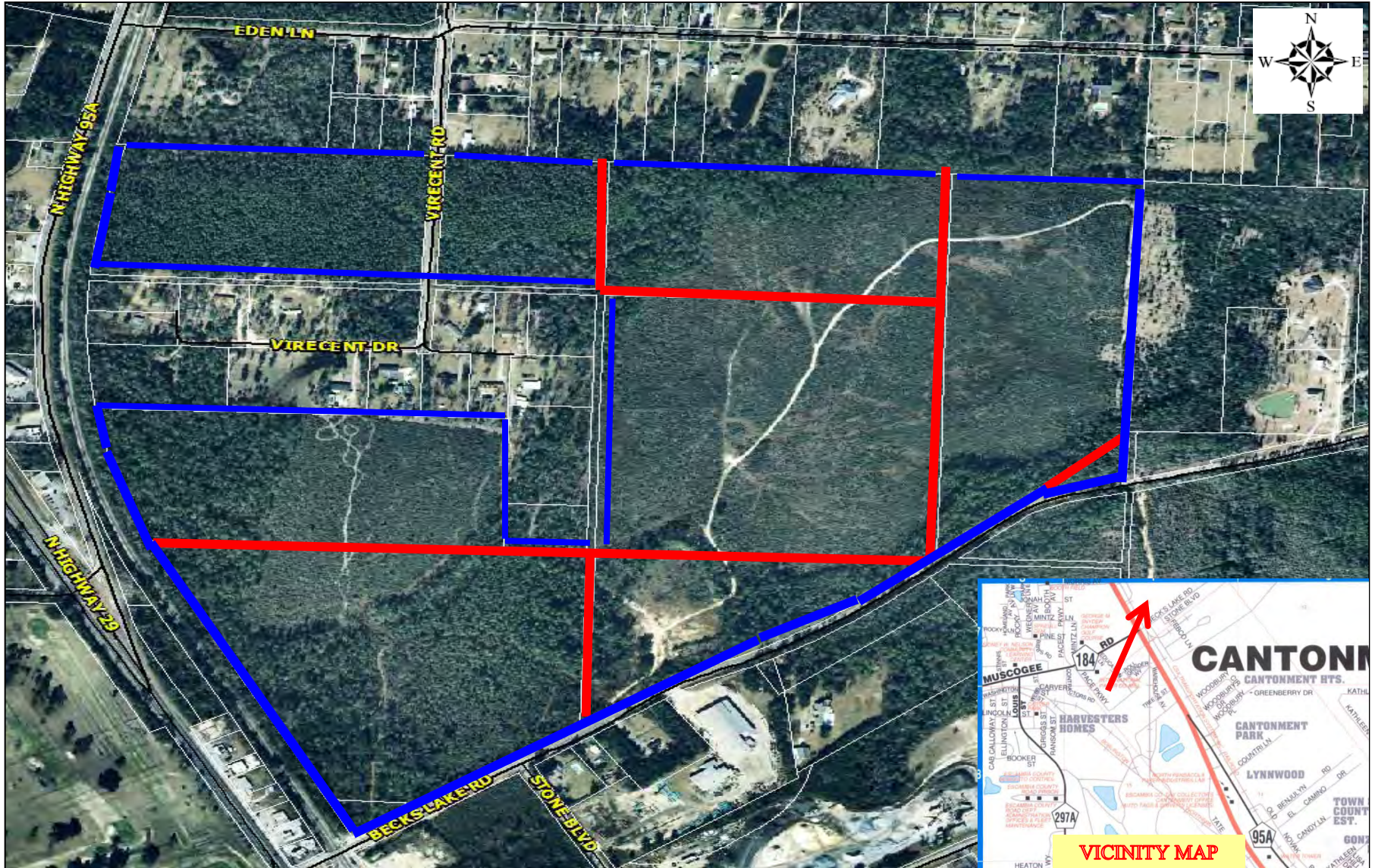
Reproduction of Map record in
DEED BOOK 100 AT PAGE 71

Jac A. Brown Clerk Circuit Court
 Date: March 15, 1965

EXHIBIT "A"

VACATE UNOPENED RIGHTS-OF-WAY, LEONARD TRACTS SUBDIVISION

Petitioner: Figure 8 Florida LLC



ESCAMBIA COUNTY
PUBLIC WORKS DEPARTMENT

JCC 07/07/11 DISTRICT 5



Requested Unopened Rights-of-Way to be Vacated



Petitioner's Property



ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT AND COMPTROLLER
ESCAMBIA COUNTY, FLORIDA

◆ AUDITOR ◆ ACCOUNTANT ◆ EX-OFFICIO CLERK TO THE BOARD ◆ CUSTODIAN OF COUNTY FUNDS ◆

AI-1668 **Clerk & Comptroller's Report** **Item #: 12. 1.**

BCC Regular Meeting

Meeting Date: 11/03/2011
Issue: Acceptance of Reports
From: Doris Harris
Organization: Clerk & Comptroller's Office

Recommendation:

Recommendation Concerning Acceptance of Reports Prepared by the Clerk of the Circuit Court & Comptroller's Finance Department

That the Board accept, for filing with the Board's Minutes, the following five reports prepared by the Clerk of the Circuit Court & Comptroller's Finance Department:

A. The following two Payroll Expenditures:

- (1) Pay Date October 14, 2011, in the amount of \$2,135,778.61; and
- (2) Pay Date October 28, 2011, in the amount of \$2,111,636.15; and

B. The following three Disbursement of Funds:

- (1) October 6, 2011, to October 12, 2011, in the amount of \$2,149,043.02;
- (2) October 13, 2011, to October 19, 2011, in the amount of \$9,290,239.31; and
- (3) October 20, 2011, to October 26, 2011, in the amount of \$2,346,139.06.

Attachments

CR I-1



EXECUTIVE ADMINISTRATION/LEGAL DIVISION
 ACCOUNTING DIVISION
 APPEALS DIVISION
 ARCHIVES AND RECORDS
 CENTURY DIVISION
 CHILD SUPPORT
 CLERK TO THE BOARD
 COUNTY CIVIL
 COUNTY CRIMINAL
 COURT DIVISION
 CIRCUIT CIVIL
 CIRCUIT CRIMINAL
 DOMESTIC RELATIONS
 FAMILY LAW

ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT & COMPTROLLER
ESCAMBIA COUNTY, FLORIDA

◆ AUDITOR ◆ ACCOUNTANT ◆ EX-OFFICIO CLERK TO THE BOARD ◆ CUSTODIAN OF COUNTY FUNDS ◆

FINANCE
 JURY ASSEMBLY
 GUARDIANSHIP
 HUMAN RESOURCES
 JUVENILE DIVISION
 MARRIAGE
 MENTAL HEALTH
 MANAGEMENT INFORMATION SYSTEMS
 OFFICIAL RECORDS
 OPERATIONAL SERVICES
 PROBATE DIVISION
 TRAFFIC DIVISION
 TREASURY

Escambia County, Florida
 Payroll Expenditures of the
 Board of County Commissioners

Pay Date: October 14, 2011

Check No:	\$0.00
Direct Deposits:	\$1,119,326.97
Total Deductions and Matching Costs:	\$1,016,451.64
Total Expenditures:	\$2,135,778.61

2011 OCT 12 A 10:20
 CLERK OF CIRCUIT COURT
 ESCAMBIA COUNTY, FL.
 THE BOARD OF
 COUNTY COMMISSIONERS



EXECUTIVE ADMINISTRATION/LEGAL DIVISION
ACCOUNTING DIVISION
APPEALS DIVISION
ARCHIVES AND RECORDS
CENTURY DIVISION
CHILD SUPPORT
CLERK TO THE BOARD
COUNTY CIVIL
COUNTY CRIMINAL
COURT DIVISION
CIRCUIT CIVIL
CIRCUIT CRIMINAL
DOMESTIC RELATIONS
FAMILY LAW

ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT & COMPTROLLER
ESCAMBIA COUNTY, FLORIDA

◆AUDITOR◆ACCOUNTANT◆EX-OFFICIO CLERK TO THE BOARD◆CUSTODIAN OF COUNTY FUNDS◆

FINANCE
JURY ASSEMBLY
GUARDIANSHIP
HUMAN RESOURCES
JUVENILE DIVISION
MARRIAGE
MENTAL HEALTH
MANAGEMENT INFORMATION SYSTEMS
OFFICIAL RECORDS
OPERATIONAL SERVICES
PROBATE DIVISION
TRAFFIC DIVISION
TREASURY

Escambia County, Florida
Payroll Expenditures of the
Board of County Commissioners

Pay Date: October 28, 2011

CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY, FL
2011 OCT 26 10:11:59
BOARD OF COUNTY COMMISSIONERS

Check No:	\$0.00
Direct Deposits:	\$1,137,867.54
Total Deductions and Matching Costs:	\$973,768.61
Total Expenditures:	\$2,111,636.15



EXECUTIVE ADMINISTRATION/LEGAL DIVISION
 ACCOUNTING DIVISION
 APPEALS DIVISION
 ARCHIVES AND RECORDS
 CENTURY DIVISION
 CHILD SUPPORT
 CLERK TO THE BOARD
 COUNTY CIVIL
 COUNTY CRIMINAL
 COURT DIVISION
 CIRCUIT CIVIL
 CIRCUIT CRIMINAL
 DOMESTIC RELATIONS
 FAMILY LAW

ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT & COMPTROLLER
ESCAMBIA COUNTY, FLORIDA

◆ AUDITOR ◆ ACCOUNTANT ◆ EX-OFFICIO CLERK TO THE BOARD ◆ CUSTODIAN OF COUNTY FUNDS ◆

FINANCE
 JURY ASSEMBLY
 GUARDIANSHIP
 HUMAN RESOURCES
 JUVENILE DIVISION
 MARRIAGE
 MENTAL HEALTH
 MANAGEMENT INFORMATION SYSTEMS
 OFFICIAL RECORDS
 OPERATIONAL SERVICES
 PROBATE DIVISION
 TRAFFIC DIVISION
 TREASURY

Escambia County, Florida
 Disbursement of Funds From:

10/06/11 to 10/12/11

DISBURSEMENTS

Computer check run of:

<u>10/12/11</u>	\$ <u>1,878,285.67</u>
<u>L-Vendor</u>	\$ <u>0.00</u>

Hand-Typed Checks:

\$ 0.00

Disbursement By Wire:

Preferred Governmental Claims	\$ <u>31,719.97</u>
Credit Card Purchases	\$ <u>1,526.56</u>
Civic Center	\$ <u>85,265.58</u>
Aero Training & Rental, Inc	\$ <u>152,245.24</u>

Total Disbursement by Wire

\$ 270,757.35

TOTAL DISBURSEMENTS

\$ 2,149,043.02

The detailed backup to this Report is available for review in the Clerk's Finance Department. If you have any questions, please call Cheryl Maher, Clerk's Finance Division at (850) 595-4841.

Pursuant to Chapter 136.06 (1), Florida Statutes, the Disbursement Report will be filed with the Board's Minutes.

CLERK OF THE CIRCUIT COURT
 ESCAMBIA COUNTY, FL.
 2011 OCT 12 P 3:55
 THE CLERK OF THE CIRCUIT COURT
 ESCAMBIA COUNTY, FL.



EXECUTIVE ADMINISTRATION/LEGAL DIVISION
 ACCOUNTING DIVISION
 APPEALS DIVISION
 ARCHIVES AND RECORDS
 CENTURY DIVISION
 CHILD SUPPORT
 CLERK TO THE BOARD
 COUNTY CIVIL
 COUNTY CRIMINAL
 COURT DIVISION
 CIRCUIT CIVIL
 CIRCUIT CRIMINAL
 DOMESTIC RELATIONS
 FAMILY LAW

**ERNIE LEE MAGAHA
 CLERK OF THE CIRCUIT COURT & COMPTROLLER
 ESCAMBIA COUNTY, FLORIDA**

◆ AUDITOR ◆ ACCOUNTANT ◆ EX-OFFICIO CLERK TO THE BOARD ◆ CUSTODIAN OF COUNTY FUNDS ◆

FINANCE
 JURY ASSEMBLY
 GUARDIANSHIP
 HUMAN RESOURCES
 JUVENILE DIVISION
 MARRIAGE
 MENTAL HEALTH
 MANAGEMENT INFORMATION SYSTEMS
 OFFICIAL RECORDS
 OPERATIONAL SERVICES
 PROBATE DIVISION
 TRAFFIC DIVISION
 TREASURY

Escambia County, Florida
 Disbursement of Funds From: 10/13/11 to 10/19/11

DISBURSEMENTS

Computer check run of:	<u>10/14/11 & 10/19/11</u>		\$	<u>6,882,568.44</u>
	<u>L-Vendor</u>		\$	<u>101,752.73</u>
Hand-Typed Checks:			\$	<u>0.00</u>
Disbursement By Wire:				
Elected Official		\$		<u>20,882.00</u>
Preferred Governmental Claims		\$		<u>14,802.46</u>
Dental Insurance		\$		<u>52,252.79</u>
Other	Veolia Transportation	\$		<u>1,288,321.49</u>
Aero Training & Rental, Inc		\$		<u>278,589.50</u>
Pensacola Bay Area Chamber		\$		<u>586,575.03</u>
Pensacola Beach Chamber		\$		<u>1,245.00</u>
Perdido Key Chamber		\$		<u>63,249.87</u>
Total Disbursement by Wire			\$	<u>2,305,918.14</u>
TOTAL DISBURSEMENTS			\$	<u><u>9,290,239.31</u></u>

The detailed backup to this Report is available for review in the Clerk's Finance Department. If you have any questions, please call Cheryl Maher, Clerk's Finance Division at (850) 595-4841.

Pursuant to Chapter 136.06 (1), Florida Statutes, the Disbursement Report will be filed with the Board's Minutes.

CLERK OF THE COURT
 ESCAMBIA COUNTY, FL.
 OCT 19 2 3:59 PM
 CLERK'S FINANCE DIVISION



EXECUTIVE ADMINISTRATION/LEGAL DIVISION
 ACCOUNTING DIVISION
 APPEALS DIVISION
 ARCHIVES AND RECORDS
 CENTURY DIVISION
 CHILD SUPPORT
 CLERK TO THE BOARD
 COUNTY CIVIL
 COUNTY CRIMINAL
 COURT DIVISION
 CIRCUIT CIVIL
 CIRCUIT CRIMINAL
 DOMESTIC RELATIONS
 FAMILY LAW

ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT & COMPTROLLER
ESCAMBIA COUNTY, FLORIDA

♦ AUDITOR ♦ ACCOUNTANT ♦ EX-OFFICIO CLERK TO THE BOARD ♦ CUSTODIAN OF COUNTY FUNDS ♦

FINANCE
 JURY ASSEMBLY
 GUARDIANSHIP
 HUMAN RESOURCES
 JUVENILE DIVISION
 MARRIAGE
 MENTAL HEALTH
 MANAGEMENT INFORMATION SYSTEMS
 OFFICIAL RECORDS
 OPERATIONAL SERVICES
 PROBATE DIVISION
 TRAFFIC DIVISION
 TREASURY

Escambia County, Florida
 Disbursement of Funds From:

10/20/11 to 10/26/11

DISBURSEMENTS

Computer check run of:

<u>10/26/11</u>	\$ <u>2,209,418.83</u>
<u>L-Vendor</u>	\$ <u>0.00</u>

Hand-Typed Checks:

\$ 12,196.80

Disbursement By Wire:

Preferred Governmental Claims	\$ <u>33,971.20</u>
Credit Card Purchases	\$ <u>56,954.59</u>
Aero Training & Rental, Inc	\$ <u>17,307.50</u>
Pensacola Bay Area Chamber	\$ <u>11,044.14</u>
Pensacola Beach Chamber	\$ <u>5,246.00</u>

Total Disbursement by Wire

\$ 124,523.43

TOTAL DISBURSEMENTS

\$ 2,346,139.06

The detailed backup to this Report is available for review in the Clerk's Finance Department. If you have any questions, please call Cheryl Maher, Clerk's Finance Division at (850) 595-4841.

Pursuant to Chapter 136.06 (1), Florida Statutes, the Disbursement Report will be filed with the Board's Minutes.

RECEIVED
 ESCAMBIA COUNTY, FL
 OCT 27 2011 10:08
 COUNTY COMMISSIONERS



ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT AND COMPTROLLER
ESCAMBIA COUNTY, FLORIDA

◆ AUDITOR ◆ ACCOUNTANT ◆ EX-OFFICIO CLERK TO THE BOARD ◆ CUSTODIAN OF COUNTY FUNDS ◆

AI-1669 **Clerk & Comptroller's Report** **Item #: 12. 2.**

BCC Regular Meeting

Meeting Date: 11/03/2011
Issue: Acceptance of Documents
From: Doris Harris
Organization: Clerk & Comptroller's Office

Recommendation:

Recommendation Concerning Acceptance of Documents Provided to the Clerk to the Board's Office

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

A. The *U.S. Department of Housing and Urban Development, Applicant/Recipient Disclosure/Update Report*, based on the Board's January 7, 2010, action concerning the State of Florida Department of Community Affairs (DCA) Community Development Block Grant (CDBG) Disaster Recovery Grant (2008 Storms); and

B. The *2011 Annual Investment Report*, as provided by the Honorable David Morgan, Escambia County Sheriff, and received in the Clerk to the Board's Office on October 18, 2011.

Attachments

CR I-2

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

2-16. Approval of Various Consent Agenda Items – Continued

8. Continued...

C. Approving that these terms are offered under threat of condemnation, and in the event the seller rejects this offer, authorizing the County Attorney's Office to file condemnation proceedings to acquire this property; and

D. Authorizing the Chairman to sign all documents needed to complete the purchase.

9. Taking the following action concerning the (*State of*) Florida Division of Emergency Management (FDEM) Domestic Security Grant award letter, dated October 30, 2009, identifying Grant funding being awarded to Escambia County, in the amount of \$72,000, with a Grant period of October 1, 2009, through April 30, 2012:

A. Approving the FDEM award letter identifying funding from the Homeland Security Grant Program that will be identified in Fund 110, Other Grants and Projects, Cost Center 330459;

B. Authorizing the Chairman to execute the Grant award letter; and

C. Authorizing the County Administrator to execute the subsequent Grant Contract as referenced in the award letter.

10. Taking the following action concerning the State of Florida Department of Community Affairs (DCA) Community Development Block Grant (CDBG) Disaster Recovery Grant (2008 Storms) (Funding: Fund 110, Other Grants and Projects, if awarded):

A. Adopting the Resolution (*R2010-7*) authorizing submission of the Community Development Block Grant (CDBG) Disaster Recovery Grant (2008 Storms) Application to the Florida Department of Community Affairs (DCA), in the maximum amount of \$7,067,397, for the benefit of the citizens of Escambia County, the City of Pensacola, and the Town of Century;

(Continued on Page 39)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

2-16. Approval of Various Consent Agenda Items – Continued

- | |
|---|
| <p>10. Continued...</p> <ul style="list-style-type: none">B. Approving the Interlocal Agreement with the City of Pensacola for joint implementation of affordable housing activities, estimated at \$3,000,000 in CDBG Disaster Recovery Grant (2008 Storms) funds;C. Approving the Interlocal Agreement with the Town of Century, subject to legal signoff, for implementation of an estimated \$600,000 in CDBG Disaster Recovery Grant (2008 Storms) funds; andD. Authorizing the County Administrator and/or Chairman, as appropriate, to execute all Application and Grant award documents, Agreements, related forms, and any other documents as may be required to submit, receive, and fully implement the Disaster Recovery Grant. |
|---|

- 11. Accepting the funding recommendations from the United Way Human Services Appropriations Committee for Fiscal Year 2009-2010, in the amount of \$95,500, in the adopted Fiscal Year 2009-2010 Budget, Public Social Services, General Fund 001, Cost Center 220202.
- 12. Approving a Purchase Order, in the amount of \$167,991.19, to SMG for management fees for The Pensacola Civic Center for Fiscal Year 2009-2010, to be paid from Fund 409 (Civic Center Fund), Cost Center 221301 (Civic Center Admin.), Object Code 53401.

Sheriff



FINANCE ADMINISTRATION
ERNEE LEE MAGAHA
DAVID MORGAN
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY, FL

2011 OCT 18 P 1:20

FINANCE ADMINISTRATION

MEMORANDUM

**TO: Honorable Kevin White
Chairman, Board of County Commissioners**

FROM: David Morgan, Sheriff

DATE: October 18, 2011

SUBJECT: Annual Investment Report FYE 9/30/2011

As required by Paragraph 218.415(15), Florida Statutes, please accept the Annual Investment Report.

This report includes all investments held in the Sheriff's Office portfolio and earnings.

If there are any questions, please do not hesitate to contact me at 436-9541.

DM:jbf

Enclosure (1) "Annual Investment Report"

2011 OCT 18 P 1:27
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY, FL

2011

Annual Investment Report



FYE 9/30/11

Table of Contents

- **Investment Policy**

- **Attachment A (List of Public Depositories)**

- **Attachment B (Investment Policy Internal Controls)**

- **Investments**
 - General Fund Interest Income

 - Other Accounts

Investment Policy

ESCAMBIA COUNTY SHERIFF'S OFFICE

Pensacola, Florida

David Morgan, Sheriff

General Order		Subject: Investment Policy		Number: 305
Issue Date: 10/20/2009	Effective Date: 10/20/2009	Review Date: 10/2010	Review Responsibility: Administration Division	
Distribution Code: All Members		Rescinds: 03-71	Amends:	
Related Documents:				
CFA/FCAC/NCCHC				

PURPOSE: The purpose of this general order is to prescribe procedures for the investing of surplus funds held by the Escambia County Sheriff's Office.

POLICY: All surplus funds that are held by or for the Escambia County Sheriff's Office will be invested in such a manner so that certain objectives are achieved, in particular the safety of the principle invested and the liquidity of the funds that are invested. The investment of these funds is governed by Florida Statute.

PROCEDURE:

305.1

Investment Objectives

1. When surplus funds are invested, each investment opportunity will follow certain objectives. These objectives are, in order of priority:
 - a. Safety - Funds entrusted to the Sheriff represent funds belonging to the people of Escambia County. Therefore, the primary objective of this investment policy is to provide for the protection of investment capital.
 - b. Liquidity - The Sheriff's Office portfolio will provide sufficient liquidity so that funds are available for timely satisfaction of financial obligations.
 - c. Return on investment - Within safety and liquidity limitations, a reasonable rate of return should be obtained on Sheriff's Office investments.
2. The performance of the Escambia County Sheriff's Office investments will be compared on an annual basis with the appropriate indices published in a

national financial publication. Such indices will be selected by the Chief Financial Officer to reflect returns on investments with a minimum of risk.

305.2 Prudence and Ethical Standard

It is imperative that certain standards be established and followed concerning the investment of funds held by the Sheriff. Of those standards, the prudent person standard is defined as follows:

1. Investments will be made with judgment and care, under the circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the income to be derived.
2. Officers and employees involved in the investment process will refrain from personal business activity that could conflict with proper conduct of the investment program, or which could impair their ability to make impartial investment decisions. In addition, those persons will disclose to the Sheriff any material of financial interest or personal relationship which could cause a conflict of interest.

305.3 Authorized Investments

1. The Local Government Surplus Trust Fund or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act of 1969, F.S.S. 163.01.
2. Security and Exchange registered money market funds with the highest credit quality rating from a recognized rating agency.
3. Saving accounts in state-certified depositories, as defined in F.S.S. 280.02(16).
4. Certificates of Deposit in a state certified depository.
5. Notes, Bonds, T-Bills, or other direct obligations of the United States Treasury.
6. Federal agencies and instruments.
7. Repurchase agreements.

8. Prior to investing in any derivative product or reverse repurchase agreement, the Chief Financial Officer will review the provisions of F.S.S. 218.415(5).

305.4 Maturity and Liquidity Requirements

The investment portfolio will be constructed in such a manner as to provide sufficient liquidity to pay obligations as they become due. To the extent possible, investment maturities will be matched with known cash needs and anticipated cash flow.

305.5 Portfolio Composition and Diversification

Prudent investing necessitates that the portfolio be diversified as to instruments and dealers. Investments will be diversified to the extent practical to control risk of loss from over concentration of assets in specific maturity, issuer, instrument, dealer, or bank through which these instruments are bought and sold. Diversification strategies within the established guidelines will be reviewed and, if necessary, revised by the Chief Financial Officer on a periodic basis.

1. The following maximum limits are guidelines for diversification by instrument:
 - a. Government Advantage Interest Accounts 100%
 - b. Certificates of Deposit 0%
 - c. Treasury Bills/Notes %
 - d. Other United States Governmental Agencies %
 - e. State investment pool interest bearing accounts (i.e. Savings, NOW) 0%
2. The Sheriff may revise these guidelines for specific circumstances.
3. Government Advantage Account
 - a. The Government Advantage Account combines the features and conveniences of a full-service demand deposit account with the advantage of paying interest on excess balances. It also offers additional features that simplify operations and may help reduce overhead on cash management and investment activities.
 - b. Funds in Government Advantage Accounts are demand deposits, not investments. Therefore, the FDIC insures them for the first \$100,000.

Additionally, the bank collateralizes the funds in the account to the fullest extent required by state law under Section 280.

- c. Interest payments are determined monthly. At the end of each month, the account analysis system computes the average ledger balance, average float, and average positive collected balance. Compensating balances and the balance to offset services rendered are subtracted from the average positive collected balance to arrive at the net balance available amount. (An earnings credit rate equal to the Treasury bill interest rate will be used.) The interest is then paid on the dollars remaining after the service charges are covered. The interest is paid to the account on the 10th of the following month.

305.6

Authorized Investment Institutions and Dealers

The Escambia County Sheriff's Office will only purchase securities from brokers, dealers or banks that have met certain criteria. Criteria for approval includes but is not limited to:

1. Banks and Savings and Loan Associations must meet requirements as a qualified depository as determined by the State of Florida.
2. Brokers and dealers must be listed on the Federal Reserve Bank of New York as primary government securities dealer.
3. Brokers and dealers must provide certification of having read this policy.
4. Repurchase agreements will be conducted only with principals and not through third parties acting as agents.

305.7

Third Party Custodial Agreements

1. All securities purchased by the Escambia County Sheriff's Office will be properly designated as assets of the Sheriff's Office and may be held in safekeeping by a third party custodial institution.
2. No withdrawal of securities, in whole or part, will be made from safekeeping without authorization of the Chief Financial Officer.
3. The Chief Financial Officer is authorized to execute, on behalf of the Sheriff, third party custodial agreement(s) with banks and other financial institutions. Such agreements may include the following:
 - a. Letters of authority from the Sheriff;

- b. Details as to the responsibilities of each party;
 - c. Method of notification of security purchases, sales, and delivery;
 - d. Procedures related to repurchase agreements;
 - e. Wire transfers;
 - f. Safekeeping and transaction costs;
 - g. Procedures in case of wire transfer failure or other mishaps; and
 - h. A description of the liabilities of each party.
4. Certificates of deposit or other time deposits do not need to be placed with a third party custodian, as they are collateralized through F.S.S. 280.

305.8

Bid Requirements

1. When feasible and appropriate, a competitive bid process will be used.
2. The primary investment instrument used by the Sheriff's Office is the Government Advantage Interest Account, with the principal being the bank balance at the end of a work period. Overall banking services will be by bid.
3. To obtain the best mix of low cost service fees and highest rates of return, various types of accounts may be packaged as a group. This decision will be at the Sheriff's discretion.
4. The group may include both interest bearing and non-interest bearing accounts.
5. Bidding will be done on a 3 to 5 year cycle.
6. Bid scoring will be done using a weighted matrix system for quantitative type answers.
 - a. If a clear winner does not emerge, a qualitative analysis will be used to make the final decision.
 - b. If a winner did not submit the highest interest rate, an explanation will be attached stating the reason(s) for the final selection.
7. All bids will be retained according to current bidding policy.

**305.9
Internal Controls**

The Chief Financial Officer will establish and monitor a set of controls designed to protect the Sheriff's Office funds and assure proper accounting and reporting of securities transactions.


**305.10
Reporting**

The Chief Financial Officer will prepare periodic reports, at least annually, for presentation to the Sheriff and the Board of County Commissioners. The report(s) will include the following:

1. Securities in the portfolio by class or type;
2. Book value;
3. Income earned; and
4. Market value as of date of the report.

Drafted by: Wanda H. White; October 18, 2009

Approved



David Morgan, Sheriff
Escambia County, Florida

10/20/09

Date

ATTACHMENT A

**LIST OF QUALIFIED PUBLIC DEPOSITORIES
AS OF SEPTEMBER 30, 2011**

FEIN	INSTITUTION	MAIN OFFICE LOCATION
590295205	1ST NATIONAL BANK OF SOUTH FLORIDA	HOMESTEAD
592718611	1ST UNITED BANK	BOCA RATON
200586873	ALARION BANK	OCALA
200642557	AMERICAN ENTERPRISE BANK OF FLORIDA	JACKSONVILLE
161764661	AMERICAN MOMENTUM BANK	TAMPA
592430369	AMERICAN NATIONAL BANK	OAKLAND PARK
581111076	AMERIS BANK	MOULTRIE, GA
591485307	BAC FLORIDA BANK	CORAL GABLES
362085229	BMO HARRIS BANK, N.A.	CHICAGO, IL
522126008	BANCO POPULAR NORTH AMERICA	NEW YORK, NY
640117230	BANCORPSOUTH BANK	TUPELO, MS
941687665	BANK OF AMERICA, N.A.	CHARLOTTE, NC
591024375	BANK OF BELLE GLADE	BELLE GLADE
208376899	BANK OF CENTRAL FLORIDA	LAKELAND
590153890	BANK OF JACKSON COUNTY	GRACEVILLE
593409662	BANK OF ST. AUGUSTINE	ST. AUGUSTINE
591050700	BANK OF THE SOUTH	PENSACOLA
590669712	BANKATLANTIC	FORT LAUDERDALE
592895534	BANKFIRST	WINTER PARK
630920867	BANKTRUST	MOBILE, AL
270217289	BANKUNITED	MIAMI LAKES
592055009	BAY BANK & TRUST COMPANY	PANAMA CITY
593672784	BEACH COMMUNITY BANK	FORT WALTON BEACH
561074313	BRANCH BANKING & TRUST COMPANY	WINSTON-SALEM, NC
590153930	BRANNEN BANK	INVERNESS
800249828	BROWARD BANK OF COMMERCE	FORT LAUDERDALE
582455444	CBC NATIONAL BANK	FERNANDINA BEACH
630258819	CCB COMMUNITY BANK	ANDALUSIA, AL
593404322	CNLBANK	ORLANDO
640156695	CADENCE BANK, N.A.	STARKVILLE, MS
800623883	CAPITAL BANK, N.A.	MIAMI
593277398	CAPITAL CITY BANK	TALLAHASSEE
710009885	CENTENNIAL BANK	CONWAY, AR
592979916	CENTERSTATE BANK OF FLORIDA, N.A.	WINTER HAVEN
205909064	CENTRAL BANK	TAMPA
592664950	CHARLOTTE STATE BANK	PORT CHARLOTTE
582657053	CHARTERBANK	WEST POINT, GA
203356187	CHIPOLA COMMUNITY BANK	MARIANNA
135266470	CITIBANK, N.A.	LAS VEGAS, NV
590193780	CITIZENS BANK & TRUST	FROSTPROOF
590557762	CITIZENS BANK OF FLORIDA	OVIEDO
593018034	CITIZENS FIRST BANK	THE VILLAGES
590828474	CITIZENS STATE BANK	PERRY
591297458	CITY NATIONAL BANK OF FLORIDA	MIAMI
590199400	COCONUT GROVE BANK	MIAMI
590201970	COLUMBIA BANK	LAKE CITY
593324560	COMMUNITY BANK & COMPANY	LAKESWOOD RANCH
593472696	COMMUNITY BANK & TRUST OF FLORIDA	OCALA
651156637	COMMUNITY BANK OF BROWARD	DANIA BEACH
591474050	COMMUNITY BANK OF FLORIDA	HOMESTEAD
593611444	COMMUNITY BANK OF THE SOUTH	MERRITT ISLAND
203871376	COMMUNITY SOUTHERN BANK	LAKELAND

590795359	COMMUNITY STATE BANK	STARKE
630476286	COMPASS BANK	BIRMINGHAM, AL
591521267	CONTINENTAL NATIONAL BANK OF MIAMI	MIAMI
650315279	DESJARDINS BANK, N.A.	HALLANDALE
592976493	DRUMMOND COMMUNITY BANK	CHIEFLAND
591259357	EASTERN NATIONAL BANK	MIAMI
650765849	EDISON NATIONAL BANK	FORT MYERS
203742585	ENCORE NATIONAL BANK	PORT CHARLOTTE
611433431	ENGLEWOOD BANK	ENGLEWOOD
650159259	ENTERPRISE BANK OF FLORIDA	NORTH PALM BEACH
591479450	ESPIRITO SANTO BANK	MIAMI
593531592	EVERBANK	JACKSONVILLE
591387466	EXECUTIVE NATIONAL BANK	MIAMI
590788761	FNBT.COM BANK	FORT WALTON BEACH
590238640	FARMERS & MERCHANTS BANK	MONTICELLO
310676865	FIFTH THIRD BANK	CINCINNATI, OH
208075599	FINEMARK NATIONAL BANK & TRUST	FORT MYERS
200962736	FIRST AMERICA BANK	BRADENTON
421174407	FIRST AMERICAN BANK	FORT DODGE, IA
590242465	FIRST BANK - FLORIDA	CLEWISTON
430231490	FIRST BANK - MISSOURI	CREVE COEUR, MO
202945754	FIRST BANK OF THE PALM BEACHES	WEST PALM BEACH
593528089	FIRST CITRUS BANK	TAMPA
590612190	FIRST CITY BANK OF FLORIDA	FORT WALTON BEACH
590969721	FIRST FEDERAL BANK OF FLORIDA	LAKE CITY
202951094	FIRST FLORIDA BANK	DESTIN
262218160	FIRST GREEN BANK	EUSTIS
592312147	FIRST NATIONAL BANK NORTHWEST FLORIDA	PANAMA CITY
590762637	FIRST NATIONAL BANK OF CRESTVIEW	CRESTVIEW
590242830	FIRST NATIONAL BANK OF MOUNT DORA	MOUNT DORA
592648115	FIRST NATIONAL BANK OF PASCO	DADE CITY
590675658	FIRST NATIONAL BANK OF SOUTH MIAMI	SOUTH MIAMI
590877517	FIRST NATIONAL BANK OF WAUCHULA	WAUCHULA
208397856	FIRST NATIONAL BANK OF THE GULF COAST	NAPLES
592507590	FIRST SOUTHERN BANK	BOCA RATON
591451065	FIRST STATE BANK OF ARCADIA	ARCADIA
650790413	FIRST STATE BANK OF THE FLORIDA KEYS	KEY WEST
260564277	FIRSTATLANTIC BANK	JACKSONVILLE
650980079	FLAGLER BANK	WEST PALM BEACH
592331908	FLORIDA BANK	TAMPA
203426097	FLORIDA BANK OF COMMERCE	ORLANDO
593609400	FLORIDA BUSINESS BANK	MELBOURNE
593543636	FLORIDA CITIZENS BANK	GAINESVILLE
271732978	FLORIDA COMMUNITY BANK, N.A.	MIAMI
651062853	FLORIDA GULF BANK	FORT MYERS
205502147	FLORIDA SHORES BANK - SOUTHEAST	POMPAÑO BEACH
260832347	FLORIDA SHORES BANK - SOUTHWEST	VENICE
208689049	FLORIDA TRADITIONS BANK	DADE CITY
651107498	FLORIDIAN COMMUNITY BANK, INC.	DAVIE
593556942	FRIENDS BANK	NEW SMYRNA BEACH
205228352	GATEWAY BANK OF CENTRAL FLORIDA	OCALA
202720570	GATEWAY BANK OF FLORIDA	DAYTONA BEACH
592372081	GIBRALTAR PRIVATE BANK & TRUST COMPANY	CORAL GABLES
650902670	GRAND BANK & TRUST OF FLORIDA	WEST PALM BEACH
562308972	GULF COAST COMMUNITY BANK	PENSACOLA
721598380	GULFSOUTH PRIVATE BANK	DESTIN
650898666	GULFSTREAM BUSINESS BANK	STUART
640169065	HANCOCK BANK	GULFPORT, MS

590879274	HARBOR COMMUNITY BANK	INDIANTOWN
593584666	HEARTLAND NATIONAL BANK	SEBRING
592559367	HERITAGE BANK OF NORTH FLORIDA	ORANGE PARK
580679647	HERITAGEBANK OF THE SOUTH	ALBANY, GA
592571173	HIGHLANDS INDEPENDENT BANK	SEBRING
720218470	IBERIABANK	LAFAYETTE, LA
591680815	INTERAMERICAN BANK, F.S.B.	MIAMI
134038731	INTERVEST NATIONAL BANK	NEW YORK, NY
261783674	INTRACOASTAL BANK	PALM COAST
590794091	JGB BANK, N.A.	MIAMI
300440889	JEFFERSON BANK OF FLORIDA	OLDSMAR
590549169	LAFAYETTE STATE BANK	MAYO
650823900	LANDMARK BANK, N.A.	FORT LAUDERDALE
593559141	MADISON COUNTY COMMUNITY BANK	MADISON
590874267	MERCHANTS & SOUTHERN BANK	GAINESVILLE
260351928	NORTHSTAR BANK	TAMPA
363190871	NORTHERN TRUST, N.A.	MIAMI
592237280	OCEAN BANK	MIAMI
412124729	OCULINA BANK	FORT PIERCE
592222038	OLD FLORIDA NATIONAL BANK	LONGWOOD
010914314	ONE SOUTH BANK	CHIPLEY
042764211	ONEUNITED BANK	BOSTON, MA
202535722	ORANGE BANK OF FLORIDA	ORLANDO
221146430	PNC BANK, N.A.	WILMINGTON, DE
200830384	PATRIOT BANK	TRINITY
591510993	PEOPLES BANK OF GRACEVILLE	GRACEVILLE
592648364	PEOPLES NATIONAL BANK	NICEVILLE
593512544	PEOPLES STATE BANK	LAKE CITY
581171935	PEOPLESSOUTH BANK	COLQUITT, GA
590399830	PERKINS STATE BANK	WILLISTON
593460497	PLATINUM BANK	BRANDON
203294197	PREFERRED COMMUNITY BANK	FORT MYERS
593228475	PREMIER BANK	TALLAHASSEE
260474086	PRIME MERIDIAN BANK	TALLAHASSEE
592324433	PROSPERITY BANK	ST. AUGUSTINE
561708585	RBC BANK (USA)	RALEIGH, NC
592608698	REGENT BANK	DAVIE
630371391	REGIONS BANK	BIRMINGHAM, AL
203967598	RELIANCE BANK, F.S.B.	FORT MYERS
593616000	REPUBLIC BANK	PORT RICHEY
591538315	SABADELL UNITED BANK, N.A.	MIAMI
590193820	SEACOAST NATIONAL BANK	STUART
203341252	SEASIDE NATIONAL BANK & TRUST	ORLANDO
202451671	SERVISFIRST BANK	BIRMINGHAM, AL
208475582	SHAMROCK BANK OF FLORIDA	NAPLES
580214350	SOUTHEASTERN BANK	DARIEN, GA
204486142	STONEGATE BANK	FORT LAUDERDALE
262000576	SUMMIT BANK, N.A.	PANAMA CITY
580466330	SUNTRUST BANK	ATLANTA, GA
650878433	SUNSTATE BANK	MIAMI
300673623	SUPERIOR BANK, N.A.	TAMPA
580201800	SYNOVUS BANK	COLUMBUS, GA
010137770	TD BANK, N.A.	WILMINGTON, DE
593571314	THE JACKSONVILLE BANK	JACKSONVILLE
043730999	THE PALM BANK	TAMPA
591498440	TOTALBANK	MIAMI
640180810	TRUSTMARK NATIONAL BANK	JACKSON, MS
205689929	USAMERIBANK	CLEARWATER

630838750	UNITED BANK	ATMORE, AL
593745455	UNITED LEGACY BANK	WINTER PARK
590489540	UNITED SOUTHERN BANK	UMATILLA
591008568	URBAN TRUST BANK	ORLANDO
591548423	VALLEY BANK	FORT LAUDERDALE
590506660	VISION BANK	PANAMA CITY
590500870	WAUCHULA STATE BANK	WAUCHULA
941347393	WELLS FARGO BANK, N.A.	SIOUX FALLS, SD
721171087	WHITNEY BANK	NEW ORLEANS, LA

ATTACHMENT B

**OFFICE OF THE SHERIFF
ESCAMBIA COUNTY, FLORIDA
INVESTMENT POLICY INTERNAL CONTROLS**

These controls are designed to protect the Sheriff's Office funds and to insure proper accounting and reporting of securities transactions. The controls will include, but are not limited to, the following:

1. All securities purchased or sold will be transferred only under "delivery vs. payment" (d.v.p.) method to insure that funds or securities are not released until all criteria relating to the specific transaction are met.
2. The Chief Financial Officer is authorized to accept on behalf of and in the name of the Escambia County Sheriff's Office, bank trust receipts or confirmation as evidence of actual delivery of the obligation or securities in return for investment of funds.
3. Trust receipts or confirmations will fully describe the various obligations or securities held.
4. The receipt or confirmation will state that the investment is held in the name of the Escambia County Sheriff's Office.
5. Written documentation and/or confirmation of telephone transactions and/or wire transactions will be maintained.
6. There will be adequate separation of duties with clear delegation of authority among personnel handling investment functions.
7. Custodial safekeeping will be properly utilized.
8. Operational review and performance evaluation and reporting, interim and/or annual, will be completed by the Chief Financial Officer.
9. There will be an avoidance of bearer type securities.
10. There will be an avoidance of delivery type securities.
11. There will be specific limitations regarding securities losses and remedial actions will be taken as soon as possible should such losses occur.
12. A wire transfer agreement with the custodial bank outlining the various controls and security provisions for making and receiving wire transfers will be developed.
13. Prohibition of collusion will be developed into such controls.

14. Written dealer confirmation and month and quarterly custodial account statements will be maintained.
15. All daily investment activity will be coordinated and reviewed by the Chief Financial Officer.
16. The following personnel are designated as having authority to initiate investment activity:
 - A. The Sheriff;
 - B. The Chief Financial Officer; and
 - C. Person designated by the Sheriff.
17. Periodic training and educational opportunities will be made available concerning investment and related subjects for appropriate investment personnel.
18. Such additional controls as may be required.

INVESTMENTS

General Fund Interest Income

At 9/30/11 The Escambia County Sheriff's Office earned for the fiscal year the following:

INTEREST Earned on FYE 9/30/11

October 2010	\$	503.00
November 2010	\$	426.05
December 2010	\$	513.08
January 2011	\$	195.88
February 2011	\$	-
March 2011	\$	146.66
April 2011	\$	31.14
May 2011	\$	226.56
June 2011	\$	21.88
July 2011	\$	645.74
August 20101	\$	155.78
September 2011	\$	0.96
Total FYE 09/30/11	\$	2,866.73

Checking Accounts:

At 9/30/11 The Escambia County Sheriff's Office held the following Checking Accounts that earned interest:

STATE LET Account:

October 2010	\$	2.82
November 2010	\$	2.15
December 2010	\$	2.63
January 2011	\$	-
February 2011	\$	-
March 2011	\$	0.41
April 2011	\$	0.12
May 2011	\$	2.02
June 2011	\$	0.25
July 2011	\$	-
August 20101	\$	8.33
September 2011	\$	-
Total FYE 09/30/11	\$	18.73

Flex Account:

October 2010	\$	61.18
November 2010	\$	48.62
December 2010	\$	44.90
January 2011	\$	20.53
February 2011	\$	-
March 2011	\$	14.30
April 2011	\$	0.70
May 2011	\$	22.68
June 2011	\$	2.75
July 2011	\$	56.90
August 20101	\$	86.36
September 2011	\$	-
Total FYE 09/30/11	\$	358.92

Auction Account:

October 2010	\$	0.80
November 2010	\$	0.56
December 2010	\$	0.60
January 2011	\$	0.25
February 2011	\$	-
March 2011	\$	0.17
April 2011	\$	0.04
May 2011	\$	0.03
June 2011	\$	0.03
July 2011	\$	-
August 20101	\$	0.81
September 2011	\$	-
Total FYE 09/30/11	\$	3.29

Federal LET -Treasury:

October 2010	\$	0.41
November 2010	\$	0.28
December 2010	\$	0.30
January 2011	\$	0.12
February 2011	\$	-
March 2011	\$	-
April 2011	\$	-
May 2011	\$	0.13
June 2011	\$	0.02
July 2011	\$	-
August 20101	\$	0.45
September 2011	\$	-
Total FYE 09/30/11	\$	1.71

Federal LET -Justice:

October 2010	\$	22.19
November 2010	\$	13.88
December 2010	\$	15.47
January 2011	\$	6.31
February 2011	\$	-
March 2011	\$	4.02
April 2011	\$	0.70
May 2011	\$	4.51
June 2011	\$	0.52
July 2011	\$	2.63
August 20101	\$	13.33
September 2011	\$	-
Total FYE 09/30/11	\$	83.56



ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT AND COMPTROLLER
ESCAMBIA COUNTY, FLORIDA

◆ AUDITOR ◆ ACCOUNTANT ◆ EX-OFFICIO CLERK TO THE BOARD ◆ CUSTODIAN OF COUNTY FUNDS ◆

AI-1671 **Clerk & Comptroller's Report** **Item #: 12. 3.**

BCC Regular Meeting

Meeting Date: 11/03/2011
Issue: Minutes and Reports
From: Doris Harris
Organization: Clerk & Comptroller's Office

Recommendation:

Recommendation Concerning Minutes and Reports Prepared by the Clerk to the Board's Office

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

- A. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held October 20, 2011; and
- B. Approve the Minutes of the Regular Board Meeting held October 20, 2011.

Attachments

CR I-3

REPORT OF THE BOARD OF COUNTY COMMISSIONERS AGENDA REVIEW
HELD OCTOBER 20, 2011
BOARD CHAMBERS, FIRST FLOOR, ESCAMBIA COUNTY GOVERNMENTAL COMPLEX
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(9:02 a.m. – 10:57 a.m.)

Present: Commissioner Kevin W. White, Chairman, District 5
Commissioner Wilson B. Robertson, Vice Chairman, District 1
Commissioner Grover C. Robinson, IV, District 4
Commissioner Marie K. Young, District 3
Lisa N. Bernau, Chief Deputy Clerk, representing the
Honorable Ernie Lee Magaha, Clerk of the Circuit Court and Comptroller
Charles R. "Randy" Oliver, County Administrator
Charles V. Pepler, Deputy County Attorney
Patricia L. Sheldon, Clerk and Comptroller's Administrator of Financial Services
Shirley L. Gafford, Program Coordinator, County Administrator's Office
Doris Harris, Deputy Clerk to the Board

Absent: Commissioner Gene M. Valentino, District 2

1. FOR INFORMATION: The agenda package for the 5:30 p.m., October 20, 2011, Regular Board Meeting, was reviewed as follows:
 - A. Shirley L. Gafford, Program Coordinator, County Administrator's Office, Charles V. Pepler, Deputy County Attorney, reviewed the agenda cover sheet;
 - B. Patricia L. Sheldon, Clerk and Comptroller's Administrator of Financial Services, reviewed the Clerk's Report;
 - C. T. Lloyd Kerr, Director, Development Services Department, reviewed the Growth Management Report;
 - D. County Administrator Oliver, Shirley L. Gafford, Program Coordinator, County Administrator's Office, Charles V. Pepler, Deputy County Attorney, Marilyn Wesley, Director, Community Affairs Department, Larry M. Newsom, Assistant County Administrator; Joy D. Blackmon, Public Works Department Director; and Amy Lovoy, Director, Management and Budget Services Department, reviewed the County Administrator's Report, and Commissioner White introduced Item III-2;
 - E. Charles V. Pepler, Deputy County Attorney, reviewed the County Attorney's Report; and
 - F. Commissioner White and County Administrator Oliver reviewed Commissioner White's add-on item, and Commissioner Robinson reviewed his add-on item (see Item #2, Page 2).

REPORT OF THE AGENDA WORK SESSION – Continued

2. FOR INFORMATION: The following five options were discussed relative to the Equestrian Center Marketing and Promotions Coordinator, as outlined in an email from County Attorney Rogers on October 19, 2011 (*Commissioner Robinson's add-on item*):
 1. *Take no action and assume that your administrator will take care of the situation as he sees fit, including maintaining the status quo;*
 2. *Opposite action: Vote as a board to direct the administrator to direct the administrator to file a complaint with the Commission on Ethics, with the possibility of having the County Attorney's Office drafting such letter;*
 3. *Vote to delete the entire position from the budget;*
 4. *Vote to direct the Administrator to terminate the person filling the position and direct the Administrator to commence filling the position from square one. This is an unclassified position;*
 5. *Direct the County Attorney's Office to request an opinion from the Attorney General's Office. While they may not be willing to engage in considering such a fact specific situation, it is possible the AG will opine on it.*

NAME

DEPARTMENT/AGENCY

1	LLOYD KERR	DSO
2	LARRY NEWSON	Admin
3	Don Waco	PW FACILITIES M&T
4	Larry Goodwin	P/W
5	TRISHA POHLMANN	PUBLIC SAFETY
6	DIANNE TAYLOR	Deanne Taylor Badg
7	Chon Sande	HR
8	Amy Leroy	MBS
9	DAVID MUSSELUHTE	I.T.
10	Claudia Simon	Quackaw
11	Don	McDonald Flery
12	Wst + Don Barber	Citizen
13	Bob Dennis	MBS/Purchasing
14	Sandra Slay	Env. Enforce.
15	Ken Gordon	ECAI
16	JESSE CASOY	citizen
17	Marilyn Wesley	DCA
18	Harold Sindell	Planning Board
19	Keith Wilkins	C + E
20	Hanny WICKERSON	NERP
21	Pam Allen	Extension
22	Dale Baker	DSB
23	Horace Jones	DSB
24	Draine Simpson	Legal Dept.
25	Bucky Anetta	BCC D4
26	Glenn Braggwell	BCC D1
27	Don Troche	BCC D5
28	Don	BCC - 02
29	Don	P/VJ
30	Pat Johnson	DSW

NAME

DEPARTMENT/AGENCY

1	Brandon Davis	Demographics
2	John Sims	ECFR
3	Mike Rhodes	Parks/Rec
4	Colby Brown	Esc Co. TRAFFIC
5	Jay Blackman	PW
6	Sonya Daniel	PID
7	Kelly Cooke	PID
8	Brandi Ziglar	PID
9	Larry Daniel	HR
10	Paul Finley	CAO
11	Susan Hedraff	TAO
12	Jacque Hince	WEAR
13	Susan Holt	CEO/P&R/SUM
14	Matt Mooneyham	ENG
15	Nate DeBruin	City
16	Derald C. Taglie	DIST. 1 VOTER
17	Rob Williams	Newsradio 1620
18	Elrico Tunstall	Jump Off Productions
19	Barbara Magall	Cyber
20	Charlie Conzidor	GIS Dev SVCS
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NAME

DEPARTMENT/AGENCY

1	Lisa Bernau	Clerk + Comptroller
2	Patty Sheldon	Clerk + Comptroller Finance
3	Doris Harris	Clerk to the Board
4	Randy series	County Admin.
5	Shirley Gafford	CAO
6	KEVIN W WHITE	BCC
7	Charlie Pyle	City City
8	Marie Young	Sec
9	Wilson Robertson	BCC
10	Sam Blaine	BCC
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BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1589 **Growth Management Report** Item #: 12. 1.

BCC Regular Meeting

Meeting Date: 11/03/2011
Issue: Review of the Rezoning Cases heard by the Planning Board on October 10, 2011
From: T. Lloyd Kerr, AICP
Organization: Development Services

RECOMMENDATION:

Recommendation Concerning the Review of the Rezoning Cases heard by the Planning Board on October 10, 2011

That the Board take the following action concerning the rezoning cases heard by the Planning Board on October 10, 2011:

- A. Review and either adopt, modify, or overturn the Planning Board's recommendations for Rezoning Cases Z-2011-16 and Z-2011-17 or remand the cases back to the Planning Board; and
- B. Authorize the Chairman to sign the Orders of the Escambia County Board of County Commissioners for the rezoning cases that were reviewed.

1. Case No.: **Z-2011-16**
Location: 7420 W Nine Mile Rd
Property Reference No.: 01-1S-32-4303-001-002
Property Size: .30 (+/-) acre
From: RR, Rural Residential District (cumulative) Low Density (2 du/acre)
To: R-6 Neighborhood Commercial and Residential District, (cumulative) High Density (10 du/acre)
FLU Category: MU-S, Mixed Use Suburban
Commissioner District: 1
Requested by: Tim Eagan, Agent for Paul Roberts, Owner
Planning Board Recommendation: Approval
Speakers: T. R. Eagan
Michael McNally
Paul Roberts

2 Case No.: **Z-2011-17**
Location: 9991 Guidy Lane
Property Reference No.: 07-1S-30-1018-000-000

Property Size: .35 (+/-) acre
 From: R-2, Single Family District
 (cumulative), Low-Medium Density
 (7 du/acre)
 To: R-6 Neighborhood Commercial and
 Residential District, (cumulative)
 High Density (25 du/acre)
 FLU Category: MU-U, Mixed Use Urban
 Commissioner District: 5
 Requested by: Wiley C. Buddy Page, Agent for Charles and Linda Welk,
 Owners
 Planning Board Recommendation: Denial
 Speakers: Wiley C. Page (Buddy Page)
 Charles Welk
 Duffy Meligan
 Steven White

BACKGROUND:

The above cases were owner initiated and heard at the October 10, 2011 Planning Board meeting. Under the Land Development Code (LDC) 2.08.00.E.1., “the Board of County Commissioners shall review the record and the recommendation of the Planning Board and either adopt the recommended order, modify the recommended order as set forth therein, reject the recommended order, or remand the matter back to the Planning Board for additional facts or clarification. Findings of fact or findings regarding legitimate public purpose may not be rejected or modified unless they are clearly erroneous or unsupported by the record. When rejecting or modifying conclusions of law, the Board of County Commissioners must state with particularity its reasons for rejecting or modifying the recommended conclusion of law and must make a finding that its substituted conclusion of law is as or more reasonable than the conclusion that was rejected or modified. However, the Board of County Commissioners may not modify the recommendation to a more intensive use than recommended by the Planning Board; rather the matter shall be remanded with instructions. The review shall be limited to the record below. Only a party of record to the proceedings before the Planning Board or representative shall be afforded the right to address the Board of County Commissioners and only as to the correctness of the findings of fact or conclusions of law as based on the record. The Board of County Commissioners shall not hear testimony.”

To further the County’s policy of “decreasing response time from notification of citizen needs to ultimate resolution,” the Board is acting on both the approval of the Planning Board recommended order and the LDC Map Amendment for this month’s rezoning cases. This report item addresses only the review and upholding of the Planning Board’s recommendation. The next report item will address the Public Hearing for the LDC Zoning Map Amendment.

BUDGETARY IMPACT:

This action may increase the ad valorem tax base for Escambia County.

LEGAL CONSIDERATIONS/SIGN-OFF:

The recommended order is the result of deliberations by the Planning Board based on staff analysis, public testimony, and knowledge of the Comprehensive Plan and Land Development Code as well as case law and Florida Statutes.

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

The Chairman will need to sign the Orders of the Escambia County Board of County Commissioners either denying or approving the rezoning requests.

IMPLEMENTATION/COORDINATION:

The cases under review are presented to the Planning Board for collection of evidence. The Planning Board conducts a quasi-judicial public hearing and issues a recommended order to the Board.

Attachments

Z-2011-16

Z-2011-17

Z-2011-16

PLANNING BOARD REZONING HEARINGS - OCTOBER 10, 2011

IN AND FOR ESCAMBIA COUNTY, FLORIDA
 ESCAMBIA COUNTY PLANNING BOARD

Quasi-judicial proceedings held before the Escambia County Planning Board on Monday, October 10, 2011, at the Escambia County Central Office Complex, 3363 West Park Place, First Floor, Pensacola, Florida, commencing at 8:30 a.m.

APPEARANCES

PLANNING BOARD:

WAYNE BRISKE, CHAIRMAN
 TIM TATE, VICE CHAIRMAN
 DOROTHY DAVIS
 STEVEN BARRY
 R. VAN GOODLOE
 KAREN SINDEL
 ALVIN WINGATE
 PATTY HIGHTOWER, SCHOOL BOARD MEMBER
 BRUCE STITT, NAVY REPRESENTATIVE
 STEPHEN WEST, ASSISTANT COUNTY ATTORNEY

DEVELOPMENT SERVICES BUREAU:

T. LLOYD KERR, AICP, BUREAU CHIEF
 HORACE JONES, DIVISION MANAGER, LONG RANGE PLANNING
 ALLYSON CAIN, URBAN PLANNER II DEVELOPMENTAL SERVICES
 JOHN FISHER, URBAN PLANNER II DEVELOPMENTAL SERVICES
 GENERAL PUBLIC

REPORTED BY: LINDA V. CROWE, COURT REPORTER

PROCEEDINGS

MR. BRISKE: Good morning, ladies and gentlemen. This meeting of the Escambia County Planning Board for October 10, 2011, is hereby called to order. We do have all of our members present for a quorum.

I would like to ask Mr. Wingate to lead us in the Invocation and the Pledge, please.
 (Pledge of Allegiance and Invocation.)

MR. BRISKE: Good morning, staff members. I would like to hear if we've had proof of publication for the meeting this morning.

MS. SPITSBERGEN: Yes, sir, the meeting was advertised in the September 23rd, 2011 Pensacola News Journal.

MR. BRISKE: Thank you. Did that publication meet all of the legal requirements?

MS. SPITSBERGEN: Yes, sir, it did.

MR. BRISKE: The Chair will entertain a motion to waive the reading of the legal?

MS. DAVIS: So moved.

MR. TATE: Second.

MR. BRISKE: A motion and a second. All those in favor, say aye.

(Board members vote.)

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MR. BRISKE: Opposed?
 (None.)
 MR. BRISKE: It passes unanimously.
 (The motion passed unanimously.)
 MR. BRISKE: At this hearing the Planning Board is acting under its authority to hear and make recommendations to the Board of County Commissioners on rezoning applications. These hearings are quasi-judicial in nature. Quasi-judicial hearings are like evidentiary hearings in a court of law, however, they are less formal. All testimony will be given under oath and anyone testifying before the Planning Board may be subject to cross-examination. All documents and exhibits that the Planning Board considers will be entered into evidence and made part of the record. Opinion testimony will be limited to experts and closing arguments will be limited in the evidence in the record. Before making our decision, the Planning Board will consider the relevant testimony, the exhibits entered into evidence and the applicable law.

Each individual who wishes to address the Planning Board must complete a speaker request form located at the back of the chambers and give it to one of the staff members up here. They are located
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1 in the back of the chambers here. You will not be
 2 allowed to speak unless we receive one of these
 3 forms. We have to keep everyone on the record.
 4 Please note that only those individuals who are here
 5 and present today giving testimony on the record at
 6 this hearing before the Planning Board will be
 7 allowed to speak at the subsequent hearing before
 8 the Board of County Commissioners. No new evidence
 9 can be presented at the BCC meeting. All testimony
 08:34 10 and evidence must be presented today.
 11 The Planning Board will make a recommendation
 12 for each rezoning request to the Board of County
 13 Commissioners, which will review the testimony,
 14 documents and exhibits, consider the closing
 15 arguments and make a final decision. All decisions
 16 by the BCC are final. Anyone who wishes to seek
 17 judiciary review of the decision of the Board of
 18 County Commissioners must do so in a court of
 19 competent jurisdiction within 30 days of the date
 08:35 20 the Planning Board either approves or rejects the
 21 recommended order.
 22 All written or oral communication outside of
 23 the hearing with members of the Planning Board
 24 regarding today's matters are considered ex parte
 25 communications. Ex parte communications are
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1 presumed prejudicial under Florida law and must be
 2 disclosed as provided in the Board of County
 3 Commission Resolution 96-13. As each case is heard,
 4 the Chair will ask that the Board members that have
 5 been involved in any ex parte communication identify
 6 themselves and describe the communication.
 7 As required by Section 2.08.02.D of the
 8 Escambia County Land Development Code the Planning
 9 Board's recommendations to the Board of County
 08:36 10 Commissioners shall include consideration of the
 11 following six criterion:
 12 A, consistency with the Comprehensive Plan.
 13 Whether the proposed amendment is consistent with
 14 the Comprehensive Plan.
 15 B, consistency with the code. Whether the
 16 proposed amendment is in conflict with any portion
 17 of the Land Development Code and is consistent with
 18 the stated purpose and intent of the Land
 19 Development Code.
 08:36 20 C, compatibility with surrounding uses.
 21 Whether and to the extent to which the proposed
 22 amendment is compatible with existing and proposed
 23 uses in the area of the subject property or
 24 properties.
 25 D, changed conditions. Whether and to the
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1 extent to which there are any changed conditions
 2 that impact the amendment or the property.
 3 E, effect on the natural environment. Whether
 4 and to the extent to which the proposed amendment
 5 would result in a significant adverse impact on the
 6 natural environment.
 7 F, development patterns. Whether and to the
 8 extent the proposed amendment would result in a
 9 logical and orderly development pattern.
 08:37 10 At the beginning of each case, as long there
 11 are no objections from the applicant, we will allow
 12 the staff to briefly present the location and zoning
 13 maps, as well as some photographs of the property.
 14 Next we will hear from the applicant and any
 15 witnesses that they may wish to call. Then we will
 16 hear from the staff and any witnesses that they may
 17 wish to call. Finally, we will hear from members of
 18 the public who have filled out a speaker request
 19 form to be heard on the matter.
 08:38 20 At this time I'll ask our court reporter to
 21 please swear in our staff members. I believe all of
 22 them have previously been qualified as expert
 23 witnesses in each of their respective areas of land
 24 use. So at this time, if you would, please.
 25 (County staff sworn.)
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1 MR. BRISKE: The rezoning hearing package for
 2 October 10th, 2011 with the staff's Findings-of-Fact
 3 has previously been provided to the Board members.
 4 The Chair will entertain a motion to accept the
 5 rezoning hearing package with the staff's
 6 Findings-of-Fact and the legal advertisement into
 7 evidence.
 8 MR. GOODLOE: So moved.
 9 MS. DAVIS: Second.
 08:38 10 MR. BRISKE: A motion and a second. All those
 11 in favor say, aye.
 12 (Board members vote.)
 13 MR. BRISKE: Opposed?
 14 (None.)
 15 MR. BRISKE: The motion carries.
 16 (The motion passed unanimously.)
 17 MR. BRISKE: We will enter the rezoning hearing
 18 package with the staff's Findings-of-Fact and the
 19 legal advertisement will be marked and included in
 08:39 20 the record as Composite Exhibit A for all of today's
 21 cases.
 22 (Composite Exhibit A, Rezoning Hearing Package
 23 With the Staff's Findings-of-Facts and the Legal
 24 Advertisement, was identified and admitted.)
 25 (Transcript continues on Page 9.)
 * * *
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PLANNING BOARD REZONING HEARINGS - OCTOBER 10, 2011

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1 * * *

2 CASE NO: Z-2011-16
Location: 7420 West Nine Mile Road

3 Parcel: 01-0S-32-4303-001-002
From: RR, Rural Residential District

4 (Cumulative) Low Density (2 du/acre)
To: R-6, Neighborhood Commercial and
5 Residential District, (cumulative) High
Density (10 du/acre)

6 FLU Category: MU-S, Mixed Use Suburban
BCC District: 1

7 Requested by: Tim Eagan, Agent for Paul Johnson

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08:39 9 MR. BRISKE: We have two cases to be heard
today. The first rezoning application for
10 consideration is Case Z-2011-16, which requests a
11 rezoning from Mixed Use Suburban -- excuse me.
12 That's the Future Land Use. From RR, Rural
13 Residential District, to an R-6, Neighborhood
14 Commercial. It's being presented today by Tim
15 Eagan, who is the agent for Paul Johnson.
16 Members of the Board, has there been any
17 ex parte communication between you, the applicant,
18 the applicant's agents, attorneys, witnesses, with
19 any fellow Planning Board members or anyone from the
08:39 20 general public prior to this hearing? I will also
21 ask if you have visited the subject site. Please
22 also disclose if you are a relative, business
23 associate of the applicant or the applicant's agent.
24 We will start -- welcome back to Bruce from his
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1 tour overseas, our Navy representative, we'll start
2 down there. Any ex parte communications?

3 MR. STITT: None.

4 MS. HIGHTOWER: None to all questions.

5 MR. GOODLOE: No communication, but I have
6 visited the site.

7 MR. BARRY: No communications.

8 MR. BRISKE: The Chairman none.

9 MR. TATE: None.

08:40 10 MS. DAVIS: None to all the above.

11 MR. WINGATE: I have visited the site.

12 MS. SINDEL: None to the above.

13 MR. BRISKE: Thank you. Staff members was the
14 notice of the hearing sent to all of the interested
15 parties?

16 MS. SPITSBERGEN: Yes, sir, it was.

17 MR. BRISKE: Was that notice also posted on the
18 subject property?

19 MS. SPITSBERGEN: Yes, sir, it was.

08:40 20 MR. BRISKE: I will now ask the staff to
21 present the photographs and maps for Case Z-2011-16.
22 (Presentation of maps and photographs.)
23 MS. CAIN: This is the wetlands and locational
24 map of the site. This is the aerial view showing
25 the site. This is the Future Land Use, MU-S. This
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1 is the existing land use showing the parcel located
2 in red, circled in red, and all the surrounding
3 uses. This is the 500-foot zoning. This is the
4 locational map showing the parcel and the quarter
5 mile radius.

6 This is our sign that was posted on the site.
7 This is the subject property. This is looking west
8 from the subject property. Looking to the northeast
9 corner. Looking south from the subject property.
08:41 10 Looking east from the subject property. This is our
11 500-foot radius map from Chris Jones, Property
12 Appraiser. This is our mailing list that we sent
13 notices to.

14 MR. BRISKE: Board members, any questions about
15 the maps or the photography?

16 Hearing none, then we will ask our applicant's
17 agent to come forward today, Mr. T.R. Eagan. Sir,
18 our court reporter will please swear you in.
19 (T.R. Eagan sworn.)
08:42 20 MR. BRISKE: Good morning, sir.
21 MR. EAGAN: Good morning, Planning Board.
22 MR. BRISKE: If you will, please state your
23 full name and address for the record.
24 MR. EAGAN: My name is T.R. Eagan. My address
25 is 997 South Palafox Place, downtown Pensacola,
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1 32502. I represent Mr. Paul J. Roberts.

2 MR. BRISKE: And as being an agent today, sir,
3 are you being asked to be qualified as an expert
4 witness in any category?

5 MR. EAGAN: Possibly.

6 MR. BRISKE: Are you an engineer or an attorney
7 or anything with a professional status?

8 MR. EAGAN: No, sir, just a land consultant in
9 development.

08:43 10 MR. BRISKE: We typically will try to qualify
11 you at the beginning unless you want to wait until a
12 later time. The Board members will have an
13 opportunity to hear your background and then
14 consider whether you're an expert in a land use area
15 or rezoning.

16 MR. EAGAN: We can do that now.

17 MR. BRISKE: If you would, just give us a brief
18 history of your background, education and training
19 and what you feel qualifies as an expert.
08:43 20 MR. EAGAN: My background is basically -- I
21 don't have a college degree in engineering or
22 anything like that. My background is in
23 construction and I've been dealing with some
24 developers on the Sector Plan and development
25 projects downtown in the City of Pensacola. That's
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1 basically my background in a nutshell.
 2 MR. BRISKE: Board members, questions?
 3 MR. TATE: How long have you been occupied in
 4 this matter?
 5 MR. EAGAN: As his agent?
 6 MR. TATE: No, sir, just in general in land
 7 use.
 8 MR. EAGAN: Going on five years.
 9 MR. BRISKE: What area are you asking to be
 08:44 10 qualified as an expert witness?
 11 MR. EAGAN: I don't really feel the need to be
 12 qualified as an expert. I feel like I'm competent
 13 enough to represent Mr. Roberts in this particular
 14 zoning matter.
 15 MR. BRISKE: That's fine. We just want to give
 16 you the opportunity as an agent. Sometimes agents
 17 are engineers and so forth and they want to be
 18 qualified for a specific reason.
 19 MR. EAGAN: Sure.
 08:44 20 MR. BRISKE: Now, of course, only experts can
 21 offer opinion testimony, so your testimony will have
 22 to be limited to purely facts. You can't give any
 23 opinion of what your opinion might be on something.
 24 Any other -- I think he's going to withdraw to be an
 25 expert witness, so any other questions at this time?
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1 All right, sir. Have you received a copy of
 2 the rezoning hearing package with the staff's
 3 Findings-of-Fact?
 4 MR. EAGAN: Yes, sir, I have.
 5 MR. BRISKE: And you understand that you will
 6 have the burden of proving substantial competent
 7 evidence that the proposed rezoning is consistent
 8 with the Comprehensive Plan, furthers the goals,
 9 objectives and policies of that Comprehensive Plan
 08:45 10 and is not in conflict with any portion of the
 11 County's Land Development Code?
 12 MR. EAGAN: Yes, sir. On behalf of Mr. Roberts
 13 if I could just go in and present that this
 14 particular dwelling historically is known as the
 15 Twin Gables Grocery Store. And upon meeting
 16 Mr. Roberts, approximately about a year ago, he
 17 explained that he had some interest in the property
 18 and that the building had been sitting there for
 19 quite a long time and is in dire need of repairs and
 08:46 20 the roof was falling in. He explained to me that he
 21 was wanting to reopen the Twin Gables Grocery Store.
 22 A lady named Ms. Ellen -- it's a very popular
 23 establishment in the Beulah area. In fact, it's
 24 quite impressive. You ask anybody in Beulah where
 25 Twin Gables is and they all know, because they've
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1 eaten the fried chicken back in the sixties and
 2 seventies, so it's a very popular spot.
 3 What really grabbed my intrigue with
 4 Mr. Roberts is his passion for reopening this Twin
 5 Gables Grocery Store, but the problem was that the
 6 building had been sitting there for a good period of
 7 time and it wouldn't be grandfathered in under the
 8 current zoning to be allowed to do a grocery store
 9 type development.
 08:47 10 So based upon that, we did some research and we
 11 found out that it was an RR dwelling and he went on
 12 and purchased the property under the pretense that
 13 we could fix it up and get some of the blightiness
 14 out of that area and that we would go forward to the
 15 R-6 rezoning, which we're here today to do, to allow
 16 us to basically reopen the Twin Gables Grocery Store
 17 and have a pizza parlor within the dwelling, as
 18 well.
 19 After our study, we realized that -- we had
 08:48 20 gone and purchased the property. In fact, the
 21 adjacent property next to it is five acres and a
 22 gentleman here, Mr. McNally owns that property, and
 23 it's got some tight zoning on the western portion
 24 boundary line, rather the property line along the
 25 western portion, so we're in the midst of
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1 negotiating a purchase agreement with Mr. McNally to
 2 expand that portion to the west so we won't have
 3 that tight space along the western portion.
 4 So, basically, we're here. We've gotten the
 5 permit to put a new roof on it, so we've made some
 6 changes to the dwelling and an investment to protect
 7 his investment. And it's -- to me this is -- Jim
 8 Hizer has always said, the president of the Chamber
 9 of Commerce, the most important focus that we can
 08:49 10 pay attention to in regard to economic development
 11 is the mom and pop operations that employ three to
 12 15 people.
 13 Basically, in a nutshell, that's what we're
 14 wanting to do is just fix this place up and reopen
 15 the Twin Gables Grocery Store in the Beulah area.
 16 And we've got a new metal roof and paint it and make
 17 it a nice place and reopen it as the grocery store.
 18 So that's basically it in a nutshell and we ask for
 19 your blessing.
 08:49 20 It falls in line with all the criteria. I
 21 think the staff has done a fine job with ironing out
 22 all the guidelines that it would fall into and I
 23 don't believe that we interrupt any of that stuff.
 24 The R-6 is within the 500 feet radius and we just
 25 ask for your blessing.
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1 MR. BRISKE: So at this point are you accepting
 2 the staff's Findings-of-Fact as your presentation as
 3 far as the criterion?
 4 MR. EAGAN: Yes, sir.
 5 MR. BRISKE: All right. Board members, any
 6 questions of the agent? Okay, sir. Did you have
 7 any witnesses that you would like to call.
 8 MR. EAGAN: Yes, we have the owner, Mr. Paul
 9 Roberts, if he would like to speak and say anything.
 08:50 10 One other thing I didn't mention is that we did
 11 go around and we do have some letters of support by
 12 the neighbors within the 500-foot radius, if the
 13 Board would be pleased. It's been explained to me
 14 this may be considered a hearsay document, but we do
 15 have letters of original signatures if we could turn
 16 these in.
 17 MR. BRISKE: We appreciate their support, but,
 18 unfortunately, unless they come and testify under
 19 oath, we can't accept them as evidence. They have
 08:51 20 to be sworn in and testify under oath.
 21 Okay. Are you ready for Mr. Roberts to come
 22 up? Sir, if you will, please come forward. Good
 23 morning. We'll have our court reporter swear you
 24 in.
 25 (Paul J. Roberts sworn.)
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1 MR. BRISKE: Good morning, sir.
 2 MR. ROBERTS: Good morning.
 3 MR. BRISKE: Please state your name and full
 4 address for the record.
 5 MR. ROBERTS: My name is Paul J. Roberts. I
 6 live at 9500 Magnolia Springs Road in Pensacola or
 7 Beulah, 32526. I'm the current owner of the Twin
 8 Gables at 7420 West Nine Mile Road.
 9 MR. BRISKE: Mr. Eagan, are you planning on
 08:51 10 questioning him as a witness or is he going to speak
 11 on his own behalf?
 12 MR. EAGAN: I'll let him speak on his own
 13 behalf.
 14 MR. BRISKE: You have the opportunity to ask
 15 questions of him as a witness if you would like.
 16 Okay, Mr. Roberts. Go ahead, sir.
 17 MR. ROBERTS: The whole intent of putting this
 18 together is getting the area cleaned up and to hire
 19 employees and make it a workable business for my
 08:52 20 retirement. It's going to be a family owned, family
 21 ran business, pizza on one side and a grocery store
 22 on the other side. It used to be a grocery store
 23 and a meat market that was there before. I just
 24 want to revitalize it and get it going. That's what
 25 we're here for. It's better than having the
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1 building sit there falling apart like it was
 2 looking. I don't know if you have the old pictures
 3 of it, but the roof was falling in. Getting it
 4 cleaned up and making it look good for the community
 5 is my whole idea and a workable business. And
 6 nobody has any pizza in Beulah. There's no delivery
 7 out there. So I have a hundred people stopping
 8 everyday, when are you going to do pizza? They
 9 would like to see that and a delivery area for that
 08:53 10 area and a grocery store that's not going to gouge
 11 out their pockets like a couple others I'm not going
 12 to mention. That's the whole intent and to have
 13 Mountain Bread there for the people to come in there
 14 and get it.
 15 If any of the Board members have any questions,
 16 I would be glad to answer any.
 17 MR. BRISKE: Board members, questions of this
 18 witness?
 19 MR. GOODLOE: I have a question of Mr. Roberts.
 08:53 20 How long has that facility been vacant?
 21 MR. ROBERTS: About eight years. It's been a
 22 while, I know at least eight years. It's in poor
 23 shape. The roof ain't anymore, though. I don't
 24 know if you've been back there since. I did put the
 25 metal roof on there. Me and my brother we put a
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1 nice metal roof and it's looking really good. The
 2 front entrance is cleaned up a lot. I haven't
 3 painted yet. It would be a good asset.
 4 Especially -- if you're familiar with Beulah,
 5 there's three companies next door, the erectors, the
 6 metal works and environmental place, and they've
 7 already been down wanting to know when they can have
 8 lunch delivered.
 9 MR. GOODLOE: Thank you.
 08:54 10 MR. ROBERTS: I appreciate it.
 11 MR. BRISKE: Board members, any other questions
 12 of this witness?
 13 Staff, any questions of this witness?
 14 MS. CAIN: No.
 15 MR. BRISKE: Mr. Eagan, did you have anything
 16 else for this witness?
 17 MR. EAGAN: No, sir.
 18 MR. BRISKE: Anything else to say, sir?
 19 MR. ROBERTS: No.
 08:54 20 MR. BRISKE: Thank you very much.
 21 MR. ROBERTS: Thank you.
 22 MR. BRISKE: Mr. Eagan, did you have another
 23 witness or any other information to present?
 24 MR. EAGAN: No, sir. I know that Mr. McNally,
 25 the homeowner of the adjacent property, is going to
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1 speak and we had a brief conversation. He has got a
 2 little document stipulating the temporary power pole
 3 is actually on his property and he was wanting a
 4 fence, but I think we can work that out through a
 5 purchase agreement that we were working on. I was
 6 out of town last week, so I think we can accommodate
 7 him and come up with an amicable solution to his
 8 request.

9 MR. BRISKE: If the rezoning request is
 08:55 10 recommended today and approved by the BCC, it would
 11 still have to go through the County's -- and we'll
 12 have Horace give a little explanation after we hear
 13 from Mr. McNally, so maybe that will satisfy some of
 14 his concerns and we can go on.

15 MR. EAGAN: Yes, sir. I explained the
 16 situation.

17 MR. BRISKE: We'll make sure it gets cleared
 18 up.

19 MR. EAGAN: Thank you.

08:56 20 MR. BRISKE: Thank you, sir.
 21 At this time we will ask our staff members to
 22 go ahead and give the staff's presentation. Who
 23 will be presenting today? Allyson.
 24 (Presentation by Allyson Cain, previously
 25 sworn.)

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1 MS. CAIN: Yes, sir. Allyson Cain, Development
 2 Services. This is the rezoning for 7420 West Nine
 3 Mile Road, Future Land Use MU-S, Mixed Use Suburban,
 4 the rezoning request is from RR, Rural Residential,
 5 to R-6.

6 On Criterion (1), consistent with the Comp
 7 Plan, the findings are that the R-6 is consistent
 8 with the --

9 MR. BRISKE: Excuse me, Allyson. I'm sorry to
 08:56 10 interrupt you. Can we have it on the screen so that
 11 the public can follow along with the criterion,
 12 please? Thank you. Go ahead.

13 MS. CAIN: The R-6 is consistent with the
 14 intent and purpose of the Future Land Use Mixed Use
 15 Suburban. The proposed zoning request will allow
 16 uses that are similar in nature to the residential
 17 and neighborhood commercial uses that are allowed in
 18 the MU-S designation. The information obtained by
 19 the property appraiser's office indicates that the
 08:57 20 existing structure on the site has been used for a
 21 commercial purpose. Therefore, the staff finds that
 22 the proposed request would be a catalyst and would
 23 encourage the redevelopment as defined in the above
 24 section and it would comply with the Comp Plan 1.5.3
 25 since the existing structure and public roads are

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1 currently in place.

2 Criterion (2), consistent with the Land
 3 Development Code. The Rural Residential, which is a
 4 cumulative zoning district, allows for a very broad
 5 use of commercial activities in support of
 6 agricultural activities and operations. The
 7 allowable uses in R-6 would further enhance the
 8 support of the semi-rural community. If this
 9 amendment is granted, then there would be other
 08:57 10 provisions that would regulate the scope of the
 11 development and impact into the surrounding area.

12 The locational criterion has been met since the
 13 parcel is located on an arterial roadway and in
 14 close proximity to another principal arterial. And
 15 we do have a map showing that if you need to look at
 16 that.

17 When further needed, the Development Review
 18 Committee would actually ensure that all the
 19 buffering requirements and any other performance
 08:58 20 standards have been met prior to a development order
 21 being issued for this parcel.

22 Criterion (3), compatible with the surrounding
 23 areas. The proposed amendment is not compatible
 24 with the surrounding and existing uses in the area.
 25 However, the property appraiser's office, as stated

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1 earlier, has the parcel listed as
 2 store/office/residential use and that could imply
 3 that existing site was used for commercial purposes.

4 Within the 500-foot radius impact we observed
 5 16 properties with zoning districts R-R, R-3 and
 6 C-2. There were ten residential, two mobile homes
 7 and commercial and three vacant parcels.

8 Criterion (4), changed conditions. We found no
 9 changed conditions that would impact the amendment
 08:58 10 or this property.

11 Effects on the natural environment, Criterion
 12 (5). There were no hydric soils or wetlands that
 13 were indicated on the parcel, and further review
 14 from the Development Review Committee would be
 15 necessary to determine any adverse impact.

16 Criterion (6), development patterns. The
 17 proposed amendment would result in a logical and
 18 orderly development pattern in accordance with the
 19 permitted uses in R-6 as stated by Land Development
 08:59 20 Code 6.05.15 and the intended uses of Comp Plan
 21 1.3.1. Although the surrounding parcels are
 22 predominately residential, the Future Land Use
 23 category Mixed Use Suburban allows for a mix of
 24 residential and nonresidential uses. Therefore the
 25 proposed zoning could allow for revitalization of

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1 the parcel and it would also increase economic
 2 development within the area.
 3 That concludes staff's findings.
 4 MR. BRISKE: Thank you. Board members, any
 5 questions of Allyson or the other staff members?
 6 MR. TATE: I do have a question with the caveat
 7 that I personally think this is a great opportunity
 8 for this area. What or how are we getting around
 9 the issue of spot zoning? It's not addressed in
 09:00 10 this at all, but we're definitely popping an R-6 in.
 11 (Testimony by Horace Jones, previously sworn.)
 12 MR. JONES: Horace Jones, Development Services,
 13 Division Manager -- is it on?
 14 MR. BRISKE: Pull it down a little bit. We can
 15 hear you.
 16 MR. JONES: If you take a look at the map and
 17 especially the area map, there's lot of commercial
 18 right in front of the site. As a matter of fact,
 19 you see the commercial in front of them and there
 09:01 20 are several businesses along the Nine Mile Road.
 21 Yes, although we do consider that area above that
 22 maybe has the potential to be spot zoning, but
 23 because of the historic use of the site and that
 24 Chris Jones has it labeled as a store/office, and I
 25 believe that it was, staff has concluded that this
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1 possibly could revitalize that property since there
 2 will be no building, just what -- you can't do
 3 nothing with it because it's almost already
 4 constructed as some type of commercial development
 5 that's currently on the site.
 6 MS. DAVIS: I have another question. Along
 7 those lines, have we ever considered changing zoning
 8 in a case like this, because it's so obviously in a
 9 commercial area that will become that way as time
 09:01 10 goes by?
 11 MR. JONES: The BCC has done that, yes.
 12 MR. TATE: We don't have the ability to upzone
 13 a request nor does the BCC.
 14 MR. JONES: There will be something that's
 15 coming today to provide you with that option, yes.
 16 MR. TATE: But in the matter of spot zoning,
 17 you don't see this as an issue at all, a Mixed Use
 18 Suburban Future Land Use and R-6?
 19 MR. JONES: No, I don't, because the Future
 09:02 20 Land Use category of Mixed Use Suburban it does
 21 allow a mixture of commercial and nonresidential
 22 uses. And, also, too, going to R-6, if the Planning
 23 Board decides to go that route, R-6 does allow for
 24 neighborhood type commercial uses that would help
 25 the surrounding area.
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1 MR. TATE: Thank you.
 2 MR. BRISKE: Any questions from the Board?
 3 Mr. Eagan, would you like to cross-examine the staff
 4 members?
 5 MR. EAGAN: No, sir.
 6 MR. BRISKE: If you would come forward to the
 7 microphone for just a moment, I do want to address
 8 an issue we have. Obviously, it's you and your
 9 owner's burden to prove substantial competent
 09:03 10 evidence in all of the criterion. Now, one of the
 11 criterion here, Criterion (3), says that it's not
 12 compatible. Can we bring up on the screen the
 13 actual findings? Because we will have to have some
 14 evidence or a motion from the Board to accept. So I
 15 want to give you an opportunity to put anything on
 16 the record for that that you would like. We'll
 17 bring it up here in just a second.
 18 Your previous testimony was that you accepted
 19 staff's Findings-of-Fact, but with one of them being
 09:03 20 not compatible, I think that would be problematic
 21 here. Here we go.
 22 Allyson, if you would, would you just kind of
 23 go through that one more time just so everybody has
 24 an understanding? The actual finding not
 25 compatible, however, I think you had some commentary
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1 about why. Maybe Mr. Eagan would like to accept
 2 that or present that, I should say, as part of his
 3 competent substantial evidence.
 4 MS. CAIN: Well, in this we do say it wasn't
 5 compatible with the surrounding uses. Basically,
 6 there were ten residential homes and two mobile
 7 homes, but the property appraiser's office for quite
 8 some time has listed this parcel as being commercial
 9 use with store/offices and additional -- also
 09:04 10 residential use. But the use of the site is
 11 predominantly commercial. Even though there are
 12 residential homes and mobile homes around it, there
 13 are in the vicinity a couple of commercial uses and
 14 parcels.
 15 MR. BRISKE: Basically, what I'm saying is
 16 you've got to bring some evidence forth that that's
 17 what your reason is that this is compatible is what
 18 I'm encouraging you to do.
 19 MR. EAGAN: I apologize. I was under the
 09:05 20 understanding -- in mind's eye it's extremely
 21 compatible. I mean it's not like we're in Houston,
 22 Texas and spot zoning where there is no zoning, just
 23 doing what we want here and there. I think if you
 24 drive the area -- as you come from I-10 and you head
 25 west toward Seminole, Alabama and you drive along
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1 that road, you have Nature Trail on the southern
2 side, I guess, of Nine Mile, and you have the new
3 Navy Federal Bank and as you come along west, you
4 will notice that it's one right after the other of
5 commercial zoning.

6 Historically, this used to be the grocery store
7 as it sits right there, so I don't think that it
8 would be -- I would consider it as compatible and
9 blending right in with the infrastructure that's
10 already based. I mean, we're not trying to just
11 plop something in the middle of an RR zoning and
12 trying to get something done. I think it would be a
13 very good positive compatible fit for West Nine Mile
14 Road.

15 MR. BRISKE: Members of the Board, on Criterion
16 (3), any questions?

17 MS. SINDEL: Mr. Chair, perhaps -- and I see
18 where you're going with this. You know, perhaps
19 Mr. Eagan can also add to his comments that the
20 reason this change would be compatible reflects back
21 on what staff has already said that in R-6 you can
22 have neighborhood-type businesses. So even though
23 you may agree with all of the staff's other
24 findings, perhaps on behalf of your client you don't
25 agree with this one because staff's own comments

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1 as he stated that it was going to be. Although we
2 don't look at the uses, but we do want it on the
3 record we stated that R-6 does limit the type and
4 the use. And, also, too, RR is a cumulative zoning
5 district and the same permitted uses in AG are
6 allowed in RR. If you look at some of the uses that
7 are allowed in the agricultural district, it allows
8 everything from mobile homes to a commercial feed
9 store that allows for farm equipment. So that's a
10 pretty broad type of use that could be allowed in an
11 RR district. RR is cumulative in nature.

12 MS. CAIN: Also, it goes to the line of like
13 infill development because there are also some
14 commercial in the area, even though basically this
15 finding is incompatible with the existing uses. But
16 because the R-6 does allow -- the Future Land Use of
17 Mixed Use Suburban also allows other uses. We
18 consider, too, the infill development that's in the
19 commercial in the surrounding area.

20 MR. BRISKE: Thank you. Mr. West, I think you
21 were prompting to say something.

22 MR. WEST: It sounds like staff wants to amend
23 its findings. Maybe we should give them the
24 opportunity to do that.

25 MR. BRISKE: If we could, Mr. West, if we could
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1 that R-6 will allow for neighborhood-type businesses
2 and this is absolutely a neighborhood-type business.
3 In fact, it falls in line with future items we're
4 trying to do in the Sector Plan where we have
5 neighborhoods that you don't have to drive to go to
6 the store, perhaps you can walk. So maybe by saying
7 that it goes with R-6 would be good.

8 MR. EAGAN: I appreciate that. I concur with
9 you 100 percent. It fits. If you look at the RR
10 and the broad aspects that you're able to do stuff
11 under that -- I mean we're teetering right there on
12 still being able to do it under some of the
13 conditions of RR, but just to be stipulating to a
14 more factual intent of the R-6 zoning, I think by
15 saying that we're going to have a grocery store in
16 there would be more appropriate to fall in the R-6
17 category and, therefore, it would be compatible. If
18 you look at the two, it's right there in line with
19 it.

20 MR. BRISKE: Thank you, Mr. Eagan.
21 Staff members.

22 MR. JONES: We would like to add as well, with
23 the R-6, as far as his statement it would be a
24 grocery store, the R-6 does limit the size and it
25 does limit the scope of that particular type of use

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1 have your name and position for the record, please.

2 MR. WEST: Steve West, County Attorney's
3 Office.

4 MR. BRISKE: Thank you.

5 Does the staff wish to amend their findings
6 or --

7 MR. JONES: If that's being requested by the
8 Planning Board and our attorney. We still believe
9 it's -- if you're looking at what's on the ground
10 and looking at the surrounding uses, all of the
11 houses that are there, it still would not be, per
12 se, compatible with the existing houses that are on
13 the ground. However, we could see that this type of
14 use could be allowed in this R-6 type of zoning,
15 could be allowed in this particular area because of
16 the existing structure that's on the site. So I
17 want to stay with that.

18 MR. BRISKE: Staff is going to stay with the
19 not compatible. Mr. Eagan has presented evidence
20 which he feels to be substantial and competent to
21 make that change. We'll allow the Board members to
22 discuss. We do have another speaker on this matter.

23 MR. EAGAN: If I may, Mr. Chairman, the
24 compatibility item I stand firm with is the
25 compatibility of the RR Criteria. As it sits today

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1 it is compatible with that RR. When you compare it
 2 it to the R-6 compatibility, to me it's pretty clear
 3 that it would fit right in and be compatible, so
 4 I'll leave it at that.
 5 MR. BRISKE: Board members, any other
 6 questions? You'll have an opportunity to come back
 7 and give a closing statement.
 8 We do have Mr. McNally signed up. We're going
 9 to open the public comment section. For those
 09:11 10 members of the public who wish to speak on this
 11 matter, please note that the Planning Board bases
 12 its decisions on the six criteria and the exceptions
 13 described in Section 2.08.02.D of the Escambia
 14 County Land Development Code. During our
 15 deliberations, the Planning Board will not consider
 16 general statements of support or opposition.
 17 Accordingly, please limit your testimony to those
 18 six criteria and the exceptions described in Section
 19 2.08.2.D. Please also note that only those
 09:12 20 individuals who are here, present and giving
 21 testimony on the record today at this hearing before
 22 the Planning Board will be allowed to speak at the
 23 subsequent hearing before the Board of County
 24 Commissioners.
 25 At this time I do have one speaker signed up.
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1 That's Mr. Michael McNally, if you would come
 2 forward, please, sir.
 3 Good morning, sir, if you would be sworn in by
 4 our court reporter.
 5 (Michael McNally sworn.)
 6 MR. BRISKE: Good morning, sir. If you will
 7 state your name and address for the record, please.
 8 MR. McNALLY: Michael John McNally. I live at
 9 9506 Tower Ridge Road, next door neighbor.
 09:13 10 MR. BRISKE: Thank you, sir. Please proceed.
 11 MR. McNALLY: I had a couple of pamphlets if I
 12 may pass these out to the Board.
 13 MR. BRISKE: If you will give them to our staff
 14 members there first and let them bring them in.
 15 MR. McNALLY: I don't know if I have enough
 16 copies there or not.
 17 MR. BRISKE: The Chair will entertain a motion
 18 to -- please give us a brief description,
 19 Mr. McNally, of what you're bringing into evidence
 09:13 20 there. It looks like two different items; is that
 21 correct?
 22 MR. McNALLY: The actual items are the pictures
 23 of the current property that we're discussing now
 24 and a request to have a fence put along the
 25 left-hand side of the property because his property
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1 butts right up against mine, which would be a
 2 six-foot privacy fence. And then out to the main
 3 road would be a chain link fence to divide the
 4 properties so people aren't pulling in and parking
 5 in my area. His front area is only 75 feet wide.
 6 It's not a lot of area.
 7 MR. BRISKE: The Chair will entertain a motion
 8 to accept this first document, which you are
 9 receiving right now, as Mr. McNealey's (sic)
 09:14 10 Exhibit A. Is there a motion to accept?
 11 MS. SINDEL: So moved.
 12 MR. BRISKE: And a second.
 13 MR. GOODLOE: Second.
 14 MR. BRISKE: Is it Mr. McNealey or McNally?
 15 MR. McNALLY: McNally.
 16 MR. BRISKE: Mr. McNally's Public Exhibit A
 17 with a motion and a second. All those in favor,
 18 please say, aye.
 19 (Board members vote.)
 09:14 20 MR. BRISKE: Opposed?
 21 MR. TATE: Opposed.
 22 MR. BRISKE: One opposed. The motion carries.
 23 (The motion passed with one opposed.)
 24 MR. BRISKE: This will be listed as McNally
 25 Exhibit A, please, from the public.
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1 (McNally Public Exhibit A, Pamphlet, was
 2 identified and admitted.)
 3 MR. BRISKE: The other item appears to be
 4 photographs. It looks like possibly the property
 5 line stake; is that correct, Mr. McNally?
 6 MR. McNALLY: Yes, sir, it is on the left-hand
 7 side.
 8 MR. BRISKE: And there's some other photographs
 9 of it that appears to be the left side of the
 09:15 10 building and power poles, as well as a front view of
 11 the building along with the survey flags; is that
 12 correct?
 13 MR. McNALLY: That's correct.
 14 MR. BRISKE: The Chair will entertain a motion
 15 to accept this into evidence.
 16 MS. SINDEL: So moved.
 17 MR. BRISKE: A motion. Do we have a second?
 18 MR. BARRY: Second.
 19 MR. BRISKE: All those in favor.
 09:15 20 MR. TATE: Discussion.
 21 MR. BRISKE: I'm sorry. Discussion.
 22 MR. TATE: It's simply not relevant to the
 23 discussion. There's not a problem with them.
 24 They're just not relevant to the rezoning. I mean,
 25 this is a matter of development review as opposed
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1 to --

2 MS. SINDEL: I think we need to make sure that

3 Mr. McNally is clear on what we're saying. We're

4 not saying that your concerns aren't relevant. What

5 we're saying is this is actually not a decision for

6 us. It's a decision that if the change is approved

7 today that this process will include development

8 review and at that point in time, with staff working

9 with everyone involved, but this is actually -- and

09:16 10 I could be wrong.

11 MR. TATE: We can't make this happen for you.

12 MR. McNALLY: At this board you can't make

13 these happen, but I wanted to make sure that they

14 were presented here, so they can move on to the

15 proper authorities to be able to do that.

16 MR. TATE: I don't believe they can either.

17 MS. SINDEL: Mr. West.

18 MR. McNALLY: I mean, what are the requirements

19 for somebody building --

09:16 20 MR. BRISKE: Hold on one -- one at a time. The

21 court reporter is recording everything.

22 Mr. West, please.

23 MR. WEST: At the point there is a development

24 review, these issues will be brought up and

25 considered by the Development Review Committee. The

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1 Board members are correct, though, this is really

2 not the forum to raise these issues, but your memo

3 has been included with the record, so. Is there

4 anything else that you wanted to present?

5 MR. McNALLY: No. I'm not against. I want to

6 let you know I'm not against the rezoning to this so

7 he can go ahead and build that. He has cleaned up

8 the place quite a bit. We've had a couple of

9 discussions about the property and that, so I'm not

09:17 10 totally against this being changed. I'm just

11 concerned that people will be pulling in and parking

12 on my property when they're trying to pull into the

13 front of his place, because there's only 75 feet.

14 MR. BRISKE: Let me clear up -- we do have a

15 motion on the floor. We were in discussion. Do we

16 have a second for the motion to accept this into

17 evidence?

18 MR. BARRY: Second.

19 MR. BRISKE: Any further discussion?

09:18 20 MR. BARRY: Even if it's not relevant to the

21 vote, there's not a reason to exclude the

22 information.

23 MR. BRISKE: Well, that's my feelings

24 personally, as well, to give Mr. McNally due process

25 and allow him to enter his evidence. It is not what

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1 we will consider as part of the competent and

2 substantial evidence. We look at only those six

3 criteria which you see on the screen up there.

4 That's all we can look at. In fact, a lot of times

5 people come and they tell us what they plan on doing

6 later on. We really are not supposed to consider

7 that. We're supposed to consider these six

8 criterion when making our decision. So I think it's

9 probably the feeling of the Board to give you due

09:18 10 process and allow you to get your voice heard to

11 accept them, but they're not going to change the

12 case that we hear today. It will have you on the

13 record where you could speak in front of the County

14 Commissioners, but I think they will probably tell

15 you the same thing, that's these six criterion.

16 What I will ask is after the conclusion of this case

17 I will ask Horace to maybe give us a brief rundown

18 of what will be covered in the DRC process which is

19 where he has to actually go through and get his

09:19 20 permits. It does include things such as fencing and

21 buffer areas and things like that. That may be

22 enough to kind of cover what you're asking for.

23 We have a motion and a second. All those in

24 favor, say, aye.

25 (Board members vote.)

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1 MR. BRISKE: Opposed?

2 MR. TATE: Opposed.

3 MR. BRISKE: We have one opposed.

4 (The motion passed with one opposed.)

5 MR. BRISKE: This will be entered in as McNally

6 Public Exhibit B.

7 (McNally Public Exhibit B, Photographs, was

8 identified and admitted.)

9 MR. BRISKE: Anything else to add, Mr. McNally?

09:19 10 MR. McNALLY: No, I would just like to say that

11 I met Mr. Eagan this morning and I have talked a

12 little bit with Mr. Roberts. We didn't come to any

13 conclusions or consensus on anything, but I did

14 inform him that I was coming to the Board to present

15 exactly what I presented to you.

16 MR. BRISKE: That's very fair. We appreciate

17 that.

18 Mr. Eagan, did you have any questions of this

19 witness?

09:20 20 MR. EAGAN: No, sir.

21 MR. BRISKE: Staff, any questions?

22 MS. CAIN: No.

23 MR. BRISKE: Thank you, sir.

24 MR. McNALLY: Thank you. You have a nice day.

25 MR. BRISKE: Mr. Eagan, if you will, please

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1 come back forward. This is your opportunity to
 2 reexamine, present any additional information or
 3 kind of give your closing statements.
 4 MR. EAGAN: Thank you, Mr. Chairman. The only
 5 thing I would have in closing is based on the one
 6 compatibility issue, and I'll leave it up to the
 7 Board members to kind of come up with your own
 8 conclusion on that, I mean. And I think the staff
 9 is -- this is kind of an unusual situation as far as
 09:21 10 compatibility because you have the historical use of
 11 it. But based on if you look at the RR guidelines
 12 and what you can do in RR, for instance, there's a
 13 country club and golf course, you know, that kind of
 14 broadens the case, you know, I don't know that you
 15 can have a grocery store in a golf club, but I'm not
 16 trying to argue that. My main focus is that on
 17 compatibility, I think, at this time it's arguably
 18 so that it may or may not be compatible, but I
 19 firmly stand that it's extremely compatible and it's
 09:21 20 extremely important that we open our minds and look
 21 at if we're trying to spot zone or whether we're
 22 not, and I feel that we're definitely not trying to
 23 spot zone and just put things wherever we want and
 24 do whatever we want. We're following the guidelines
 25 of the compatibility with the area, and based on
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1 economic development, I think it's extremely
 2 important, especially in these economic times, that
 3 we would allow Mr. Roberts to go in there and reopen
 4 this grocery store and have something nice out there
 5 in Beulah that would enhance the area and that's
 6 basically all we're trying to do. The neighbors
 7 seem to be very pleased and I don't think it's
 8 anything that would be considered not compatible.
 9 It's definitely compatible with what's going on in
 09:22 10 that area. In fact, upstairs of the dwelling is a
 11 residential apartment. Ms. Emily lived upstairs at
 12 the grocery store, so it's a true old sixties type
 13 dwelling where you had a mom and pop living upstairs
 14 and the gas station downstairs and that's basically
 15 what we're trying to revitalize the area and it's
 16 definitely compatible would be my argument. Thank
 17 you.
 18 MR. BRISKE: Staff, anything else to add? Any
 19 additional questions from the Board?
 09:23 20 The Chair will entertain a motion.
 21 MR. McNALLY: Excuse me. May I say something?
 22 MR. BRISKE: Yes, sir, come forward, please.
 23 MR. McNALLY: I just want to make sure --
 24 MR. BRISKE: Hold on. Come to the microphone.
 25 MR. McNALLY: I just wanted to ensure that you
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1 understand that right now he has to drive on to my
 2 property to get back to his property. There's no
 3 way because of the way it's built there's eight-foot
 4 fencing on one side, which if he tears down a little
 5 fence he can get to the back, but there's only a
 6 three-foot by way, three foot six inches that he can
 7 get by where my property line is. So right now he
 8 has to cross each and every single time on to my
 9 property to get into the back, which is part of the
 09:24 10 problem and the reason why I asked for the fence. I
 11 wasn't sure I was clear when I stated that.
 12 MR. BRISKE: And those issues all are addressed
 13 in the DRC process. We'll have Mr. Jones address
 14 those after the conclusion of this case.
 15 MR. McNALLY: Very good.
 16 MR. BRISKE: Thank you, sir.
 17 MR. BARRY: Yes, Mr. Chairman.
 18 MR. BRISKE: Do you have a motion?
 19 MR. BARRY: I have a motion. I move to
 09:24 20 recommend approval of the rezoning application from
 21 RR to R-6 to the BCC and adopt the Findings-of-Fact
 22 as presented by the staff except for Criterion (3).
 23 Based on the evidence presented, I feel it is
 24 compatible with the surrounding uses.
 25 MS. SINDEL: Second.
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1 MR. BRISKE: We have a motion and a second.
 2 Discussion.
 3 MR. TATE: Mr. Chairman, just in regard to a
 4 couple of matters that I brought up, I'm 100 percent
 5 for the redevelopment of this piece of property and
 6 how it's used, but I don't think we did a good job
 7 with spot zoning here. I'm really struggling with
 8 what we're being asked to do, popping an R-6 in an
 9 RR. There's nothing even to grab ahold of and
 09:25 10 that's the fallacy of our Land Development Code, not
 11 of your desire to redevelop this thing. I mean it's
 12 a matter of the Board to vote here, but that's
 13 something that we've been hammered on and in this
 14 case my opinion is in Criterion (2) that it's just
 15 not addressed as opposed to not being found
 16 either/or, it's simply not addressed.
 17 MR. BRISKE: Mr. Goodloe.
 18 MR. GOODLOE: Mr. Chairman, having visited the
 19 site, it certainly -- and I would just say this to
 09:25 20 Tim. It certainly looks like a commercial corridor
 21 in that area.
 22 MR. TATE: I'm very familiar with the corridor.
 23 MR. GOODLOE: And it would definitely be an
 24 enhancement to the area, and I think that we need to
 25 take a hard look at that, at exactly what is there,
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PLANNING BOARD REZONING HEARINGS - OCTOBER 10, 2011

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1 what's in place and consider that and I think that's
 2 what we're doing.
 3 MR. BRISKE: Any other discussion, Board
 4 members? Mr. Wingate.
 5 MR. WINGATE: Mr. Chairman, as I was looking --
 6 this is one of the reasons that sometimes as a Board
 7 member I take it on my own to drive out and look at
 8 a property because sometimes you can read
 9 recommendations and you can see a visual to show you
 10 something different. As you're looking at that
 11 particular area like he just commented, change is
 12 coming because there's major development in the
 13 area, two to three subdivisions and then as you
 14 drive toward Alabama the traffic is picking up.
 15 There's commercial. And if you're looking at the
 16 500-foot radius, you see that there is demand. So
 17 it kind of brings back what the County appraiser's
 18 office has said. At some point it brings back what
 19 was existing commercial. And, you know, there's
 20 C-2, there's trailers and there's commercial that's
 21 vacant. So I was just kind of looking at some point
 22 even with this starting and as you look downtown
 23 there's areas that have residential upstairs and
 24 businesses downstairs, so we've got to think of if
 25 you were old and have your business downstairs and
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1 you live upstairs and I think this is an ideal area
 2 for what the growth that's there for a person to
 3 survive at home. Thank you.
 4 MR. BRISKE: Thank you, Mr. Wingate. I
 5 personally tend to agree a little bit with what
 6 Mr. Tate is saying. We probably need to at one of
 7 the workshops or a meeting with the commissioners
 8 discuss some of these issues at the 10,000-foot
 9 level just to make sure that we're all in agreement
 10 on it. I'm obviously not opposed to this request
 11 itself, so I just wanted to get that out.
 12 Any other discussion on this matter?
 13 MS. DAVIS: Just one more thing because that
 14 was one of the things I was bringing up to begin
 15 with. As you approach, if you head east on Nine
 16 Mile Road and you approach Pine Forest, all of that
 17 is commercial as you past Pine Forest is commercial
 18 and west of it is not. I believe that's what we
 19 ought to examine. The zoning should be changed in
 20 that area, because it's going to become commercial.
 21 It's a growing area.
 22 MR. BRISKE: I think that's what Tim's point
 23 was is that we have an overall view here that's not
 24 necessarily going to affect this case because we
 25 have the evidence in this case, but for overall
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1 looking at --
 2 MR. TATE: It make sense to do what he wants to
 3 do regardless of what the zoning is here. I mean, I
 4 don't know how else --
 5 MR. BRISKE: Well, I'm going to call the
 6 question. We'll address that issue at a later time,
 7 either in a meeting.
 8 All those in favor, please say, aye.
 9 (Board members vote.)
 10 MR. BRISKE: Opposed?
 11 (None.)
 12 MR. BRISKE: It carries unanimously.
 13 (The motion passed unanimously.)
 14 MR. BRISKE: Mr. Eagan, Mr. Johnson, this
 15 will -- Roberts, I'm sorry -- be recommended to the
 16 Board of County Commissioners and they will have the
 17 final decision on the matter. This indication is
 18 officially closed at this point.
 19 (Case Z-2011-16 concluded.)
 20 MR. BRISKE: Before you leave, if you would, I
 21 would like Mr. Jones to address a little bit of the
 22 DRC process and the concerns that we have about how
 23 it will be handled when they come back through that
 24 process, if the commissioners vote to accept it. We
 25 have to throw that in there.
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1 MR. JONES: Thank you, Mr. Briske. For
 2 Mr. McNally, this site -- any type of commercial
 3 development, this site must have a site plan review,
 4 the same as a development review process. Our
 5 staff, we will look at the access management. We
 6 will look at the buffer requirements. We will look
 7 at the parking requirements. If there is not enough
 8 parking that is allowed, there's another avenue that
 9 you have to take. We will look at the buffering,
 10 the access management, the building site, setbacks,
 11 all of those things staff will look at and,
 12 Mr. McNally, you will have the option to come to
 13 those meetings. You can contact my staff because
 14 all this is public record. You will get a copy of
 15 the comments. You will get a copy of the site plan,
 16 what is presented. To make sure your concerns are
 17 addressed, you can be a participant in the
 18 development review process. Again, our staff along
 19 with engineering, access management, traffic, all of
 20 us will take a look at this site so it meets the
 21 requirements of the site plan review requirements of
 22 the DRC.
 23 MR. McNALLY: What's the name of the Board?
 24 MR. JONES: It is called the Development Review
 25 Committee. Will you please give him a copy of who
 TAYLOR REPORTING SERVICES, INCORPORATED

PLANNING BOARD REZONING HEARINGS - OCTOBER 10, 2011

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1 he can contact to make sure that he is kept abreast
2 of all the activity that's going with that site.
3 Don't hesitate to call us. We want to help you, as
4 well.

5 MR. BRISKE: I think we're going to take about
6 a five-minute break right now, so well stand in
7 recess for about five minutes please come back at
8 935.

9 (Break taken, after which the proceedings
10 continued. The transcript continues on Page 50.)

11 * * *

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1 relative or business associate of the applicant or
2 the applicant's agent. We'll start down at the end
3 again with Bruce.

4 MR. STITT: No, Mr. Chairman. We're missing
5 Mr. Wingate.

6 MR. BRISKE: We'll note on the record that
7 Mr. Wingate has not come back from the break yet.

8 Ms. Hightower.

9 MS. HIGHTOWER: I have none. I have no
10 official capacity but I do know the property owners.

11 MR. GOODLOE: No communication, but I have
12 visited the site.

13 MR. BARRY: No communication. I'm familiar
14 with the site.

15 MR. BRISKE: Mr. Barry, Mr. Chairman has had no
16 communication, but I do know Mr. Welk from years
17 ago, as well. I haven't spoken to him in quite a
18 few years, but nothing that would influence my
19 decision.

09:39 20 Mr. Tate.

21 MR. TATE: No, but I am familiar with the site
22 having traversed the road frequently.

23 MS. DAVIS: No to all of the above.

24 MS. SINDEL: No to all of the above.

25 MR. BRISKE: And when Mr. Wingate returns, we
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1 * * *
2 CASE NO: Z-2011-17
3 Location: 9991 Guidy Lane
4 Parcel: 07-1S-30-1018-000-000
5 From: R-2, Single-Family District (cumulative),
6 Low-Medium Density (7 du/acre).
7 To: R-6, Neighborhood Commercial and Residential
8 District, (cumulative) High Density
9 (25 du/acre).
10 FLU Category: MU-U
11 BCC District: 5
12 Requested by: Wiley C. "Buddy" Page, Agent for
13 Charles and Linda Welk

14 MR. BRISKE: I would like to call our meeting
15 back to order, please. Please take your seats. All
16 right we are now back in session for the Planning
17 Board Rezoning Hearings for October 10th, 2011.
18 (Mr. Wingate not present.)

19 MR. BRISKE: Our next case for consideration,
20 Z-2011-17, will be presented by Buddy Page, the
21 agent for Charles and Linda Welk. This project
22 address is on Guidy Lane and it is a request to
23 rezone from an R-2 to an R-6.

24 Members of the Board, I will ask if there's
25 been any ex parte communication between you, the
09:38 20 applicant, the agent, attorneys or witnesses or with
21 any other fellow Planning Board members or anyone
22 from the general public prior to this hearing. I
23 will also ask you if you have visited the subject
24 site. And if you would please disclose if you are a
25

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1 will get him to answer the questions, as well, if
2 you will help me keep an eye out for him.

3 Staff, was notice of the hearing sent to all
4 the interested parties?

5 MS. SPITSBERGEN: Yes, sir, it was.

6 MR. BRISKE: Was it also posted on the subject
7 property?

8 MS. SPITSBERGEN: Yes, sir, it was.

9 MR. BRISKE: If there's no objection by
09:40 10

11 Mr. Page, we'll ask the staff to present the maps
12 and the photographs for Case Z-2011-17.

13 MR. FISHER: John Fisher, Planning and Zoning.

14 This is for Case Number Z-2011-17, 9991 Guidy Lane.

15 MR. BRISKE: John, would you stop for a second.

16 Did we get John sworn in at the beginning?

17 MS. CAIN: No.

18 MR. BRISKE: Let's go ahead and do that just
19 because this is a quasi-judicial hearing.

20 (John Fisher sworn.)

21 MR. BRISKE: Thank you, John. Go ahead.

22 MR. FISHER: This is our location and wetlands
23 map. This is the aerial photo. This is the Future
24 Land Use of MU-U. The existing land use.

25 (Mr. Wingate enters.)

MR. FISHER: The 500-foot zoning radius map,

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DEVELOPMENT SERVICES DEPARTMENT FINDINGS-OF-FACT

REZONING CASE: Z-2011-16

October 10, 2011

I. SUBMISSION DATA:

BY: Tim Eagan, Agent
FOR: Paul Johnson
PROPERTY REFERENCE NO.: 01-1S-32-4303-001-002
PROJECT ADDRESS: 7420 W Nine Mile Rd
FUTURE LAND USE: MU-S, Mixed Use Suburban
COMMISSIONER DISTRICT: 1
BCC MEETING DATE: November 6, 2011

II. REQUESTED ACTION:

REZONE

FROM: RR, Rural Residential District
(cumulative) Low Density (2 du/acre)
TO: R-6 Neighborhood Commercial and
Residential District, (cumulative)
High Density (10 du/acre)

RELEVANT AUTHORITY:

- (1) Escambia County Comprehensive Plan
- (2) Escambia County Land Development Code
- (3) Board of County Commissioners of Brevard County v. Snyder,
627 So. 2d 469 (Fla. 1993)
- (4) Resolution 96-34 (Quasi-judicial Proceedings)
- (5) Resolution 96-13 (Ex-parte Communications)

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

Chapter 3. Definitions

Redevelopment: The removal and replacement, rehabilitation or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.

Comprehensive Plan Policy (CPP) FLU 1.1.1 Development Consistency. New development and redevelopment in unincorporated Escambia County shall be consistent with the Escambia County Comprehensive Plan and the Future Land Use Map (FLUM).

CPP FLU 1.3.1 Future Land Use Categories. The Mixed-Use Suburban (MU-S) Future Land Use (FLU) category is intended for a mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses. Range of allowable uses include: Residential, Retail and Services, Professional Office, Recreational Facilities, Public and Civic. The minimum residential density is two dwelling units per acre and the maximum residential density is ten dwelling units per acre.

CPP FLU 1.5.3 New Development and Redevelopment in Built Areas. To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed-Use Suburban, Mixed-Use Urban, Commercial and Industrial Future Land Use district categories (with the exception of residential development).

FINDINGS

The proposed amendment to R-6 **is consistent** with the intent and purpose of Future Land Use category MU-S as stated in **CPP FLU 1.3.1**. The proposed zoning request would allow for uses similar in nature to the residential and neighborhood commercial uses allowed in the Future Land Use designation of MU-S. Furthermore, information obtained from the property appraiser office indicates that the existing structure and site has been used for commercial purposes. Thus, staff finds that this proposed request could be a catalyst that encourages redevelopment as defined in the above section; and yet complies with CPP 1.5.3 since the existing structure and public roads are currently in place.

CRITERION (2)

Consistent with the Land Development Code.

Whether the proposed amendment is in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

(LDC) 6.05.07. RR rural residential district (cumulative), low density

This district is intended to be a single-family residential area of low density in a semi-rural or rural environment. This district is intended to provide a transition from urban to rural densities and agricultural uses. The maximum density is two dwelling units per acre. Refer to article 11 for uses, heights and densities allowed in RR - rural residential areas located in the Airport/Airfield Environs. This zoning district is cumulative and allows for permitted uses in the AG zoning district, with uses from mobile homes as single family to feed and farm equipment store.

6.05.13. R-6 neighborhood commercial and residential district, (cumulative) high density. This district is intended to provide for a mixed use area of residential, office and professional, and certain types of neighborhood convenience shopping, retail sales and services which permit a reasonable use of property while preventing the development of blight or slum conditions. This district shall be established in areas where the intermixing of such uses has been the custom, where the future uses are uncertain and some redevelopment is probable. The maximum density is 25 dwelling units per acre, except in the low density residential (LDR) future land use category where the maximum density is 18 dwelling units per acre.

* Comp Plan 2030 changed the LDR designation to Mixed Use Urban, which allows 10 du/acre.

All neighborhood commercial (R-6) development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policies FLU 1.1.0) and in article 7.

B. Permitted uses.

1. Any use permitted in the R-5 district.
2. Retail sales and services (gross floor area of building not to exceed 6,000 square feet). No permanent outside storage allowed.
 - a. Food and drugstore, including convenience stores without gasoline sales.
 - b. Personal service shop.
 - c. Clothing and dry goods store.
 - d. Hardware, home furnishings and appliances.
 - e. Specialty shops.
 - f. Banks and financial institutions.
 - g. Bakeries, whose products are made and sold at retail on the premises.
 - h. Florists shops provided that products are displayed and sold wholly within an enclosed building.
 - i. Health clubs, spa and exercise centers.
 - j. Studio for the arts.
 - k. Martial arts studios.

- l. Bicycle sales and mechanical services.
- m. Other retail/service uses of similar type and character of those listed herein above.
3. Laundromats and dry cleaners (gross floor area not to exceed 4,000 square feet).
4. Restaurants.
5. Automobile service stations (no outside storage, minor repair only).
6. Appliance repair shops (no outside storage or work permitted).
7. Places of worship and educational facilities/institutions.
8. Fortune tellers, palm readers, psychics, etc.
9. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
10. Mobile home subdivision or park.

C. Conditional uses.

1. Any conditional use allowed in the R-5 district.
2. Drive-through restaurants (fast food or drive-in, by whatever name known).
3. Any building exceeding 120 feet height.
4. Neighborhood commercial uses that do not exceed 35,000 square feet of floor area.
5. Automobile service operations, including indoor repair and restoration (not including painting), and sale of gasoline (and related service station products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.
6. Mini-warehouses meeting the following standards:
 - a. One acre or less in size (building and accessory paved area);
 - b. Three-foot hedge along any right-of-way line;
 - c. Dead storage use only (outside storage of operable vehicles including cars, light trucks, RVs, boats, and similar items).
 - d. No truck, utility trailer, and RV rental service or facility allowed, see C-2.
7. Radio broadcasting and telecasting stations, studios, and offices with satellite dishes and antennas. On-site towers are prohibited. (See section 6.08.02.L.)
8. Temporary structures. (See section 6.04.16)
9. Arcade amusement centers and bingo facilities.

LDC 7.20.04. Neighborhood commercial locational criteria (AMU-1, R-6, VM-1).

- A. Neighborhood commercial uses shall be located along a collector or arterial roadway and near a collector/collector, collector/arterial, or arterial/arterial intersection and must provide a smooth transition between commercial and residential intensity.
- B. They may be located at the intersection of an arterial/local street without providing a smooth transition when the local street serves as a connection between two arterial roadways and meets all the following criteria:
 1. Shares access and stormwater with adjoining commercial uses or properties;
 2. Includes a six-foot privacy fence as part of any required buffer and develops the required landscaping and buffering to ensure long-term compatibility with adjoining uses as described in Policy 7.A.3.8 and article 7;

3. Negative impacts of these land uses on surrounding residential areas shall be minimized by placing the lower intensity uses on the site (such as stormwater ponds and parking) next to abutting residential dwelling units and placing the higher intensity uses (such as truck loading zones and dumpsters) next to the roadway or adjacent commercial properties;

4. Intrusions into recorded subdivisions shall be limited to 300 feet along the collector or arterial roadway and only the corner lots in the subdivision.

C. They may be located along an arterial or collector roadway without meeting the above additional requirements when one of the following conditions exists:

1. The property is located within one-quarter mile of a traffic generator or collector, such as commercial airports, medium to high density apartments, military installations, colleges and universities, hospitals/clinics, or other similar uses generating more than 600 daily trips; or

2. The property is located in areas where existing commercial or other intensive development is established and the proposed development would constitute infill development. The intensity of the use must be of a comparable intensity of the zoning and development on the surrounding parcels and must promote compact development and not promote ribbon or strip commercial development.

LDC 7.01.06. Buffering between zoning districts and uses.

A. *Zoning districts.* The following spatial relationships between zoning districts require a buffer:

2. AMU-1, AMU-2, R-4, R-5, R-6, V-4, VM-1, or VM-2 districts, where they are adjacent to single-family or two-family districts (RR, SDD, R-1, R-1PK, R-2, R-2PK, R-3, V-1, V-2, V-2A, V-3, V-5, VR-1, VR-2).

FINDINGS

Rural Residential , a cumulative zoning district, allows for a broad range of commercial activities in support of agricultural operations and activities. The allowable use of R-6 could further enhance and support the semi-rural community. If this amendment is granted, there would be other provisions regulating the scope of the proposed development and its impacts on the surrounding area. Furthermore, the locational criterion has been met since the parcel is located on an arterial roadway and in close proximity to another principal arterial.

When applicable, further review from the Development Review Committee (DRC) will be needed to ensure the buffering requirements and other performance standards have been met, should this amendment be granted.

CRITERION (3)

Compatible with surrounding uses.

Whether and the extent to which the proposed amendment is compatible with existing and proposed uses in the area of the subject property(s).

FINDINGS

The proposed amendment **is not compatible** with surrounding existing uses in the area; however, the property appraiser's office has the parcel listed as store/office/residential use and this could imply that existing site was used for commercial purposes.

Within the 500' radius impact area, staff observed 16 properties with zoning districts RR and R3 and C2. There were 10 Residential, 2 mobile homes, 1 commercial and 3 vacant.

CRITERION (4)

Changed conditions.

Whether and the extent to which there are any changed conditions that impact the amendment or property(s).

FINDINGS

Staff found **no changed** conditions that would impact the amendment or property(s).

CRITERION (5)

Effect on natural environment.

Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment.

FINDINGS

According to the National Wetland Inventory, wetlands and hydric soils **were not** indicated on the subject property. When applicable, further review during the Development Review Committee (DRC) process will be necessary to determine if there would be any significant adverse impact on the natural environment.

CRITERION (6)

Development patterns.

Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

FINDINGS

The proposed amendment **would result** in a logical and orderly development pattern in accordance with the permitted uses in R-6 as stated in LDC 6.05.15 and the intended uses within the Comprehensive Plan FLU 1.3.1. Although the surrounding parcels are predominantly residential, the future land use category MU-S allows for a mix of residential and nonresidential uses, therefore the proposed rezoning could allow for revitalization of the parcel and promote economic development in the area.

Findings-of-Fact – Z-2011-16

October 10, 2011

Planning Board

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Note: The above technical comments and conclusion are based upon the information available to Staff prior to the public hearing; the public hearing testimony may reveal additional technical information.

SPICEWOOD RD

FRANK REEDER RD

HIL REE LN

ALOHA LN

WINDY HILL RD

TOWER RIDGE RD

BOO LN

BRIDLEWOOD RD

SUWANEE RD

BRIDLE PINES LN

BRIDLEWOOD LN

DARLENE CIR

W NINE MILE RD

MOBILE HWY

WAHOO DR

SILCOX LN

CHESTER DR

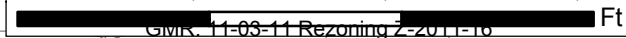
PHELPS LN







Z-2011-16

LOCATION MAP

0 1,000 2,000 3,000



GWR 11-03-11 Rezoning Z-2011-16

-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



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Andrew Holmer
Planning and Zoning Dept.



R-R

R-R

ID-2

TOWER RIDGE RD

W NINE MILE RD

R-3

C-2

R-R

MOBILE HWY



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Andrew Holmer
Planning and Zoning Dept.

Z-2011-16 500' RADIUS ZONING



GWR 11-03-11 Rezoning Z-2011-16

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



MU-S

MU-S

MU-S

I

TOWER RIDGE RD

W NINE MILE RD

C

RC

MOBILE HWY

RC



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Andrew Holmer
Planning and Zoning Dept.

Z-2011-16 FUTURE LAND USE MAP



- PRINCIPAL ARTERIAL
 - MINOR ARTERIAL
 - COLLECTOR
 - LOCAL ROAD
 - PARCELS
- Page 24 of 49



COMMERCIAL STORAGE

COMMERCIAL STORAGE

COMERCIAL STORAGE

TOWER RIDGE RD

W NINE MILE RD

MOBILE HWY

SF

SF

MH

SF

SF

SF

SF

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MH

SF

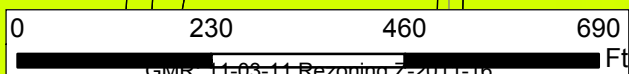
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Andrew Holmer
Planning and Zoning Dept.

Z-2011-16 EXISTING LAND USE



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



TOWER RIDGE RD

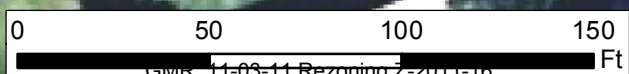
W-NINE-MILE RD



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Planning and Zoning Dept.

Z-2011-16 AERIAL MAP



GWK 11-03-11 Rezoning Z-2011-16

- PRINCIPAL ARTERIAL
 - MINOR ARTERIAL
 - COLLECTOR
 - LOCAL ROAD
 - PARCELS
- Page 26 of 49



1/4 MILE

W NINE MILE RD
(MINOR ARTERIAL)

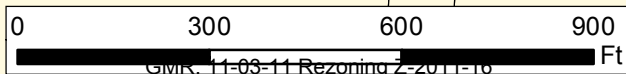
MOBILE HWY
(PRINCIPAL ARTERIAL)



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Z-2011-16 LOCATIONAL CRITERIA



GWR 11-03-11 Rezoning Z-2011-16

- PRINCIPAL ARTERIAL
 - MINOR ARTERIAL
 - COLLECTOR
 - LOCAL ROAD
 - PARCELS
- Page 27 of 49

**TWIN GABLES RETAIL COMPLEX
7420 W. NINE MILE ROAD
BEAULAH, FL 32526**

Narrative description for the redevelopment of the old Twin Gables Grocery Store

The property is currently zoned RR and needs to be rezoned to R-6 to allow for its redevelopment. The rezoning would allow a current use which is consistent with prior usages of the property. The purpose of this project will be to redevelop the run down and dilapidated structure located on the site of the old Twin Gables Grocery Store into a contemporary upscale Dollar General Store and Pizza Parlor. The current structure is in a deteriorated state and remodeling will include bringing the structure up to all County and State building codes as well as turning an eyesore into a very nice looking facility. This property is currently zoned RR (rural/residential) which is not the appropriate zoning designation for the property given changes in this area in recent years. It is worth pointing out that the grocery/retail use of the property was allowed for many years under RR zoning designation. There is no wetlands issue since none have been identified nor is there a stormwater management issue since the parking lot already exists. The new facility would be on septic a septic tank as it has always been. The developer is willing to convert to sewer if available.

We are asking for a change to the R-6 zoning designation so that this significant upgrade could be added to the area. This would allow the property to be used in accordance with the most appropriate and proper land use of the property given the nature of the usage of the surrounding properties today. This R-6 zoning allowing the developer to remodel the current structure in order to achieve appropriate use which would also be consistent with the specifications of the current sector plan.

The rezoning will provide for further economic development and stimulus with this .33 acres and approximately 4000 square feet of enclosed retail space, contributing to the creation of as many as a dozen local jobs, generating sales tax revenues and additional value for ad valorem tax purposes,

The Avant Garde Company, Inc.
Consultant for Paul Roberts, Applicant



Development Services Bureau

Escambia County, Florida

APPLICATION

Please check application type:

Administrative Appeal

Development Order Extension

Conditional Use Request for: _____

Variance Request for: _____

Rezoning Request from: _____ to: _____

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: PAUL J. ROBERTS Phone: 485-5724

Address: 9500 MAGNOLIA SPRINGS RD Email: _____

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 7420 W 9 mile Rd

Property Reference Number(s)/Legal Description: #10-15-32-4303-001-002

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

J.R. Eagan
Signature of Owner/Agent

J.R. EAGAN
Printed Name Owner/Agent

9-1-2011
Date

Paul J. Roberts
Signature of Owner

Paul J. Roberts
Printed Name of Owner

9-1-2011
Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 1 day of Sept 2011,
by Timothy Eagan & Paul Roberts

Personally Known OR Produced Identification . Type of Identification Produced: FL DL

Deborah Rose
Signature of Notary
(notary seal must be affixed)

Deborah Rose
Printed Name of Notary



FOR OFFICE USE ONLY

CASE NUMBER: _____

Meeting Date(s): _____ Accepted/Verified by: _____ Date: _____

Fees Paid: \$ _____ Receipt #: _____ Permit #: _____



Development Services Bureau
Escambia County, Florida

FOR OFFICE USE:

CASE #:

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): #01-15-32-4303-001-002

Property Address: 7420 WEST NINE MILE RD.

I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed in the future development's permit application.

I/We also acknowledge and agree that approval of a zoning district amendment (rezoning) or Future Land Use Map amendment does not certify, vest, or otherwise guarantee that concurrency of required facilities and services is, or will be, available for any future development of the subject parcels.

I/We further acknowledge and agree that no development for which concurrency must be certified shall be approved unless at least one of the following minimum conditions of the Comprehensive Plan will be met for each facility and service of the County's concurrency management system prior to development approval:

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 15TH DAY OF SEPTEMBER, YEAR OF 2011.


Signature of Property Owner

Paul J. Roberts
Printed Name of Property Owner

15/09/2011
Date

Signature of Property Owner

Printed Name of Property Owner

Date



Development Services Department

Escambia County, Florida

FOR OFFICE USE:

CASE #:

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 7420 WEST NINE MILE ROAD, Florida, property reference number(s) # 01-15-32-4303-001-002

I hereby designate T.R. FAGAN THE AVANT-GARDE CO. INC. for the sole purpose of completing this application and making a presentation to the:

[X] Planning Board and the Board of County Commissioners to request a rezoning on the above referenced property.

[] Board of Adjustment to request a(n) on the above referenced property.

This Limited Power of Attorney is granted on this 1st day of SEPTEMBER the year of, 2011, and is effective until the Board of County Commissioners or the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development Services Bureau.

Agent Name: T.R. FAGAN Email: FAGANTR@GMAIL.COM Address: 997 SOUTH PALAFOX PLACE Phone: 850-712-6024

[Signature of Property Owner]

Paul J. Roberts Printed Name of Property Owner

13 Sep 2011 Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF Florida COUNTY OF Escambia

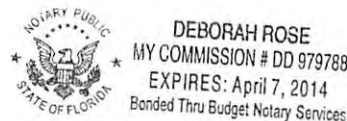
The foregoing instrument was acknowledged before me this 1 day of September 20 11, by Paul Roberts

Personally Known [] OR Produced Identification [X] Type of Identification Produced: FL ID

[Signature of Notary]

Deborah Rose Printed Name of Notary

(Notary Seal)





Development Services Department

Escambia County, Florida

FOR OFFICE USE:

CASE #: _____

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): # 01-15-32-4303-001-002

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- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 15th DAY OF SEPTEMBER, YEAR OF 2011.


Signature of Property Owner

Paul J Roberts
Printed Name of Property Owner

1 Sep 2011
Date

Signature of Property Owner

Printed Name of Property Owner

Date

Recording requested by
and when recorded return to:
Bay Title & Escrow Company
1227 Rogers St. Ste E
Clearwater, FL 33756
Asset No. 10165023152

_____ space above this line for Recorder's use only

QUITCLAIM DEED
(Without Covenant, Representation, or Warranty)

STATE OF Florida §
 §
COUNTY OF Escambia §

RECITALS

WHEREAS, Peoples First Community Bank, Panama City, Florida (the "Institution"),
acquired the Property by that certain Certificate of Title dated November 30, 2004, and recorded
in Volume 5540, Page 1968 of the records of Escambia County, Florida, on December 10, 2004;
and

WHEREAS, the Institution was closed by the Office of Thrift Supervision on December
18, 2009, and the Federal Deposit Insurance Corporation (the "FDIC") was appointed as receiver
for the Institution (the "Receiver"); and

WHEREAS, as a matter of federal law, 12 U.S.C. § 1821(d)(2)(A)(i), the Receiver
succeeded to all of the right, title, and interest of the Institution in and to, among other things, the
Property.

NOW, THEREFORE, the Receiver, Federal Deposit Insurance Corporation (hereinafter,
"Grantor"), whose address is 1601 Bryan Street, Dallas, Texas 75201, for and in consideration of
TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), the receipt and
sufficiency of which are hereby acknowledged, hereby RELEASES, CONVEYS and
QUITCLAIMS to Paul J. Roberts, a married man ("Grantee"), whose address is 9500
Magnolia Springs Road Pensacola, FL 32526, WITHOUT COVENANT, REPRESENTATION,
OR WARRANTY OF ANY KIND OR NATURE, EXPRESS OR IMPLIED, AND ANY AND
ALL WARRANTIES THAT MIGHT ARISE BY COMMON LAW AND ANY WARRANTIES
CREATED BY STATUTE, AS THE SAME MAY BE HEREAFTER AMENDED OR
SUPERSEDED, ARE EXCLUDED, all of Grantor's right, title and interest, if any, in and to that
certain real property situated in Escambia County, Florida, as described on Exhibit "A" attached
hereto and made a part hereof for all purposes, together with any and all improvements thereto and

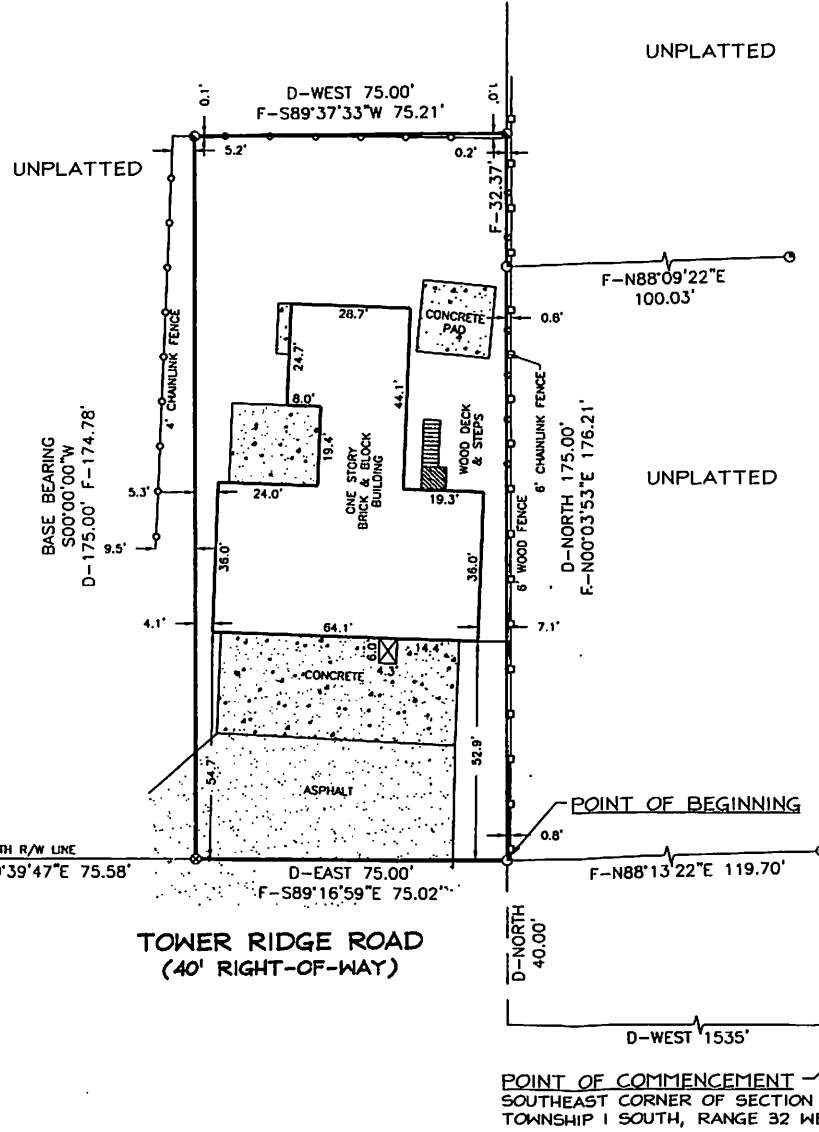
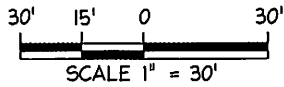
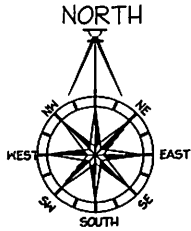
Quitclaim Deed (Cash) - Page 1
For use with "fdicauctionabsolutecontract042611_recorp_final.doc"
26APR11UMJH
0:\docs\fdicauctionabsolute042611_qcd_recorp.doc

EXHIBIT "A" to Quitclaim Deed

[Legal Description of the Property]

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE WEST FOR 1535 FEET; THENCE NORTH 40.00 FEET TO THE NORTH RIGHT OF WAY LINE OF A 40 FOOT ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH FOR 175.00 FEET; THENCE WEST FOR 75.00 FEET; THENCE SOUTH 175.00 FEET; THENCE EAST FOR 75.00 FEET TO THE POINT OF BEGINNING.

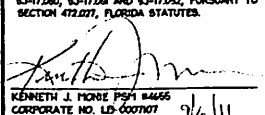

Quitclaim Deed (Cash) - Page 6
For use with "fdicauctionabsolutecontract042611_recorp_final.doc"
26APR11\MJH
04\docs\fdicauctionabsolute042611_qcd_recorp.doc



- SURVEYOR'S NOTES:**
- THIS SURVEY WAS PREPARED FOR THE CLIENT SHOWN AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT PRIOR CONSENT FROM THIS SURVEYOR.
 - ALL MEASUREMENTS WERE MADE ACCORDING TO UNITED STATES STANDARD FOOT.
 - NO TITLE RESEARCH HAS BEEN PERFORMED BY THIS SURVEYOR, NOR WERE HE FURNISHED WITH SUCH.
 - NO INSTRUMENT OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
 - NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
 - ALL BEARINGS AND DISTANCES ARE RECORD UNLESS OTHERWISE NOTED.
 - ERROR OF CLOSURE MEETS PROFFERED TECHNICAL STANDARDS.
 - THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY THAT MAY BE FOUND RECORDED IN THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA THAT DO NOT APPEAR ON THE FACE OF THIS PLAT.
 - BASIS OF BEARING: WEST LINE OF SUBJECT PROPERTY AS 500'00'00" N.
 - REFERENCE SOURCE: FIELD WORK AND EXISTING FIELD MONUMENTATION; COPY OF ESCAMBIA COUNTY PROPERTY APPRAISERS MAP OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 32 WEST.
 - ENCROACHMENTS ARE AS SHOWN.
 - IT IS THE OPINION OF THE UNDERSIGNED SURVEYOR THAT THE PARCEL OF LAND SHOWN HEREON AS PER THE FLOOD INSURANCE RATE MAP INFORMATION AS FOLLOWS:
ZONE: "X"
ELEVATION: N/A
PANEL NUMBER: ESCSC 0270 G
AS DATED: 09/29/06
 - THE CERTIFICATE OF AUTHORIZATION NUMBER FOR KJM SURVEYING, INC., IS L.B. 707.

DESCRIPTION: (OFFICIAL RECORDS BOOK 5540, PAGE 1988)
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA;
THENCE WEST FOR 1535 FEET;
THENCE NORTH 40.00 FEET TO THE NORTH RIGHT OF WAY LINE OF A 40 FOOT ROAD AND THE POINT OF BEGINNING;
THENCE CONTINUE NORTH 175.00 FEET;
THENCE WEST FOR 75.00 FEET;
THENCE SOUTH 175.00 FEET;
THENCE EAST FOR 75.00 FEET TO THE POINT OF BEGINNING.

- LEGEND:**
- ⊙ - FOUND 1/2" CAPPED IRON ROD #17277
 - ⊙ - FOUND 1/2" CAPPED IRON ROD #17107
 - ⊙ - FOUND 1/2" CAPPED IRON ROD #1292
 - ⊙ - FOUND ILLEGIBLE 1/2" CAPPED IRON ROD
 - R/W - RIGHT-OF-WAY
 - D - DEED
 - F - FIELD

ADDRESS: 7420 WEST NINE MILE ROAD						
REQUESTED BY: TIM EGAN						
TYPE: BOUNDARY SURVEY WITH IMPROVEMENTS						
SECTION 1, TOWNSHIP- 1 - SOUTH, RANGE- 32 - WEST, ESCAMBIA COUNTY						
SCALE: 1"=30'	PAGE: 15	CRN: C/J/V	FIELD DATE: 09/02/11	DRAWN BY: JSP	CHECKED BY:	
DATE: 09/09/11	554					
NO.	DATE	REVISIONS:	APPROVED BY:			
SURVEYOR'S CERTIFICATE						
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE PROFESSIONAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS I PRACTICE IN CHAPTER 63-17.05, 63-17.06 AND 63-17.02, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.						
						
KENNETH J. MOORE PSA #4656 CORPORATE NO. LD-000707 STATE OF FLORIDA						

FILE No. 11-67887



Chris Jones

Escambia County Property Appraiser

[Real Estate Search](#) |
 [Tangible Property Search](#) |
 [Amendment 1 Calculations](#)

[Back](#)

Navigate Mode |
 Account
 Reference

[Printer Friendly Version](#)

General Information Reference: 011S324303001002 Account: 102428250 Owners: PEOPLES FIRST COMMUNITY Mail: 1022 W 23RD ST PANAMA CITY, FL 32405 Situs: 7420 W NINE MILE RD 32526 Use Code: STORE/OFFICE/SFR <input type="checkbox"/> Taxing Authority: COUNTY MSTU Tax Inquiry: Open Tax Inquiry Window Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector	2011 Certified Roll Assessment Improvements: \$30,836 Land: \$8,550 <hr/> Total: \$39,386 Save Our Homes: \$0 <p style="text-align: center;">Disclaimer</p> <hr/> <p style="text-align: center;">Amendment 1 Calculations</p>
--	---

Sales Data <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Sale Date</th> <th style="text-align: left;">Book Page</th> <th style="text-align: left;">Value</th> <th style="text-align: left;">Type</th> <th style="text-align: left;">Official Records (New Window)</th> </tr> </thead> <tbody> <tr> <td>12/2004</td> <td>5540 1968</td> <td>\$100</td> <td>CT</td> <td>View Instr</td> </tr> <tr> <td>12/1998</td> <td>4356 463</td> <td>\$275,000</td> <td>WD</td> <td>View Instr</td> </tr> <tr> <td>09/1992</td> <td>3248 675</td> <td>\$150,000</td> <td>WD</td> <td>View Instr</td> </tr> <tr> <td>10/1981</td> <td>1592 454</td> <td>\$112,300</td> <td>WD</td> <td>View Instr</td> </tr> </tbody> </table> Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court	Sale Date	Book Page	Value	Type	Official Records (New Window)	12/2004	5540 1968	\$100	CT	View Instr	12/1998	4356 463	\$275,000	WD	View Instr	09/1992	3248 675	\$150,000	WD	View Instr	10/1981	1592 454	\$112,300	WD	View Instr	2011 Certified Roll Exemptions None <hr/> Legal Description <input type="checkbox"/> BEG AT SE COR OF SEC W 1535 FT N 40 FT TO N R/W OF A 40 FT RD FOR POB CONT N 175 FT W 75 FT S... <hr/> Extra Features ASPHALT PAVEMENT CONCRETE PAVING WOOD DECK
Sale Date	Book Page	Value	Type	Official Records (New Window)																						
12/2004	5540 1968	\$100	CT	View Instr																						
12/1998	4356 463	\$275,000	WD	View Instr																						
09/1992	3248 675	\$150,000	WD	View Instr																						
10/1981	1592 454	\$112,300	WD	View Instr																						

Parcel Information |
 [Restore Map](#) |
 [Get Map Image](#) |
 [Launch Interactive Map](#)

Section Map Id: 01-1S-32 Approx. Acreage: 0.3000 Zoned: <input type="checkbox"/> R-R	
--	--



Chris Jones

Escambia County Property Appraiser

Real Estate Search | Tangible Property Search | Amendment 1 Calculations

[Back](#)

[Navigate Mode](#)
 [Account](#)
 [Reference](#)

[Printer Friendly Version](#)

General Information Reference: 011S324303000000 Account: 102428000 Owners: MCNALLY MICHAEL J Mail: C/O MCNALLY 8211 EMPORER RD PENSACOLA, FL 32514 Situs: 9506 TOWER RIDGE RD 32526 Use Code: SINGLE FAMILY RESID <input type="button" value="🔍"/> Taxing Authority: COUNTY MSTU Tax Inquiry: Open Tax Inquiry Window Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector	2010 Certified Roll Assessment Improvements: \$84,619 Land: \$35,625 <hr/> Total: \$120,244 Save Our Homes: \$0 <p style="text-align: center;">Disclaimer</p> <hr/> <p style="text-align: center;">Amendment 1 Calculations</p>
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Sales Data <table border="1"> <thead> <tr> <th>Sale Date</th> <th>Book Page</th> <th>Value</th> <th>Type</th> <th>Official Records (New Window)</th> </tr> </thead> <tbody> <tr> <td>05/2004</td> <td>5411 176</td> <td>\$140,000</td> <td>WD</td> <td>View Instr</td> </tr> </tbody> </table> Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court	Sale Date	Book Page	Value	Type	Official Records (New Window)	05/2004	5411 176	\$140,000	WD	View Instr	2010 Certified Roll Exemptions VETERANS <hr/> Legal Description <input type="button" value="🔍"/> W 430 FT OF E 1965 FT OF S 680 FT OF SE 1/4 OR 5411 P 176 OR 1047 P 614- CHABANIK... <hr/> Extra Features BARN CARPORT FRAME BUILDING
Sale Date	Book Page	Value	Type	Official Records (New Window)							
05/2004	5411 176	\$140,000	WD	View Instr							

Parcel Information <input type="button" value="Restore Map"/>	<p style="text-align: right;">Get Map Image Launch Interactive Map</p>
Section Map Id: 01-1S-32 Approx. Acreage: 2.4500 Zoned: <input type="button" value="🔍"/> R-R	

[Back](#)

Source: Escambia County Property Appraiser

[Restore Full Page Version](#)

General Information		2010 Certified Roll Assessment	
Reference:	011S324303001002	Improvements:	\$32,460
Account:	102428250	Land:	\$8,550
Owners:	PEOPLES FIRST COMMUNITY	Total:	\$41,010
Mail:	1022 W 23RD ST PANAMA CITY, FL 32405	Save Our Homes:	\$0
Situs:	7420 W NINE MILE RD 32526	Disclaimer	
Use Code:	STORE/OFFICE/SFR	Amendment 1 Calculations	
Taxing Authority:	COUNTY MSTU		
Tax Inquiry:	Open Tax Inquiry Window		
Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector			

Sales Data					2010 Certified Roll Exemptions	
Sale Date	Book Page	Value	Type	Official Records (New Window)	None	
12/2004	5540 1968	\$100	CT	View Instr	Legal Description	
12/1998	4356 463	\$275,000	WD	View Instr	BEG AT SE COR OF SEC W 1535 FT N 40 FT TO N R/W OF A 40 FT RD FOR POB CONT N 175 FT W 75 FT S...	
09/1992	3248 675	\$150,000	WD	View Instr	Extra Features	
10/1981	1592 454	\$112,300	WD	View Instr	ASPHALT PAVEMENT CONCRETE PAVING WOOD DECK	
Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court						

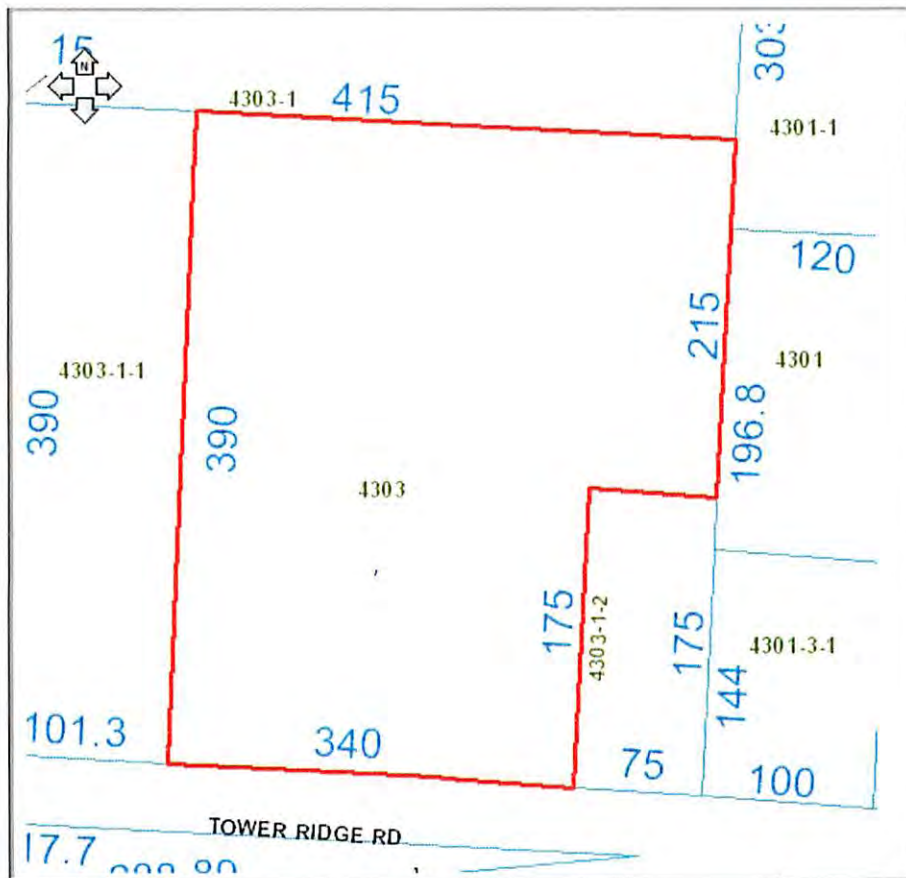
Parcel Information [Restore Map](#) [Get Map Image](#) [Launch Interactive Map](#)

Section Map Id: [01-15-32](#)

Approx. Acreage: 0.3000

Zoned: R-R

The map shows a central parcel outlined in red with dimensions 175 feet by 75 feet. To its left is a parcel with dimensions 175 feet by 175 feet. To its right is a parcel with dimensions 196 feet by 144 feet. Below the red parcel is a road labeled 'TOWER RIDGE RD' with a width of 75 feet. Other parcels are labeled with numbers like 4303, 4301, 4301.3-1, and 3100-2-1.

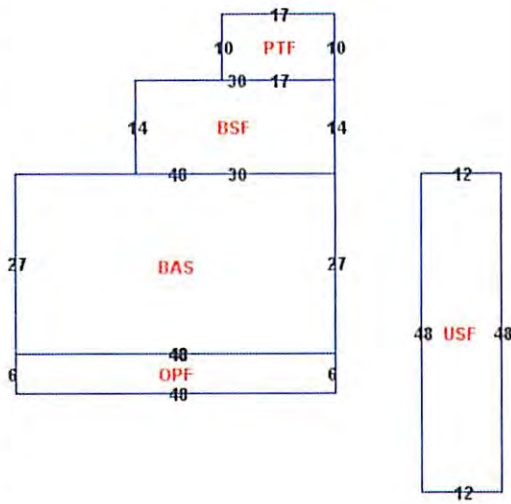


Buildings

Building 1 - Address:9506 TOWER RIDGE RD, Year Built: 1976, Effective Year: 1976

Structural Elements

FOUNDATION-WOOD/SUB FLOOR
EXTERIOR WALL-BRICK-FACE
NO. PLUMBING FIXTURES-8.00
DWELLING UNITS-1.00
ROOF
FRAMING-MANSARD/GAMBREL
ROOF COVER-DIMEN/ARCH SHNG
INTERIOR WALL-DRYWALL-PLASTER
FLOOR COVER-CARPET
NO. STORIES-2.00
FLOOR COVER-VINYL/CORK DECOR/MILLWORK-AVERAGE
HEAT/AIR-CENTRAL H/AC
STRUCTURAL FRAME-WOOD FRAME



Areas - 2750 Total SF

BASE AREA - 1296
BASE SEMI FIN - 420
OPEN PORCH FIN - 288
PATIO FINISHED - 170
UPPER STORY FIN - 576

Images

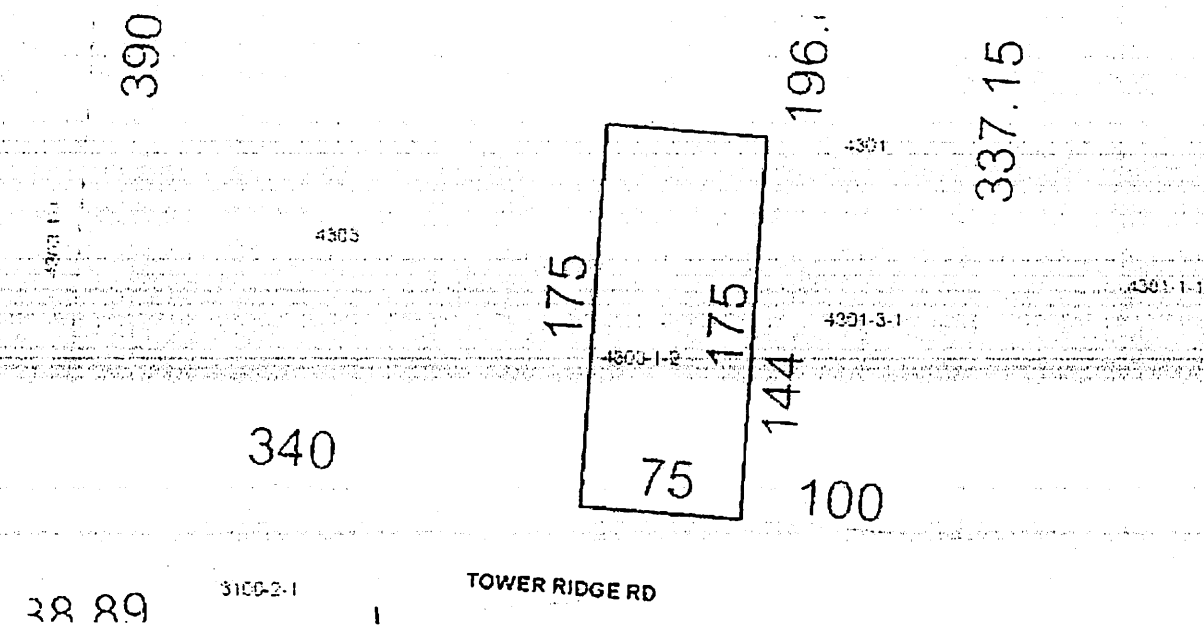


05/09/03

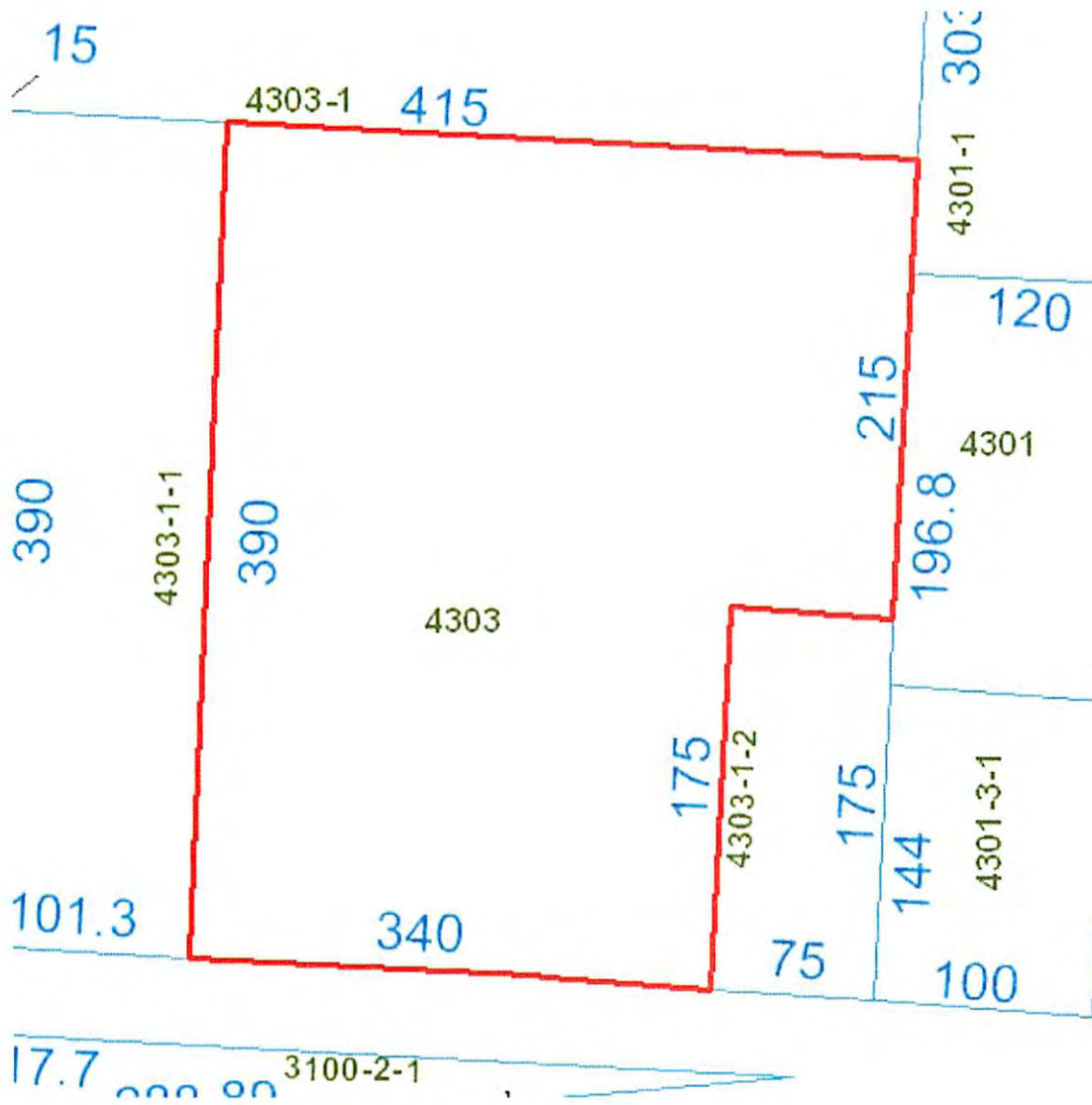


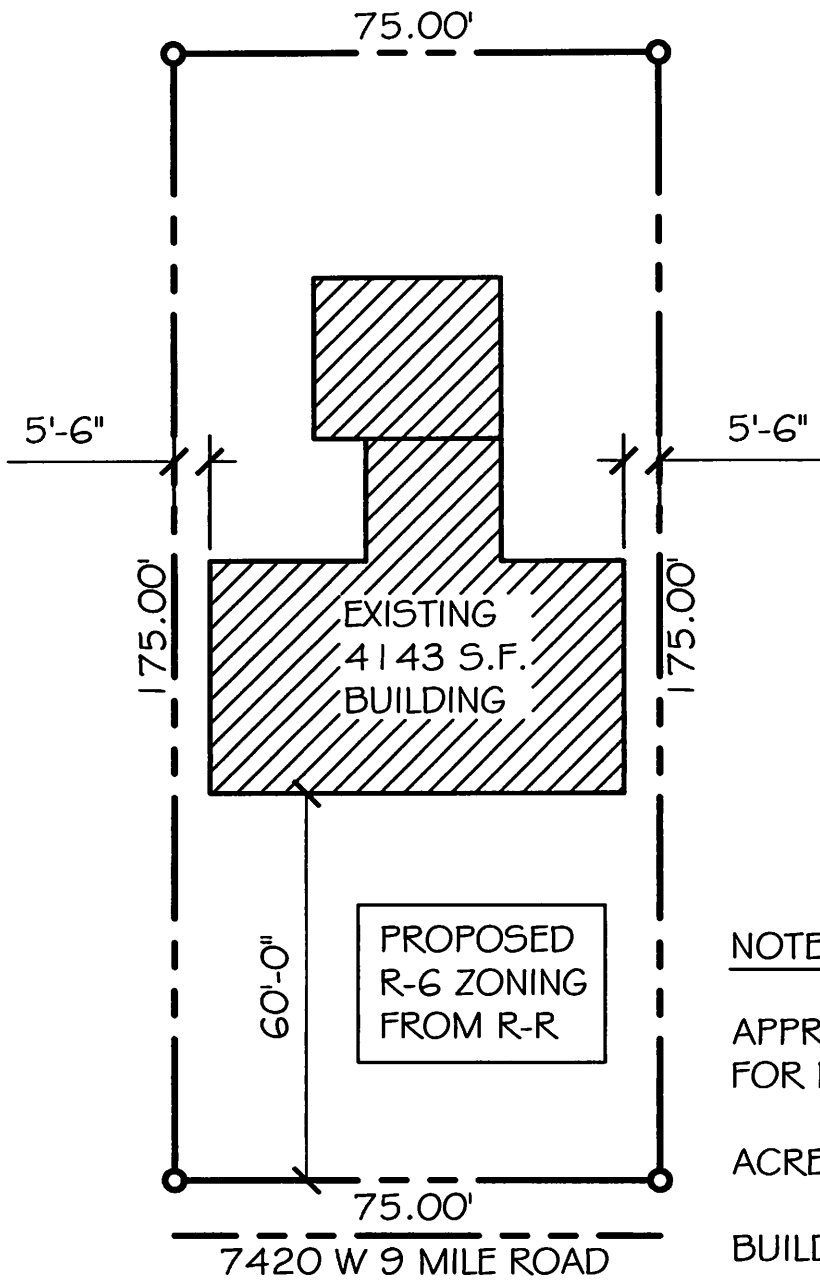
08/17/10

#385238 - 7420 W 9 MILE RD, PENSACOLA, FL



Escambia County plat map





NOTES

APPROX 4500 S.F.
FOR PARKING

ACRES 0.33

BUILDING ON SEPTIC

SITE PLAN

SCALE: 1"=30'-0"

DRAWN BY:	-- GB.
DESIGNED BY:	-- GB.
CHECKED BY:	-- GB.
DATE:	--
SCALE:	AS NOTED.



GARY S. BISHOP, P.E.

6010 JAMESON CIRCLE
PACE, FL
PACE, FL 32571

TWIN
GABLES
PAUL
ROBERTS

THE AVANT-GAURD
COMPANY
CONSULTANT



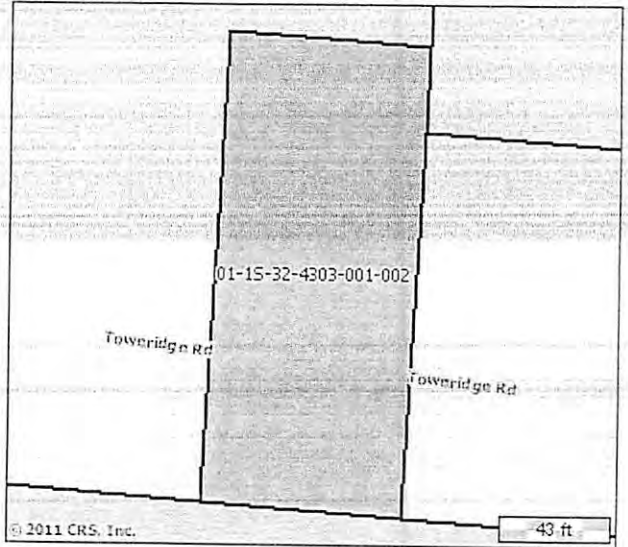
Property Report

Wednesday, January 05, 2011

7420 W Nine Mile Rd, Pensacola, FL 32526-4211
Escambia County, FL parcel# 01-1S-32-4303-001-002

Property Report

Location
Property Address 7420 W Nine Mile Rd
 Pensacola, FL 32526-4211
Subdivision
County Escambia County, FL
Current Owner
Name Peoples First Community
Mailing Address 1022 W 23Rd St
 Panama City, FL 32405-3608
Property Summary
Property Type Commercial
Land Use Store/Office/Sfr
Improvement Type Store/Office/Sfr
Square Feet 4143 sf



General Parcel Information
Parcel/Tax ID 01-1S-32-4303-001-002
Alternate Parcel ID
Account Number 102428250
District/Ward
Census Tract/Block 36.03/1

Sales History through 12/22/2010

Date	Amount	Buyer/Owners	Buyer/Owners 2	Instrument	Quality	Book/Page or Document#
12/01/2004	\$100					5540/1968
12/01/1998	\$275,000			Warranty Deed		4356/463
09/01/1992	\$150,000			Warranty Deed		3248/675
10/01/1981	\$112,300			Warranty Deed		1592/454

Tax Assessment

Appraisals	Amount	Taxes	Amount	Jurisdiction	Rate
Tax Year	2009	City Taxes	\$0		
Appraised Land	\$8,550	County Taxes	\$354.03	Escambia	6.9755
Appraised Improvements	\$40,579	Total Taxes	\$930.86	School Board	7.8600
Total Tax Appraisal	\$49,129	Exempt Amount			
Total Assessment	\$49,129	Exempt Reason			

Mortgage History

No mortgages were found for this parcel.

Property Characteristics: Building

Building #	Type	Condition	Sq Feet	Year Built	Effective Year BRs	Baths	Rooms	Stories	Units
1	Store/Office/Sfr		4143	1964				2	
Building Square Feet (Living Space)					Building Square Feet (Other)				
First Story (Base)			2703	Apartment				1440	
Construction			Attached Garage (unfinished)						725

Quality Shape		Roof Framing	Gable
Partitions		Roof Cover Deck	Composition Shingle
Common Wall		Cabinet Millwork	Below Average
Foundation	Slab	Floor Finish	Concrete Finish
Floor System		Interior Finish	Masonry
Exterior Wall	Concrete Block	Air Conditioning	Central
Structural Framing	Masonry Pil/Stl.	Heat Type	Central
Fireplace		Bathroom Tile	
Other		Plumbing Fixtures	9

Occupancy		Building Data Source	
-----------	--	----------------------	--

Property Characteristics: Extra Features

Feature	Size or Description	Year Built	Condition
Asphalt Pavement			
Concrete Paving			
Wood Deck			

Property Characteristics: Lot

Land Use	Store/Office/Sfr	Lot Dimensions	
Block/Lot		Lot Square Feet	
Latitude/Longitude	30.536414°/-87.402634°	Acreage	0.30

Property Characteristics: Utilities/Area

Gas Source		Road Type	
Electric Source		Topography	
Water Source		District Trend	
Sewer Source		Special School District 1	
Zoning Code		Special School District 2	
Owner Type			

Legal Description

Subdivision		Plat Book/Page Description	
Block/Lot			Beg At Se Cor Of Sec W 1535 Ft N 40 Ft To N R/W Of A 40 Ft Rd For Pob Cont N 175 Ft W 75 Ft S 175 Ft E 75 Ft To Pob Or 5540 P 1968
District/Ward			

Wednesday, January 05, 2011

7420 W Nine Mile Rd, Pensacola, FL 32526-4211
Escambia County, FL parcel# 01-1S-32-4303-001-002

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Information Deemed Reliable But Not Guaranteed.
Contact PAR at (850)434-5507 for Help.

Search Criteria: Address like 7420|Status <> H and <> XF

Lys Saint Aubin Cell 850-329-0487 - lyssaintaubin@remax.net

7420 W 9 MILE RD

PENSACOLA, FL 32526

Price: \$50,000

MLS#: 385238 - CMS-OTH-
 Area: (07) West Pensacola
 Name:
 Address: 7420 W 9 MILE RD
 City: PENSACOLA
 County: ESCAMBIA
 Bldg SqFt: 4,140
 Avail SqFt: 13,125
 \$/SqFt: 3.81
 Acreage: 0.30
 Zoning: R-R
 Parcel ID: 011S324303001002
 Off Class:
 County: ESCAMBIA
 Bldg SqFt: 4,140
 Zoning: R-R
 Parcel ID: 011S324303001002

Status: Active
 Zip: 32526
 Lot Dim:
 Lot Front: 75
 Lot Depth: 175
 Acreage: 0.30
 Lot SqFt:
 Lot Dim:
 Lot Front: 75
 Lot Depth: 175
 Off SqFt:
 Off Class:

Click photo for additional media and enlargement



Directions: From intersection of 9 Mile Rd. & Pine Forest, Go west 5.4 miles. Destination is on the right.
 Prop Desc: Versatile use property with a base 2700 sq ft structure, a 1440 apartment and 725 sq ft garage, per Escambia County records. Structures need work. Great location for a business, near upscale residences and I-

Lease Info:

Financing:
 Down Pymnt: Loan Pymnt: Cash Flow:
 Gross Inc: Ann. Exp: NOI:
 Cap Rate: %

AreaDesc: Property is in a great location for home based business, near upscale residences, and I-10

TenantInfo:

Ind	Ind Dock	Ind Grnd
Clernce:	High:	Lvl:
Ind	Ind Rail:	Ind
Electric:		Sprinkler:
	Lan	Ret
	Price/Acre:	Anchors:
Mul	Mul Exp	Mul
Exp/Sqft:	Types:	Exp/Unit:
Mul GRM:	Mul Num	Mul
	Unit:	Price/Unit:
Mul Schd	Mul	
Inc:	Vacancy:	Apx YrBit: 1964
Type Use: AnimalHos, Church, Haircare, NursingHm, Office, OtrTypeUse, SenCarCtr, Service, SupplyStore, TireStore, Warehouse		

List Office: (RMAX01) RE/MAX HORIZONS REALTY

--Information deemed reliable but not guaranteed--Copyright: 2011 by the Pensacola Association of Realtors, Inc.
 If you can dream it ... then it is real and obtainable.
 Prepared by LYS ST AUBIN of RE/MAX HORIZONS REALTY on 1/5/2011 6:04:24 PM

Handwritten notes:
 436-5050
 Larry - Hunter
 Cells 324-7851



Development Services Department

Escambia County, Florida

PLANNING BOARD REZONING PRE-APPLICATION SUMMARY FORM

01-15-32-4308-001-002
Property Reference Number

Tim Egan
Name

2740 W Nune Mule
Address

Owner

Agent

Referral Form Included? **Y / N**

MAPS PREPARED

- Zoning
- FLU
- Aerial
- Other: _____

PROPERTY INFORMATION

Current Zoning: RR Size of Property: .33 +/-
 Future Land Use: LDR Commissioner District: 1
 Overlay/AIPD: NA Subdivision: _____
 Redevelopment Area*: NA

*For more info please contact the CRA at 595-3217 prior to application submittal.

COMMENTS

Desired Zoning: R-6

Is Locational Criteria applicable? NA If so, is a compatibility analysis required? _____

Reason for purpose pickup/delivery service to include grocery store on ROW for 9 mile

Application submitted on 9-1-11 was incomplete due to not having the survey. Applicant and owner was told that IF survey is not submitted by noon on Tuesday, Sept 6th the application will be past pone until the following month.

- Applicant will contact staff for next appointment
- Applicant decided against rezoning property
- Applicant was referred to another process

BOA DRC Other: _____
Process Name

Staff present: _____ Date: _____

Applicant/Agent Name & Signature: _____

No comment made by any persons associated with the County during any pre-application conference or discussion shall be considered either as approval or rejection of the proposed development, development plans, and/or outcome of any process.



BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

Development Services Department
3363 West Park Place, Pensacola, FL 32505
(850) 595-3475 - Phone
(850) 595-3481 - FAX
www.myescambia.com

Escambia County Planning Board

Public Hearing
Speaker Request Form

Please Print Clearly

Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: Z-2011-16

OR

Agenda Item Number/Description:

[X] In Favor [] Against

*Name:

T.R. EAGAN

*Address:

997 SOUTH PALAFOX PLC

*City, State, Zip:

PNS. FL 32502

Email Address:

EAGANTR@GMAIL.COM

Phone:

850-712-6024

Please indicate if you:

[X]

would like to be notified of any further action related to the public hearing item.

[]

do not wish to speak but would like to be notified of any further action related to the public hearing item.

All items with an asterisk * are required.

Chamber Rules

- 1. All who wish to speak will be heard.
2. You must sign up to speak. This form must be filled out and given to the Clerk in order to be heard.
3. When the Chairman calls you to speak, come to the podium, adjust the microphone so you can be heard, then state your NAME and ADDRESS for the record.
4. Please keep your remarks BRIEF and FACTUAL.
5. Everyone will be granted uniform time to speak (normally 3 - 5 minutes).
6. Should there be a need for information to be presented to the Board, please provide 13 copies for distribution. The Board will determine whether to accept the information into evidence. Once accepted, copies are given to the Clerk for Board distribution.
7. During quasi-judicial hearings (i.e., rezonings), conduct is very formal and regulated by Supreme Court decisions. Verbal reaction or applause is not appropriate.



BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

Development Services Department
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www.myescambia.com

Escambia County Planning Board

Public Hearing
Speaker Request Form

Please Print Clearly

Rezoning Quasi-judicial Hearing OR Regular Planning Board Meeting
Rezoning Case #: Z-2011-16 Agenda Item Number/Description:

[check] In Favor [] Against

*Name: Paul J Roberts

*Address: 9500 Magnolia Springs Rd City, State, Zip: Pensacola 32526

Email Address: RobertsPJ@iwon.com Phone: 850-485-5724

Please indicate if you:

- [check] would like to be notified of any further action related to the public hearing item.
[] do not wish to speak but would like to be notified of any further action related to the public hearing item.

All items with an asterisk * are required.

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ESCAMBIA COUNTY, FLORIDA

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www.myescambia.com

2 Exhibits

Escambia County Planning Board

Public Hearing
Speaker Request Form

Please Print Clearly

Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: Z-2011-16

OR

Agenda Item Number/Description:

? In Favor Against with conditions

*Name: Michael McNelly

*Address: 9506-Tower Ridge Rd *City, State, Zip: Pensacola, FL 32526

Email Address: MJMcN@Aol.com Phone: 850-516-5531

Please indicate if you:

- checkbox would like to be notified of any further action related to the public hearing item.
checkbox do not wish to speak but would like to be notified of any further action related to the public hearing item.

All items with an asterisk * are required.

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Z-2011-17

PLANNING BOARD REZONING HEARINGS - OCTOBER 10, 2011

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1 he can contact to make sure that he is kept abreast
 2 of all the activity that's going with that site.
 3 Don't hesitate to call us. We want to help you, as
 4 well.
 5 MR. BRISKE: I think we're going to take about
 6 a five-minute break right now so we'll stand in
 7 recess for about five minutes. We'll come back at
 8 935.
 9 (Break taken, after which the proceedings
 10 continued. The transcript continues on Page 50.)
 11 * * *
 12
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TAYLOR REPORTING SERVICES, INCORPORATED

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1 * * *
 2 CASE NO: Z-2011-17
 Location: 9991 Guidy Lane
 3 Parcel: 07-1S-30-1018-000-000
 From: R-2, Single-Family District (cumulative),
 4 Low-Medium Density (7 du/acre).
 To: R-6, Neighborhood Commercial and Residential
 5 District, (cumulative) High Density
 (25 du/acre).
 6 FLU Category: MU-U
 BCC District: 5
 7 Requested by: Wiley C. "Buddy" Page, Agent for
 Charles and Linda Welk
 8
 9 MR. BRISKE: I would like to call our meeting
 10 back to order, please. Please take your seats. All
 11 right we are now back in session for the Planning
 12 Board Rezoning Hearings for October 10th, 2011.
 13 (Mr. Wingate not present.)
 14 MR. BRISKE: Our next case for consideration,
 15 Z-2011-17, will be presented by Buddy Page, the
 16 agent for Charles and Linda Welk. This project
 17 address is on Guidy Lane and it is a request to
 18 rezone from an R-2 to an R-6.
 19 Members of the Board, I will ask if there's
 20 been any ex parte communication between you, the
 21 applicant, the agent, attorneys or witnesses or with
 22 any other fellow Planning Board members or anyone
 23 from the general public prior to this hearing. I
 24 will also ask you if you have visited the subject
 25 site. And if you would please disclose if you are a

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1 relative or business associate of the applicant or
 2 the applicant's agent. We'll start down at the end
 3 again with Bruce.
 4 MR. STITT: No, Mr. Chairman. We're missing
 5 Mr. Wingate.
 6 MR. BRISKE: We'll note on the record that
 7 Mr. Wingate has not come back from the break yet.
 8 Ms. Hightower.
 9 MS. HIGHTOWER: I have none. I have no
 10 official capacity but I do know the property owners.
 11 MR. GOODLOE: No communication, but I have
 12 visited the site.
 13 MR. BARRY: No communication. I'm familiar
 14 with the site.
 15 MR. BRISKE: The Chairman has had no
 16 communication, but I do know Mr. Welk from years
 17 ago, as well. I haven't spoken to him in quite a
 18 few years, but nothing that would influence my
 19 decision.
 20 Mr. Tate.
 21 MR. TATE: No, but I am familiar with the site
 22 having traversed the road frequently.
 23 MS. DAVIS: No to all of the above.
 24 MS. SINDEL: No to all of the above.
 25 MR. BRISKE: And when Mr. Wingate returns, we

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1 will get him to answer the questions, as well, if
 2 you will help me keep an eye out for him.
 3 Staff, was notice of the hearing sent to all
 4 the interested parties?
 5 MS. SPITSBERGEN: Yes, sir, it was.
 6 MR. BRISKE: Was it also posted on the subject
 7 property?
 8 MS. SPITSBERGEN: Yes, sir, it was.
 9 MR. BRISKE: If there's no objection by
 10 Mr. Page, we'll ask the staff to present the maps
 11 and the photographs for Case Z-2011-17.
 12 MR. FISHER: John Fisher, Planning and Zoning.
 13 This is for Case Number Z-2011-17, 9991 Guidy Lane.
 14 MR. BRISKE: John, would you stop for a second.
 15 Did we get John sworn in at the beginning?
 16 MS. CAIN: No.
 17 MR. BRISKE: Let's go ahead and do that just
 18 because this is a quasi-judicial hearing.
 19 (John Fisher sworn.)
 20 MR. BRISKE: Thank you, John. Go ahead.
 21 MR. FISHER: This is our location and wetlands
 22 map. This is the aerial photo. This is the Future
 23 Land Use of MU-U. The existing land use.
 24 (Mr. Wingate enters.)
 25 MR. FISHER: The 500-foot zoning radius map,

TAYLOR REPORTING SERVICES, INCORPORATED

PLANNING BOARD REZONING HEARINGS - OCTOBER 10, 2011

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1 zoned R-2.
 2 This is the public notice sign. This is the
 3 subject parcel. This is the subject parcel again.
 4 This is looking south from the subject parcel on
 5 Guidy Lane. This is looking north from the subject
 6 parcel. Looking southeast from the subject parcel.
 7 This is looking east from the subject parcel. This
 8 is looking southeast from the subject parcel. This
 9 is the 500-foot radius map from the Property
 09:42 10 Appraiser. This is the mailing list.
 11 MR. BRISKE: Thank you.
 12 Mr. Wingate has rejoined the meeting.
 13 Mr. Wingate, have you had any ex parte communication
 14 between you, the applicant, the applicant's agents,
 15 attorneys, witnesses or with any other fellow
 16 Planning Board members or anyone from the public
 17 prior to this hearing.
 18 MR. WINGATE: No I just drove up the street.
 19 MR. BRISKE: You did visit the subject
 09:42 20 property?
 21 MR. WINGATE: Yes.
 22 MR. BRISKE: And you're not a relative or
 23 business associate of the applicant or the
 24 applicant's agent?
 25 MR. WINGATE: No, sir.
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1 MR. BRISKE: Thank you, sir.
 2 Mr. Page. Good morning, sir. If you will be
 3 sworn in, please.
 4 (Wiley C. "Buddy" Page sworn.)
 5 MR. BRISKE: Mr. Page, please state your full
 6 name and address for the record.
 7 MR. PAGE: Good morning, Mr. Chairman. Buddy
 8 Page, 5337 Hamilton Lane in Pace, representing Mr.
 9 Charles Welk this morning on the application before
 09:43 10 you.
 11 MR. BRISKE: Have you received a copy of the
 12 rezoning hearing package with the staff's findings?
 13 MR. PAGE: Yes, sir.
 14 MR. BRISKE: Do you understand that you have
 15 the burden of proving substantial and competent
 16 evidence that the proposed rezoning is consistent
 17 with the Comprehensive Plan, furthers the goals,
 18 objectives and policies of that Comprehensive Plan
 19 and is not in conflict with any portion of the Land
 09:43 20 Development Code?
 21 MR. PAGE: Yes, sir.
 22 MR. BRISKE: Mr. Page has previously been
 23 brought in as an expert in the area of land use in
 24 this area. Do you wish to be qualified as an expert
 25 in that area for today's hearing?
 TAYLOR REPORTING SERVICES, INCORPORATED

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1 MR. PAGE: Yes, sir.
 2 MR. BRISKE: Members of the Board, you've been
 3 previously provided information on Mr. Page. Are
 4 there any questions? The Chair will entertain a
 5 motion.
 6 MR. BARRY: So moved.
 7 MS. SINDEL: Second.
 8 MR. BRISKE: A motion and a second to accept as
 9 an expert witness. All those in favor, say, aye.
 09:43 10 (Board members vote.)
 11 MR. BRISKE: Opposed.
 12 (None.)
 13 MR. BRISKE: The motion carries.
 14 (The motion passed unanimously.)
 15 MR. BRISKE: Mr. Page.
 16 MR. PAGE: Thank you, Mr. Chairman. This
 17 application that you have this morning is requesting
 18 a change not a whole lot different from the one in
 19 many aspects that you just reviewed. Mr. Chairman
 09:44 20 we're asking for an R-6 in an area that has a
 21 considerable amount of differing land use
 22 characteristics in terms of the zoning categories
 23 that include C-1, R-1, R-2, R-3 and so forth as you
 24 saw in the overhead.
 25 The purpose of the request is to allow Mr. Welk
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1 to move his business, which has been flooded out
 2 several times recently down on Fairfield Drive
 3 because of a new county holding pond out to this
 4 location, which he has owned for over 25 years. You
 5 saw the overhead with a small piece of property. He
 6 actually owns the larger piece to the north and to
 7 the west of the site itself.
 8 Mr. Welk is in the snack food business. I'm
 9 sure many of you have seen his product in break
 09:45 10 rooms, government offices, especially real estate
 11 offices and banks around town. There is a cardboard
 12 box that has a lot of things, snacks of different
 13 types, potato chips and what have you, and you pay
 14 for it on the honor system. That's the business
 15 that Mr. Welk is in. He has two employees and they
 16 fill these boxes and go around and change them out
 17 weekly and periodically at these commercial type
 18 establishments. He has no retail sales on site. He
 19 has no foot traffic on site. They simply have two
 09:46 20 trucks and vehicles that leave out in the morning to
 21 go around and make these types of deliveries.
 22 That's nature of his business.
 23 In searching through where would that fit in a
 24 category that would allow him to continue that type
 25 of operation, we came up with the R-6, especially
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1 when the list of uses has a number nine that says
 2 other uses which are similar and compatible. We
 3 think the type of thing that he is doing is similar
 4 and compatible with a number of those listed, so
 5 thus the R-6 came into favor as far as our request,
 6 Mr. Chairman.
 7 So that basically shows you how we got to where
 8 we are and a little bit of background as to why the
 9 request was made. Mr. Welk needs an office with a
 09:46 10 room probably the size of the area where you folks
 11 are situated back to the window that would allow
 12 them to fill those boxes in the morning. He has an
 13 existing building on site, as you saw in the
 14 photographs earlier. The only addition to that
 15 building would be a small assembly area in the back
 16 to stuff the boxes and have them ready for delivery.
 17 So, Mr. Chairman, with that as a backdrop in
 18 taking a look at our criteria, Criterion (1),
 19 consistency with the Comprehensive Plan, the
 09:47 20 findings of the staff is that R-6 is just simply not
 21 compatible out in that particular area. And if we
 22 take a look at the reasoning behind that, it states
 23 that it's not consistent with the intent and purpose
 24 of Future Land Use 1.3.1. As I read above, what
 25 does constitute a 1.3.1, says that this Future Land
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1 Use area allows for an intense mixture of
 2 residential and nonresidential uses. We think that
 3 that combination of residential, an intense mixture
 4 of residential and nonresidential certainly would
 5 fit us. The area is mostly residential, but if you
 6 noticed, almost everything surrounding his site is
 7 multifamily. And I'll talk a little bit more about
 8 that a little bit later. So we think that 1.3.1 --
 9 we certainly think that we meet that intense mixture
 09:48 10 threshold.
 11 And then under 1.5.3, new development and
 12 redevelopment in built-up areas, again, it says that
 13 the County will promote or encourage redevelopment
 14 in underutilized properties to the maximum
 15 development intensities and intensities located in
 16 and gives a listing which includes our Mixed Use
 17 Urban. We think that we're doing that exact thing.
 18 We think we comply with 1.5.3 and 1.3.1. As a
 19 result of both of the those, we think, Mr. Chairman,
 09:48 20 that we're very consistent with Criterion (1),
 21 consistency with the Comprehensive Plan.
 22 Under Criterion (2), consistency with the Land
 23 Development Code, the finding for that is that it's
 24 not consistent with the intent and purpose of the
 25 Land Development Code. The applicant has failed to
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1 provide competent and substantial evidence that the
 2 proposed zoning will not constitute spot zoning.
 3 We had some discussion about that a little
 4 earlier. The County has adopted a definition of
 5 spot zoning and it is somewhat compatible with the
 6 State's definition under Chapter 120 and that
 7 basically paraphrasing says that it has to be a use
 8 that is not comparable with those types of uses that
 9 are around it. A neighborhood commercial activity
 09:49 10 is supposed to be compatible with part of that
 11 title, I think, and that is the neighborhood in
 12 which it's constituted. We think that we are
 13 consistent with that in that particular view.
 14 I also would point out, Mr. Chairman, that a
 15 lot of the locational criterion for R-6 and C-1 and
 16 C-2 has a lot of threshold information in it that if
 17 you pass that particular thing, then you move
 18 forward closer to being able to convince that you do
 19 meet some of the criteria. I point out to you on
 09:50 20 page five under C-1 it talks about the location of
 21 the particular site in relation to things that
 22 generate a lot of traffic. And most all of these
 23 are things that generate traffic beyond a threshold
 24 of 600 trips per day. 600 trips per day could be
 25 generated under the -- and I think we have a traffic
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1 engineer here that could verify this. A 60-unit
 2 apartment project generates 9.9 trips per unit per
 3 day, peak hour, nonpeak direction. Using that,
 4 almost any of these would generate over 600 trips
 5 per day. These types of housing units are all
 6 around Mr. Welk as they face in this particular area
 7 of Guidy Lane. So we have an area that is very,
 8 very busy and the Board, I'm sure, has seen the
 9 County's future linkage transportation map that
 09:51 10 shows that one day the University of West Florida
 11 will connect into Greenbriar which is the road just
 12 to the north where Guidy Lane dead ends at the
 13 present time. If you are a student going to or from
 14 the University of West Florida and you're headed to
 15 Nine Mile Road, you're going to come out of the
 16 university on Greenbriar and turn south on Guidy
 17 Road. That is the first connector between
 18 Greenbriar and Nine Mile Road that allows you to
 19 make any directional change. That's why there is a
 09:52 20 traffic light at that location.
 21 So we think given the fact that there's a lot
 22 of mixed use land use categories in that area,
 23 almost five that surround us or within a short
 24 proximity, and the fact that any of the adjacent
 25 major residential units generate over 600 trips per
 TAYLOR REPORTING SERVICES, INCORPORATED

PLANNING BOARD REZONING HEARINGS - OCTOBER 10, 2011

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1 day, there are probably five of those within this
 2 area, a neighborhood commercial category that would
 3 have a use that Mr. Welk is proposing, we feel,
 4 Mr. Chairman, fits in that category. We think that
 5 we are consistent with number two.
 6 Criterion Number (3), compatible with
 7 surrounding areas. We saw a little earlier where
 8 there was some discussion about an R-6 going in on
 9 West Nine Mile Road backing up to single-family
 09:52 10 residential homes. If there is concern in that
 11 particular area or if there's compatibility in that
 12 particular area, I would suggest to you that we have
 13 compatibility where we are. We don't back up to
 14 single-family homes. We're backing up to a lot of
 15 multifamily homes, which generally the transition of
 16 zoning under the pyramid effect certainly would fit
 17 into a scaling and blending. So we think we are
 18 compatible with the surrounding zoning categories,
 19 especially as they have been articulated by staff,
 09:53 20 being R-2, R-3, R-6, and C-2, plus a church right
 21 across the street.
 22 Mr. Chairman, under changed conditions, we
 23 don't think that there's been a whole lot of
 24 activity out that way, as well. We probably concur
 25 with item number four.
 TAYLOR REPORTING SERVICES, INCORPORATED

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1 Item number five, we would concur with that, as
 2 well. We have no jurisdictional wetlands or hydric
 3 soils that we're familiar with.
 4 Under Criterion (6), the development patterns,
 5 again, there is a finding that it is not or would
 6 not result in a logical and orderly development
 7 pattern. I would go back again and say that we are
 8 in a category of Mixed Use Urban and for that reason
 9 it provides for an intense mixture. How can we be
 09:54 10 consistent with being a Mixed Use Urban, we're okay
 11 with that, but yet we cannot seem to find an
 12 agreement that we are logical and orderly. We are
 13 logical and orderly with Mixed Use Urban,
 14 Mr. Chairman, the argument being that it provides
 15 for an intense mixture.
 16 And I believe, Mr. Chairman, that that
 17 concludes the six items. I will attempt to stand by
 18 at the appropriate time and respond to any
 19 questions.
 09:54 20 MR. BRISKE: Members of the Board, any
 21 questions at this time for Mr. Page?
 22 MR. TATE: How close is the subject property to
 23 the old bait and tackle shop?
 24 MR. PAGE: That I don't know.
 25 Mr. Welk, are you familiar with the bait and
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1 tackle shop?
 2 MR. BRISKE: Mr. Page, you'll have to wait
 3 until Mr. Welk comes up because we're reporting
 4 everything. We'll let him address that when he
 5 comes up.
 6 Any other question for Mr. Page? Okay.
 7 Staff, questions of Mr. Page? All right.
 8 Do you have any witnesses, so to speak,
 9 Mr. Page? I know Mr. Welk wishes to speak.
 09:55 10 MR. PAGE: No.
 11 MR. BRISKE: At this time we will have the
 12 staff do their part of the presentation. Who will
 13 be presenting?
 14 (Presentation by John Fisher, previously
 15 sworn.)
 16 MR. FISHER: John Fisher, Planning and Zoning.
 17 Zoning Case Z-2011-17, 9991 Guidy Lane. Future Land
 18 Use MU-U. This is a rezoning from R-2,
 19 Single-Family District, to an R-6, Neighborhood
 09:55 20 Commercial Residential District.
 21 Criterion (1), consistent with the
 22 Comprehensive Plan. The proposed amendment to R-6
 23 is not consistent with the intent and purpose of the
 24 Future Land Use category MU-U as stated in Future
 25 Land Use 1.3.1. The proposed amendment does promote
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1 efficient use of existing public roads, utilities
 2 and infrastructure. However, staff determined that
 3 the proposed use does not promote compatible infill
 4 development since the property is currently not
 5 underutilized and the proposed use is also
 6 incompatible with the residential nature of the
 7 surrounding properties. Therefore, staff finds that
 8 the proposed amendment is not consistent with the
 9 intent and purpose as stated in Future Land Use
 09:56 10 1.3.1 and Future Land Use 1.5.3.
 11 Criterion (2), consistent with the Land
 12 Development Code. The proposed amendment is not
 13 consistent with the intent and purpose of the Land
 14 Development Code. The applicant has failed to
 15 provide competent evidence that the proposed
 16 rezoning will not constitute spot zoning. From a
 17 site visit staff observed that the nature of the
 18 surrounding zoning and existing uses is
 19 predominately residential, thus the proposed
 09:57 20 amendment is not consistent with the intent of the
 21 Land Development Code 2.08.02.D.7.B and C,
 22 Quasi-Judicial Rezoning.
 23 The proposed amendment does not meet the
 24 general commercial and light manufacturing uses
 25 locational criteria. The parcel is on a local road.
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1 It is not located at or in proximity to the
 2 intersection of an arterial/arterial roadway or
 3 along an arterial roadway within one-quarter mile of
 4 the intersection and does not provide for a smooth
 5 transition between commercial and residential
 6 intensity, as stated in the Escambia County Land
 7 Development Code 7.20.04. In addition a Development
 8 Order PSD 090600059 located at 9796 Guidy Lane was
 9 denied due to the locational criteria requirements
 09:58 10 being located on a local road. See Exhibit A.
 11 The proposed amendment does not meet the
 12 requirements for infill development as stated in the
 13 Land Development Code 7.20.23.B. Infill development
 14 is defined as an area where over 50 percent of a
 15 block is either zoned or used for commercial
 16 development. This article also defines a block as
 17 road frontage on one side of the street between two
 18 public right-of-ways. In this case the block is
 19 identified as the road frontage from Candlestick
 09:59 20 Drive along the south side of Guidy Lane to Signal
 21 Hill Lane along the north. There are 11 properties
 22 within this block: Four single-family residences
 23 and seven multifamily properties. The intensity of
 24 the proposed use is not comparable with the existing
 25 zoning and development on the surrounding parcels
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1 and does not promote compact development.
 2 Buffering requirements will apply as stated in
 3 Land Development Code 7.01.06. Further review from
 4 the Development Review Committee will be needed to
 5 ensure the buffering requirements and other
 6 performance standards have been met should this
 7 amendment to R-6 be granted.
 8 Criterion (3), compatible with surrounding
 9 uses. The proposed amendment is not compatible with
 09:59 10 the surrounding and existing uses in the area.
 11 Within the 500-foot radius impact area, staff
 12 observed 66 properties with zoning districts R-2,
 13 R-3, R-5 and C-2. Out of the 66 properties, 38 are
 14 single-family residential, 26 are multifamily
 15 residential, one church and one vacant lot.
 16 Criterion (4), changed conditions. Staff found
 17 one parcel, Case Number Z-2001-42, 9918 Guidy Lane,
 18 that was rezoned from R-2 to R-3 on 12/06/2001 by
 19 the BCC. Staff sees no changed conditions that
 10:00 20 would impact the amendment or property.
 21 Criterion (5), effect on the natural
 22 environment. According to the National Wetlands
 23 Inventory, wetlands and hydric soils were not
 24 indicated on the subject property. When applicable,
 25 further review during the development review
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1 committee process will be necessary to determine if
 2 there would be any significant adverse impacts on
 3 the natural environment.
 4 Criterion (6), development patterns. The
 5 proposed amendment would not result in a logical and
 6 orderly development pattern. The property is
 7 located along Guidy Lane, a local road in a mixed
 8 use area. The permitted uses of the R-6 zoning
 9 district is not of comparable intensity with the
 10:01 10 surrounding predominately residential uses.
 11 That includes all staff's findings.
 12 MR. BRISKE: Board members, any questions of
 13 staff? Mr. Page, do you wish to cross-examine staff
 14 members?
 15 MR. PAGE: No.
 16 MR. BRISKE: Any questions of either person?
 17 All right. At this time then we will go into
 18 our public comment section. You did indicate,
 19 Mr. Page, that Mr. Welk is going to be testifying as
 10:01 20 part of the public and not as a witness; is that
 21 correct?
 22 MR. PAGE: No, I'll need him as a witness.
 23 MR. BRISKE: Okay. Then I'll ask you to call
 24 him forward as a witness, then, please.
 25 Good morning, Mr. Welk. If you will be sworn
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1 in, please.
 2 (Charles Welk sworn.)
 3 MR. BRISKE: Sir, if you will state your name
 4 and address for the record, please.
 5 MR. WELK: Charles Welk, 9981 Guidy Lane,
 6 Pensacola.
 7 MR. BRISKE: Mr. Page, are you going to ask
 8 direct questions of the witness?
 9 MR. PAGE: He's going to make a presentation
 10:02 10 based on his use and location.
 11 MR. WELK: What we're asking for is using an
 12 existing building that's there to offices and also
 13 to do the snack boxes that we do. All we need is a
 14 small warehouse right next to it to store product
 15 and that would be all we do on the property. There
 16 wouldn't be anymore transportation or vehicles than
 17 there are on the property now. So it's going to
 18 be -- we don't do any retail business, nobody comes
 19 in. We would have maybe a delivery one day a week,
 10:03 20 just a small truck usually.
 21 MR. BRISKE: Mr. Tate, I think you had a
 22 question about the location that you asked Mr. Page.
 23 MR. TATE: How close are you to the bait shop?
 24 MR. WELK: I'm going to guess between
 25 8,000 feet, it's about halfway down Guidy Lane from
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1 my property.
 2 MR. TATE: And the dwelling, the current
 3 dwelling that's there, how is it currently used or
 4 been used in the past?
 5 MR. WELK: A rental unit. We've been renting
 6 it out.
 7 MR. TATE: Residential?
 8 MR. WELK: Yes.
 9 MR. BRISKE: Board members, any additional
 10:03 10 questions for Mr. Welk?
 11 Mr. Page, did you wish to --
 12 MR. PAGE: Thanks.
 13 MR. BRISKE: Thank you, Mr. Welk.
 14 Staff, any questions of Mr. Welk?
 15 MR. FISHER: No.
 16 MR. BRISKE: Mr. Page, any additional witnesses
 17 that you wish to call at this time?
 18 MR. PAGE: No, sir.
 19 MR. BRISKE: All right. At this time then we
 10:04 20 will go into the public comment portion of the
 21 meeting. We do have a couple of speakers who have
 22 signed up to speak on this matter.
 23 For those members of the public who wish to
 24 speak on this matter, please note that the Planning
 25 Board bases our decisions on the six criteria and
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1 exceptions described in Section 2.08.02.D of the
 2 Escambia County Land Development Code. During its
 3 deliberations the Planning Board will not consider
 4 general statements of support or opposition.
 5 Accordingly, please limit your testimony to those
 6 six criteria and exceptions shown on the screen and
 7 described in Section 2.08.02. Please also note that
 8 only those individuals who are here today and give
 9 testimony on the record before the Planning Board
 10:05 10 will be allowed to speak at the subsequent hearing
 11 before the Board of County Commissioners.
 12 I do have two individuals signed up to speak.
 13 The first one is Duffy Meligan. Good morning, sir,
 14 if you will come up and be sworn in, please.
 15 (Duffy Meliigan sworn.)
 16 MR. BRISKE: State your name and address for
 17 the record, please.
 18 MR. MELIGAN: My name is Duffy Meligan. My
 19 address is 10,000 Guidy Lane, Pensacola, Florida.
 10:05 20 MR. BRISKE: Yes, sir. Please proceed.
 21 MR. MELIGAN: I've had this residence for
 22 16 years. This is primarily a residential
 23 neighborhood and there is no other developments like
 24 this in the neighborhood and it's just -- it's not
 25 that type of zoning and it's just a neighborhood and
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1 that's why I purchased the property years ago.
 2 MR. BRISKE: You're opposed to the rezoning?
 3 MR. MELIGAN: Yes, I am.
 4 MR. BRISKE: Based on the criterion here,
 5 consistency from what I'm hearing.
 6 MR. MELIGAN: The agreement that -- the
 7 findings of the staff.
 8 MR. BRISKE: Okay. Mr. Page, do you have any
 9 questions for this witness?
 10:06 10 MR. PAGE: No, sir.
 11 MR. BRISKE: Board members?
 12 MS. SINDEL: No.
 13 MR. BRISKE: Staff.
 14 MR. FISHER: No, Mr. Chairman.
 15 MR. BRISKE: Mr. Meligan, anything else you
 16 would like to ask?
 17 MR. MELIGAN: Not at this time.
 18 MR. BRISKE: I noticed that you would like to
 19 be notified if there is any further action on this
 10:06 20 item, so the staff will keep these forms and they
 21 will keep track of this for us. Thank you for your
 22 participation, sir.
 23 MR. MELIGAN: Thank you.
 24 MR. BRISKE: Our next speaker is Mr. Steven
 25 White. Good morning, sir. Please be sworn in.
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1 (Steven White sworn.)
 2 MR. BRISKE: Sir, once again, your name and
 3 address for the record, please.
 4 MR. WHITE: Steven White, 990 Candlestick
 5 Drive.
 6 MR. BRISKE: Go ahead, please.
 7 MR. WHITE: I would like to speak against the
 8 rezoning of the parcel. As the staff has rightfully
 9 found, the subject property does not meet the
 10:07 10 locational criteria stipulated in the Land
 11 Development Code. There was one previous attempt on
 12 one of the two parcels zoned commercial in this
 13 district to bring a development order. That
 14 development order was denied because of the
 15 locational criteria. Guidy Lane is a local road.
 16 It has a 66-foot right-of-way. It already has
 17 enough traffic on it. Any type of commercial
 18 enterprise is just going to introduce additional
 19 traffic that it does not have the capacity to
 10:07 20 support.
 21 Further, one of the reasons or one of the
 22 discussion points during the previous attempt to
 23 develop one of those commercial parcels centered on
 24 whether or not there were other commercial
 25 enterprises along that corridor. If you do indeed
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1 go ahead and allow the rezoning of this parcel to
 2 include some commercial component, you're going to
 3 open up Pandora's box on two commercial parcels that
 4 I would suggest indeed meet the criteria for spot
 5 zoning. Thank you.
 6 MR. BRISKE: Board members, any questions of
 7 Mr. White?
 8 Mr. Page?
 9 MR. PAGE: Mr. Chairman, if he could show us
 10:08 10 where he is on the map, it would be helpful for us.
 11 MR. BRISKE: Yes, please.
 12 MR. WHITE: This is my parcel right here.
 13 MR. PAGE: Thank you.
 14 MR. BRISKE: Let's get clarification of where.
 15 MR. WHITE: I'm at the corner of Candlestick
 16 Drive and Guidy Lane, the northwesterly corner.
 17 MR. BRISKE: Does that represent where you're
 18 at where the pointer is?
 19 MR. WHITE: Yes, sir.
 10:09 20 MR. BRISKE: That's your parcel?
 21 MR. WHITE: Yes, sir.
 22 MR. BRISKE: Like he said, the corner of
 23 Candlestick Drive and Guidy Lane, single-family
 24 residence.
 25 MR. WHITE: Single-family residential.
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1 MR. BRISKE: Any additional questions of this
 2 witness, Mr. Page?
 3 MR. PAGE: Mr. Chairman, I presume the red is
 4 commercial right across the street from him.
 5 MR. BRISKE: Go to the concurrent zoning, if
 6 you would, please, Karen.
 7 MR. WHITE: Those are two commercially zoned
 8 parcels.
 9 MR. PAGE: C-2.
 10:09 10 MR. BRISKE: C-2 across the street, that's
 11 correct, across Guidy Lane.
 12 Any other questions for this witness?
 13 Staff, any questions?
 14 MR. FISHER: No, Mr. Chairman.
 15 MR. BRISKE: Mr. White, anything else you would
 16 like to add?
 17 MR. WHITE: No, thank you.
 18 MR. BRISKE: Thank you, sir.
 19 Is there anyone else from the public that
 10:10 20 wishes to speak on this matter? Hearing none, the
 21 Chair will close the public hearing portion of the
 22 meeting at this time and we'll come back --
 23 Mr. Page, you have an opportunity to come back and
 24 give any additional --
 25 MR. PAGE: We have nothing further.
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1 MR. BRISKE: Okay.
 2 Staff, any additional items to offer?
 3 MR. JONES: I would like for the record --
 4 MR. BRISKE: Let's have your name, again,
 5 Horace and your position.
 6 (Testimony by Horace Jones, previously sworn.)
 7 MR. JONES: Horace Jones, Division Manager.
 8 Mr. Welk stated for a warehouse, and for the record,
 9 again, we don't look at the uses, for the record.
 10:10 10 If the Planning Board or BCC approves this rezoning
 11 for R-6, R-6 does allow for mini-warehouses with
 12 conditional use approval. So since he stated that,
 13 I want to make that clear for the record that there
 14 could be some additional step if he decides to put a
 15 warehouse there. I want to lay out for the record.
 16 MR. BRISKE: Okay.
 17 MS. DAVIS: I do have a question of Mr. Jones.
 18 The C-2 property which is so glaring on there, a
 19 glaring difference, is that grandfathered in?
 10:11 20 What's the history of that?
 21 MR. JONES: More than likely. I'm not aware of
 22 that.
 23 MR. FISHER: It's vacant as of right now.
 24 MR. TATE: They probably got to choose what
 25 they wanted to have when that process was open.
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1 MR. JONES: More than likely.
 2 MS. DAVIS: There's nobody here right now?
 3 MR. JONES: It's vacant right now.
 4 MR. BRISKE: Is Drew researching that?
 5 MR. JONES: Yes, he is.
 6 MR. BRISKE: I think that would be important to
 7 get that as part of the record just so we know what
 8 it is.
 9 MR. STITT: Mr. Chairman?
 10:11 10 MR. BRISKE: Yes, sir.
 11 MR. STITT: Just out of curiosity, in this
 12 location, would the type of function that the
 13 applicant is seeking to work through the zoning
 14 process actually be as a right a use of the property
 15 as a home occupation?
 16 MR. JONES: To answer your question, this would
 17 not meet the criteria for home occupation.
 18 MR. STITT: Thank you.
 19 MR. HOLMER: Andrew Holmer, Development
 10:12 20 Services.
 21 MR. BRISKE: Was he sworn in at the beginning?
 22 I just want to make sure.
 23 MR. HOLMER: I just checked on that C-2
 24 property that is to the southeast there. In our
 25 zoning layer it doesn't show any case number, which
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1 indicates to me, without going and check the mylar,
 2 that was the original. I can always double-check,
 3 if necessary.
 4 MR. BRISKE: So it's been -- '93?
 5 MR. JONES: '87. It's been in there a good
 6 while, yes, '87.
 7 MR. BARRY: A quick question of Mr. Jones.
 8 Were there any other alternatives discussed between
 9 you and the applicant as far as between R-2 and R-6,
 10:13 10 anything else that would fit what he wanted to do?
 11 MR. JONES: What he wants to do -- R-5 does
 12 allow for offices, but it is professional type
 13 offices like insurance offices, architects, doctor's
 14 office, lawyer's office. I don't think that would
 15 meet the R-5 as far as professional type offices.
 16 This is more or less a commercial establishment, a
 17 commercial business.
 18 MR. TATE: You have a business that would draw
 19 less traffic than a lawyer's office, but it's not
 10:14 20 compatible.
 21 MR. JONES: I would assume that's the way the
 22 Code -- R-5 just says professional doctor's office,
 23 insurance office, that type.
 24 MR. BRISKE: Just for clarity, could we please
 25 have the R-5 and R-6 zoning brought up to show what
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1 is allowed in those areas?
 2 MS. SINDEL: Part of that differential with
 3 referencing what Mr. Tate just said because with a
 4 professional office, a lawyer, you are going to have
 5 foot traffic. With this new venture there's no foot
 6 traffic, but there's storage.
 7 MR. JONES: Absolutely.
 8 MS. SINDEL: That's a big difference because
 9 you actually have a warehouse with storage.
 10:14 10 MR. JONES: That is the difference, yes.
 11 MR. BRISKE: If you would, please, go to the
 12 R-6 first so we can see what the actual request is.
 13 Many of you already know this, but I'll reiterate
 14 it. When the Planning Board recommends a certain
 15 zoning, any and all categories within that zoning
 16 category can be used. We cannot be project specific
 17 to what he's planning on putting there, because
 18 potentially he could sell the property and all kind
 19 of things could happen. We have to consider
 10:15 20 everything that could potentially go on that
 21 property when we look at it, so that's kind of what
 22 this whole discussion is surrounding.
 23 Let's get that up and then we can have a good
 24 idea. Let's go to R-6 first, go to the permitted
 25 uses. If one of the staff members would just go
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1 ahead and read those permitted uses into the record
 2 so we know what could potentially be.
 3 MR. JONES: It says retail -- number two,
 4 retail sales and services, square foot area of the
 5 building not to exceed 6,000 square feet. No
 6 permanent outside storage allowed.
 7 Then it goes A through M for uses: Food and
 8 drug stores, professional service shop, clothing and
 9 dry goods stores, hardware, home furnishings and
 10:16 10 appliances, specialty shops, banks, florist shops,
 11 health clubs, studios. K, L and M. Then you start
 12 laundromat, restaurants, automobile service
 13 stations, number five, no outside storage. Minor
 14 repair only.
 15 Seven, place of worship and educational
 16 facilities, fortune teller.
 17 Then number nine -- this is stuff that Mr. Page
 18 had mentioned -- other uses which are similarly or
 19 compatible to the use permitted herein that would
 10:16 20 promote the intent and purposes of this district.
 21 And this is key. Determination of other uses shall
 22 be made by the Planning Board. That means that
 23 someone has the ability to come before y'all to
 24 present evidence to show that this will be -- their
 25 use will be -- that use will be compatible with the
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1 R-6.
 2 Then you go to number C, conditional uses.
 3 MR. BARRY: You're reading R-6.
 4 MR. JONES: This is R-6, yes, sir.
 5 Do we need to go to R-5?
 6 MR. BRISKE: Yes.
 7 MS. SINDEL: Please.
 8 MR. BARRY: Are we just in our discussion?
 9 MR. BRISKE: This is just discussion. We
 10:17 10 closed the public comments. Mr. Page will have an
 11 opportunity to do a closing statement or questions
 12 and that will be it.
 13 MR. BARRY: The reason I asked about other
 14 categories, I don't have an issue with what he wants
 15 to try to do in that area. I'm trying to find if
 16 there's another solution or if there's a zoning
 17 category with a conditional use that would allow
 18 that.
 19 MR. JONES: R-6, per se, would allow for
 10:17 20 commercial offices. If you look at -- go back to
 21 R-6 and look at the conditional uses.
 22 MR. BARRY: I'm sorry, Horace. I'm looking at
 23 something less intense.
 24 MR. JONES: The only thing that would be
 25 allowed would be R-5. R-4 does not allow for
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1 commercial type uses. R-5 does allow for
 2 professional type office use.
 3 MS. SINDEL: But not for outdoor storage.
 4 MR. BRISKE: Okay, folks, one at a time on the
 5 record, please.
 6 MR. JONES: We're looking at R-5 now.
 7 MR. BARRY: This is R-5.
 8 MR. JONES: Take a look at number two,
 9 professional office building included but not
 10:18 10 limited to those of architect, engineering, lawyer,
 11 accountants and medical and dental clinics, real
 12 estate and insurance offices.
 13 MR. BARRY: When I look at those, there's a lot
 14 of those examples that have more traffic -- that
 15 have more traffic than what I think Mr. Welk is
 16 trying to do.
 17 MR. JONES: And the same thing, we have to look
 18 at even -- one of the criteria that was mentioned,
 19 this is just for discussion, was that Guidy Lane is
 10:19 20 a local road.
 21 MR. BARRY: I don't think that's -- that's not
 22 going to be long term. It's not going to maintain a
 23 long-term status of a local road.
 24 MR. JONES: And, also, too, and even in the
 25 background information that's in your planning
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1 packet there is a truck prohibition that was placed
 2 on Guidy Lane. That is in the background
 3 information in your Planning Board packet. And
 4 although Guidy Lane, there may be something
 5 futuristic, but right now we have to go by the
 6 existing use of the road, existing classification
 7 which classifies Guidy Lane as a local road. That's
 8 why, as the gentleman spoke earlier, that's one of
 9 the reason why that a development order tried to
 10:19 10 come through on Guidy Lane, but it was denied
 11 basically because it did not meet the locational
 12 criteria. I'm just providing that --
 13 MR. BARRY: I don't think the truck
 14 prohibition -- I don't know exactly what Mr. Welk's
 15 trucks look like, but what I envision them looking
 16 like, they aren't related to the truck prohibition,
 17 I wouldn't think.
 18 MR. JONES: I'm just -- yes, sir.
 19 MS. DAVIS: Would you scroll down the
 10:20 20 conditional uses so we can see them all?
 21 MR. JONES: Now, we're looking at R-5,
 22 Ms. Davis. That's R-5.
 23 MR. BRISKE: Conditional uses would be required
 24 to go through the Board of Adjustment.
 25 Just for the record, can we go to the R-2
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1 zoning that the property currently is and let's just
 2 show what those permitted uses are?
 3 MR. JONES: And basically it goes back to R-1.
 4 The R-1 zoning district is a single-family
 5 residential home only.
 6 MR. BRISKE: Okay. Board members, the staff
 7 has recommended denial. Mr. Page has provided his
 8 evidence in which he feels like he has given us
 9 substantial and competent evidence. There are four
 10:21 10 criteria that are not in agreement. Any further
 11 discussion amongst the Board?
 12 MR. TATE: I have just a question. There are a
 13 lot of multifamily dwellings in the area. I'm
 14 trying to get back to the zoning map itself. Are
 15 those consistent with their zoning or were they
 16 probably there prior to their zoning, but they
 17 represent zoning more intense than what --
 18 MR. JONES: Drew and Allyson, when you did the
 19 site inspection, could you tell? R-2 zoning does
 10:21 20 not allow for multifamily dwelling, so I can only
 21 assume that those uses were there prior to actual
 22 placement of the zoning.
 23 MR. TATE: But they represent the intensity of
 24 what zoning?
 25 MR. JONES: Multifamily would come into play in
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1 R-3 and R-4.
 2 MR. BRISKE: Mr. Page, do you have anything
 3 else that you wish to add at this time?
 4 MR. PAGE: No, sir.
 5 MR. BRISKE: The Chair will entertain a motion
 6 from the Board. If you don't want to have a motion,
 7 then let's have further discussion on what your
 8 thoughts are here.
 9 MR. TATE: I think in regards to the last
 10:23 10 witness something that was brought out as far as,
 11 you know, opening the door, I don't know that that
 12 R-6 to C-2 jump necessarily does that. I understand
 13 where you see the connection, but, I mean, I'm
 14 asking a question of staff when we look at that,
 15 when you looked at that, when it was denied prior,
 16 it had to do with the roadway requirement,
 17 obviously, the fact that there was no other
 18 commercial. When you look -- are you just looking
 19 at commercial? Are you looking at similar
 10:23 20 commercial when you see a --
 21 MR. JONES: When looking at the locational
 22 criteria, we look at the requirements based upon
 23 what the Land Development Code says. When we look
 24 at commercial -- we do look at commercial. There
 25 are certain types of commercial the list gives us to
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1 focus on when looking at the locational criteria.
 2 MR. TATE: C-2 is pretty intense.
 3 MR. JONES: Yes, it is.
 4 MR. TATE: My question is when somebody has a
 5 C-2 development review, are you looking to see if
 6 somebody else has an R-6 use that meets an R-6 and
 7 as such you can now grant a C-2? I'm seeing shakes
 8 of head. Mr. Kerr is here. I would guess he needs
 9 to be sworn in.
 10:24 10 MR. BRISKE: Good morning, Lloyd. We would
 11 like to swear you in because we're under
 12 quasi-judicial here.
 13 (Lloyd Kerr sworn.)
 14 MR. BRISKE: Please state your name and
 15 position for the record.
 16 MR. KERR: Lloyd Kerr. I'm the director of
 17 Development Services. When we do a review for
 18 commercial, if you're asking about a development
 19 order review, we would look at the locational
 10:25 20 criteria. We would also look at the surrounding
 21 uses. We would look at the surrounding zonings. If
 22 there's a commercial use in an R-6 but the C-2
 23 application may be for something very intense, an
 24 R-6 may have a professional office, which is very
 25 light intensity, but we would look at all of
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1 jump from an R-6 to a C-2 and see them as compatible
 2 and, therefore, grant one or the other based on the
 3 existence of one or the other.
 4 MR. KERR: That's true. You can't do that
 5 necessarily, no.
 6 MR. BARRY: Can you pull R-5 back up again,
 7 please. I'm sorry, Tim.
 8 MR. TATE: That's fine.
 9 MR. BARRY: To allow us to look at R-5 with the
 10:27 10 intended use, what exactly would the Planning Board
 11 need to -- what kind of direction would we need to
 12 go under that number five where it says other uses
 13 which are similar and compatible? How would that
 14 even work?
 15 MR. BRISKE: First of all, I would think that
 16 the applicant would have to agree to amend their
 17 application to an R-5 zoning before we could -- I
 18 don't think we can just arbitrarily change it. We
 19 have to vote on what they've presented, if I'm
 10:28 20 correct.
 21 MR. KERR: I think you would want to get
 22 agreement, definitely get agreement from the
 23 applicant, but I don't believe that they necessarily
 24 have to agree. Your recommendation can still be for
 25 a zoning that is less intense than what the
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1 those -- all of those items. You can't say yes
 2 categorically because there's another commercial use
 3 there that you would necessarily approve an
 4 application, you have to take all of the things into
 5 consideration.
 6 MR. TATE: I mean, an R-6 can have some
 7 neighborhood, you know, a gas station or repair
 8 shop, but that's not going to lead you down the road
 9 of saying that C-2 is -- we're discussing actually
 10:26 10 in the record a development order that's here as
 11 part of it showing that we denied a commercial
 12 development. So I'm trying to say, okay, is this
 13 even relevant to this discussion because we're
 14 dealing with a C-2 thing that was denied through
 15 development, but it's not going to be the same case
 16 because of an R-6, an unapproved R-6 site.
 17 MR. KERR: I think in this particular case the
 18 relevance had to do with the locational criteria.
 19 MR. TATE: The road use. But also I'm going
 10:26 20 through this, as well, to -- the local residents can
 21 see that that's not a step that can take place. Not
 22 to say that it can't happen. Anything can happen in
 23 this county. That was editorial, sorry.
 24 But from the strict use of that development
 25 review, this process, land review, you just can't
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1 applicant is requesting.
 2 MR. BARRY: There's so much R-5 in the
 3 surrounding uses.
 4 MR. TATE: The issue for the applicant goes to
 5 the warehouse, whether or not he has the ability to
 6 build what would be necessary for his business in an
 7 R-5.
 8 MS. DAVIS: Can he do it with conditional uses
 9 under that?
 10:29 10 MR. JONES: Not R-5. You have to have an R-6,
 11 then get conditional use approval for a
 12 mini-warehouse per se.
 13 MR. BARRY: Can Mr. Page come back up?
 14 MR. PAGE: Sure.
 15 MR. BARRY: He's not talking about
 16 mini-warehouses to start with, that's not the issue.
 17 He's talking about warehousing the goods via the
 18 candy bars that he puts in.
 19 MR. PAGE: That's correct. The mini-warehouse,
 10:29 20 I think, was a suggestion or finding by the staff.
 21 MR. BARRY: Okay. That was a suggestion by the
 22 staff.
 23 MR. PAGE: Yes.
 24 MR. BARRY: Is that necessary to construct on
 25 the site to be able to fill the boxes with candy
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1 bars?
 2 MR. PAGE: Mr. Chairman, that's a good question
 3 because we view all of these things that are listed
 4 in terms of these offices -- it says similar or
 5 compatible with these offices. I know several real
 6 estate offices are in a category for just offices
 7 that have a nice area built out back where they
 8 store all their real estate signs. I know of an
 9 engineering and surveying office that has the same
 10:30 10 type of storage built for all of their survey stakes
 11 and all that type of equipment and it's built under
 12 the guise of an office category.
 13 MR. BARRY: I'm familiar with -- I mean he's
 14 talking about these boxes 20 inches by 20 inches
 15 that hold candy bars that have a honor system in the
 16 front. That's the construction of those. I mean,
 17 basically just filling that little stuff. I do that
 18 much stuff in my office.
 19 MS. SINDEL: I think you have to go back to the
 10:30 20 applicant who made the comment that he would need to
 21 build a storage facility or a warehouse to warehouse
 22 the product. I understand what Mr. Page is saying,
 23 but where heard that from was the testimony of
 24 applicant of a building that would have to be
 25 constructed to store the product.
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1 MR. BARRY: I think what Mr. Page is saying is
 2 that that wasn't the applicant's idea, that that was
 3 instruction from staff that would it be necessary.
 4 MS. DAVIS: Mr. Page, along those lines, how
 5 big is this thing going to be, could it be a garage,
 6 a large garage, which it sounds like when you talk
 7 about real estate agencies and things like that,
 8 that was a garage that they are storing signs in.
 9 MR. PAGE: Perhaps Mr. Welk could square that
 10:31 10 circle up for us.
 11 MR. BRISKE: Mr. Welk, you still are under oath
 12 and please just state your name so the court
 13 reporter can track this.
 14 MR. WELK: Charles Welk. Yes, it could be just
 15 a garage. In fact, I could but a garage there by my
 16 house or a shed would probably be all right to put
 17 there.
 18 MS. DAVIS: That would change the zoning
 19 requirement.
 10:31 20 MR. WELK: Right.
 21 MR. TATE: You do not need a warehouse?
 22 MR. WELK: No, I do not need a warehouse. It
 23 wouldn't even be 1,000 square feet, I don't imagine.
 24 MS. DAVIS: And it doesn't have to be high like
 25 some warehouse are?
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1 MR. WELK: No, it does not. It would probably
 2 be similar to a garage.
 3 MR. BARRY: Can't you store the candy in like
 4 an empty office. I mean, you don't need the square
 5 footage.
 6 MR. WELK: Well, we have to have not only
 7 candy, we have potato chips, crackers.
 8 MR. BARRY: You don't work on pallets and such
 9 like that, do you?
 10:32 10 MR. WELK: Sometimes we do get pallets of
 11 stuff. Especially if we get something on promotion,
 12 where we have to buy so many cases to get a better
 13 price.
 14 MS. DAVIS: How would we fix this? An R-5, if
 15 he builds just a garage, would that work?
 16 MR. KERR: Well, I guess that's the question,
 17 what is he calling a business. We don't have
 18 warehousing outside of building a mini-warehouse. I
 19 understand what he's saying this is just a garage,
 10:33 20 but there's no use -- I mean, primarily what you
 21 have in the R-6 are related to retail or personal
 22 type services. R-5, is primarily professional
 23 offices and those sorts of things. If Mr. Welk is
 24 operating a small neighborhood store, that's one
 25 issue, but it sounds very much like regardless of
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1 what the size of the building is what he really
 2 wants is a place to warehouse or store merchandise
 3 to be sold at other places and that's really not
 4 covered in R-5 or R-6.
 5 MR. BRISKE: I think it's very important to
 6 remember to get on the record that when we give a
 7 zoning we're giving everything that's permitted in
 8 that zoning to that property. Regardless of what
 9 Mr. Welk wants to do, we have to remember that.
 10:34 10 That's very important. That's one of our core rules
 11 of rezoning is what the permitted uses are and also
 12 we have to look at what conditional uses could be
 13 for the property.
 14 MR. BARRY: And I think that point is why I
 15 referenced R-5 just because of all the surrounding
 16 R-5. That is a block that is adjacent to this
 17 parcel. R-5 is certainly prevalent in the area.
 18 MR. TATE: This would result, though, in the
 19 applicant, if we downzone, if the BCC approved it,
 10:34 20 the applicant would still have to come back before
 21 this board and we would have to find whether or not
 22 his business is similar or compatible to uses
 23 permitted.
 24 MS. SINDEL: I understand what we're all trying
 25 to do, but right now we have six criteria that we're
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1 supposed to make a decision from and current staff
 2 findings are that four of those six do not meet the
 3 necessary criteria. I think that's huge.
 4 MR. BARRY: I understand what you're saying,
 5 Karen, but we also have the latitude to use our
 6 judgment as to the R-5, how many of those criterion
 7 would be found incompatible -- I shouldn't say
 8 incompatible, but how many of those criterion would
 9 be a different answer if the applicant had applied
 10 for R-5.
 11 MS. SINDEL: And that's where I was going with
 12 that. I think that we need to hear that the only
 13 criteria that's creating a problem with R-5 is the
 14 issue about outside storage then --
 15 MR. JONES: With R-5 it's the use. It is the
 16 use of the property which we don't look at use. R-5
 17 is very very specific in what its uses are,
 18 professional type office settings, not retail,
 19 professional type offices, so it's the use
 20 requirement.
 21 MR. BRISKE: I mean, that's for another
 22 meeting, but this is not retail. He's not retailing
 23 from this location. It's basically just a transfer
 24 facility where he puts candy bars in boxes is from
 25 what I understand. I don't know that it would be
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1 considered retail.
 2 MR. BARRY: Mr. Chairman, could Mr. Page come
 3 up and talk for a moment? Can you on behalf of your
 4 client give a little bit of direction? You know,
 5 I'm sure you can perceive what's going to happen if
 6 the application stays as it is, so what does the
 7 client want?
 8 MR. PAGE: Mr. Chairman, the client needs to
 9 have the R-6 request considered by the Board.
 10 MR. BRISKE: That's fair enough. The Chair
 11 will call the question.
 12 MR. GOODLOE: I'll make a motion.
 13 MR. BRISKE: Yes, sir.
 14 MR. GOODLOE: I move that we deny the rezoning
 15 application to the Board of County Commissioners and
 16 adopt the Findings-of-Fact provided in the rezoning
 17 hearing package here for this case, Z-2011-17.
 18 MR. BRISKE: Do we have a second?
 19 MS. DAVIS: I second it.
 20 MR. BRISKE: Any further discussion?
 21 MR. TATE: Only to state that although the
 22 roads themselves are different, I don't see any
 23 difference between this and our previous case.
 24 MR. BRISKE: So noted for the record. Any
 25 other discussion by the Board?
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1 MR. WINGATE: Mr. Chairman.
 2 MR. BRISKE: Yes, Mr. Wingate.
 3 MR. WINGATE: It looks like the criteria has
 4 got our hands tied for something simpler for a man
 5 to be -- to do a business that can't do a business
 6 because the rules have him tied. What he wants is
 7 to provide a service and have a place to store it.
 8 It's no different than a professional office like a
 9 real estate office or somewhere where the person is
 10 providing a service that when you take a sign out,
 11 you've got a little warehouse there. He's providing
 12 a warehouse putting stuff together to take and
 13 provide a service. In other words, he's not
 14 retailing at the premises. He's providing a
 15 service. The service -- and no matter what service
 16 you do, you're always going to get paid. You know
 17 he's providing a service and he gets paid on the
 18 other end. He don't get paid there. He gets paid
 19 when somebody picks up one of his products somewhere
 20 at a different location. I wouldn't see a big
 21 problem. Like I say, it's the same principle of if
 22 he had a house living there with a big garage and he
 23 that stuff coming in and you're putting it together
 24 and taking it somewhere. The only thing he would
 25 have the trucks coming in; there's two little trucks
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1 coming and going.
 2 MR. BRISKE: Any further discussion by the
 3 Board? I will reiterate this is a motion to deny
 4 the rezoning, accepting the staff's
 5 Findings-of-Facts. We have a motion and a second.
 6 All those in favor, say, aye.
 7 (Board members vote.)
 8 MR. BRISKE: Opposed?
 9 MR. TATE: Oppose.
 10 MR. WINGATE: Opposed.
 11 MR. BRISKE: Were there two opposed?
 12 MS. SINDEL: Two.
 13 MR. BRISKE: Wingate and Tate opposed.
 14 (The motion passed with two opposed.)
 15 MR. BRISKE: The motion to deny has been
 16 approved, so the rezoning is not going to be
 17 recommended to the commissioners. Mr. Page, I know
 18 you're familiar with this, but I'll just remind you
 19 again that if you wish to seek judiciary review of
 20 this decision after the Board of County
 21 Commissioners reviews it, you must do so in a court
 22 of competent jurisdiction within 30 days of the date
 23 that the Board of County Commissioners either
 24 approves or rejects the recommended order of the
 25 Planning Board.
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1 Thank you. That will end the quasi-judicial
2 cases. We will take a brief recess. I know
3 Mr. Barry has to leave us at this point. Let's come
4 back at 15 until 11:00, so 10:45 we'll come back
5 into session. Thank you.

6 (The rezoning hearings concluded at 10:40 a.m.)
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TAYLOR REPORTING SERVICES, INCORPORATED

1 CERTIFICATE OF REPORTER
2

3 STATE OF FLORIDA
4 COUNTY OF ESCAMBIA
5

6 I, LINDA V. CROWE, Court Reporter and Notary
7 Public at Large in and for the State of Florida, hereby
8 certify that the foregoing Pages 2 through 97 both
9 inclusive, comprise a full, true, and correct transcript of
10 the proceeding; that said proceeding was taken by me
11 stenographically, and transcribed by me as it now appears;
12 that I am not a relative or employee or attorney or counsel
13 of the parties, or relative or employee of such attorney or
14 counsel, nor am I interested in this proceeding or its
15 outcome.

16 IN WITNESS WHEREOF, I have hereunto set my hand
17 and affixed my official seal on 21st day of October 2011.
18

19 _____
20 LINDA V. CROWE, COURT REPORTER
21 Notary Public - State of Florida
My Commission No.: DD 848081
My Commission Expires: 02-05-2013
22
23
24
25

TAYLOR REPORTING SERVICES, INCORPORATED



DEVELOPMENT SERVICES DEPARTMENT FINDINGS-OF-FACT

REZONING CASE: Z-2011-17
October 10, 2011

I. SUBMISSION DATA:

BY: Wiley C. Buddy Page, Agent
FOR: Charles and Linda Welk
PROPERTY REFERENCE NO.: 07-1S-30-1018-000-000
PROJECT ADDRESS: 9991 Guidy Lane
FUTURE LAND USE: MU-U
COMMISSIONER DISTRICT: 5
BCC MEETING DATE: November 6, 2011

II. REQUESTED ACTION:

REZONE

FROM: R-2, Single Family District
(cumulative), Low-Medium Density
(7 du/acre).

TO: R-6 Neighborhood Commercial and
Residential District, (cumulative)
High Density (25 du/acre).

III. RELEVANT AUTHORITY:

- (1) Escambia County Comprehensive Plan
- (2) Escambia County Land Development Code
- (3) Board of County Commissioners of Brevard County v. Snyder,
627 So. 2d 469 (Fla. 1993)
- (4) Resolution 96-34 (Quasi-judicial Proceedings)
- (5) Resolution 96-13 (Ex-parte Communications)

CRITERION (1)

Consistent with the Comprehensive Plan.

Whether the proposed amendment is consistent with the Comprehensive Plan.

Comprehensive Plan Policy (CPP) FLU 1.1.1 Development Consistency. New development and redevelopment in unincorporated Escambia County shall be consistent with the Escambia County Comprehensive Plan and the Future Land Use Map (FLUM).

CPP FLU 1.3.1 Future Land Use Categories. The Mixed-Use Urban (MU-U) Future Land Use (FLU) category is intended for an intense mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole. Range of allowable uses include: Residential, Retail and Services, Professional Office, Light Industrial, Recreational Facilities, Public and Civic. The minimum residential density is 3.5 dwelling units per acre and the maximum residential density is 25 dwelling units per acre.

CPP FLU 1.5.3 New Development and Redevelopment in Built Areas. To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed-Use Suburban, Mixed-Use Urban, Commercial and Industrial Future Land Use district categories (with the exception of residential development).

FINDINGS

The proposed amendment to **R-6 is not consistent** with the intent and purpose of Future Land Use category MU-U as stated in **CPP FLU 1.3.1**. The proposed amendment does promote the efficient use of existing public roads, utilities and service infrastructure. However, staff determined that the proposed use does not promote compatible infill development, since the property is currently not underutilized and the proposed use is also incompatible with the residential nature of the surrounding properties. Therefore, staff finds that the proposed amendment **is not consistent** with the intent and purpose as stated in **CPP FLU 1.3.1** and **FLU 1.5.3**.

CRITERION (2)

Consistent with the Land Development Code.

Whether the proposed amendment is in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

Land Development Code (LDC) 2.08.02. D. 7. b Quasi-judicial Rezoning. An applicant for a proposed rezoning has the burden of proving by substantial, competent evidence that the proposed rezoning: is consistent with the Comprehensive Plan; furthers the goals, objectives and policies of the

Comprehensive Plan and is not in conflict with any portion of the county's Land Development Code. b. The proposed rezoning will constitute "spot zoning," that is an isolated zoning district that may be incompatible with the adjacent and nearby zoning districts and uses, or as spot zoning is otherwise defined by Florida law.

(LDC) 6.05.07. R-2 single-family district (cumulative), low-medium density.

This district is intended to be a single-family residential area with large lots and low population density. The maximum density is seven dwelling units per acre. Refer to article 11 for uses and densities allowed in R-2, single-family areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with R-2 zoning located in the Scenic Highway Overlay District and RA-1(OL) Barrancas Redevelopment Area Overlay District.

6.05.13. R-6 neighborhood commercial and residential district, (cumulative) high density.

This district is intended to provide for a mixed use area of residential, office and professional, and certain types of neighborhood convenience shopping, retail sales and services which permit a reasonable use of property while preventing the development of blight or slum conditions. This district shall be established in areas where the intermixing of such uses has been the custom, where the future uses are uncertain and some redevelopment is probable. The maximum density is 25 dwelling units per acre, except in the low density residential (LDR) future land use category where the maximum density is 18 dwelling units per acre.

All neighborhood commercial (R-6) development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policies FLU 1.1.0) and in article 7.

B. Permitted uses.

1. Any use permitted in the R-5 district.
2. Retail sales and services (gross floor area of building not to exceed 6,000 square feet). No permanent outside storage allowed.
 - a. Food and drugstore, including convenience stores without gasoline sales.
 - b. Personal service shop.
 - c. Clothing and dry goods store.
 - d. Hardware, home furnishings and appliances.
 - e. Specialty shops.
 - f. Banks and financial institutions.
 - g. Bakeries, whose products are made and sold at retail on the premises.
 - h. Florists shops provided that products are displayed and sold wholly within an enclosed building.
 - i. Health clubs, spa and exercise centers.
 - j. Studio for the arts.
 - k. Martial arts studios.
 - l. Bicycle sales and mechanical services.
 - m. Other retail/service uses of similar type and character of those listed herein above.

3. Laundromats and dry cleaners (gross floor area not to exceed 4,000 square feet).
4. Restaurants.
5. Automobile service stations (no outside storage, minor repair only).
6. Appliance repair shops (no outside storage or work permitted).
7. Places of worship and educational facilities/institutions.
8. Fortune tellers, palm readers, psychics, etc.
9. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
10. Mobile home subdivision or park.

C. Conditional uses.

1. Any conditional use allowed in the R-5 district.
2. Drive-through restaurants (fast food or drive-in, by whatever name known).
3. Any building exceeding 120 feet height.
4. Neighborhood commercial uses that do not exceed 35,000 square feet of floor area.
5. Automobile service operations, including indoor repair and restoration (not including painting), and sale of gasoline (and related service station products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.
6. Mini-warehouses meeting the following standards:
 - a. One acre or less in size (building and accessory paved area);
 - b. Three-foot hedge along any right-of-way line;
 - c. Dead storage use only (outside storage of operable vehicles including cars, light trucks, RVs, boats, and similar items).
 - d. No truck, utility trailer, and RV rental service or facility allowed, see C-2.
7. Radio broadcasting and telecasting stations, studios, and offices with satellite dishes and antennas. On-site towers are prohibited. (See section 6.08.02.L.)
8. Temporary structures. (See section 6.04.16)
9. Arcade amusement centers and bingo facilities.

LDC 7.20.04. Neighborhood commercial locational criteria (AMU-1, R-6, VM-1).

A. Neighborhood commercial uses shall be located along a collector or arterial roadway and near a collector/collector, collector/arterial, or arterial/arterial intersection and must provide a smooth transition between commercial and residential intensity.

B. They may be located at the intersection of an arterial/local street without providing a smooth transition when the local street serves as a connection between two arterial roadways and meets all the following criteria:

1. Shares access and stormwater with adjoining commercial uses or properties;
2. Includes a six-foot privacy fence as part of any required buffer and develops the required landscaping and buffering to ensure long-term compatibility with adjoining uses as described in Policy 7.A.3.8 and article 7;
3. Negative impacts of these land uses on surrounding residential areas shall be minimized by placing the lower intensity uses on the site (such as stormwater ponds and parking) next to abutting residential dwelling units and placing the higher

intensity uses (such as truck loading zones and dumpsters) next to the roadway or adjacent commercial properties;

4. Intrusions into recorded subdivisions shall be limited to 300 feet along the collector or arterial roadway and only the corner lots in the subdivision.

C. They may be located along an arterial or collector roadway without meeting the above additional requirements when one of the following conditions exists:

1. The property is located within one-quarter mile of a traffic generator or collector, such as commercial airports, medium to high density apartments, military installations, colleges and universities, hospitals/clinics, or other similar uses generating more than 600 daily trips; or

2. The property is located in areas where existing commercial or other intensive development is established and the proposed development would constitute infill development. The intensity of the use must be of a comparable intensity of the zoning and development on the surrounding parcels and must promote compact development and not promote ribbon or strip commercial development.

LDC 7.01.06. Buffering between zoning districts and uses.

A. *Zoning districts.* The following spatial relationships between zoning districts require a buffer:

2. AMU-1, AMU-2, R-4, R-5, R-6, V-4, VM-1, or VM-2 districts, where they are adjacent to single-family or two-family districts (RR, SDD, R-1, R-1PK, R-2, R-2PK, R-3, V-1, V-2, V-2A, V-3, V-5, VR-1, VR-2).

LDC 7.20.02B Waivers, The planning board (PB) may waive the roadway requirements when determining consistency with the Comprehensive Plan and Land Development Code for a rezoning request when unique circumstances exist. In order to determine if unique circumstances exist, a compatibility analysis shall be submitted that provides competent and substantial evidence that the proposed use will be able to achieve long-term compatibility with surrounding uses as described in Comprehensive Plan Policy 7.A.3.8. Infill development would be an example of when a waiver could be recommended. Although a waiver to the roadway requirement is granted, the property will still be required to meet all of the other performance standards for the zoning district as indicated below. The additional landscaping, buffering, and site development standards cannot be waived without obtaining a variance from the board of adjustment.

FINDINGS

The proposed amendment **is not consistent** with the intent and purpose of the Land Development Code. The applicant has failed to provide competent evidence that the proposed rezoning will not constitute “spot zoning.” From a site visit, staff observed that the nature of the surrounding zoning and existing uses is predominantly residential, thus the proposed amendment **is not consistent** with the intent of Land Development Code (LDC) 2.08.02. D. 7. B and C, Quasi-judicial Rezoning.

The proposed amendment **does not meet** the general commercial and light manufacturing uses locational criteria requirements; the parcel is on a local road, it is not located at or in proximity to intersections of arterial/arterial roadways or along an arterial roadway within one-quarter mile of the intersection and does not provide for a smooth transition between commercial and residential intensity, as stated in the Escambia County Land Development Code (LDC 7.20.04). In addition a Development Order #PSP090600059, located at 9796 Guidy Lane was denied due to the locational criteria requirements being located on a local road. See exhibit A.

The proposed amendment **does not meet** the requirements for infill development as stated in (LDC 7.20.03.B). Infill development is defined as an area where over 50 percent of a block is either zoned or used for commercial development. This article also defines a block as the road frontage on one side of a street between two public rights-of-way. In this case the block is identified as the road frontage from Candlestick Dr, along the south side of Guidy Lane, to Signal Hill Lane along the North. There are eleven (11) properties within this block: three (4) single family residences, and seven (7) multifamily properties, the intensity of the proposed use is not comparable with the existing zoning and development on the surrounding parcels and does not promote compact development.

Buffering requirement will apply, as stated in (LDC 7.01.06); further review from the Development Review Committee (DRC) will be needed to ensure the buffering requirements and other performance standards have been met, should this amendment to R-6 be granted.

CRITERION (3)

Compatible with surrounding uses.

Whether and the extent to which the proposed amendment is compatible with existing and proposed uses in the area of the subject property(s).

FINDINGS

The proposed amendment **is not compatible** with surrounding existing uses in the area.

Within the 500' radius impact area, staff observed 66 properties with zoning districts of R-2, R-3, R-5, and C-2. Out of the 66 properties 38 are single family residential, 26 are multifamily residential, one (1) church, and one (1) vacant lot.

CRITERION (4)

Changed conditions.

Whether and the extent to which there are any changed conditions that impact the amendment or property(s).

FINDINGS

Staff found one parcel case number Z-2001-42 at 9918 Guidy Lane that was rezoned from R-2 to R-3 on 12-06-2001 by the BCC. Staff sees **no changed** conditions that would impact the amendment or property(s).

CRITERION (5)

Effect on natural environment.

Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment.

FINDINGS

According to the National Wetland Inventory, wetlands and hydric soils **were not** indicated on the subject property. When applicable, further review during the Development Review Committee (DRC) process will be necessary to determine if there would be any significant adverse impact on the natural environment.

CRITERION (6)

Development patterns.

Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

FINDINGS

The proposed amendment **would not result** in a logical and orderly development pattern. The property is located along Guidy Lane, a local road in a mixed-use area. The permitted uses of the R-6 zoning district are not of comparable intensity with the surrounding predominantly residential uses.

Note: The above technical comments and conclusion are based upon the information available to Staff prior to the public hearing; the public hearing testimony may reveal additional technical information.



Exhibit A

THE COUNTY OF ESCAMBIA
PENSACOLA, FLORIDA

**SITE PLAN DEVELOPMENT ORDER
with Concurrency Certification**

Project: Grantham Warehouse Development **Future Land Use:** MU-2
Location: 9796 Guidy Ln **Zoning District:** C-2
Property Reference #s: 07-1S-30-1007-000-000 **Flood Zone:** X
Development Review #: PSP090600059 **Exhibit A:** Adoption Prohibiting Trucks

PROJECT DESCRIPTION

Construction of an 8,250 sq. ft. warehouse with six units on a 0.94-acre parcel, and a minimum of 21 graveled parking spaces provided. A 10' x 10' dumpster pad with a 6-foot privacy fence enclosure will be maintained for solid waste. Site access will be utilized from a driveway on Guidy Lane. An on-site retention pond will be constructed to accommodate the increased impervious cover. No "protected" trees will be removed from the site. Frontage trees, buffering, privacy fencing, and other required vegetation will be provided within site landscape areas. Potable water and sanitary sewer will be provided through connections to ECUA systems and a septic tank system respectively.

STANDARD PROJECT CONDITIONS

1. This Development Order with concurrency certification shall be effective for a period of 18 months from the date of approval. Site plan approval and concurrency shall expire and become null and void if a permit for the approved development has not been obtained from the Building Inspections Department (BID) within the effective period and no extension has been applied for. After issuance of such permit, site plan approval and concurrency shall only terminate upon permit expiration or revocation by the BID. The Board of Adjustment may grant one extension for a maximum of 12 months to the original effective period of the Development Order, but application for such extension must be submitted before termination of the initial 18-month period. If the Development Order expires or is revoked, allocated capacity will be withdrawn and made available to other applicants. If the applicant chooses to proceed with development of the project site, a new site plan application must be submitted for review, approval, and capacity allocations subject to Code provisions and Level of Service conditions at the time of the new application.
2. This Development Order alone does not authorize site development to commence. A valid Escambia County Building Permit must be obtained prior to any building construction. Site development as described on the approved site plan, including protected tree removal and grading, may occur under the authorization of the Building Permit. However, commencement of such activity prior to issuance of a Building Permit will require a separate **Pre-construction Site Work Permit**, or if no Building Permit is applicable will require a separate

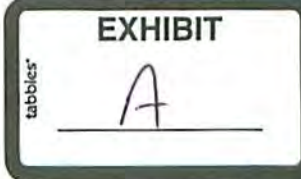
Parking Lot Permit, obtained from the Building Inspections Department, with erosion control, tree protection, and all other provisions of the approved site plan fully applicable and enforced.

3. All specifications and requirements, expressed or implied by note or drawing, in the site development plans approved with this Development Order must be fulfilled.
4. No development activities may commence in areas regulated by state or federal agencies unless all required state and federal permits, or proof of exemption, have been obtained and a copy provided to the County.
5. Proof of application from the Emerald Coast Utilities Authority (ECUA) for connection to the sewage system, or from the Escambia County Health Department for an Onsite Sewage Treatment and Disposal System (OSTD), must be obtained prior to issuance of an Escambia County Building Permit.
6. After issuance of this Development Order, it shall be unlawful to modify, amend, or otherwise deviate from the terms and conditions without first obtaining written authorization through the Development Review Committee (DRC) departments. Approval of such modifications shall be requested in writing and obtained prior to initiating construction of any requested change. The applicable review process for the proposed modification shall be determined based on the applicant's written description of such modifications. Escambia County may require submittal of a new or revised plan and impose additional requirements and/or conditions depending upon the extent of any proposed modifications. The applicant has a continuing obligation to abide by the approved plan. Initiating construction of plan modifications without written County approval shall automatically terminate and render null and void this Development Order, and shall be subject to penalties and/or increased fees specified by the BCC.
7. A copy of this Development Order and the approved site development plans must be maintained and readily available on site once any construction activity has begun, including clearing and grading. The approved building construction plans must also be on site once any building construction has begun.

SPECIAL PROJECT CONDITIONS

1. Total site sign area, wall and freestanding, is limited by the Land Development Code (LDC) to 382 sq.ft. (255 x 1.5). Total wall sign area is additionally limited to 10% of the area of wall surface facing Guidy Lane, and no one sign may exceed 200 sq.ft. Freestanding signage is additionally limited to one sign per street frontage, a maximum 100 sq. ft. in area, a maximum 20 feet in height, and a minimum 200 feet from any other such site sign. Each freestanding sign is limited to a minimum 10-foot setback from rights-of-way and must maintain visual clearance along rights-of-way and at driveways and intersections. A valid Escambia County Sign Permit must be obtained prior to erecting, constructing, altering, or relocating any site signage. These signage conditions do not preclude variances that otherwise may be allowed by the provisions of the LDC.

A. Accepting and approving for recording following seventeen (17) Quit Claim Deeds for right-of-way, and one Drainage Easement from Edward Chadbourne, Inc., on Elmhurst Road in District 3:



- (1) Charles A. Glaze and Loretta Glaze
- (2) Etta Lee Roshell
- (3) Thomas J. Kihlstadius and Regina K. Kihlstadius
- (4) Julius Savage and Eunnie Bell Savage
- (5) Galloway Rich
- (6) Sammy Savage and Thelma Savage
- (7) Donald C. White and Lessie B. White
- (8) Donald White and Lessie White
- (9) Jimmie Lee Savage and Perlie Mae Savage
- (10) James E. Davison and Lillie Bell Davison
- (11) James Crenshaw and Willie Ruth Crenshaw
- (12) Clara Bell Lee
- (13) Merdean Christel Savage and Pearlle Mae Savage
- (14) Maytha Clark, Lankford Clark and Lurea Jean Clark
- (15) Juanita L. Savage
- (16) Rosa Turk
- (17) Earl J. Crosswright and Evelyn S. Crosswright

B. Deleting twelve (12) roads in District 3 from the Board's approved "H-7" Resurfacing Contract, amended to also delete Leonard Street and add Unity Court and Irving Avenue for resurfacing, for an estimated savings of \$120,445.09;

C. Approving Change Order Number 1 to the "H-7" Resurfacing Contract, adding the construction of paving and drainage improvements on Elmhurst Road at a lump sum cost of \$119,254.45; and

D. Authorizing staff to do the necessary surveys for the purpose of filing a maintenance map on the portion of road where the County was unable to acquire right-of-way.

(Attached and Shown as EXHIBIT "C")

7. Adoption of Resolutions Prohibiting Trucks on Fox Run Road and Guidy Lane Between Nine Mile Road and Ten Mile Road

Motion made by Commissioner Robertson, seconded by

Commissioner Junior, and carried unanimously:

A. Approving and adopting the Resolution prohibiting trucks on Fox Run Road between Nine Mile Road and Ten Mile Road; and

B. Approving and adopting the Resolution prohibiting trucks on Guidy Lane between Nine Mile Road and Ten Mile Road.

(Attached and Shown as EXHIBIT "D")

8. Adoption of Resolution Reducing Speed Limit from 55 MPH to 45 MPH on Barrineau Park Road Between U. S. 29 and C-95A (Old Palafox Highway)

Motion made by Commissioner Robertson, seconded by

Commissioner Pavlock, and carried unanimously, approving and adopting a Resolution which reduces the speed limit from 55 MPH

RESOLUTION

WHEREAS, the Board of County Commissioners of Escambia County enacted Ordinance 85-22, which authorizes the Board, pursuant to Section 315.555, Florida Statutes, to establish by Resolution, load and weight limits on certain roads when necessary due to the design and deterioration of the roads or for the public safety and convenience; and

WHEREAS, the Board of County Commissioners of Escambia County has received complaints from residents residing on Guidy Lane and adjacent streets due to tractor/trailer trucks traversing and parking along this roadway; and

WHEREAS, County Engineering personnel have viewed area along Guidy Lane and are of the opinion that the area is primarily of residential character, and that other routes are available and more suitable for traffic traffic; and

WHEREAS, the Board of County Commissioners of Escambia County has determined that load and weight limits are necessary for the roads as described below; now therefore,

BE IT RESOLVED, by the Board of County Commissioners of Escambia County, Florida:

That Guidy Lane will have the following load and weight limitations:

No trucks except for pick-up trucks, light vans, or any trucks servicing or having business Guidy Lane between 9 Mile Road and 10 Mile Road shall be allowed.

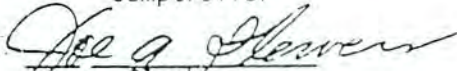
BE IT FURTHER RESOLVED, that staff of the Board of County Commissioners is hereby instructed to install a truck prohibition signs on Guidy Lane where upon this prohibition shall take effect.

DULY ADOPTED this 22nd day of May, 1990.

ESCAMBIA COUNTY, FLORIDA
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA


Kenneth J. Kelson, Chairman

ATTEST: Joe A. Flowers
Comptroller


Clerk

(SEAL)

ORDINANCE NUMBER 85- 22

AN ORDINANCE AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, TO ESTABLISH LOAD AND WEIGHT LIMITS AND PLACE SPEED LIMITATION UPON CERTAIN ROADS AND HIGHWAYS FROM TIME TO TIME BY RESOLUTION; TO LIMIT USES OF SAID ROADS AND HIGHWAYS TO CERTAIN CLASSES SIZES OF VEHICLES; AUTHORIZING THE POSTING OF NOTICE OF THOSE LIMITATIONS AND REQUIRING NOTICE TO THE DEPARTMENT OF TRANSPORTATION WHEN STATE ROADS ARE AFFECTED; REPEALING ESCAMBIA COUNTY ORDINANCE NUMBER 81-4.

SECRETARY OF STATE

JUL 8 11 46 AM '85

FILED

WHEREAS, Section 316.555, Florida Statutes, 1980, provides that local authorities, with respect to highways under their jurisdiction, may prescribe loads and weights and speed limits, whenever, in their judgment, any road or part thereof, or any bridge or culvert shall, by reason of its design, deterioration, rain or other climatic or natural causes be liable to be damaged or destroyed by motor vehicles, trailers or semi-trailers, and may, by like notice, regulate or prohibit, in whole or part, the operation of any specified class or size of motor vehicles, trailers, or semi-trailers on any highway or specified parts thereof under its or their jurisdiction, whenever, in their judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on the highways, or parts thereof by the traveling public or other reasons of public safety; and

WHEREAS, it is hereby determined by the Board of County Commissioners of Escambia County, State of Florida, that certain roads and highways under its jurisdiction require load, weight and speed limitations as a result of deterioration, rain and other climatic or natural causes and for public safety and convenience, NOW, THEREFORE,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. That said Board of County Commissioners is hereby authorized to place upon certain roads and highways, or parts thereof, which are under its jurisdiction, load and weight limits, speed limitations, and limits on the size and/or class of vehicles, from time to time, by resolution.

Section 2. That the said resolution shall state, with specificity, the reason or reasons for the imposition of such limits.

Section 3. That before such limitation shall become effective, notice thereof shall be posted at conspicuous places at terminals of all

intermediate crossroads and road junctions with the section of highway or road to which the notice shall apply. The posting of such notice in accordance with such resolutions is hereby authorized and approved by said Board of County Commissioners.

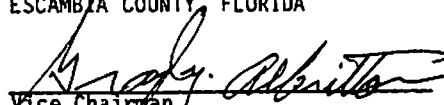
Section 4. That, if such limitation shall effect traffic over State roads, such limitation shall not become effective unless and until approval of said limitation has been obtained from the Department of Transportation, as required by Section 316.555, Florida Statutes, 1979.

Section 5. Escambia County Ordinance Number 81-4 is hereby repealed.


Section 6. In accordance with Section 125.66(2), Florida Statutes, a certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by said Board and shall take effect upon receipt and official acknowledgement from that office that said ordinance has been filed.

PASSED AND ADOPTED by the Board of County Commissioners of Escambia County, Florida, this 2nd day of July, 1985.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA


Vice Chairman

ATTEST: JOE A. FLOWERS
COMPTROLLER

By: 
Patricia Hutchings
Deputy Clerk

(SEAL)

STATE OF FLORIDA

COUNTY OF ESCAMBIA

I, JOE A. FLOWERS, COMPTROLLER, and ex-officio Clerk to the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the above and foregoing is a true and correct copy of an ordinance as the same was duly adopted and passed at a Regular Meeting of the Board on the 2nd day of July, 1985, and as the same appears on record in my office.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 3rd day of July, 1985.

JOE A. FLOWERS, COMPTROLLER
AND EX-OFFICIO CLERK TO THE
BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

By 
Deputy Clerk

(S E A L)

BARKSDALE ST



MEADOWVIEW LN

VALLEY GRANDE RD VALLEY RIDGE CIR

RIDGE RD

DEEDRA AVE

BISON RD

O DANIEL DR

E TEN MILE RD

MERCER LN

VINTAGE DR

GREYSTONE DR

GREENBRIER BLVD

SUGAR CREEK DR

LAKELAND CT

CANDLESTICK LN

REQUIN LN

HUNTSMAN PATH

VIXEN PL

BOBWHITE WAY

BOBWHITE DR

HUMMINGBIRD BLVD

WANDA DR

SUNSHINE LN

CREEK BRIDGE RD

ROBIN RD

MUSIC LN

MAPLELEAF CIR

GUIDY LN

HOLLOWBROOK DR

PICKWOOD DR

FOXRUN RD

SUNNEHANNA BLVD

DN AVE

E NINE MILE RD

ANKS CIR

NKS RD

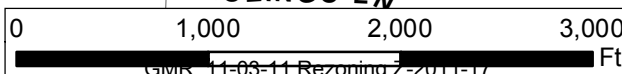
N RD



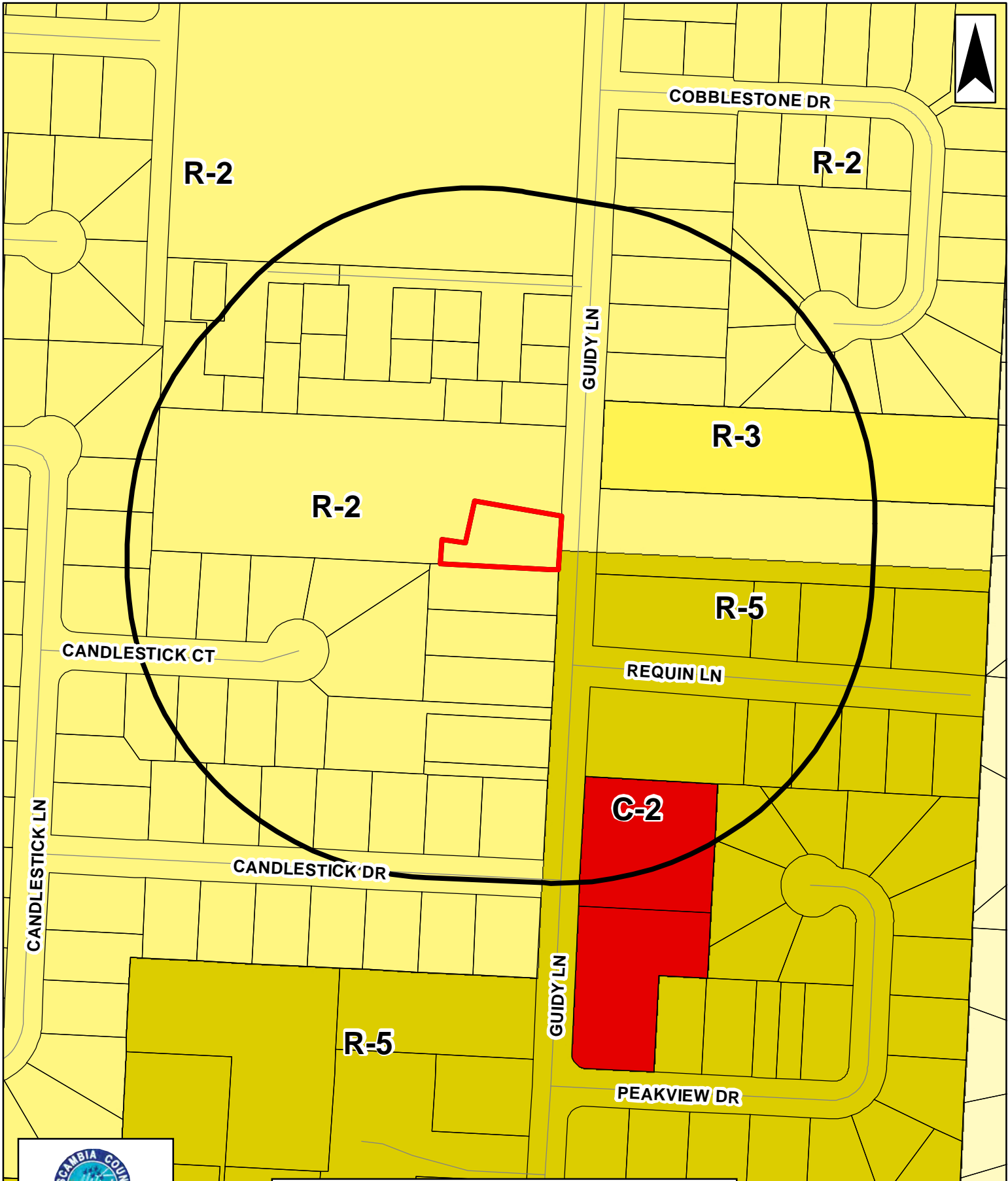

This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2011-17 LOCATION MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD

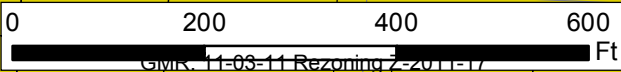








This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2011-17

500' RADIUS ZONING



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS

Page 31 of 49

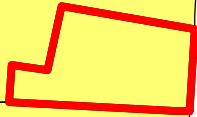


MU-U

COBBLESTONE DR

GUIDY LN

MU-U



MU-U

CANDLESTICK CT

REQUIN LN

CANDLESTICK LN

CANDLESTICK DR

MU-U

GUIDY LN

MU-U

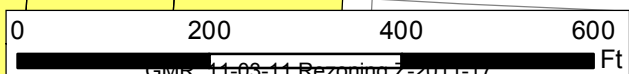
PEAKVIEW DR



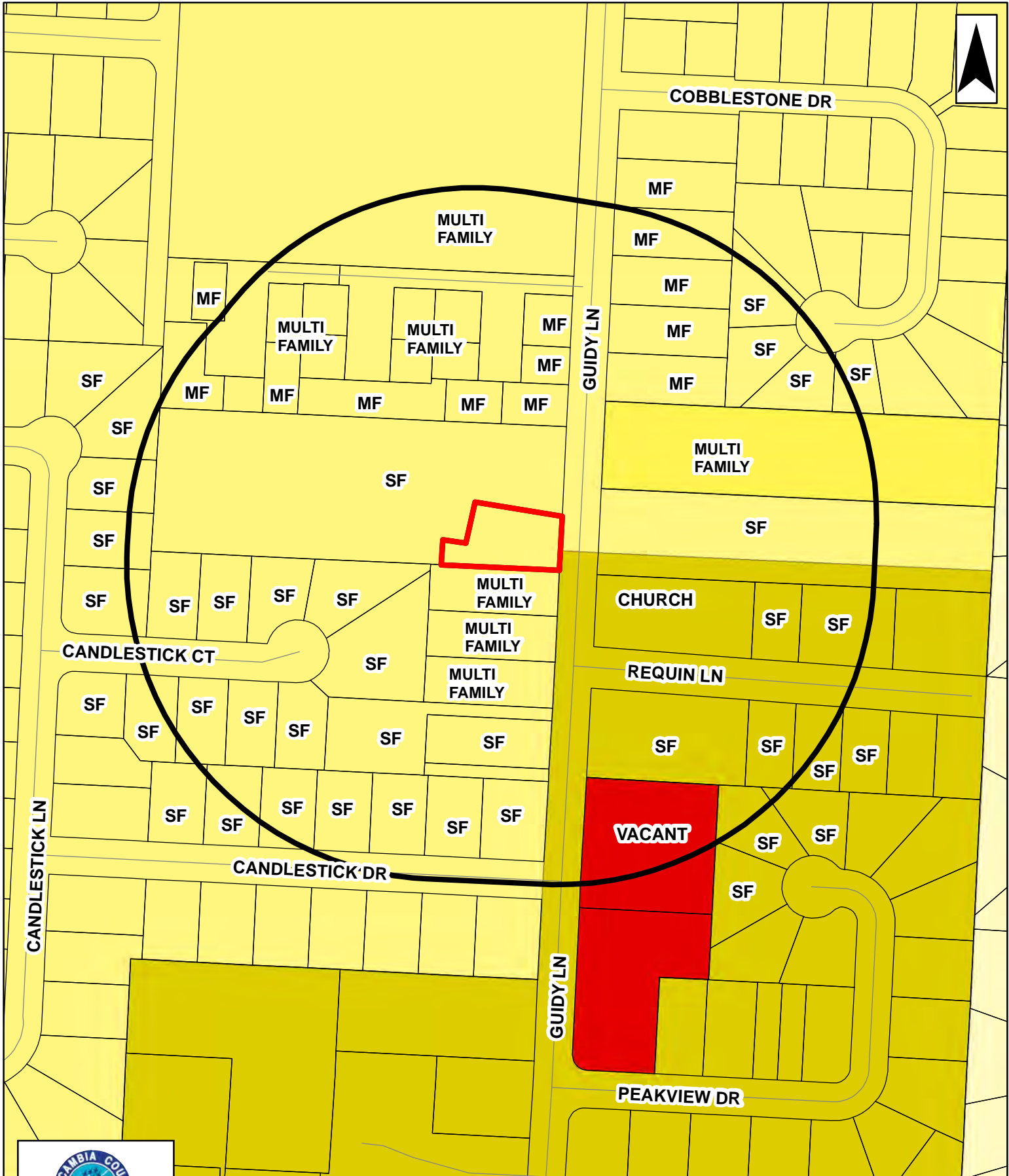

This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2011-17 FUTURE LAND USE



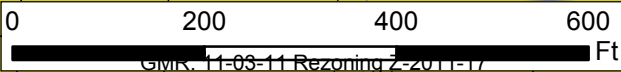
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS









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Andrew Holmer
Planning and Zoning Dept.

Z-2011-17 EXISTING LAND USE




-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS

Page 33 of 49



GUIDY LN

REQUIN LN








This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2011-17 AERIAL MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS

Page 34 of 49

Wiley C. "Buddy" Page, MPA, APA
Professional Growth Management Services, LLC

5337 Hamilton Lane
Pace, Florida 32571
Office 850.994.0023 Cell 850.232.9853
budpage1@mchsi.com

September 1, 2011
VIA HAND DELIVERY

Mr. Horace Jones
Development Services Dept.
3363 West Park Place
Pensacola, Florida 32505

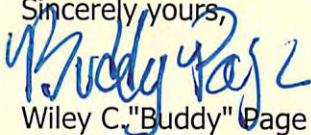
9991 BB
~~9987 BB~~ OK

RE: Rezoning Request for 9991 Guidy Lane
Parcel: 07-1S-30-1018-000-000

Dear Mr. Jones:

Please find our application packed attached wherein we request consideration to change the referenced property above from R-2 to R-6 Neighborhood Commercial. We are asking for a waiver as allowed under LDC 7.20.04.A.

Please contact me if you have any questions or require anything further. Thank you.

Sincerely yours,

Wiley C. "Buddy" Page

copy: Mr. Charles F. Welk



Development Services Department
Escambia County, Florida

APPLICATION

Please check application type:

Administrative Appeal

Development Order Extension

Conditional Use Request for: _____

Variance Request for: _____

Rezoning Request from: R-2 to: R-6

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner Name: Charles and Linda Welk Phone: 850-449-9138
Address: 9991 9987 Guidy Lane Pensacola, FL 32514 Email: charleswelk@cox.net

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 9987 Guidy Lane 9991
Property Reference Number(s)/Legal Description: 07-15-30-1018-000-000

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

Charles Welk
Signature of Owner/Agent

Charles Welk
Printed Name Owner/Agent

8-4-11
Date

Linda L. Welk
Signature of Owner

Linda Welk
Printed Name of Owner

8-4-11
Date

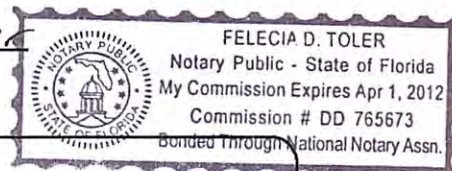
STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 04 day of August 20 11,
by Felecia D. Toler

Personally Known OR Produced Identification . Type of Identification Produced: Florida Driver License

Felecia D. Toler
Signature of Notary
(notary seal must be affixed)

Felecia D. Toler
Printed Name of Notary



FOR OFFICE USE ONLY

CASE NUMBER: 2011-17

Meeting Date(s): 10/10/11 Accepted/Verified by: ACam Date: 9/2/11

Fees Paid: \$ 1,050 Receipt #: _____ Permit #: PRZ110900015



Development Services Department

Escambia County, Florida

FOR OFFICE USE

CASE #: 2011-17

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 07-15-30-1018-000-000

Property Address: 9987 Guidy Lane Pensacola, Florida 32514

I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed in the future development's permit application.

I/We also acknowledge and agree that approval of a zoning district amendment (rezoning) or Future Land Use Map amendment does not certify, vest, or otherwise guarantee that concurrency of required facilities and services is, or will be, available for any future development of the subject parcels.

I/We further acknowledge and agree that no development for which concurrency must be certified shall be approved unless at least one of the following minimum conditions of the Comprehensive Plan will be met for each facility and service of the County's concurrency management system prior to development approval:

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 4th DAY OF August, YEAR OF 2011.

Charles Welk
Signature of Property Owner

Charles Welk
Printed Name of Property Owner

8-4-11
Date

Linda S. Welk
Signature of Property Owner

Linda Welk
Printed Name of Property Owner

8-4-11
Date



Development Services Department

Escambia County, Florida

FOR OFFICE USE:

CASE #: 2011-9917

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 9987 Guidy Lane, Florida, property reference number(s) 07-15-30-1018-000-000

I hereby designate Wiley C. "Buddy" Page for the sole purpose of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above referenced property.
Board of Adjustment to request a(n) on the above referenced property.

This Limited Power of Attorney is granted on this 4th day of August 2011, and is effective until the Board of County Commissioners or the Board of Adjustment has rendered a decision on this request and any appeal period has expired.

Agent Name: Wiley C. "Buddy" Page Email: budpage1@mchsi.com
Address: 5337 Hamilton Lane Pace, FL 32571 Phone: 850-2329853

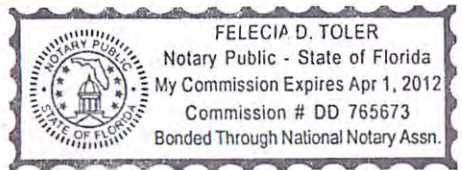
Signatures of Charles Welk and Linda Welk, Property Owners

Printed Names and Dates for Charles Welk and Linda Welk

STATE OF Florida COUNTY OF Escambia
The foregoing instrument was acknowledged before me this 04 day of August 2011 by Felecia D. Toler

Personally Known OR Produced Identification. Type of Identification Produced: Florida Driver License

Signatures and Printed Names of Felecia D. Toler, Notary Public



Locational Criteria Analysis

9991 9991 Guidy Lane
~~8778~~
9991 BS

This site is located on Guidy Lane, which provides a major direct connection between Greenbrier Boulevard (Ten Mile Road) on the north and Nine Mile Road to the south. It is one mile in length and one of only two major roadway connections providing a southerly route in the area with the other being Chemstrand Road. There are plans to connect Greenbrier Boulevard east to Campus Road, which will provide a westerly exit for traffic from the University of West Florida campus. Guidy Lane will then be the first intersection allowing this traffic a southerly connection to Nine Mile Road.

The site is surrounded with rental property projects which easily generate over 600 trips per day (see attached spreadsheet) as required under LDC 7.20.04.C.1. As shown on the county land use map, this one mile roadway contains a diversity of zoning categories including R-5, C-1, C-2, R-2, R-3 and R-6. Our request for an additional R-6 parcel will continue to provide the area with smooth transition between existing uses and zoning categories.

Given the above, this request can be approved with a waiver as allowed under 7.20.04.A.

Escambia County Property Appraiser
071S301018000000 - Full Legal Description

BEG AT SE COR OF SEC N ALG E LI 3575 FT W 693 FT TO W R/W LI OF GUIDY LANE FOR
POB CONT SAME COURSE 188 6/10 FT 88 DEG 42 MIN RT 41 FT 85 DEG 15 MIN RT 37
18/100 FT 85 DEG 46 MIN LEFT 67 22/100 FT 93 DEG 07 MIN 40 SEC RT 140 25/100 FT TO W
LI OF GUIDY LANE S ALG RD R/W 98 23/100 FT TO POB OR 888 P 410/416 CASE #74-647

Instructions:

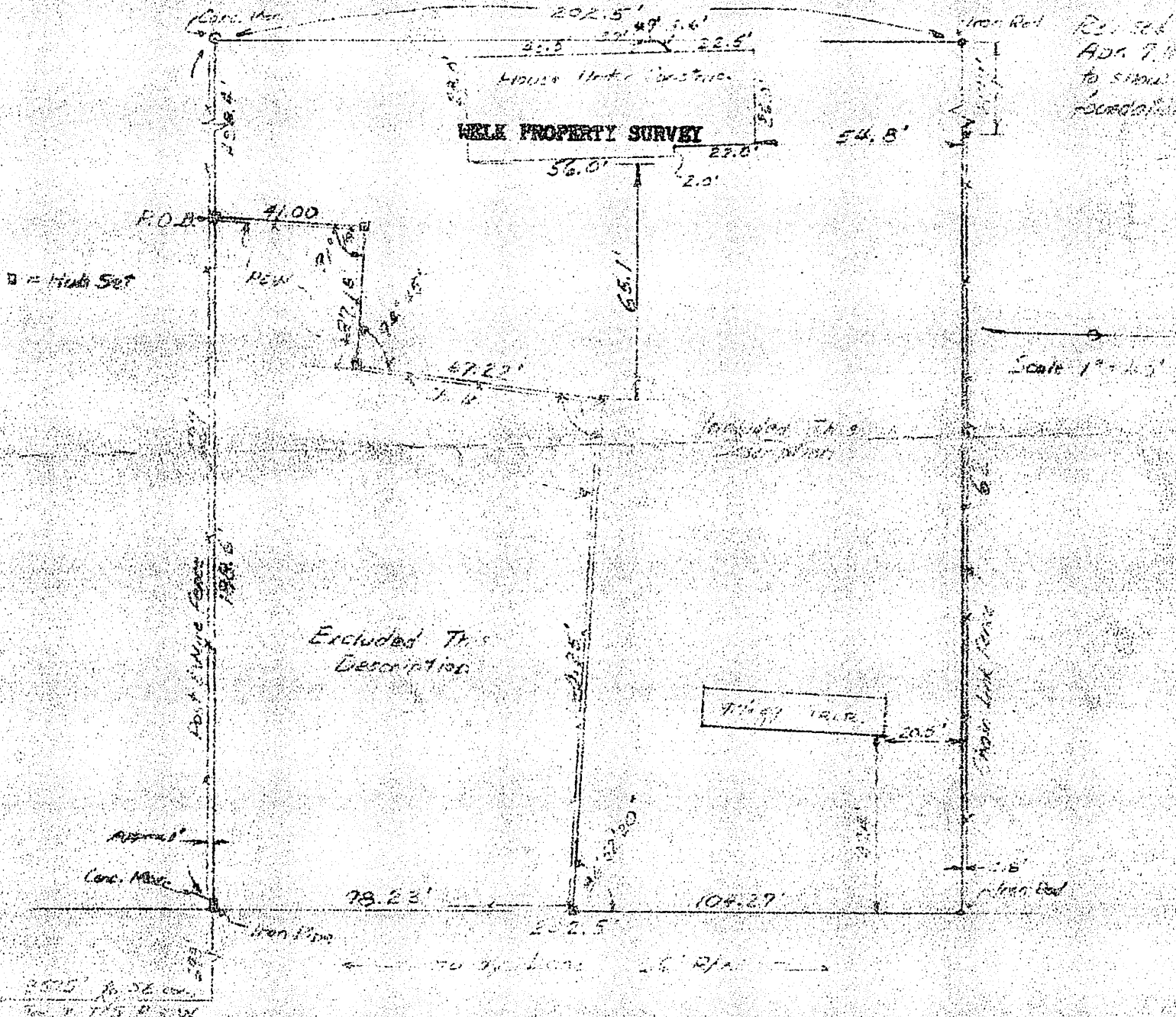
Enter Numbers into the "Expected Units" in the Corresponding Yellow Column

Trip Generation Rates from the 8th Edition ITE Trip Generation Report

NA: Not Available KSF²: Units of 1,000 square feet
 DU: Dwelling Unit Fuel Position: # of vehicles that could be fueled simultaneously
 Occ.Room: Occupied Room

Description / ITE Code	Units	PM Peak Period Rate	% PM In	% PM Out	Expected Units (independent variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out
Waterport/Marine Terminal 010	Berths	NA	NA	NA		0	NA	NA	NA
Commercial Airport 021	Employees	0.80	54%	46%		0	0	NA	NA
Commercial Airport 021	Avg Flights/Day	5.75	56%	44%		0	0	NA	NA
Commercial Airport 021	Com. Flights/Day	6.88	54%	46%		0	0	NA	NA
General Aviation Airport 022	Employees	1.03	45%	55%		0	0	NA	NA
General Aviation Airport 022	Avg. Flights/Day	NA	NA	NA		0	NA	NA	NA
General Aviation Airport 022	Based Aircraft	0.37	45%	55%		0	0	NA	NA
Truck Terminal 030	Acres	6.55	43%	57%		0	0	NA	NA
Park&Ride w/ Bus Service 090	Parking Spaces	0.62	22%	78%		0	0	NA	NA
Park&Ride w/ Bus Service 090	Occ. Spaces	0.81	28%	72%		0	0	NA	NA
Light Rail Station w/ Park 093	Parking Space	1.24	58%	42%		0	0	NA	NA
Light Rail Station w/ Park 093	Occ. Spaces	1.33	58%	42%		0	0	NA	NA
General Light Industrial 110	KSF ²	0.97	12%	88%		0	0	NA	NA
General Light Industrial 110	Employees	0.42	21%	79%		0	0	NA	NA
General Heavy Industrial 120	KSF ²	0.68	NA	NA		0	0	NA	NA
General Heavy Industrial 120	Employees	0.88	NA	NA		0	0	NA	NA
Industrial Park 130	KSF ²	0.86	21%	79%		0	0	NA	NA
Industrial Park 130	Employees	0.46	20%	80%		0	0	NA	NA
Manufacturing 140	KSF ²	0.74	36%	64%		0	0	NA	NA
Manufacturing 140	Employees	0.36	44%	56%		0	0	NA	NA
Warehousing 150	KSF ²	0.32	25%	75%		0	0	NA	NA
Warehousing 150	Employees	0.59	35%	65%		0	0	NA	NA
Mini Warehouse 151	KSF ²	0.26	51%	49%		0	0	NA	NA
Mini Warehouse 151	Storage Units	0.02	NA	NA		0	0	NA	NA
Mini Warehouse 151	Employees	6.04	52%	48%		0	0	NA	NA
High-Cube Warehouse 152	KSF ²	0.10	33%	67%		0	0	NA	NA
High-Cube Warehouse 152	Employees	0.66	35%	65%		0	0	NA	NA
Utilities 170	KSF ²	0.76	45%	55%		0	0	NA	NA
Utilities 170	Employees	0.76	90%	10%		0	0	NA	NA
Single Family Homes 210	DU	1.01	63%	37%		0	0	NA	NA
Single Family Homes 210	Vehicles	0.67	66%	34%		0	0	NA	NA
Apartment 220	DU	0.62	65%	35%	100.0	665	62	40	22
Apartment 220	Persons	0.40	NA	NA		0	0	NA	NA
Apartment 220	Vehicles	0.60	NA	NA		0	0	NA	NA
Low Rise Apartment 221	Occ.DU	0.58	65%	35%	100.0	659	58	38	20
High Rise Apartment 222	DU	0.35	61%	39%		0	0	NA	NA
Mid-Rise Apartment 223	DU	0.39	58%	42%		0	0	NA	NA
Rental Townhouse 224	DU	0.72	51%	49%	100.0	0	72	37	35
Resd. Condo/Townhouse 230	DU	0.52	67%	33%		0	0	NA	NA
Resd. Condo/Townhouse 230	Persons	0.24	67%	33%		0	0	NA	NA
Low Rise Resd. Condo 231	DU	0.78	58%	42%		0	0	NA	NA
High Rise Resd. Condo 232	DU	0.38	62%	38%		0	0	NA	NA
Luxury Condo/Townhouse 233	Occ. DU	0.55	63%	37%		0	0	NA	NA
Mobile Home Park 240	DU	0.59	62%	38%		0	0	NA	NA
Mobile Home Park 240	Persons	0.26	63%	37%		0	0	NA	NA
Retirement Community 250	DU	0.27	56%	44%		0	0	NA	NA
Elderly Housing-Detached 251	DU	0.27	61%	39%		0	0	NA	NA
Congregate Care Facility 253	Occ.DU	0.17	56%	44%		0	0	NA	NA
Elderly Housing- Attached 252	Occ.DU	0.16	60%	40%		0	0	NA	NA
Recreational Homes 260	DU	0.26	41%	59%		0	0	NA	NA
Residential PUD 270	DU	0.62	65%	35%		0	0	NA	NA
Hotel 310	Occ. Room	0.70	49%	51%		0	0	NA	NA
Hotel 310	Rooms	0.59	53%	47%		0	0	NA	NA
Hotel 310	Employees	0.80	54%	46%		0	0	NA	NA
All Suites Hotel 311	Occ.Room	0.55	42%	58%		0	0	NA	NA
All Suites Hotel 311	Rooms	0.40	45%	55%		0	0	NA	NA

$x = 100$
 $y = 665$ PMPH



Received
 APR 7 1975
 To State
 Records

Scale 1" = 100'

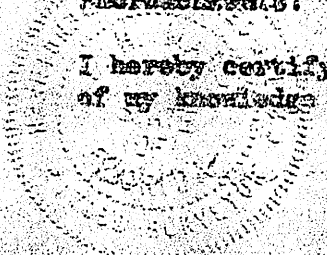
Excluded This Description

DESCRIPTION: Commencing at the SE corner of Section 7, T1S, R30W, thence North along the East line of said section for 3975 ft.; thence West 693 ft. to a stake in the West side of roadway; thence continue same course west for 188.6 ft. for Point of Beginning; thence continue same course west for 438.4 ft. to a stake; thence north 202.5 ft. parallel with East section line; thence East 627 ft. parallel with North section line to intersection of West R/W line of public highway; thence South along said west R/W line for 104.27 ft.; thence right 93°07'40" for 140.25 ft.; thence left 85°46" for 67.22 ft.; thence right 85°15' for 37.18 ft.; thence left 88°42" for 41.00 ft. to the Point of Beginning, all being and lying in Section 7, T1S, R30W, Escambia County, Florida.

ENCUMBRANCES: None

I hereby certify the survey shown hereon to be true and correct to the best of my knowledge and belief.

[Signature]
 Florida Land Surveyor #2775



For case # 07-1S-30-1018-000-002 WELK



Development Services Department FOR OFFICE USE
Escambia County, Florida

CASE #: _____

APPLICATION ATTACHMENTS CHECKLIST

- 1. For BOA, original letter of request, typed or written in blue ink & must include the reason for the request and address all criteria for the request as outlined in LDC Article 2.05 (dated, signed & notarized – notarization is only necessary if an agent will be used).
- 2. Application/Owner Certification Form - Notarized Original (page 1) (signatures of ALL legal owners or authorized agent are required)
- 3. Concurrency Determination Acknowledgment form - Original (if applicable) (page 2)
- 4. Affidavit of Owner & Limited Power of Attorney form - Notarized Original (if applicable) (page 3) (signatures of ALL legal owners are required)
- 5. Legal Proof of Ownership (e.g. copy of Tax Notice or Warranty Deed). *need*
Include Corporation/LLC documentation or a copy of Contract for Sale if applicable.
- 6. Legal Description of Property Street Address / Property Reference Number
- 7. a. Rezoning: Boundary Survey of subject property to include total acreage, all easements, and signed & sealed by a surveyor registered in the state of Florida.
b. BOA: Site Plan drawn to scale.
- 8. For Rezoning requests: If the subject parcel does not meet the roadway requirements of Locational Criteria (Comprehensive Plan 7.A.4.13 & LDC 7.20.00.), a compatibility analysis to request a waiver or an exemption to the roadway requirements will need to be submitted as part of the application.
- 9. Pre-Application Summary Form, Referral Form, Zoning Verification Request Form and/or copy of citation from Code Enforcement Department if applicable.
- 10. Application fees. (See Instructions page for amounts) Payment cannot be accepted after 3:00pm.

Please note: Forms with signatures dated more than sixty (60) days prior to application submittal will not be accepted as complete.

Please make the following three appointments with the Coordinator.

- Appointment for pre-application meeting: _____
- Appointment to turn in application: _____
- Appointment to receive findings-of-fact: _____

Application submitted on 9-1-11 *W. 8*
need #5
Mr. Lodge will bring 5 items on 9-2-11
need a new check Applicant will bring 9-2-11

PROFESSIONAL GROWTH MANAGEMENT SERVICES, LLC
 Wiley C. "Buddy" Page, MPA, APA
 3363 West Park Place Pensacola, FL 32505
 (850) 595-3475 * FAX: (850) 595-3481



Development Services Bureau
Escambia County, Florida

6/6

**PLANNING BOARD
REZONING PRE-APPLICATION SUMMARY FORM**

07-15-30-1018-000-000
Property Reference Number

Charles Walk
Name

9987 Gurdy Lane
Address

Owner Agent

Referral Form Included? Y / N

MAPS PREPARED

PROPERTY INFORMATION

- Zoning
- FLU
- Aerial
- Other: _____

Current Zoning: R-2 Size of Property: _____ +/-
 Future Land Use: MU-U Commissioner District: _____
 Overlay/AIPD: _____ Subdivision: _____
 Redevelopment Area: _____

COMMENTS

Desired Zoning: R-6

Is Locational Criteria applicable? yes If so, is a compatibility analysis required? yes

Requires smaller portion for office. Parcel is on a local street
Recommended to go to DRC pre-application meeting to
discuss issues with the change of use.

- Applicant will contact staff for next appointment
 - Applicant decided against rezoning property
 - Applicant was referred to another process
 - BOA
 - DRC Pre-App
 - Other: _____
- Process Name

Staff present: Allison Cain, Andrew Holman Date: 6/6/11

Applicant/Agent Name & Signature: Charles Walk

No comment made by any persons associated with the County during any pre-application conference or discussion shall be considered either as approval or rejection of the proposed development, development plans, and/or outcome of any process.

ACCOUNT NUMBER	ESCROW CD	ASSESSED VALUE	EXEMPTIONS	TAXABLE VALUE	MILLAGE CODE
01-4424-000		48000		48000	06

²⁶⁶
 WELK CHARLES & LINDA
 9987 GUIDY LN
 PENSACOLA FL 32514

9983 GUIDY LN
 BEG AT SE COR OF SEC N ALG
 E LI 3575 FT W 693 FT TO
 W R/W LI OF GUIDY LANE FOR
 POB CONT SAME COURSE 188
 6/10 FT 88 DEG 42 MIN RT 41
 FT 85 DEG 15 MIN RT

First Installment Notice: 2003 Real Estate 1013629.0000

AD VALOREM TAXES		
TAXING AUTHORITY	MILLAGE RATE (DOLLARS PER \$1,000 OF TAXABLE VALUE)	TAXES LEVIED
COUNTY OF ESCAMBIA	8.7560	420.29
SCHOOL BOARD OF ESCAMBIA CO.	8.8870	426.58
N.W. FLORIDA WATER MANAGEMENT	0.0500	2.40
M.S.T.U. - SHERIFF	0.7470	35.86
TOTAL MILLAGE 18.4400		AD VALOREM TAXES 885.13

*#2894
6-26-03*

RETAIN THIS
 PORTION
 FOR
 YOUR
 RECORDS

ESCAMBIA COUNTY TAX COLLECTOR * P.O. BOX 1312 * PENSACOLA, FL 32591-1312

NON-AD VALOREM ASSESSMENTS		
LEVYING AUTHORITY	RATE	AMOUNT
FIRE (CALL 595-4960)		50.00
NON-AD VALOREM ASSESSMENTS		50.00

PLEASE
 PAY ONLY
 ONE
 AMOUNT
 SHOWN IN
 YELLOW
 SHADED
 AREA

Payment of this first installment will ensure your participation in the installment plan for 2003 taxes.

COMBINED TAXES AND ASSESSMENTS	935.13	PAY ONLY ONE AMOUNT	See reverse side for important information
	If Paid by the Amount is	Jun 30 2003 219.74	Jul 31 2003 245.47

AMOUNT
 DUE
 IF PAID
 BY



BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

Development Services Department
3363 West Park Place, Pensacola, FL 32505
(850) 595-3475 - Phone
(850) 595-3481 - FAX
www.myescambia.com

Escambia County Planning Board

Public Hearing
Speaker Request Form

Please Print Clearly

Rezoning Quasi-judicial Hearing OR Regular Planning Board Meeting
Rezoning Case #: 2011-17 Agenda Item Number/Description:

In Favor Against _____

*Name: BUDDY PAGE

*Address: 5337 HAMILTON CN *City, State, Zip: PACE FL 32571

Email Address: budpage1@mchsi.com Phone: 232-9853

Please indicate if you:

- would like to be notified of any further action related to the public hearing item.
- do not wish to speak but would like to be notified of any further action related to the public hearing item.

All items with an asterisk * are required.

Chamber Rules

1. All who wish to speak will be heard.
2. You must sign up to speak. This form must be filled out and given to the Clerk in order to be heard.
3. When the Chairman calls you to speak, come to the podium, adjust the microphone so you can be heard, then state your NAME and ADDRESS for the record.
4. Please keep your remarks BRIEF and FACTUAL.
5. Everyone will be granted uniform time to speak (normally 3 - 5 minutes).
6. Should there be a need for information to be presented to the Board, please provide 13 copies for distribution. The Board will determine whether to accept the information into evidence. Once accepted, copies are given to the Clerk for Board distribution.
7. During quasi-judicial hearings (i.e., rezonings), conduct is very formal and regulated by Supreme Court decisions. Verbal reaction or applause is not appropriate.



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Escambia County Planning Board

Public Hearing
Speaker Request Form

Please Print Clearly

Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: 2-2011-17

OR

Agenda Item Number/Description:

[checked] In Favor [] Against

*Name: CHARLES WELIC

*Address: 9987 GORDY LANE *City, State, Zip: Pensacola FL 32505

Email Address: Phone: 904-477-9686

Please indicate if you:

- [] would like to be notified of any further action related to the public hearing item.
[] do not wish to speak but would like to be notified of any further action related to the public hearing item.

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Escambia County Planning Board

Public Hearing
Speaker Request Form

Please Print Clearly

Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: Z-2011-17

OR

Agenda Item Number/Description: _____

_____ In Favor Against

*Name: Duffy Meligan

*Address: 10,000 Guidy Lane *City, State, Zip: Pensacola FL 32514

Email Address: dmeligan@yahoo Phone: (850) 255-6762

Please indicate if you:

- would like to be notified of any further action related to the public hearing item.
- do not wish to speak but would like to be notified of any further action related to the public hearing item.

All items with an asterisk * are required.

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Escambia County Planning Board

Public Hearing
Speaker Request Form

Please Print Clearly

Rezoning Quasi-judicial Hearing

Regular Planning Board Meeting

Rezoning Case #: Z-2011-17

OR

Agenda Item Number/Description:

In Favor V Against

*Name: Steven White

*Address: 990 Candlestick Dr *City, State, Zip: Pensacola, FL 32514

Email Address: nevels73@nevels73@gmail.com Phone:

Please indicate if you:

- [X] would like to be notified of any further action related to the public hearing item.
[] do not wish to speak but would like to be notified of any further action related to the public hearing item.

All items with an asterisk * are required.

Chamber Rules

- 1. All who wish to speak will be heard.
2. You must sign up to speak. This form must be filled out and given to the Clerk in order to be heard.
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BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1590

Growth Management Report Item #: 12. 2.

BCC Regular Meeting

Public Hearing

Meeting Date: 11/03/2011

Issue: 5:45 p.m. - Public Hearing - Amendment to the Official Zoning Map

From: T. Lloyd Kerr, AICP

Organization: Development Services

RECOMMENDATION:

5:45 p.m. A Public Hearing for Consideration for Adopting an Ordinance Amending the Official Zoning Map

That the Board adopt an Ordinance to amend the Official Zoning Map to include the rezoning cases heard by the Planning Board on October 10, 2011 and approved during the previous agenda item and to provide for severability, inclusion in the code, and an effective date.

BACKGROUND:

Rezoning cases Z-2011-16 and Z-2011-17 were heard by the Planning Board on October 10, 2011. Under the Land Development Code (LDC), the Board of County Commissioners reviews the record and the recommended order of the Planning Board and conducts a Public Hearing for adoption of the LDC Zoning Map Amendment.

As a means of achieving the Board's goal of "decreasing response time from notification of citizen needs to ultimate resolution," the Board is acting on both the approval of the Planning Board's recommendation and the LDC Map Amendment for this month's rezoning cases. The previous report item addresses the Board's determination regarding the Planning Board's recommendation. This report item addresses only the Public Hearing and adoption of the Ordinance amending the LDC Official Zoning Map.

BUDGETARY IMPACT:

No budgetary impacts are expected as a result of the recommended Board action.

LEGAL CONSIDERATIONS/SIGN-OFF:

A copy of the standardized Ordinance has initially been provided to the County Attorney's office for review regarding compliance with rezoning requirements in Florida Statutes and the Land Development Code.

PERSONNEL:

No additional personnel are anticipated for the implementation of this recommended Board action.

POLICY/REQUIREMENT FOR BOARD ACTION:

The Board Chairman will need to sign the Ordinance to amend the Official Zoning Map.

IMPLEMENTATION/COORDINATION:

This Ordinance, amending the Land Development Code Official Zoning Map, will be filed with the Department of State following adoption by the Board.

This Ordinance is coordinated with the County Attorney's Office, the Development Services Department and interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Draft Ordinance

ORDINANCE NUMBER 2011-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 6, SECTION 6.02.00, THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Purpose and Intent.

The Official Zoning Map of Escambia County, Florida, as adopted by reference and codified in Part III of the Escambia County Code of Ordinances (1999), the Land Development Code of Escambia County, Florida, as amended: Article 6, Section 6.02.00, and all notations, references and information shown thereon as it relates to the following described real property in Escambia County, Florida, is hereby amended as follows.

Case No.:	Z- 2011-16
Location:	7420 W Nine Mile Rd
Property Reference No.:	01-1S-32-4303-001-002
Property Size:	.30 (+/-) acres
From:	RR, Rural Residential District (cumulative) Low Density (2 du/acre)
To:	R-6 Neighborhood Commercial and Residential District, (cumulative) High Density (10 du/acre)
FLU Category:	MU-S- Mixed Use Suburban

Case No.:	Z-2011-17
Location:	9991 Guidy Lane
Property Reference No.:	07-1S-30-1018-000-000
Property Size:	.35 (+/-) acres
From:	R-2, Single Family District (cumulative), Low-Medium Density (7 du/acre).
To:	R-6 Neighborhood Commercial and Residential District, (cumulative) High Density (25 du/acre).
FLU Category:	MU-U, Mixed Use Urban

Section 2. Severability.

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Inclusion in Code.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by F.S. § 125.68 (2010); and that the sections, subsections and other provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Effective Date.

This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED by the Board of County Commissioners of

Escambia County Florida, this _____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

Kevin W. White, Chairman

ATTEST: ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT

Deputy Clerk

(SEAL)

ENACTED:

FILED WITH DEPARTMENT OF STATE:

EFFECTIVE DATE:



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1537

Growth Management Report Item #: 12. 3.

BCC Regular Meeting

Public Hearing

Meeting Date: 11/03/2011
Issue: 5:46 p.m. - A Public Hearing- CPA 2011-02- Becks Lake
From: T. Lloyd Kerr, AICP
Organization: Development Services

RECOMMENDATION:

5:46 p.m. A Public Hearing Concerning the review of Comprehensive Plan Amendment (CPA) 2011-02

That the Board of County Commissioners approve for transmittal to the Florida Department of Economic Opportunity and other appropriate State Agencies, the proposed Comprehensive Plan Amendment (CPA) 2011-02, amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan 2030, as amended; amending the Future Land Use Map designation.

BACKGROUND:

Wiley C. "Buddy" Page, agent for Figure 8 Florida, LLC, requested an amendment to change the future land use category for a parcel totaling 188.61 (+/-) acres from Mixed Use Suburban (MU-S) to Mixed Use Urban (MU-U). The attached implementing ordinance proposes amending Chapter 7 of the Comprehensive Plan, "Future Land Use Element", to amend the Year 2030 Future Land Use Map. The Planning Board held a Public Hearing to review the amendment on October 10, 2011, and recommended approval of the Comprehensive Plan Amendment to the Board of County Commissioners.

BUDGETARY IMPACT:

No budgetary impact is anticipated as a result of the Board's action.

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached Ordinance has been reviewed and approved for legal sufficiency by Stephen G. West, Assistant County Attorney. Any recommended legal comments are attached herein.

PERSONNEL:

No additional personnel are required for implementation of this amendment.

POLICY/REQUIREMENT FOR BOARD ACTION:

The Amendment is consistent with Chapters 163.3177 and with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

IMPLEMENTATION/COORDINATION:

After the Board of County Commissioners hold a public hearing to review and adopt the amendment package, the Future Land Use Map will be modified to reflect the amendment.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

CPA 2011-02

Supporting Maps

CPA-2011-02



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1537

Item #: 5.

Planning Board-Regular

Meeting Date: 10/10/2011

Issue: A Public Hearing- CPA 2011-02- Becks Lake

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

RECOMMENDATION:

That the Planning Board review Comprehensive Plan Amendment (CPA) 2011-02 and recommend adoption to the Board of County Commissioners (BCC) 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.

BACKGROUND:

Wiley C. "Buddy" Page, agent for Figure 8 Florida, LLC, requested an amendment to change the future land use category for a parcel totaling 188.61 (+/-) acres from Mixed Use Suburban (MU-S) to Mixed Use Urban (MU-U). The attached implementing ordinance proposes amending Chapter 7 of the Comprehensive Plan, "Future Land Use Element", to amend the Year 2030 Future Land Use Map.

BUDGETARY IMPACT:

No budgetary impact is anticipated as a result of the Board's action.

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached Ordinance has been reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any recommended legal comments are attached herein.

PERSONNEL:

No additional personnel are required for implementation of this amendment.

POLICY/REQUIREMENT FOR BOARD ACTION:

Comprehensive Plan Section 4.07 requires public hearing review by the local planning agency (Planning Board) of any proposed amendment to the plan prior to adoption by the Board of County Commissioners in a subsequent public hearing.

IMPLEMENTATION/COORDINATION:

Upon recommendation by the Planning Board, the Board of County Commissioners will hold a public hearing to review and adopt the amendment package. Upon adoption the Future Land Use Map will be modified to reflect the amendment.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

CPA-2011-02

Comprehensive Plan Amendment Staff Analysis

General Data

Project Name: CPA 2011-02 – Becks Lake Road
Location: 200 block of Becks Lake Rd
Parcel #s: 11-1N-31-1000-002-001
Acreage: 188.61 (+/-) acres
Request: From Mixed Use Suburban (MU-S) to Mixed Use Urban (MU-U)
Agent: Wiley C. “Buddy” Page, Agent for Figure 8, Florida, LLC, Owners

Meeting Dates: Planning Board October 10, 2011
BCC November 3, 2011

Summary of Proposed Amendment:

The agent has requested a future land use (FLU) map amendment to change the future land use category of a 188.61(+/-) acre parcel from Mixed Use Suburban Future Land Use to Mixed Use Urban Future Land Use. The zoning designation for the referenced parcel is Villages Agricultural (VAG-1).

The subject parcel runs East along Beck’s Lake Road and North along a railroad to the East of Highway 95A and is adjacent to a residential neighborhood.

The agent has indicated that the intent of the proposed FLU change is to allow for the development of industrial processing/manufacturing/warehousing with uses consistent with existing properties on the south side of Becks Lake Road. If the amendment is approved a rezoning is required.

Land Use Impacts:

Residential Impact

Under Comprehensive Plan Policy 1.3.1, the current Mixed Use Suburban (MU-S) future land use category has a maximum intensity of 1.0 Floor Area Ratio (FAR) and no Minimum Intensity for non Residential uses. It allows for a mix of residential and non-residential uses such as residential, retail and services, professional office, recreational facilities and public and civic.

The proposed amendment to Mixed Use Urban (MU-U) future land use category allows for a 0.25 Minimum intensity FAR and a Maximum Intensity of 2.0 FAR, with a maximum density is 25 du/acre. Using the calculation above, the total number of

allowable dwelling units is 4,715. If the amendment is granted, there is the possibility for an increase of 2,829 dwelling units for the parcel area. The proposed future land use category allows for the same uses as MU-S with the addition of light industrial development. Since the proposed future land use will allow for light industrial type uses, staff has some concerns that the proposed development could adversely impact the residential community by allowing for more intense development because of the higher floor area ratio.

Infrastructure Availability:

FLU 1.5.3 New Development and Redevelopment in Built Areas

To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

FLU 2.1.1 Infrastructure Capacities

Urban uses shall be concentrated in the urbanized areas with the most intense development permitted in the Mixed-Use Urban (MU-U) areas and areas with sufficient central water and sewer system capacity to accommodate higher density development. Land use densities may be increased through Comprehensive Plan amendments. This policy is intended to direct higher density urban uses to those areas with infrastructure capacities sufficient to meet demands and to those areas with capacities in excess of current or projected demand. Septic systems remain allowed through Florida Health Department permits where central sewer is not available.

GOAL CMS 1 Concurrency Management System

Escambia County shall adopt a Concurrency Management System to ensure that facilities and services needed to support development are available concurrent with the impacts of such development.

OBJ CMS 1.1 Level of Service Standards

Ensure that Escambia County's adopted Level of Service (LOS) standards for roadways, mass transit, potable water, wastewater, solid waste, stormwater, public schools and recreation will be maintained.

CMS 1.2.1 Concurrency Determination.

The test for concurrency shall be met and the determination of concurrency shall be made prior to the approval of an application for a development order or permit that contains a specific plan for development, including the densities and intensities of the proposed development. If an applicant fails concurrency, he/she may apply to satisfy the requirements of the concurrency management system through the proportionate fair share program. For applicants participating in the proportionate fair share program, the BCC must approve a proportionate fair share agreement before a certificate of concurrency can be issued. A multi-use Development of Regional Impact (DRI) may

satisfy the transportation concurrency requirements of the concurrency management system and of Section 380.06, Florida Statutes, by payment of a proportionate share contribution in accordance with the terms of Section 163.3180(12), Florida Statutes.

Potable Water

Emerald Coast Utility Authority (ECUA) would be the potable water provider for the parcel. The adopted level of service (LOS) standards for, potable water, are established in Comprehensive Plan Policy INF 4.1.7. ECUA standard is 250 gallons per capita per day per residential connection per day. For non-residential uses, the LOS requirements shall be based upon an Equivalent Residential Connection (ERC) to be calculated by the service provider at the time of application.

Unlike residential development for which population can be estimated from proposed dwelling units (households), non-residential development has no associated population that can be used to evaluate the potential impacts on the provider's adopted per capita LOS.

As indicated by the agent's analysis and confirmed by a letter from the Emerald Coast Utility Authority, potable water service exists in the area of the amendment parcel with a 12 inch water line on the north side of Becks Lake road and a two inch line on the south side.

Sanitary Sewer

The adopted level of service standards for sanitary sewer established in Comprehensive Plan Policy INF 1.1.9 are an average of 210 gallons per residential connection per day and a peak of 350 gallons per residential connection per day. The policy also states that the LOS requirements for non-residential uses shall be based upon an equivalent residential connection calculated by the provider, and on the size of the non-residential water meter. However, neither the Emerald Coast Utilities Authority (ECUA) nor any other provider presently has sewer collection lines that can serve the parcel, the nearest connection is on the west side of Highway 29 on Muscogee Road. No documentation was provided to demonstrate the connection to sanitary sewer will be connected. In order to meet the requirement of the Comprehensive Plan, the developer will need to connect to sanitary sewer. The agent's analysis stated, "the new wastewater treatment facility will have a maximum treatment flow of 50mgd, suggesting it to adequately support new development through the design year of 2030.

Solid Waste Disposal

As established in Comprehensive Plan policy INF 2.1.4, the adopted LOS standard for solid waste disposal in the county is six pounds per capita per day. Solid waste from the parcel will be disposed at the Perdido Landfill. The current build-out of the 424-acre landfill facility is 74 acres. Based on population growth projections and estimated

annual Class 1 municipal solid waste (MSW) received, the estimated remaining life of the landfill is 70 years.¹

The agent identified Emerald Coast Utilities as the solid waste provider to service the parcel, but no characterization or quantification of waste generation was made.

The potential impacts of the non-residential development on a per capita adopted LOS standard for solid waste cannot be reasonably estimated, however, if granted the possibility exists for additional residential dwelling units. Based on the level of service standards and estimated life of the landfill, there will not be an additional impact on capacity.

Stormwater Management

Comprehensive Plan Policy INF 3.1.9 establishes the following minimum level of service standards for drainage:

- a. The post development run-off rate shall not exceed the pre-development run-off rate for a 25-year storm event, up to and including an event with greatest intensity. However, the County Engineer may reduce detention/retention storage requirements for developments that provide a direct discharge of treated stormwater to the Gulf of Mexico, Escambia Bay, Pensacola Bay, or Perdido Bay.*
- b. Compliance with environmental resource permitting and other stormwater design and performance standards of the Florida Department of Environmental Protection and Northwest Florida Water Management District as prescribed in the Florida Administrative Code.*
- c. The contribution of the new development to any existing, functioning area-wide drainage system shall not degrade the ability of the area-wide system to adequately retain/detain/store and control stormwater run-off.*
- d. The design and construction for all major channels of stormwater systems under arterial and collector roads shall be predicated upon, and designed to control stormwater from, at least a 100-year storm event.*

Any new development on the parcel must meet these LOS requirements and may necessitate the construction of stormwater management facilities. Drainage LOS compliance would be addressed as part of the site development review process.

Traffic Concurrency

*Under Comp Plan CMS 1.1.2 **Primary Tasks**. The County Administrator, or designee, shall be responsible for the five primary tasks described below:*

- a. Maintaining an inventory of existing public facilities and capacities or deficiencies;*
- b. Determining concurrency of proposed development that does not require BCC approval;*

¹ Solid Waste, Escambia Co. Comp. Plan Implementation Annual Report, FY 09/10

- c. Providing advisory concurrency assessments and recommending conditions of approval to the BCC for those applications for development orders that require BCC approval;*
- d. Reporting the status of all public facilities covered under this system to the BCC and recommending a schedule of improvements for those public facilities found to have existing deficiencies; and*
- e. Administering the Proportionate Fair Share Program as outlined in the Land Development Code (LDC) and the Escambia County Concurrency Management System Procedure Manual, if the County CMS-1 and an applicant choose to utilize this program to mitigate transportation impacts on transportation facilities found to have deficient capacity during the process of testing for concurrency.*

The agent's description for the intended uses included industrial operations and focused on the current plant operations on the south side of Becks Lake Road to estimate future hourly trips on Becks Lake Road.

The county's Transportation & Traffic Operations Division analyzed the impacts on area roads from trips generated by potential use of the parcel. The analysis estimated the impacted road segments of U.S. Highway 29 and Muscogee Rd (CR-184) would all maintain their adopted levels of service established in Comprehensive Plan Policy Mobility Element (MOB)1.1.2 and would meet the test for concurrency prescribed by Land Development Code (LDC) Section 5.12.00. Potential trip generation was based on "industrial park" land use as defined by the Institute of Transportation Engineers. That use is a more trip-intensive use than possible heavy industrial use and is a best-fit characterization of the potential impacts of the industrial FLU. Using calculations based on the maximum density of 25 du/acre on 95 acres, with a mixed-use approach of both apartments and industrial, the traffic generated exceeded the capacity of US 29 and Muscogee Rd.

Recreation and Open Space

REC1.3.2 Open Space Requirements. Escambia County shall require the provision of open space by private development when such development is a planned unit development, a multi-family development, a mixed use commercial area or other similar types of development where relatively large land areas are involved. The requirements shall be contained within the LDC. All development projects of five acres or more shall be required to provide open space within the development or contribute to a fund therefore. Nothing in this policy shall be interpreted to eliminate the provision of open space for all projects as required by County regulations.

Although the agent is not proposing a residential development, granting the amendment has the potential to create additional population up to 25 dwelling units/acre. If a residential development is proposed, the level of service standards would apply for the residential impacts for the proposed development.

Schools

OBJ PSF 2.1 Level of Service Standards

The agent indicated the future development would not be of residential nature with no additional demand for school capacity. Calculating the more intense use for residential, if the amendment is granted, there is a possibility for an increase of approximately 850 elementary students, 418 middle school students, and 522 high school students for a total of 1,790 additional students, therefore creating the need to do mitigation to ensure the level of service standards are met in accordance with the comprehensive plan.

SUMMARY: Test for concurrency and allocation for capacity on roadways, potable water, wastewater, solid waste, stormwater, public schools and recreation, shall be determined at the time of site plan review.

ANALYSIS OF SUITABILITY

Suitability: The degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development.

Impact on Wellheads, Historically Significant Sites and the Natural Environment:

Wellheads:

*CON 1.4.1 **Wellhead Protection.** Escambia County shall provide comprehensive wellhead protection from potential adverse impacts to current and future public water supplies. The provisions shall establish specific wellhead protection areas and address incompatible land uses, including prohibited activities and materials, within those areas.*

The nearest potable wellhead, ECUA Cantonment well, is approximately 250 feet south of the parcel site. The site is within the 20 year travel time contour of that well. All impacts to the wellhead protection area must be reviewed and mitigated as part of the development review process.

Historically Significant Sites:

*FLU 1.2.1 **State Assistance.** Escambia County shall utilize all available resources of the Florida Department of State, Division of Historical Resources in the identification of archeological and/or historic sites or structures within the County. The County will utilize guidance, direction and technical assistance received from this agency to develop provisions and regulations for the preservation and protection of such sites and structures. In addition, the County will utilize assistance from this agency together with other sources, such as the University of West Florida, in identifying newly discovered historic or archaeological resources. The identification will include an analysis to determine the significance of the resource.*

The agent's analysis indicated no historical significance for the amendment site, and an email from the historical research associate with the University of West Florida (UWF) concluded no recorded archaeological sites, historic structures, cemeteries, or National Register of Historic Places properties were found on the subject parcel.

Wetlands:

*CON 1.1.2 **Wetland and Habitat Indicators.** Escambia County has adopted and will use the National Wetlands Inventory Map, the Escambia County Soils Survey, and the Florida Fish and Wildlife Conservation Commission's (FFWCC) LANDSAT imagery as indicators of the potential presence of wetlands or listed wildlife habitat in the review of applications for development approval. The Escambia County Hydric Soils Map is attached to this ordinance as Exhibit N.*

As reported in the agent's analysis, a site conditions survey submitted by Wetland Sciences, Inc., states that there are approximately 47(+/-) acres of wetland areas on the 190 (+/-) acre site with approximately 136(+/-) acres of uplands. The proposed development shall be reviewed for compliance with the all the federal, state and local regulations prior to the issuance of any site plan approval.

Summary: As previously stated, there were no archaeological or historic sites on the amendment parcel. The amendment shall avoid any potential impacts to the environmentally sensitive area and should preserve the natural function of wetlands and natural resources on the subject parcel. There are similar uses of density and intensity around the parcel which will strengthen the jobs-to-housing ratio in the area. Staff concludes that this development will satisfy the suitability analysis.

Urban Sprawl:

A development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

For determining if the amendment discourages the proliferation of urban sprawl, it must incorporate a development pattern or urban form that achieves four or more of the eight criteria listed. The amendment may meet the following:

1. *Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.*

The proposed amendment is part of a strategy directing this type of intense development to the central part of the county, away from sensitive coastal areas to the South, and USDA prime soils and farmlands to the North.

- 2. Promotes the efficient and cost-effective provision or extension of public infrastructure and services.*

The proposed amendment is in close proximity to the extensive infrastructure that is accessed by other industrial uses within the area.

- 3. Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.*

In the same manner as the nearby Sector Plan, this amendment would support economic development and improve the job-to-housing balance.

- 4. Provides used, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented development or new towns as defined in s. 163.3164.*

The proposed amendment allows for more intense use, higher density, more mixed use, assists to congregate industrial uses around transportation infrastructure and allows for an increase in industrial uses.

SUMMARY: It appears this proposed amendment has met four of the eight criteria to discourage the proliferation of urban sprawl.

Comprehensive Plan Consistency and Relevant Policies:

Urban Sprawl:

A development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner and failing to provide a clear separation between urban and rural uses.

FLU 1.3 Future Land Use Map Designations:

“Designate land uses on FLUM to discourage urban sprawl, promote mixed use, compact development in urban areas, and support development compatible with the protection and preservation of rural areas.”

Mixed Use Urban Future Land Use Category:

FLU 1.3.1 states that the Mixed Use Urban FLU “provides for and allows intensive mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses.”

The agent’s analysis did not reference the area that will require buffering and allow coexistence with surrounding uses; the amount of existing woodland to remain or be supplemented with additional vegetation cannot be evaluated in the absence of site-specific development plans.

As previously elaborated, the site has been evaluated for potable water, sanitary sewer, solid waste disposal, stormwater management, and traffic concurrency. The adopted levels of service would appear to be maintained with the proposed industrial development of the parcels.

New industrial uses in the MU-U category may be permitted provided such use conforms to the permitted uses listed in the ID-CP and ID-1 zoning categories. If the amendment is approved, the parcel must go through the quasi-judicial rezoning process.

INITIAL TEST FOR TRAFFIC CONCURRENCY WORKSHEETS

DEVELOPMENT REVIEW COMMENTS

Future Land Use Ammendment

Rev 01/28/03

Planning ID #:

Pre-App: _____ MP: _____ PP: _____ SP: _____ Mini: _____

Project Name & Address: Figure 8 Florida, LLC - Becks Lake Rd

Roadway Facility: US 29 from Nine Mile Rd to Well Line Rd

Project Description: Industrial Park District: _____ TAZ: _____

Worksheet Prepared By: Thomas Brown, Jr Phone: (850) 595-3404 Date: 09/19/11

TRIP GENERATION

Source: latest edition of *Trip Generation*, ITE or data collected from related development may be accepted if sufficiently documented.

ITE Land Use: <u>Industrial Park</u>	ITE Code: <u>130</u>	Page #: <u>153</u>
Independent Variable: <u>Acres</u>		
Size of Independent Variable:	95.00	[A]
Average Rate for PH (4-6 P.M.) of Adjacent Street Traffic:	<u>8.84</u>	[B]
Driveway Trips (A*B), result from fitted curve		
equation or trips from locally collected data:	839.8	[C]
Internal Capture Rate Percentage (if applicable):		20% [D]
Internal Trips (C*D):		168.0 [E]
Adjusted Driveway Trips (C-E):		671.8 [F]

ITE Land Use: <u>Apartments</u>	ITE Code: <u>220</u>	Page #: _____
Independent Variable: <u>Dwelling Units</u>		
Size of Independent Variable: 25 du/ac x 95 ac	2375.00	[A]
Average Rate for PH (4-6 P.M.) of Adjacent Street Traffic:	<u>0.62</u>	[B]
Driveway Trips (A*B), result from fitted curve		
equation or trips from locally collected data:	1472.5	[C]
Internal Capture Rate Percentage (if applicable):		10%
Internal Trips (C*D):		147.3
Adjusted Driveway Trips (C-E):		1325.3
Pass-By Trip Percentage (if applicable):		0%
Pass-By Trips (F*G):		0.0
New Driveway Trips (F-H):	672 + 1325	<u>1997</u>

AREA OF INFLUENCE FOR TRIP DISTRIBUTION / ASSIGNMENT

Is the number of New Driveway Trips [I], greater than 50 for commercial or greater than 5% of the Service Volume (column 22) for residential?

NO

 X If "YES" to [J], applicant is required to submit trip distribution for the proposed development. Applicant is encouraged to discuss methodology prior to preparing trip distribution.

 If "NO" to [J], continue with PART I: *De Minimis* Determination on the following page.

Escambia County Engineering Department, Traffic and Development Division

ROADWAY IMPACT ANALYSIS

Complete an **Attachment** for *each* impacted roadway segment to determine if the traffic impact is *de minimis* (PART I).
If the impact is non *de minimis*, continue with PART II. Reference the latest edition of the *Traffic Volume and Level Of Service Report*.

Attachment 1 of 2

Project Name & Address: Figure 8 Florida, LLC - Becks Lake Rd
Roadway Facility: US 29 from Nine Mile Rd to Well Line Rd

PART I: *De Minimis* Determination

Based on the LDC Section 5.12.03 adopted March 1, 2001. Reference the latest edition of the *Traffic Volume and LOS Report*.

New Driveway Trips (F-H):	1997		[I]
Trip Distribution (% entering):	50%		[K]
Allocated Trips (I*K):	999		[L]
2-Way PM PH Service Volume (column 18):	3,390		[M]
1% of Service Volume (column 21 or M*.01):	34		[N]
Are Allocated Trips greater than 1% of the Service Volume (is L > N)?	965	YES	[O]
Existing Total Trips (column 16):	2,529		[P]
Proposed Total Trips (L+P):	3,528		[Q]
110% of Service Volume (column 23 or M*1.10):	3,729		[R]
Are Proposed Total Trips greater than 110% of the Service Volume (is Q > R)?	-202	NO	[S]
Is the roadway segment on a designated hurricane evacuation route (column 24)?		YES	[T]
_____ If "NO" for [O], [S], and [T], traffic impact is <i>de minimis</i> . No further analysis is required.			
<u> X </u> If "YES" for [O], [S], or [T], traffic impact is non <i>de minimis</i> . Continue with PART II.			
_____ <u> X </u> If "YES" to [T], continue with question [U] only, in PART II below; or			
_____ If "YES" to [O] and/or [S] only and "NO" to [T], continue with question [V] only, in PART II below.			

PART II: Non *De Minimis* Concurrency Determination

If "YES" to [T], is the number of Proposed Total Trips greater than the Service Volume (is Q > M)?	138	YES	[U]
If "NO" to [T], is the number of Proposed Total Trips greater than 110% of the Service Volume (is Q > R)?	-202	N/A	[V]

_____ If "NO," the roadway segment meets the test for concurrency. No further analysis required.

- X If "YES," identify which method will be used to maintain the adopted Level of Service:
- _____ applying applicable trip reduction methods for service or commercial developments,
 - _____ conducting a Traffic Impact Analysis Report (TIAR),
 - _____ reducing the scale or scope of the proposed project,
 - _____ withdrawing the application, or
 - _____ identifying the roadway facility as part of the Transportation Concurrency Exception Area (TCEA) in a designated redevelopment area.

ROADWAY IMPACT ANALYSIS

Complete an **Attachment** for *each* impacted roadway segment to determine if the traffic impact is *de minimis* (PART I).
If the impact is non *de minimis*, continue with PART II. Reference the latest edition of the *Traffic Volume and Level Of Service Report*.

Attachment 2 of 2

Project Name and Address: Figure 8 Florida, LLC - Becks Lake Rd
Roadway Facility: Muscogee Rd from US 29 to CR-97

PART I: *De Minimis* Determination

Based on the LDC Section 5.12.03 adopted March 1, 2001. Reference the latest edition of the *Traffic Volume and LOS Report*.

New Driveway Trips (F-H):	1997	[I]
Trip Distribution (% entering):	50%	[K]
Allocated Trips (I*K):	999	[L]

2-Way PM PH Service Volume (column 18):	1,480	[M]
1% of Service Volume (column 21 or M*.01):	15	[N]

Are Allocated Trips greater than 1% of the Service Volume (is L > N)? 984 **YES** **[O]**

Existing Total Trips (column 16):	710	[P]
Proposed Total Trips (L+P):	1,709	[Q]
110% of Service Volume (column 23 or M*1.10):	1,628	[R]

Are Proposed Total Trips greater than 110% of the Service Volume (is Q > R)? 80 **YES** **[S]**

Is the roadway segment on a designated hurricane evacuation route (column 24)? **NO** **[T]**

_____ If "**NO**" for **[O]**, **[S]**, and **[T]**, traffic impact is *de minimis*. No further analysis is required.

 X If "**YES**" for **[O]**, **[S]**, or **[T]**, traffic impact is non *de minimis*. Continue with PART II.

_____ If "**YES**" to **[T]**, continue with question **[U]** only, in PART II below; or

 X If "**YES**" to **[O]** and/or **[S]** only and "**NO**" to **[T]**, continue with question **[V]** only, in PART II below.

PART II: Non *De Minimis* Concurrency Determination

If "**YES**" to **[T]**, is the number of Proposed Total Trips greater than the Service Volume (is Q > M)? 229 **N/A** **[U]**

If "**NO**" to **[T]**, is the number of Proposed Total Trips greater than 110% of the Service Volume (is Q > R)? 80 **YES** **[V]**

_____ If "**NO**," the roadway segment meets the test for concurrency. No further analysis required.

 X If "**YES**," identify which method will be used to maintain the adopted Level of Service:

- _____ applying applicable trip reduction methods for service or commercial developments,
- _____ conducting a Traffic Impact Analysis Report (TIAR),
- _____ reducing the scale or scope of the proposed project,
- _____ withdrawing the application, or
- _____ identifying the roadway facility as part of the Transportation Concurrency Exception Area (TCEA) in a designated redevelopment area.

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: CPA 2011-02- Becks Lake Rd

Date: 09/28/11

Date requested back by: 09/28/11

Requested by: Allyson Cain

Phone Number: 595-3547



(LEGAL USE ONLY)

Legal Review by *Schulz*

Date Received: *Sept. 28, 2011*

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

**Ordinance
Draft 2A**

ORDINANCE NO. 2011-___

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AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE ESCAMBIA COUNTY COMPREHENSIVE PLAN: 2030, AS AMENDED; AMENDING CHAPTER 7, "THE FUTURE LAND USE ELEMENT," PROVIDING FOR AN AMENDMENT TO THE 2030 FUTURE LAND USE MAP, CHANGING THE FUTURE LAND USE CATEGORY OF A PARCEL WITHIN SECTION 11, TOWNSHIP 1N, RANGE 31W, PARCEL NUMBER 1000-002-001, TOTALING 188.61 (+/-) ACRES, LOCATED IN THE 200 BLOCK OF BECKS LAKE ROAD, FROM MIXED USE SUBURBAN (MU-S) TO MIXED USE URBAN (MU-U); PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County adopted its Comprehensive Plan on January 20, 2011; and

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend and enforce comprehensive plans for the development of the County; and

WHEREAS, the Escambia County Planning Board conducted a public hearing and forwarded a recommendation to the Board of County Commissioners, which has conducted a public hearing, reviewed and approved the changes to the Comprehensive Plan and authorized the transmittal of the proposed changes to the Florida Department of Economic Opportunity, Division of Community Development, for review and comment prior to considering the changes (amendments) for adoption; and

WHEREAS, the Board of County Commissioners of Escambia County, Florida finds that the adoption of this amendment is in the best interest of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Escambia County, Florida, as follows:

1 **Section 1. Purpose and Intent**

2
3 This Ordinance is enacted to carry out the purpose and intent of, and exercise the
4 authority set out in, the Community Planning Act, Sections 163.3161 through 163.3215,
5 Florida Statutes.
6

7
8 **Section 2. Title of Comprehensive Plan Amendment**

9
10 This Comprehensive Plan amendment shall be entitled – "Comprehensive Plan
11 Amendment 2011-02 – Becks Lake."
12

13
14 **Section 3. Changes to the 2030 Future Land Use Map**

15
16 The 2030 Future Land Use Map, as adopted by reference and codified in Part II, of the
17 Escambia County Code of Ordinances, the Escambia County Comprehensive Plan:
18 2030, as amended; Chapter 7, "Future Land Use Element," Policy FLU 1.1.1; and all
19 notations, references and information shown thereon, is further amended to include the
20 following future land use change depicted on the map attached as Exhibit "A":
21

22 One parcel within Section 11, Township 1N, Range 31W, Parcel Number
23 1000-002-001 totaling 188.61 (+/-) acres, located within the 200 block of
24 Becks Lake Road, from Mixed Use Suburban (MU-S) to Mixed Use Urban
25 (MU-U).
26

27
28 **Section 4. Severability**

29
30 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
31 unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect
32 the validity of the remaining portions of this Ordinance.
33

34
35 **Section 5. Inclusion in the Code**

36
37 It is the intention of the Board of County Commissioners that the provisions of this
38 Ordinance shall be codified as required by Section 125.68, Florida Statutes, and that
39 the sections, subsections and other provisions of this Ordinance may be renumbered or
40 relettered and the word "ordinance" may be changed to "section," "article," or such other
41 appropriate word or phrase in order to accomplish such intentions.
42
43

1 **Section 6. Effective Date**

2
3 Pursuant to Section 163.3184(3)(c)4, Florida Statutes, this Ordinance shall not become
4 effective until 31 days after the Department of Economic Opportunity, Division of
5 Community Development, notifies Escambia County that the plan amendment package
6 is complete. If timely challenged, this Ordinance shall not become effective until the
7 Department of Economic Opportunity, Division of Community Development, or the
8 Administration Commission enters a final order determining the Ordinance to be in
9 compliance.

10
11
12 **DONE AND ENACTED** this _____ day of _____, 2011.

13
14 BOARD OF COUNTY COMMISSIONERS
15 OF ESCAMBIA COUNTY, FLORIDA

16
17
18 By: _____
19 Kevin W. White, Chairman

20
21 ATTEST: ERNIE LEE MAGAHA
22 CLERK OF THE CIRCUIT COURT

23
24
25 By: _____
26 Deputy Clerk

27
28
29 (SEAL)

30
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32 ENACTED:

33
34 FILED WITH THE DEPARTMENT OF STATE:

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36 EFFECTIVE DATE:

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39 H:\DEV SRVCS\PRO-000 Projects\Comp Plan Amendments\CPA-2011-02_Map_ 200 Becks Lake Rd\Ordinance1A.doc

Wiley C. "Buddy" Page, MPA, APA
Professional Growth Management Services, LLC
5337 Hamilton Lane
Pace, Florida 32571
Office 850.994.0023 Cell 850.232.9853
budpagel@mchsi.com

May 29, 2011
VIA HAND DELIVERY

Ms. Allyson Cain
Development Services Dept.
3363 West Park Place
Pensacola, Florida 32505

RE: Large Scale FLUM Amendment
Property Parcel: 11-1N-31-1000-002-001
Address: 200 Becks Lake Road, Escambia County, FL
Request: Mixed Use Suburban to Mixed Use Urban

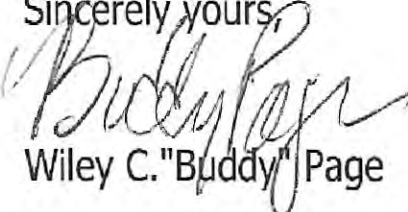
Dear Ms. Cain:

The attached application requests consideration to change the Future Land Use Map for the property referenced above from Mixed Use - Suburban MU-Sub to MU-Urban. This 190+ acre site was previously owned by International Paper Company and recently sold to Figure 8 Florida, LLC for development/resale.

If approved, the change will allow the new owners to develop rail front properties with uses consistent with existing properties on the south side of Becks Lake Road (across the street) and those of International Paper located several hundred feet southwest of the site.

The property has rail frontage on the easterly side and the property will allow for a new spur to enter from the west side of the property to service and facilitate the proposed industrial uses.

Please contact me if you have any questions or require anything further. Thank you.

Sincerely yours,

Wiley C. "Buddy" Page

copy: Mr. Brian Brown

200 Becks Lake Road Site

DATA AND ANALYSIS

This site is located approximately five miles north of Interstate 10 in the Cantonment community across Highway 29 from International Paper Company. Over the years, Cantonment built up around the paper company site (formally known as St. Regis Paper Company) and today has a population of some 9,600 residents.

Industrial related growth in the area has continued finding Escambia County locating its third industrial park venture less than 3 miles north of the site. Ellyson Field was the first County industrial park and is filled to capacity. The second was Oaks Industrial Park located on Nine Mile Road and the Navy Federal Credit Union is slated to buy the remaining parcel rendering this park full as well. None of these County developed parks have rail frontage as the proposed Figure 8 Florida site will offer. Justification for additional industrial park development is based upon the aforementioned, that is, two of the three existing County sponsored industrial parks are built out and this proposed new industrial park will be the only one in the area with rail frontage

Property located adjacent and east of the site has been acquired by the Emerald Coast Utilities Authority (ECUA). Becks Lake Road, which bounds the site's south property line, leads into their new site which came on-line approximately six months ago providing new wastewater treatment capacity and service to the area.

This new Central Wastewater Treatment Facility replaces the old Main Street facility located some 10-12 miles south in downtown Pensacola. The older facility had a capacity of 20mgd while the new facility will have a maximum treatment flow of 50mgd suggesting that new capacity will be adequate to support new development through the design year of 2030. The attached letter of capacity from ECUA confirms that adequate system resources are available to support potable water, sanitary sewer and solid waste needs for a development sized at 250,000sf and 50,000gpd.

This proposed development is not residential, therefore there will be little or no impact on school facilities or recreation and open space requirements as identified in the adopted Escambia

County Land Development Code and the Comprehensive Plan.

Stormwater management strategies and design will be identified once specific uses are known. While the site is relatively flat, special design considerations will be required because of the location of the potable water pumping well located across Becks Lake Road from the site. As shown on the attached aerial photograph, the actual wellhead is located within a building which measures some 248 feet south of the 190 acre site.

Stormwater management design will be developed through a close working relationship with County Engineering, FDEP, Water Management District and Emerald Coast Utility Authority engineering departments.

According to the attached environmental report, approximately 47.91 acres have been classified as likely jurisdictional under guidelines of the USCORPS, Florida Department of Environmental Regulation and Escambia county. Accordingly, any proposed development within these identified wetland areas will require review and approval of these regulatory offices.

Traffic generated from the site will likely exit on Becks Lake Road because of the existing traffic light at the Hwy 29 intersection. This route is currently used by traffic generated by the Stone Industrial Park located on the south side of Becks Lake Road. This park has extensive truck traffic exiting from the existing concrete and asphalt plant operations. As shown on the attached Escambia County Traffic and Level of Service Report, traffic from the site will exit onto Highway 29 (State Road 95) which is classified with a Level of Service LOS "D" where 73% of available capacity consumed leaving 27% available remaining capacity. In real numbers, then, over 900 PM, peak hour trips remain available. This project is projected to generate some 410 PM trips (See Spack Trip Generation Spreadsheet attached) which is within the available capacity of 900 PM trips noted earlier.

Wiley C. "Buddy" Page, MPA, APA
Professional Growth Management Services, LLC

5337 Hamilton Lane
Pace, Florida 32571
Office 850.994.0023 Cell 850.232.9853
budpage1@mchsi.com

September 26, 2011
VIA HAND DELIVERY

Ms. Allyson Cain
Development Services Dept.
3363 West Park Place
Pensacola, Florida 32505

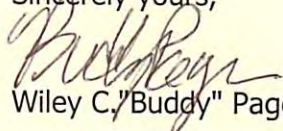
**RE: Urban Sprawl Assessment
Becks Lake Road Plan Amendment Site
Parcel: 11-1N-31-1000-002-001**

Dear Ms. Cain:

As requested, please find our response to the urban sprawl determination criteria contained in the Community Planning Act (HB7207) provided to us last week. Based upon our review, we believe that we meet five(5) of the seven (7) listed criteria thus demonstrating that our proposed amendment will not result in urban sprawl.

Please call with any questions or need for additional information. Thank you.

Sincerely yours,


Wiley C. "Buddy" Page

copy: Mr. Brian Brown

Proposed Becks Lake Road Plan Amendment

Addressing Components of Urban Sprawl

The State of Florida recently revised definitions and statutory requirements for Comprehensive Plan amendments with the passage of the Community Planning Act. Many changes are contained in Chapter 163 with new language under definitions for urban sprawl as follows:

163.3164 (51) "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

The Community Planning Act included several evaluation standards to determine if a proposed development would actually constitute urban sprawl. The following represents a response to each of the appropriate standards as follows:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

RESPONSE: This proposed development site is located in an area that has a long industrial land use pattern. The 190 acres contains some 45 acres of jurisdictional wetlands as identified in the wetlands study contained in this application. These identified acres contain ecosystems that are protected from development by regulatory agencies including the US Army Corps of Engineers, the US Environmental Protection Agency, the Florida Department of Environment Protection and Escambia County. All proposed development plans will be submitted to these agencies for prior review and approval. Proposed development plans will include design limitations so as to have little or no adverse impact on these natural resources and ecosystems. We meet this standard.

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

RESPONSE: All public infrastructure is located in the right of way at the site. This includes ample water, sanitary sewer, electrical power, and a natural gas pipeline currently serving an asphalt plant located across the street from the site. Development of the site will not require any new paved public roadway. We meet this standard.

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

RESPONSE: N/A The site will contain rail spurs and warehousing activities. We do not meet this standard.

(IV) Promotes conservation of water and energy.

RESPONSE: This development is a proposed warehouse complex with side rail access. By grouping a variety of warehouse users at a single clustered location, the project encourages a one stop impact for water and energy usage. While these users typically have low water consumption, the centralized location at rail side should certainly promote savings on energy, especially truck diesel and locomotive fuel oil. We meet this standard.

(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

RESPONSE: According to International Paper, the site was purchased in the early 1930s and planted with slash pine trees. With several harvests over the years, the upland portions of the site have been open and vacant for the past 15-20 years. Soil conditions were viewed as marginal to unfavorable for the scale and operation of International Paper. We meet this standard.

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

RESPONSE: While the site will contain some 45 acres in their natural state, it will not contain any public open space or recreational sites. We partially meet this standard.

(VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.

RESPONSE: Since the paper mill located in the Cantonment area over 75 years ago, workers created a need for affordable housing to be located as close to the plant as possible. Also, suppliers and related shop services located near the plant as well. These growth activities have resulted in many residential demands together with additional demand for warehousing services related to the mill as well. This proposed site, then seeks to meet and balance those needs. We meet this standard.

SUMMARY: Given the requirement that at least four of the seven criteria listed above must be met, we believe we are consistent with five including I, II, IV, V, and VII. Accordingly, this proposed future land use amendment discourages the proliferation of urban sprawl.

SURVEYOR'S NOTES:
 1. Subject to setbacks, easements and restrictions of record.
 2. This survey is subject to any facts that may be disclosed by a full and accurate title search. No title work performed by this firm.
 3. This survey does not reflect or determine ownership.
 4. This drawing only reflects setback lines, which appear on the recorded plat. This property may also be subject to setback lines mandated by zoning ordinances and/or restrictive covenants of record.
 5. Footers and foundations below natural grade not located.
 6. Deed Book 100, page 171 indicates the existence of interior roads. Escambia County tax maps indicate these roads are public rights of way. An attorney should be consulted as to status of said roads.

LEGAL DESCRIPTION:
 Section II, Township I North, Range 31 West: The following lots in Leonard Tract Subdivision as recorded in Deed Book 100, page 171; Lots 1 thru 12; 14 thru 24; 28 thru 30; 32 thru 42; 54; 55 and all that part of Lots 25 thru 27; 43 thru 45; 51 thru 53 and 57 lying north and west of right of way of Beck's Lake Road.
 Less and except Official Record Book 4441, page 1772 for 60' right of way (Virecent Drive).
 More particularly described as follows:
 Parcel 1

Begin at the northeast corner of Section II, Township I North, Range 31 West, Escambia County, Florida; thence North 87 degrees 12'24" West along the north line of said Section II for a distance of 2615.14 feet to the east line of parcel described in Official Record Book 4441, page 1772; thence South 02 degrees 50'42" West along said east line for a distance of 660.83 feet to the north line of an unrecorded plat; thence South 87 degrees 16'00" East (this course and the next four courses are along the south, east, and west line of said unrecorded plat) for a distance of 629.64 feet; thence South 02 degrees 50'44" West for a distance of 1922.40 feet; thence North 87 degrees 14'21" West for a distance of 330.14 feet; thence North 02 degrees 50'31" East for a distance of 661.06 feet; thence North 87 degrees 16'00" West for a distance of 1585.20 feet to the easterly right of way line of Seaboard System Railroad (100' R/W), said point being on a circular curve concave to the northeast, having a radius of 2746.69 feet and delta angle of 13 degrees 51'42"; thence Southeasterly (this course and the next two along said easterly right of way line) along said curve for an arc distance of 664.51 feet (chord distance of 662.89 feet, chord bearing of South 15 degrees 18'01" East) to the point of compound curvature of a circular curve concave to the northeast, having a radius of 3592.59 feet and delta angle of 05 degrees 25'08"; thence Southeasterly along said curve for an arc distance of 339.17 feet (chord distance of 339.64 feet, chord bearing of South 24 degrees 56'25" East) to the point of tangency; thence South 21 degrees 38'58" East for a distance of 1440.01 feet to the northwesterly right of way line of Beck's Lake Road (66' R/W, O.R. 1150, page 451 and O.R. 1681, page 655); thence North 56 degrees 01'53" East (this course and the next six courses along said northwesterly right of way line) for a distance of 1400.87 feet to the point of curvature of a circular curve concave to the southeast, having a radius of 1525.27 feet and delta angle of 07 degrees 19'09"; thence Northeasterly along said curve for an arc distance of 194.84 feet (chord distance of 194.71 feet, chord bearing of North 54 degrees 41'29" East) to the point of tangency; thence North 63 degrees 21'04" East for a distance of 320.94 feet to the point of curvature of a circular curve concave to the northwest, having a radius of 2008.66 feet and delta angle of 11 degrees 52'08"; thence Northeasterly along said curve for an arc distance of 416.10 feet (chord distance of 415.55 feet, chord bearing of North 57 degrees 25'00" East) to the point of tangency; thence North 51 degrees 28'57" East for a distance of 746.23 feet to the point of curvature of a circular curve concave to the southeast, having a radius of 2719.04 feet and delta angle of 22 degrees 55'25"; thence Northeasterly along said curve for an arc distance of 111.64 feet (chord distance of 110.90 feet, chord bearing of North 62 degrees 56'39" East) to the point of tangency; thence North 74 degrees 24'22" East for a distance of 267.46 feet to the east line of said Section II; thence North 02 degrees 35'25" East along said east line for a distance of 1520.65 feet to the point of beginning.

All lying and being in Section II, Township I North, Range 31 West, Escambia County, Florida. Containing 164.86 acres, more or less.

Parcel 2
 Commence at the northeast corner of Section II, Township I North, Range 31 West, Escambia County, Florida; thence North 87 degrees 12'24" West along the north line of said Section II for a distance of 2615.14 feet to the west line of parcel described in Official Record Book 4441, page 1772 for the point of beginning.

Thence continue North 87 degrees 12'24" West along the north line of said Section II for a distance of 1176.36 feet to the easterly right of way line of Seaboard System Railroad (100' R/W); thence South 14 degrees 14'51" West (this course and the next two courses along said easterly right of way line) for a distance of 111.41 feet to the point of curvature of a circular curve concave to the southeast, having a radius of 7461.94 feet and delta angle of 01 degrees 41'32"; thence Southwesterly along said curve for an arc distance of 220.38 feet (chord distance of 220.38 feet, chord bearing of South 13 degrees 24'11" West) to the point of compound curvature of a circular curve concave to the southeast, having a radius of 2746.69 feet and delta angle of 07 degrees 03'44"; thence Southwesterly along said curve for an arc distance of 338.62 feet (chord distance of 338.40 feet, chord bearing of South 09 degrees 01'31" West) to the north line of an unrecorded plat; thence South 87 degrees 16'00" East along the north line of said unrecorded plat for a distance of 1275.24 feet to the west line of parcel described in Official Record Book 4441, page 1772; thence North 02 degrees 50'42" East along said west line for a distance of 660.89 feet to the point of beginning.

All lying and being in Section II, Township I North, Range 31 West, Escambia County, Florida. Containing 18.75 acres, more or less.

R = 7461.94'
 ARC = 220.38'
 CH = 220.38'
 DELTA = 01°41'32"
 C.B. = S 13°24'11" W

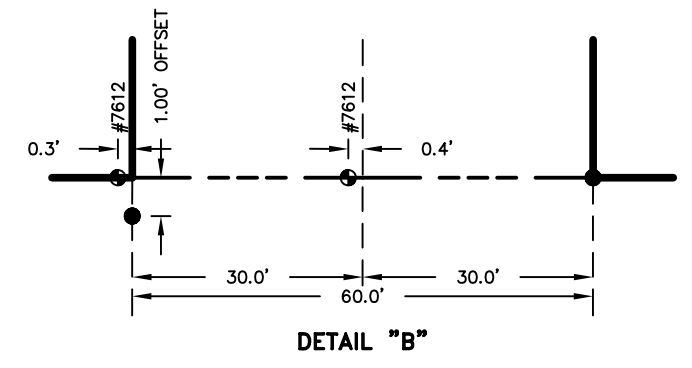
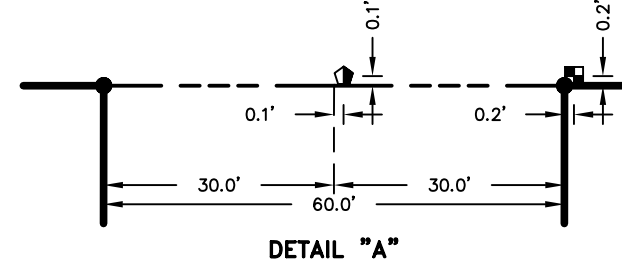
R = 2746.69'
 ARC = 338.62'
 CH = 338.40'
 DELTA = 07°03'44"
 C.B. = S 09°01'31" W

R = 2719.04'
 ARC = 111.64'
 CH = 110.90'
 DELTA = 22°55'25"
 C.B. = N 62°56'39" E

R = 1525.27'
 ARC = 194.84'
 CH = 194.71'
 DELTA = 07°19'09"
 C.B. = N 54°41'29" E

R = 2008.66'
 ARC = 416.10'
 CH = 415.55'
 DELTA = 11°52'08"
 C.B. = N 57°25'00" E

NORTH
 SCALE 1" = 200'



- LEGEND:**
- R/W Right of way
 - P.C. Point of curvature
 - P.T. Point of tangency
 - P.R.C. Point of reverse curvature
 - P.C.C. Point of compound curvature
 - 1/2" Capped iron rod set #1073
 - 1/2" Iron pipe found
 - ⊕ 1" Iron pipe found
 - ⊗ Axle found
 - ⊠ 4" x 4" concrete monument found no #
 - Power pole
 - ⊕ Guy wire
 - Electric line
 - Anchor line
 - Wood fence
 - Wire fence
 - Chain link fence
 - ⊕ Fire hydrant
 - ⊕ Permanent control point found # Illegible
 - ⊕ 6" x 6" Concrete monument found no #
 - ⊕ 3" Round concrete monument found no #
 - ⊕ Concrete

Bearing Reference NORTH BASED ON THE NORTH LINE OF SECTION II
 AS N 87°12'24" W
 Ordered By: MRS. DAVID WHITEHOUSE
 Date of Survey: 4-25-08
 Date of Plat: 10-1-08
 Encroachments: FENCES, GUY WIRES, UTILITY LINES
 Drawn by: FKLJ

PULLMAN, WILKINSON, & ASSOCIATES, INC.
 LAND SURVEYORS
 100 NORTH NINTH AVENUE
 PENSACOLA, FLORIDA 32501
 (850) 454-6666 FAX (850) 454-6661
 E-MAIL: PWS@pwsurvey.com

TAX MAPS: PUBLIC RECORDS; O.R. 4441, P. 1772; O.R. 1150, P. 451; O.R. 1681, P. 655; O.R. 9566, P. 515; O.R. 2147, P. 579; LEONARD'S S/D (D.B.100, P. 171); SURVEYS BY THIS FIRM & BDC;
 FDOT MAPS STATE ROAD 45, SECTION 46040-2568 AND BECK'S LAKE ROAD SECTION 48720-2602;

I hereby certify that this survey was made under the authority of the State of Florida and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472-027, Florida Statutes.

SHEET	1	OF	1
LB No. 1073	NOT VALID UNLESS IMPRINTED WITH EMBOSSED SEAL AND SIGNED BY SURVEYOR	Walter J. Glaze	PSM #6130
SCALE	1" = 200'	David D. Glaze	PSM #5605
FILE NO.	C-6016		
JOB NO.	39745-08		
FB 1334	PG 65-74		
FB 1333	PG 69-72		
Drawn by:	FKLJ		

A BOUNDARY SURVEY AND LEGAL DESCRIPTION OF A PORTION OF SECTION II, T-1-N, R-31-W INTERNATIONAL PAPER

SITE CONDITIONS SURVEY

PARCEL ID #

190 acres +/-Becks Lake Rd.
ESCAMBIA COUNTY, FLORIDA

Project No. 2011-218

Prepared For:

Rock Creek Capital
501 Riverside Ave Suite 902
Jacksonville, Florida 32202

Prepared By:

Craig D. Martin
Sr. Scientist



Wetland Sciences, Inc.
1829 Bainbridge Ave.
Pensacola, Florida 32507

Date:

September 14, 2011



1.0 INTRODUCTION

Wetland Sciences, Inc. (WSI) was retained by Rock Creek Capital to perform a Site Conditions Survey of a +/- 190 acre parcel. The parcel is located at north of Beck Lake Rd., and east of Highway 29, Parcel Reference #11-1N-31-2 in Escambia County, Florida, herein referred to as the *property*.

The purpose of the survey was to identify any natural resource of concern (i.e. wetlands, state or federally listed rare, threatened, or endangered species, and critical habitat) and to identify measures necessary to comply with state and federal resource protection measures for any resource identified.

A WSI professional performed a visual inspection of the site and recorded pertinent observations.

The following sections of this report include a description of the site and address observations relating to the ecological condition of the property.

2.0 METHODS

The first part of the study focused on the identification of wetland resources in accordance with delineation methods set forth in *33 CFR 320-330* and *Chapter 62-340 F.A.C.* The first step in such studies began with researching available information such as the U.S. Geological Survey 7.5 min Quadrangle, U.S. Department of Agriculture's Natural Resource Conservation Services Soil Survey for Escambia County, U.S. Department of the Interior's National Wetland Inventory Maps, and aerial photographs. The second step includes a pedestrian survey in which a field scientist analyzes the plant community structures, soils, and indirect hydrologic indicators.

The second part of the study focused on the presence of any rare, threatened, or endangered species and/or their critical habitats within the subject parcel. The current study undertook reviews of federal and state laws. Results of these reviews were used to develop a comprehensive list of threatened and endangered species, or species of special concern, that may occur on the project site.

Through evaluation of the classified land uses and vegetation types, as well as those citing habitat preferences for rare, threatened and species of special concern, specific areas were identified that could possibly support listed species. Field verification of land use, associated vegetation types and the comprehensive field evaluation was conducted over a one-day period in April 2011. This study was based on a Land Use, Cover and Forms Classification System (FLUCFCS) and focused on habitats that could potentially support state or federally listed species or species of special concern. The survey was performed within all habitats encountered and had the sole aim of determining habitat status of such flora or fauna by concentrating on signs suggesting their presence and activities. Surveys were based on visual and audible detection methodologies as outlined within the FGFWFC manual entitled, *Wildlife Methodology Guidelines for Section 18.D of the Application for Development Approval, 1988*.

The pedestrian surveys were accomplished during morning hours in an effort to observe, hear, and record evidence of faunal activity within the survey boundaries. Specific identification methodologies utilized during the surveys are described within the following paragraphs.

3.0 EXISTING SITE CONDITIONS

The *property* is un-developed and has generally been used for silvicultural operations, and has been clear-cut around 2005. Parcels surrounding the property exist as agricultural, residential and other vacant undeveloped lands within various phases of silvicultural operations.

The property consists of upland and wetland communities.

Canopy within the uplands is very sparse and consists of mainly of live oak (*Quercus virginiana*), Water oak (*Quercus nigra*), and slash pine (*Pinus elliottii*)

Soils within the uplands as classified by the United States Department of Agriculture Soil Conservation Services' Soil Survey of Escambia County, Florida consist of the Robertsdale Sand, 0-5% slopes.

The jurisdictional wetland complex could be ecologically characterized as bottomland forested drains. The wetlands are hydrologically connected to off-site wetlands, and eventually Escambia River

Soils within the wetlands as classified by the United States Department of Agriculture Soil Conservation Services' Soil Survey of Escambia County, Florida consist of the Doravan Muck associated with the interior drains, and, Troup-Poarch association- both of these are nationally described hydric soils within the Fluvaquents complex.

Figure 1 represents the results of the limited ground truthing and aerial interpretation of wetland resources located within the subject parcel.

4.0 BIOLOGICAL ASSESSMENT FOR FEDERALLY OR STATE LISTED SPECIES

4.1 Introduction

This document details a survey that was conducted to determine the status of threatened and endangered flora and fauna associated with the subject parcel. This report also discusses methodologies and findings associated with the survey.

4.2 Classification System

This section defines the classification systems, reviews the Federal, State, and local regulations established for the protection and preservation of threatened and endangered species, discusses the potential presence of any such species, and finally lists other species encountered during the field surveys.

Certain Federal and State regulatory departments have the authority to protect rare, threatened and endangered flora and fauna that occur in Florida. The United States Fish and Wildlife Service (USFWS) maintains a list as authorized by the Endangered Species Act of 1973 (16 USC 1531), and which enumerates the Endangered and Threatened Wildlife and Plants, 50 CFR 17.11-12. The Florida Game and Freshwater Commission (FGFWC) maintains a list of the protected animals in the state by authority of the Florida Endangered and Threatened Species Act of 1972 (Section 372.072, Florida Statutes) and the Wildlife code of the State of Florida (Chapter 39, FAC). The FGFWC list of threatened and endangered animals protected by these laws is published in Section 39-27.03-.05, FAC. The preservation of Native Flora of Florida Act (Sections 581.185, 581.186 (partial), and 581.201 Florida Statutes), passed in 1978, establishes a public policy for native flora in the State of Florida. The Florida Department of Agricultural and Consumer Services (FDACS) regulate the protection of threatened and endangered plant species in the state. The plant and

animal species identified in the preservation of Native Flora of Florida Act and by FDACS are published in Section 581.185-87, Florida Statutes. A publication periodically released by FGFWFC summarizes the list of plant and animal species that are regulated by the USFWS, FGFWC, and FDACS. The FGFWFC list also includes species protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Additionally, The Florida Department of Environmental Protection has contracted with the Nature Conservancy to maintain a list of the endangered and threatened flora and fauna for the state of Florida which includes species generated by all of the lists identified in the above paragraph. The Florida Natural Areas Inventory (FNAI) list summarizes the status and distribution of both plant and animal species and also provides descriptions of their habitats within the state. The FNAI species are not provided federal or state protection, but the compilation is utilized by regulatory agencies for general information.

In 1978, the Florida Committee on Rare and Endangered Plants and Animals published an inventory of the statewide distribution of potentially threatened and endangered species. This multi-volume series detailed descriptions, distributions, and evaluations of the status of species considered in peril. The volumes contain species that are not listed as protected by Federal and State mandates.

Listed species are either classified as endangered (E), threatened (T), of special concern (SSC), or under review (UR) for such listing. Endangered species include those threatened with extinction if deleterious factors continue to impact their populations. These include species whose numbers have already declined to a critically low number or whose habitats have been so critically reduced or degraded that some assistance is necessary to ensure their survival.

Threatened species populations, although not as critically stressed as endangered species, are also jeopardized. Species of special concern are those that warrant special attention due to similarity in appearance to other species, commercial exploitation, environmental changes, and/or trends that indicate long-term population declines. Species listed within this category may also have potential impact on endangered or threatened populations of other species.

The pedestrian survey of the subject site was conducted during the early morning hours and in a random meandering fashion.

5.0 RESULTS AND SUMMARY

Seven man-hours were expended during site reconnaissance and examination proceedings.

No state or federally listed plant or animal species were confirmed as residing within the survey boundaries. Habitat is marginal for gopher tortoises, and a more thorough investigation would be undertaken prior to site development.

The subject parcel is comprised both upland and wetland communities. The wetlands found within the subject parcel would fall under the regulatory jurisdiction of either the U.S. Army Corps of Engineers under **33 CFR 320-330**, Florida Department of Environmental Protection under **Rule 17-340, F.A.C. F.S.** and **Rule 9J-5.003(149), F.A.C.**, or Escambia County under their comprehensive plan and land development code. The wetlands examined would range from medium quality to low quality due to the clearing, and presence of invasive species such as privet (*Ligustrum* spp)

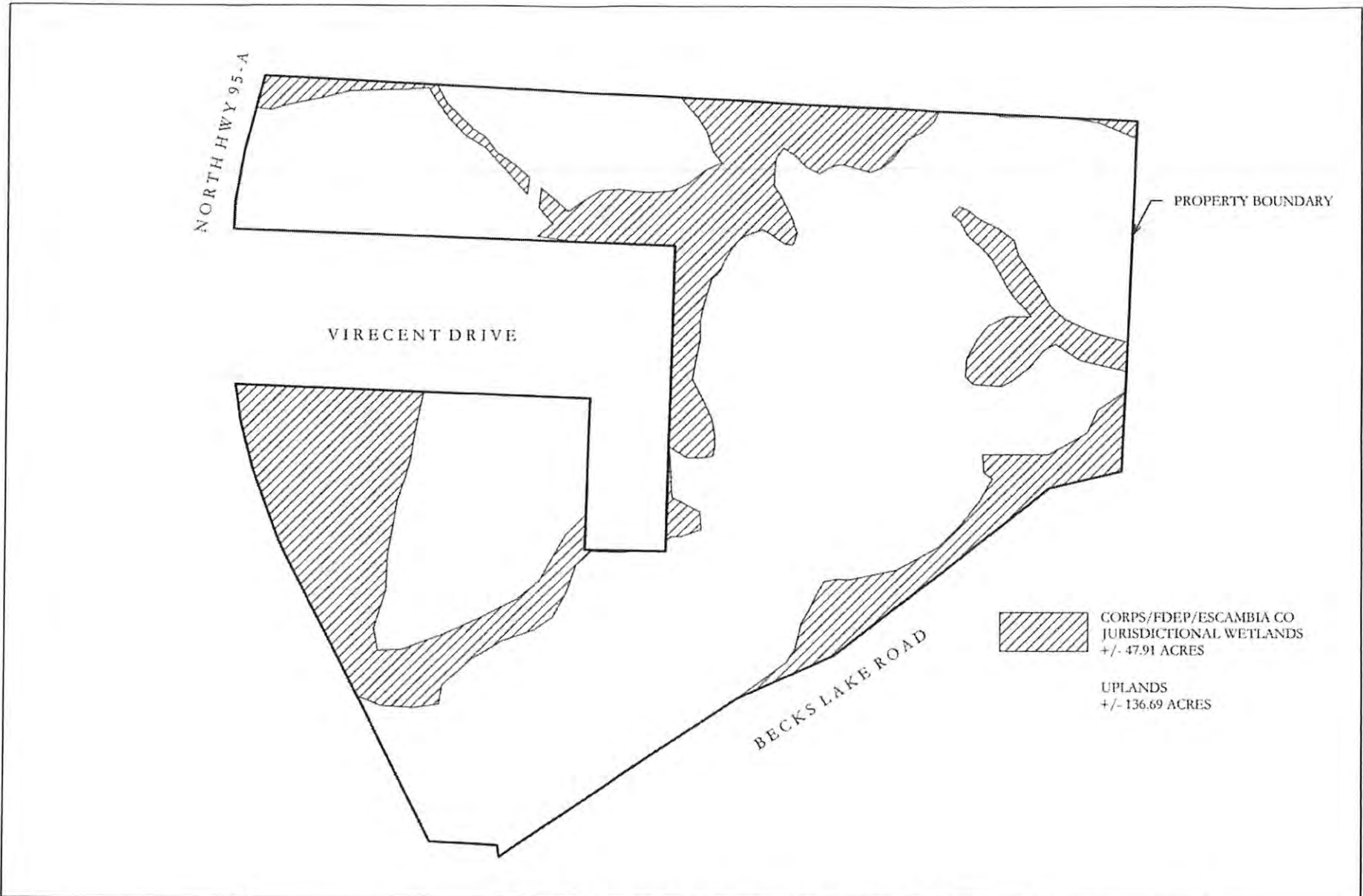
Be advised, the information presented within this report represents the professional opinion of the scientist that performed the work and is intended to furnish the client with an approximation of the status of natural resources on the site under consideration.

Questions regarding the contents or conclusions of this report can be directed to Craig Martin of Wetland Sciences, Inc at either the address or telephone number listed on the title page.

6.0 REFERENCES

- Allen, M. 1988. Wildlife Survey Methodology Guidelines - for Section 18.D of the Application for Development Approval. FG&FWFC, Tallahassee, FL.
- Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Technical Report Y-87-1. U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.
- Florida Department of Transportation, Surveying & Mapping Section. 1999. Florida Land Use, Cover And Forms Classification System Handbook, Third Edition.
- United States Department of Agriculture, Soil Conservation Service. 1985a. 26 Ecological Communities of Florida.
- United States Department of Agriculture, Soil Conservation Service. 1993. National soil survey handbook, title 430-VI. (Available in the State Office of the Natural Resources Conservation Service at Gainesville, Florida.)

Figure 1.
Aerial Interpretation of wetland resources



WETLAND
SCIENCES
 INCORPORATED

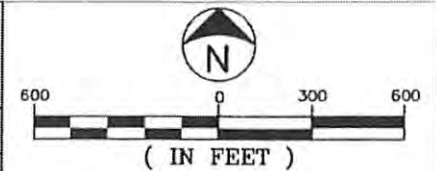
AERIAL INTERPRETATION OF
 JURISDICTIONAL WETLANDS

PROJECT #2011-218

DATE: SEPTEMBER 13, 2011

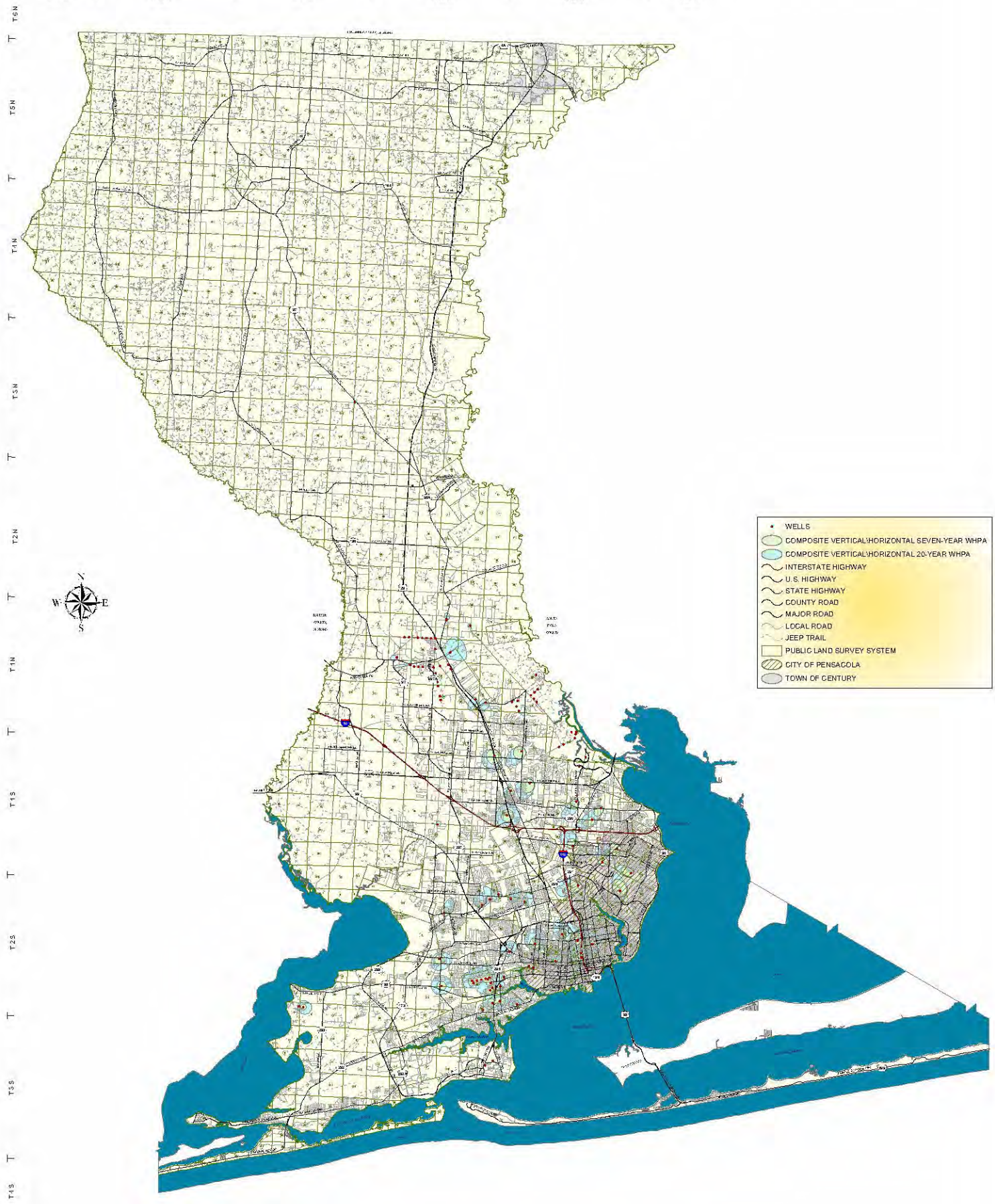
DRAWN BY: JAT

SCALE: 1" = 600'



COMPOSITE VERTICAL/HORIZONTAL SEVEN-YEAR AND TWENTY-YEAR WELLHEAD PROTECTION AREAS FOR PUBLIC SUPPLY WELLS

R 33 W T R 32 W T R 31 W T R 30 W T R 29 W T R 28 W T



- WELLS
- COMPOSITE VERTICAL/HORIZONTAL SEVEN-YEAR WHPA
- COMPOSITE VERTICAL/HORIZONTAL 20-YEAR WHPA
- INTERSTATE HIGHWAY
- U. S. HIGHWAY
- STATE HIGHWAY
- COUNTY ROAD
- MAJOR ROAD
- LOCAL ROAD
- JEEP TRAIL
- PUBLIC LAND SURVEY SYSTEM
- ▨ CITY OF PENSACOLA
- TOWN OF CENTURY

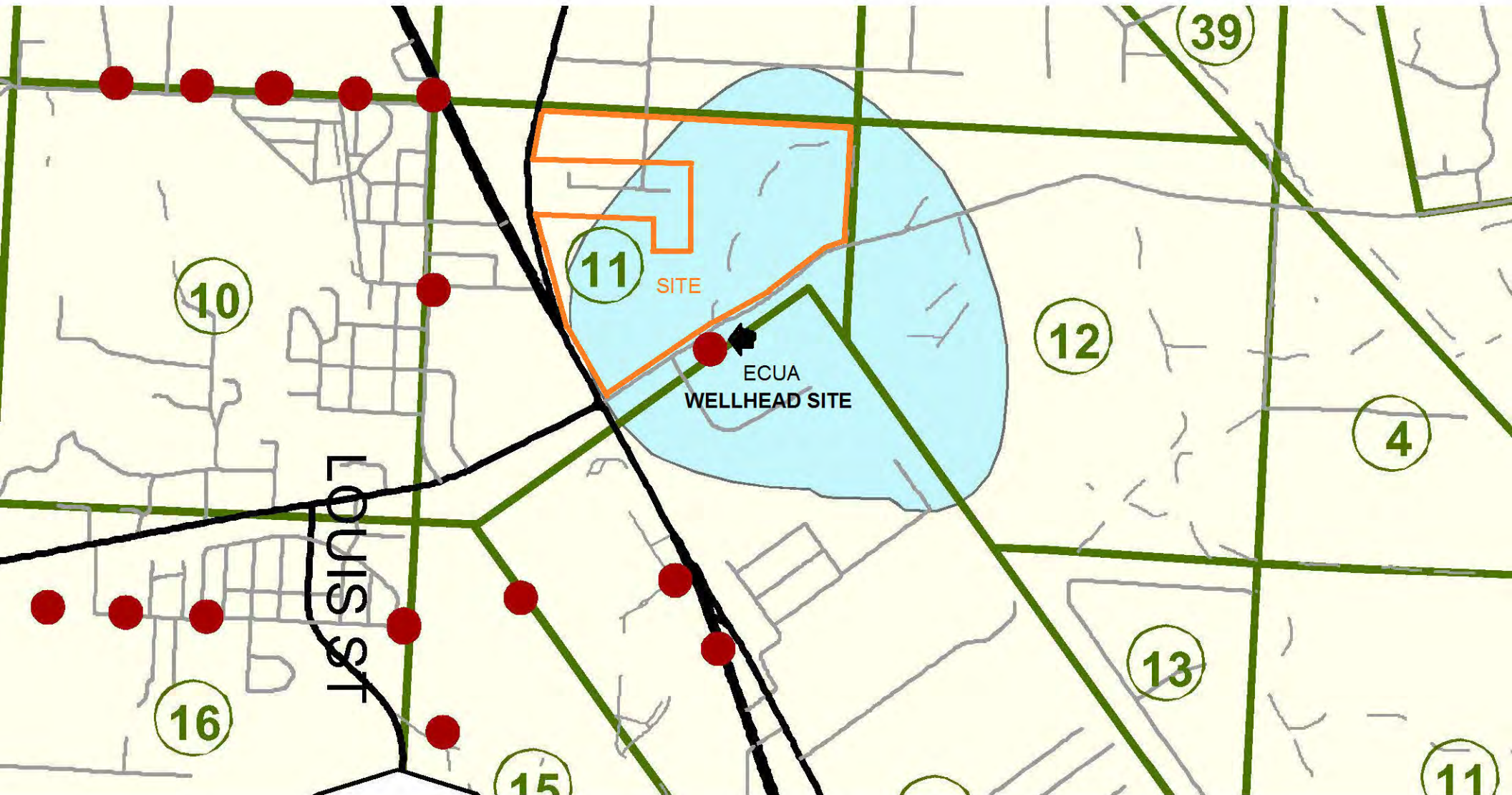


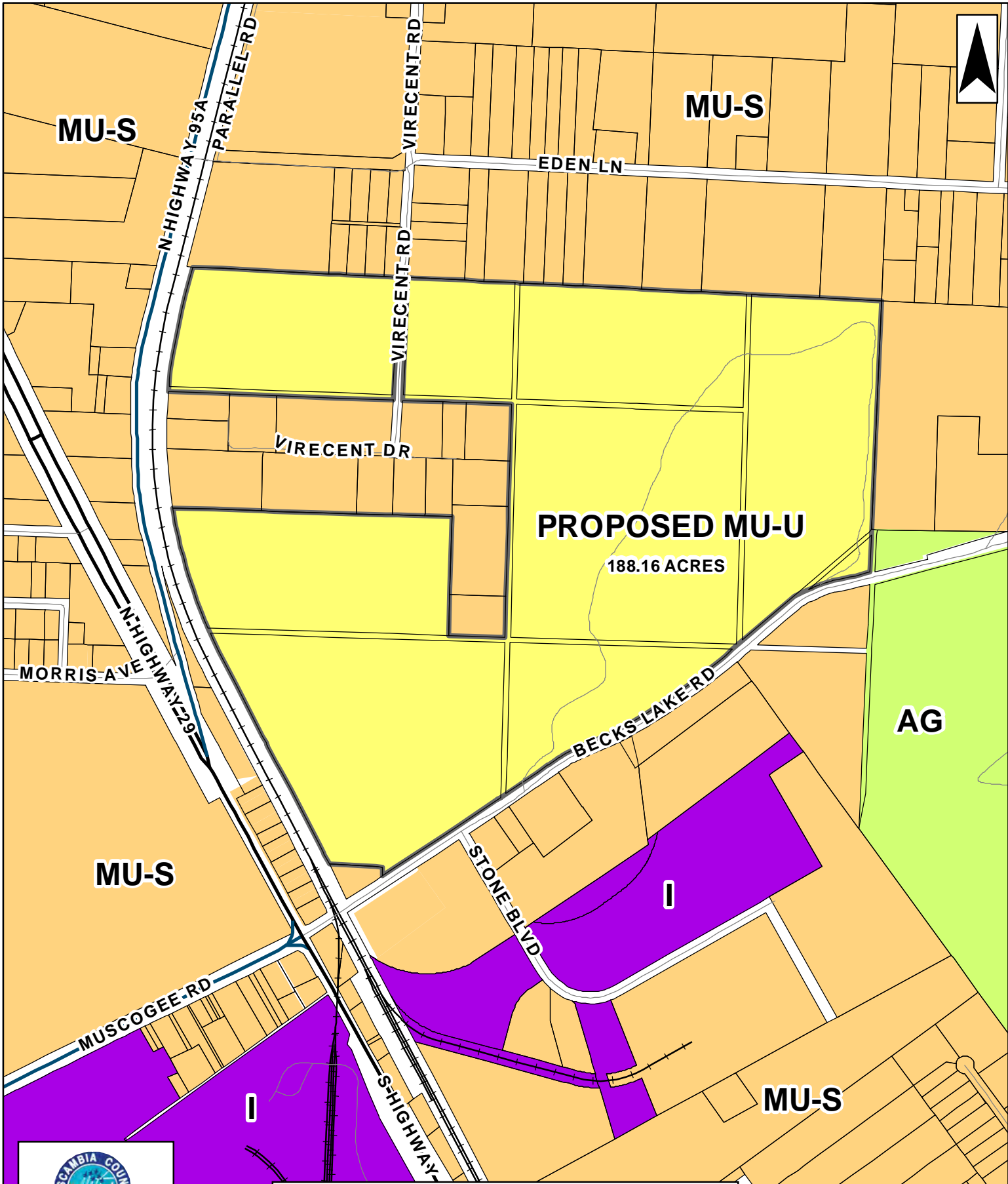
RECEIVED
By macain at 3:29 pm, Aug 23, 2011

Source: Wellhead Protection Areas and Well Locations provided by Northwest Florida Water Management District 99B.
This map has been prepared by the Florida State GIS Center and is intended for informational purposes only. It is not to be used for development or design of a project, or any other engineering or planning purpose, without the express written consent of the State of Florida. It is not intended to convey any warranty, title, or other legal interest in any land. It is not to be used for any purpose other than that for which it was prepared. Created March 2, 2011.



SITE PROXIMITY TO ECUA WELLHEAD LESS THAN 200' SOUTH OF PROPERTY LINE.

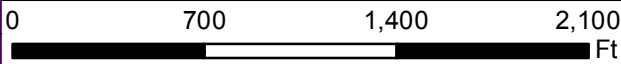




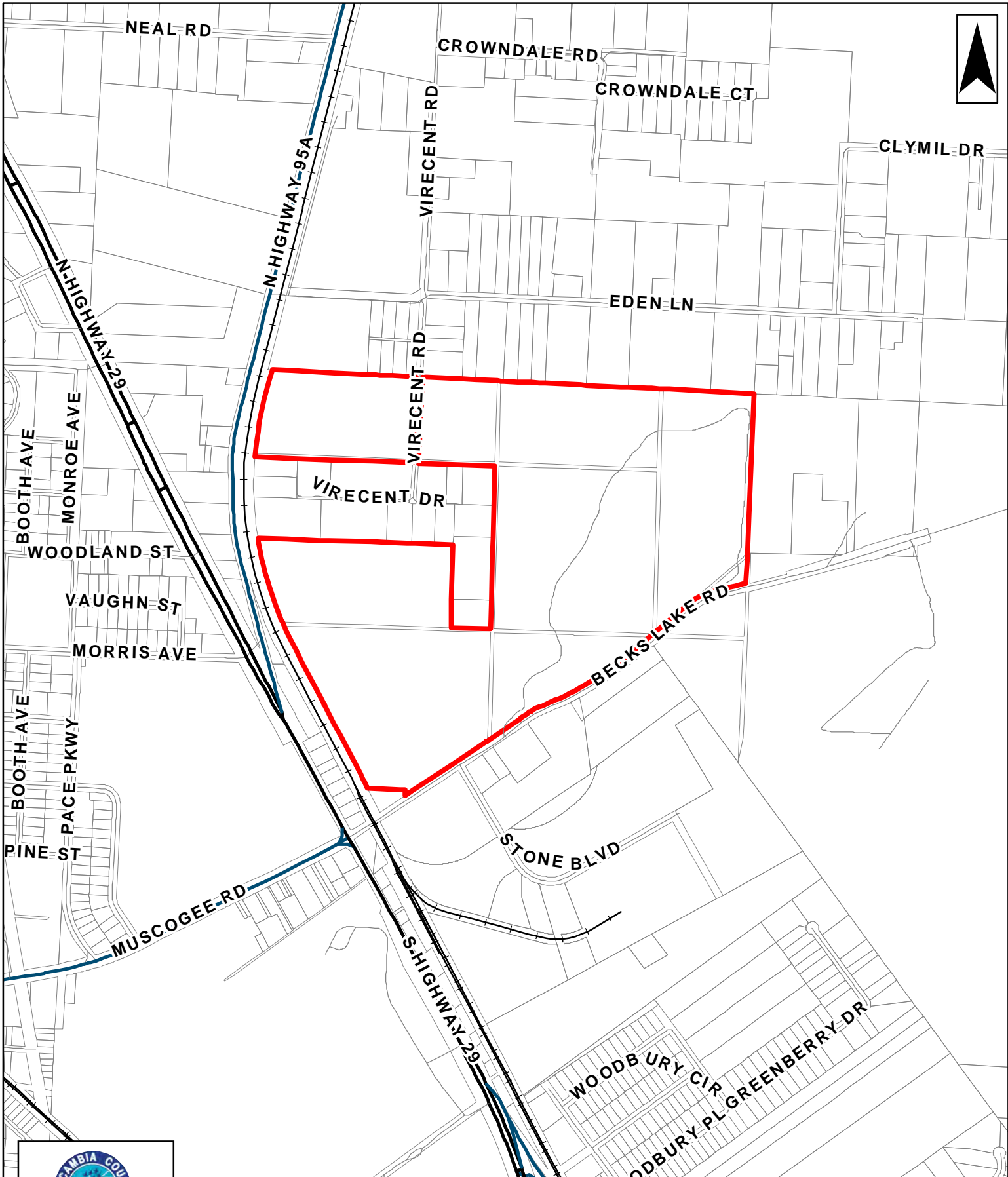
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.


Andrew Holmer
Planning and Zoning Dept.

CPA-2011-02 PROPOSED FLU

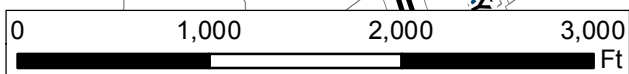








- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS

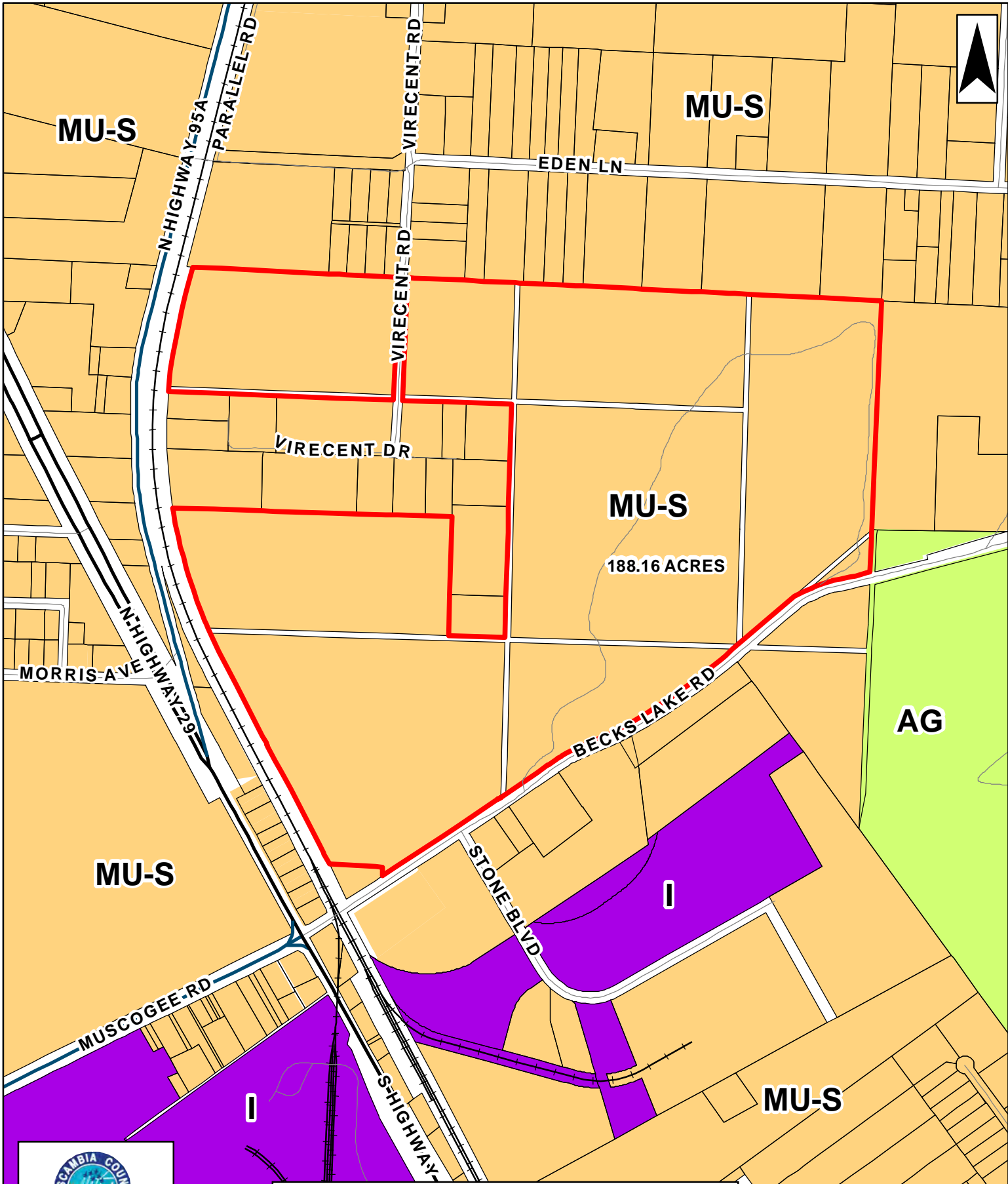



 This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
 Andrew Holmer
 Planning and Zoning Dept.

CPA-2011-02 SURROUNDING ROADS



-  RAILROADS
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS




MU-S
188.16 ACRES

AG

MU-S

MU-S









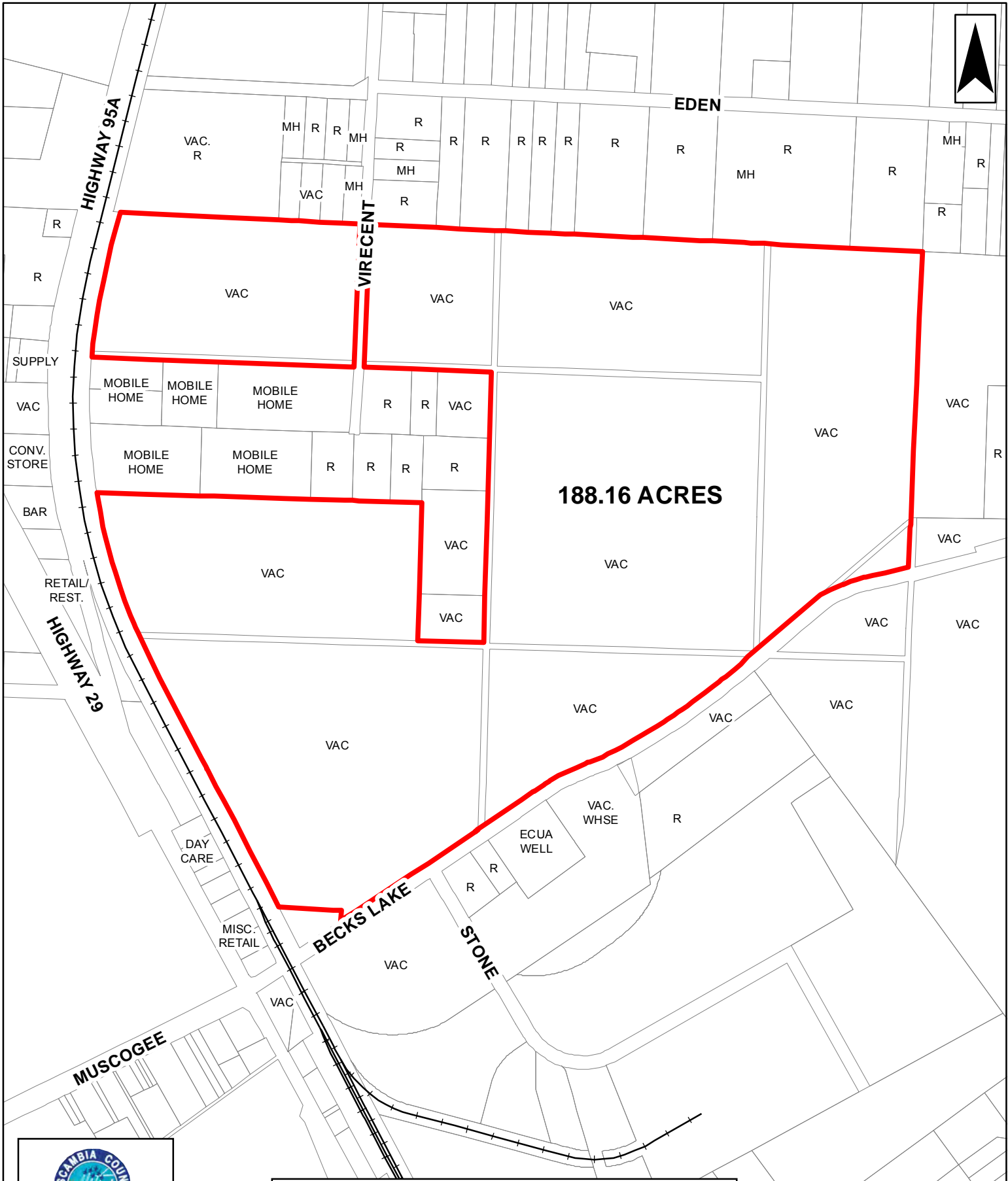
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Andrew Holmer
Planning and Zoning Dept.


**CPA-2011-02
EXISTING FLU**



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD
-  PARCELS



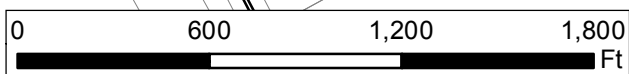
188.16 ACRES





This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

**CPA-2011-02
EXISTING LAND USE**



 RAILROADS
 PARCELS



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1591 **Growth Management Report** **Item #: 12. 1.**
BCC Regular Meeting **Consent**
Meeting Date: 11/03/2011
Issue: Scheduling of a Public Hearing
From: T. Lloyd Kerr, AICP
Organization: Development Services

RECOMMENDATION:

Recommendation Concerning the Scheduling of Public Hearing

That the Board authorize the scheduling of the following Public Hearing:

Thursday December 8, 2011

5:45 p.m. A Public Hearing concerning the Escambia County Comprehensive Plan, Amending Chapter 15, "Capital Improvements Element"



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1628 County Administrator's Report Item #: 12. 1.
BCC Regular Meeting Technical/Public Service Consent
Meeting Date: 11/03/2011
Issue: Removal of Policies from BCC Policy Manual Pertaining to Development Services Department
From: T. Lloyd Kerr, AICP
Organization: Development Services
CAO Approval:

RECOMMENDATION:

Recommendation Concerning Removal of Policies from BCC Policy Manual Pertaining to Development Services Department - T. Lloyd Kerr, AICP, Development Services Department Director

That the Board approve removing the following five Policies from the Board of County Commissioners' (BCC) Policy Manual pertaining to the Development Services Department, as they are now part of the Escambia County Land Development Code:

- A. Certificate of Zoning - Alcoholic Beverages, Section II, Part D. 2, date adopted - August 19, 1976;
- B. Assisted Housing Projects, Section II, Part D.1, date adopted - November 24, 1987;
- C. Setback Permits, Section III, H.1, (no date adopted noted);
- D. Setback Requirements for Mobile Homes, Section III, I-1, date adopted - January 28, 1986; and
- E. Setback Waivers and Tree Ordinance Waivers, Section III, date adopted - February 23, 1982.

BACKGROUND:

The above-noted BCC Policies were adopted at various times ranging from 1976 - 1987; however, since they are now addressed within the Escambia County Land Development Code, there is no longer a need for them to be addressed separately within the BCC Policy Manual.

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

Approval by the BCC is required for changes to the BCC Policy Manual.

IMPLEMENTATION/COORDINATION:

N/A

Attachments

BCC Policies for Removal

Board of County Commissioners
Escambia County, Florida

Title: Certificate of Zoning – Alcoholic Beverages, Section II,
Part D.2
Date Adopted: August 19, 1976
Effective Date:
Reference:
Policy Amended:

The County Administrator or his designee is authorized to approve and execute all requests for Certificates of Zoning relating to alcoholic beverages which are not in violation of Ordinance Number 73-6 and amended ordinances 75-5, 78-3, 79-6, 80-1 and 80-4. The County Administrator or his designee is responsible for the accuracy of the application. In the event that the applicant submits a written request for waiver of the beverage ordinance and pays an additional \$25.00 waiver fee, the County Administrator shall submit said request to the Board of County Commissioners for approval.

Certificates of Zoning may be obtained from the Department of Planning & Zoning.

Board of County Commissioners
Escambia County, Florida

Title: Assisted Housing Projects, Section II, Part D.1
Date Adopted: November 24, 1987
Effective Date: November 24, 1987
Reference:
Policy Amended:

Following written notification of intent to develop an assisted housing complex within the County, the Board will establish and advertise a public meeting date, time and location for the express purpose of providing an opportunity for the public, involved agencies and interested groups to comment on the proposed project; and

Requirement that a project sign be prominently posted on the proposed site in order to be readable from all immediately adjacent streets and roads; and

That this policy remain in effect until zoning is established in the County at which time this or a similar policy should be integrated into zoning policies and procedures.

Board of County Commissioners
Escambia County, Florida

Title: Setback Permits, Section III, H.1
Date Adopted:
Effective Date:
Reference:
Policy Superseded:

- A.** Where County Road changes to State Road, existing buildings would be exempt from setback regulations on renovations as a result of road construction. If addition is added not due to road construction and distance is less than required, a waiver would have to be obtained from the Board. Until a right-of-way is actually acquired from the Department of Transportation, roads shall be considered County Roads, with setback permits issued accordingly.
- B.** The Building Inspection Superintendent is to advise persons when a road on which the setback is being sought, is being considered for widening by the Department of Transportation. The Board requires waiver of setback permits for additions or alterations, although not in violation, should any portion of the existing structure be in violation. Building contractor's license number is to be included on the revised setback request forms. The Building Superintendent is authorized to approve variances to setback regulations concerning signs and lights without prior formal Board approval. The Director of Planning & Engineering is to verify that these signs and lights are in compliance with approved traffic control standards. Approval shall be given by the County Engineer, subject to a no cost agreement. The Director of Planning & Engineering is to place parcel numbers of property on setback permits. If this cannot be done, the persons are to be referred to the Property Appraiser's Office.

Board of County Commissioners
Escambia County, Florida

Title: Setback Requirements for Mobile Homes, Section III, I-1
Date Adopted: January 28, 1986
Effective Date:
Reference:
Policy Amended:

- A.** Any mobile home operator who sets up a mobile home on a lot which violates the County Setback requirements must relocate the mobile home on the lot in accordance with the setback requirements, at his own expense.
- B.** All mobile home operators shall be required to acquire a permit from the County prior to blocking up and/or connecting utilities to any mobile home.

Board of County Commissioners

Escambia County, Florida

Title: Setback Waivers and Tree Ordinance Waivers, Section III
Date Adopted: February 23, 1982
Effective Date:
Reference:
Policy Amended: May 22, 1984

- A.** The Board of County Commissioners may authorize upon appeal in specific cases such variance from the terms of the Setback Regulations as will not be contrary to the public interest.
- B.** Waivers to the Setback Regulations shall be granted as follows:
1. The County Inspector is hereby authorized to grant waivers on behalf of the Board of County Commissioners without the applicant having to sign a no cost agreement as follows:
 - a. For temporary structures including mobile homes, signs, fences and power poles which do not constitute a traffic hazard, and are no closer to the road than buildings or structures on the same side of the road.
 - b. For additions to buildings no closer to the road than buildings to which they are attached and which are not a hazard to traffic, and are no closer to the road than buildings or structures on the same side of the road.
 - c. For additions to buildings in which the building would be in violation of setback regulations but the addition would not be in violation, and are no closer to the road than buildings or structures on the same side of the road.
 - d. For new buildings at least fifteen feet from the right-of-way, and are no closer to the road than buildings or structures on the same side of the road.
 2. The Director of Engineering Services Department is hereby authorized to grant waivers for new construction closer than fifteen feet (15') to the right-of-way line if it does not adversely affect traffic or road construction and the applicant executes and files a no cost agreement.
 3. A report on all waivers granted by staff for permanent construction will be filed with the Clerk to the Board of County Commissioners. This report will give the name of the applicant, the address of the lot, the number of feet of the variance, the setback approval number and whether a no cost agreement has been filed.
- C.** Whenever an applicant for a setback waiver or waiver to provisions of the Tree Ordinance makes a request after the Public Service Committee has met for that month, the request can be brought directly to the next Board meeting (without going through the Committee), if one of the following can be demonstrated by the applicant:

1. **Economic loss will be sustained by the applicant if the project is held up awaiting review and approval by the Public Service Committee and then the Full Board; or**
2. **The contract for work on the project will have to be re-bid due to the time required for Committee approval and Full Board action.**



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1630

County Administrator's Report Item #: 12. 2.

BCC Regular Meeting

Technical/Public Service Consent

Meeting Date: 11/03/2011

Issue: Disposition of Property for Development Services Department

From: T. Lloyd Kerr, AICP

Organization: Development Services

CAO Approval:

RECOMMENDATION:

Recommendation Concerning Request for Disposition of Property for the Development Services Department - T. Lloyd Kerr, AICP, Development Services Department Director

That the Board approve the Request for Disposition of Property Form for the Development Services Department, Building Inspections Division, for property which is described and listed on the form for the reason stated, with the item to be disposed of as indicated.

BACKGROUND:

The computer listed on the Request for Disposition of Property form is no longer usable by the Development Services Department, is in bad condition and beyond repair, and is to be cannibalized for parts.

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

This recommendation is in compliance with F.S. 274.07 and Board Policy, Section II, Part B. 1., Procedures for Disposition of County Property.

IMPLEMENTATION/COORDINATION:

Upon approval by the Board, the computer will be disposed of according to the Disposition of County Property Policy.

Attachments

Disposition of Property Form

REQUEST FOR DISPOSITION OF PROPERTY ESCAMBIA COUNTY, FLORIDA

TO: Clerk & Comptroller's Finance Department
 FROM: Disposing Bureau: Development Services Department COST CENTER NO: 250111

Deborah A. Overton DATE: 09/19/11
 Property Custodian (PRINT FULL NAME)

Property Custodian (Signature): *Deborah A. Overton* Phone No: 850-595-3572

REQUEST THE FOLLOWING ITEM(S) TO BE DISPOSED:

TAG (Y/N)	PROPERTY NUMBER	DESCRIPTION OF ITEM	SERIAL NUMBER	MODEL	YEAR	CONDITION
Y	57790	3K Longitude Laptop Computer			2008	bad

Disposal Comments: Computer was not longer usable, could not be repaired. Cannibalized for parts.

INFORMATION TECHNOLOGY (IT Technician): *Teresa A. Cree*
 Print Name

Conditions: Dispose-Good Condition-Unusable for BOCC
 Dispose-Bad Condition-Send for recycling-Unusable

Computer is Ready for Disposition

Date: 9/19/11 Information Technology Technician Signature: *Teresa A. Cree*

TO: County Administration Date: 10/12/11
 FROM: Escambia County Bureau Bureau Chief (Signature): *[Signature]*
 Department Director
 Bureau Chief (Print Name): T. Lloyd Kerr, AICP

RECOMMENDATION: Date: 10/14/11
 TO: Board of County Commissioners
 FROM: County Administration
Charles R. Oliver
 Charles R. "Randy" Oliver, ~~CRA, PE~~
 County Administrator or designee

Approved by the County Commission and Recorded in the Minutes of: _____
 Ernie Lee Magaha/Clerk of the Circuit Court & Comptroller
 By (Deputy Clerk) _____

This Equipment Has Been Auctioned / Sold
 by: _____
 Print Name Signature Date

Property Tag Returned to Clerk & Comptroller's Finance Department

 Clerk & Comptroller's Finance Signature of Receipt Date



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1646

County Administrator's Report Item #: 12. 3.

BCC Regular Meeting

Technical/Public Service Consent

Meeting Date: 11/03/2011

Issue: Conveyance of Two Utility Easements to Emerald Coast Utilities Authority

From: Joy D. Blackmon, P.E.

Organization: Public Works

CAO Approval:

RECOMMENDATION:

Recommendation Concerning the Conveyance of Two Utility Easements to Emerald Coast Utility Authority (ECUA) - Joy D. Blackmon, P.E., Public Works Department Director

That the Board take the following action concerning the conveyance of two Utility Easements on County-owned property located in the Lakewood Subdivision area to Emerald Coast Utilities Authority (ECUA):

- A. Approve granting two Utility Easements on County-owned property located in the Lakewood Subdivision area to ECUA; and
- B. Authorize the Chairman or Vice Chairman to sign the necessary documents granting Utility Easements to ECUA.

ECUA has a project under construction to expand sanitary sewer service in the Lakewood Subdivision area. Design for this project indicates the need for two new lift stations, and ECUA is requesting that the County convey the Utility Easements to ECUA to accommodate this construction.

BACKGROUND:

ECUA has a project under construction to expand sanitary sewer service in the Lakewood Subdivision area. Design for this project indicates the need for two new lift stations and ECUA is requesting that the County convey the utility easements to ECUA to accommodate this construction.

One lift station would be located on County-owned property at the north end of Kincaid Street in Old Lexington Terrace, measuring 50' x 70' = 3,500 square feet or 0.08 acres. The other easement would be located on a portion of a County-owned park at 122 Marine Drive in Aero Vista Subdivision, measuring approximately 30' x 53' = 1,597 square feet or 0.03 acres.

County staff, including the Parks and Recreation Department, have reviewed this request and have determined that the conveyance of these two easements to ECUA would not adversely affect the County or the public's use of these properties.

BUDGETARY IMPACT:

All cost associated with accepting and recording of documents will be borne by ECUA.

LEGAL CONSIDERATIONS/SIGN-OFF:

The County Attorney's Office will review and approve the utility easements prior to execution and recording.

PERSONNEL:

All work associated with this request is being done in-house and no additional staff is required.

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

Upon Board approval and upon execution of the documents by the Chairman, staff will transfer the documents to ECUA for acceptance and recording in the public records of Escambia County, Florida. County staff will continue to work with ECUA in meeting their requirements.

Attachments

Easements

Maps

This document was prepared by:
Judy Cantrell
Escambia County Public Works Department
3363 W. Park Place
Pensacola, Florida 32505

**STATE OF FLORIDA
COUNTY OF ESCAMBIA**

UTILITY EASEMENT

THIS UTILITY EASEMENT is made this ____ day of _____, 2011, by Escambia County, a political subdivision of the State of Florida, acting by and through its duly authorized Board of County Commissioners, whose address is 221 Palafox Place, Pensacola, Florida 32502 (Grantor), and the Emerald Coast Utilities Authority, a local governmental body, corporate and politic of the State of Florida, whose address is 9255 Sturdevant Street, Pensacola, Florida 32514 (Grantee).

WITNESSETH:

WHEREAS, Grantee proposes to construct and maintain a sanitary sewer lift station, with related pipes and structures in connection with Grantee's sewer expansion project in the Lakewood Subdivision area in Escambia County, Florida; and

WHEREAS, Grantor is the owner of real property over, across, and upon which Grantee proposes to construct and maintain the lift station and related pipes and structure in connection with Grantee's sewer expansion project in the Lakewood Subdivision area in Escambia County, Florida;

NOW, THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration, Grantor does hereby grant, bargain, convey, transfer, and deliver to Grantee, a permanent utility easement over the real property described below for the purposes of constructing and maintaining a sanitary sewer lift station and related pipes and structures, together with the right of ingress and egress over and across the easement area and the right to excavate, construct and maintain the lift station and related pipes and structures:

See attached Exhibit "A"

Grantor also does hereby grant, bargain, convey, transfer, and deliver to Grantee the right to clear, keep clear, and remove from the easement area, all trees, undergrowth and other obstructions that may interfere with the location, excavation, operation or maintenance of the easement area or any structures installed thereon by Grantee. Grantor, its successors and assigns, agrees not to build, construct or create or permit others to build, construct or create any building or other structure in the easement area that may interfere with the location, excavation, operation or maintenance of the lift station and related pipes and structures. Easily removable improvements, such as fences, may be constructed with the prior written consent of Grantee.

By its acceptance of this easement, Grantee agrees to maintain the easement area in a safe, neat and orderly condition, and further agrees, to the extent, if any, permitted by law, and subject to the monetary limits established by Section 768.28, Florida Statutes, to hold harmless, indemnify, defend, and pay on behalf of Grantor, any claims or liability which may be asserted against Grantor resulting from or arising out of the exercise by Grantee of the rights granted to it by this instrument.

IN WITNESS WHEREOF, Grantor has set its hand and seal on the date first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

Kevin W. White, Chairman

ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court

Deputy Clerk

This document approved as to form
and legal sufficiency

By *[Signature]*
Title Asst. County Attorney
Date Oct 20, 2011

ACCEPTANCE

THIS UTILITY EASEMENT was accepted for public use by the Executive Director of the Emerald Coast Utilities Authority on this ____ day of _____, 2011.

EMERALD COAST UTILITIES
AUTHORITY

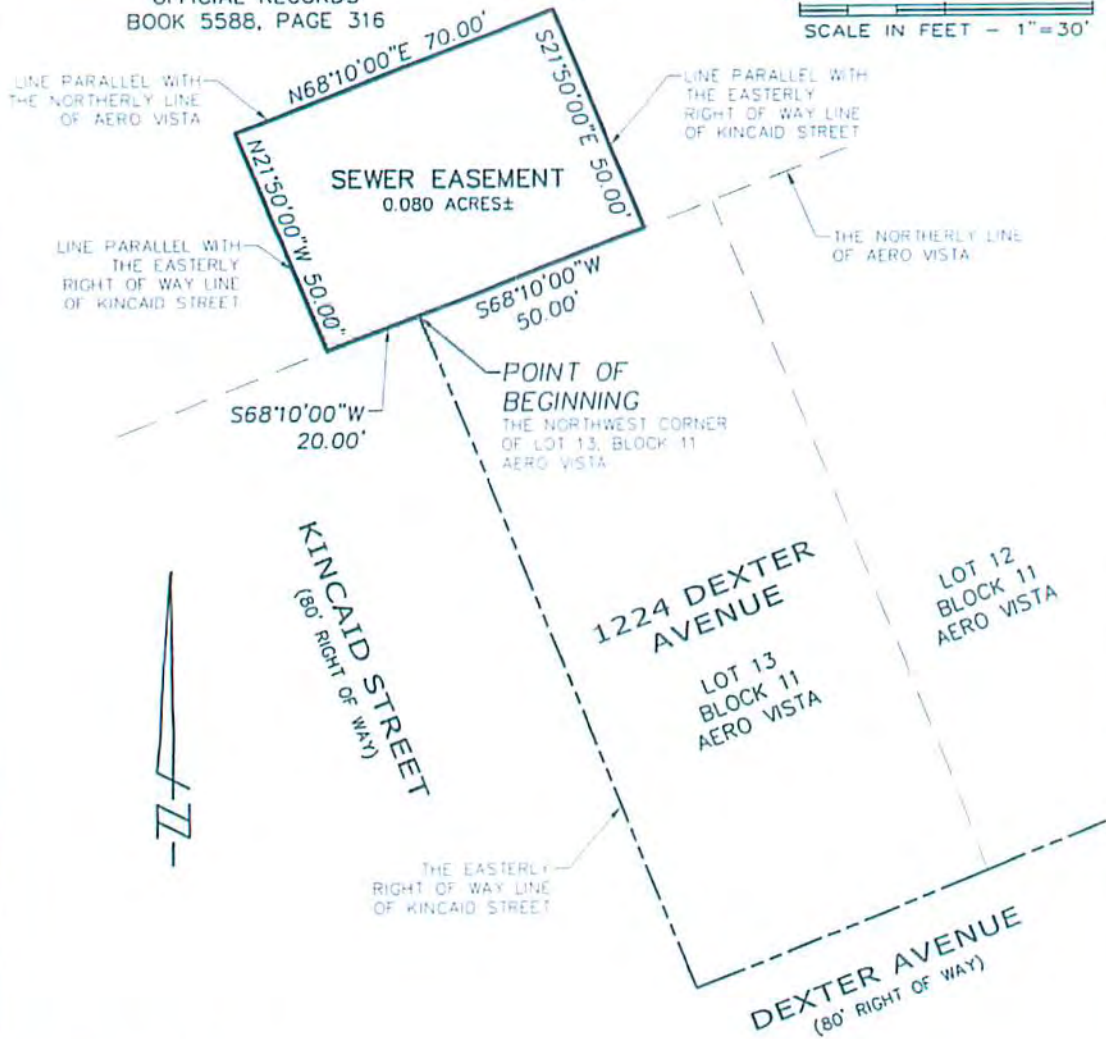
By: _____
Stephen Sorrell, Executive Director

ATTEST:

By: _____

Exhibit "A"

OFFICIAL RECORDS
BOOK 5588, PAGE 316



LEGAL DESCRIPTION

AN EASEMENT FOR SEWER UTILITIES LYING OVER, UNDER, AND ACROSS A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5588, PAGE 316 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA, LYING MORE OR LESS COURT IN SECTION 50, TOWNSHIP 2 SOUTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 13, BLOCK 11 OF AERO VISTA SUBDIVISION AS RECORDED IN THAT BOOK & PAGE 53 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA, SAID POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF KINCAID STREET (80 FOOT RIGHT OF WAY); THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE, ALONG THE NORTHERLY LINE OF SAID AERO VISTA SUBDIVISION, RUN SOUTH 68 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 20.00 FEET; THENCE LEAVING SAID NORTHERLY LINE, ALONG A LINE PARALLEL WITH SAID EASTERLY RIGHT OF WAY LINE, RUN NORTH 21 DEGREES 50 MINUTES 00 SECONDS WEST, A DISTANCE OF 50.00 FEET; THENCE LEAVING SAID PARALLEL LINE, ALONG A LINE PARALLEL WITH SAID NORTHERLY LINE, RUN NORTH 68 DEGREES 10 MINUTES 00 SECONDS EAST, A DISTANCE OF 70.00 FEET; THENCE LEAVING SAID PARALLEL LINE, ALONG A LINE PARALLEL WITH SAID EASTERLY RIGHT OF WAY LINE, RUN SOUTH 21 DEGREES 50 MINUTES 00 SECONDS EAST, A DISTANCE OF 50.00 FEET TO SAID NORTHERLY LINE, THENCE LEAVING SAID PARALLEL LINE, ALONG SAID NORTHERLY LINE, RUN SOUTH 68 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.080 ACRES (3,500 SQUARE FEET), MORE OR LESS.

PREPARED BY

Eric B. Stuart
ERIC B. STUART P. S. M., FLORIDA LICENSE NO. 6707

THIS IS NOT A SURVEY

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NCG
NOBLES CONSULTING GROUP, INC.
PENSACOLA • VICEVILLE • CHIPLEY • TALLAHASSEE • VALDOSTA
400 UNIVERSITY OFFICE BOULEVARD, SUITE #17-B, PENSACOLA, FLORIDA 32504
850.272.8287 FAX 850.272.7725 F.850.272.7726 COPYRIGHT ©

LEGAL DESCRIPTION & SKETCH
SEWER EASEMENT LYING
NORTH OF 1224 DEXTER AVENUE
PENSACOLA, AERO VISTA
ESCAMBIA COUNTY, FLORIDA

CLIENT:
HDR ENGINEERING, INC.

SCALE 1"=30'	PROJECT NO. P234-100	SHEET 1
SURVEY DATE N/A	FIELD BOOK N/A	OF 1
DRAWN BY DHM		
CAD NO. P234-100-DEXTER LS		
REVISED 8/16/11-BOUNDARY		

This document was prepared by:
Judy Cantrell
Escambia County Public Works Department
3363 W. Park Place
Pensacola, Florida 32505

**STATE OF FLORIDA
COUNTY OF ESCAMBIA**

UTILITY EASEMENT

THIS UTILITY EASEMENT is made this ____ day of _____, 2011, by Escambia County, a political subdivision of the State of Florida, acting by and through its duly authorized Board of County Commissioners, whose address is 221 Palafox Place, Pensacola, Florida 32502 (Grantor), and the Emerald Coast Utilities Authority, a local governmental body, corporate and politic of the State of Florida, whose address is 9255 Sturdevant Street, Pensacola, Florida 32514 (Grantee).

WITNESSETH:

WHEREAS, Grantee proposes to construct and maintain a sanitary sewer lift station, with related pipes and structures in connection with Grantee's sewer expansion project in the Lakewood Subdivision area in Escambia County, Florida; and

WHEREAS, Grantor is the owner of real property over, across, and upon which Grantee proposes to construct and maintain the lift station and related pipes and structure in connection with Grantee's sewer expansion project in the Lakewood Subdivision area in Escambia County, Florida;

NOW, THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration, Grantor does hereby grant, bargain, convey, transfer, and deliver to Grantee, a permanent utility easement over the real property described below for the purposes of constructing and maintaining a sanitary sewer lift station and related pipes and structures, together with the right of ingress and egress over and across the easement area and the right to excavate, construct and maintain the lift station and related pipes and structures:

See attached Exhibit "A"

Grantor also does hereby grant, bargain, convey, transfer, and deliver to Grantee the right to clear, keep clear, and remove from the easement area, all trees, undergrowth and other obstructions that may interfere with the location, excavation, operation or maintenance of the easement area or any structures installed thereon by Grantee. Grantor, its successors and assigns, agrees not to build, construct or create or permit others to build, construct or create any building or other structure in the easement area that may interfere with the location, excavation, operation or maintenance of the lift station and related pipes and structures. Easily removable improvements, such as fences, may be constructed with the prior written consent of Grantee.

By its acceptance of this easement, Grantee agrees to maintain the easement area in a safe, neat and orderly condition, and further agrees, to the extent, if any, permitted by law, and subject to the monetary limits established by Section 768.28, Florida Statutes, to hold harmless, indemnify, defend, and pay on behalf of Grantor, any claims or liability which may be asserted against Grantor resulting from or arising out of the exercise by Grantee of the rights granted to it by this instrument.

IN WITNESS WHEREOF, Grantor has set its hand and seal on the date first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

Kevin W. White, Chairman

ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court

Deputy Clerk

This document approved as to form
and legal sufficiency

By [Signature]
Title Asst. County Attorney
Date Oct 20, 2011

ACCEPTANCE

THIS UTILITY EASEMENT was accepted for public use by the Executive Director of the Emerald Coast Utilities Authority on this ____ day of _____, 2011.

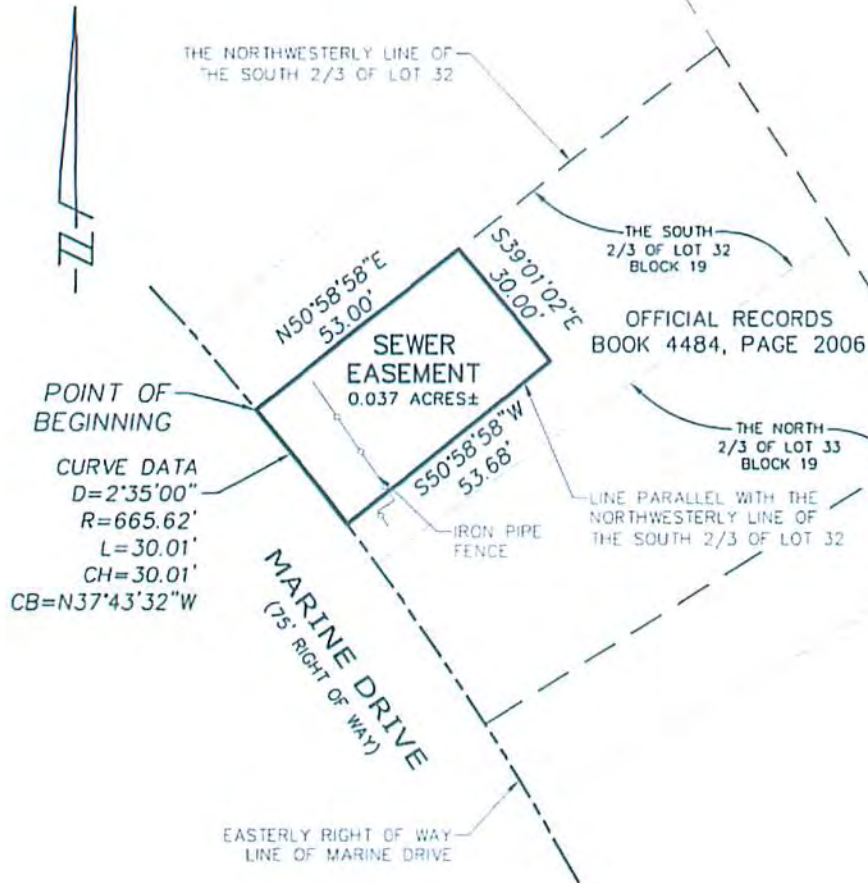
EMERALD COAST UTILITIES
AUTHORITY

By: _____
Stephen Sorrell, Executive Director

ATTEST:

By: _____

30 0 30
SCALE IN FEET - 1"=30'



LEGAL DESCRIPTION

AN EASEMENT FOR SEWER UTILITIES, LYING OVER, UNDER, AND ACROSS A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4484, PAGE 2006 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA, LYING IN THE SOUTH TWO-THIRDS OF LOT 32, BLOCK 19, SECOND ADDITION TO AERO VISTA, AS RECORDED IN PLAT BOOK 2, PAGES 22 & 22A OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA, IN SECTION 50, TOWNSHIP 2 SOUTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF THE SOUTH TWO-THIRDS OF LOT 32, BLOCK 19, SECOND ADDITION TO AERO VISTA SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGES 22 & 22A, WITH THE EASTERLY RIGHT OF WAY LINE OF MARINE DRIVE (75 FOOT RIGHT OF WAY), THENCE ALONG SAID NORTHWESTERLY LINE, RUN NORTH 50 DEGREES 58 MINUTES 58 SECONDS EAST, A DISTANCE OF 53.00 FEET; THENCE LEAVING SAID NORTHWESTERLY LINE, RUN SOUTH 39 DEGREES 01 MINUTES 02 SECONDS EAST, A DISTANCE OF 30.00 FEET; THENCE ALONG A LINE PARALLEL WITH SAID NORTHWESTERLY LINE, RUN SOUTH 50 DEGREES 58 MINUTES 58 SECONDS WEST, A DISTANCE OF 53.68 FEET TO SAID EASTERLY RIGHT OF WAY LINE AND A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 665.62 FEET; THENCE ALONG SAID EASTERLY RIGHT OF WAY AND CURVE CONCAVE TO THE SOUTHWEST, RUN NORTHWESTERLY, AN ARC DISTANCE OF 30.01 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 35 MINUTES 00 SECONDS (CHORD OF SAID ARC BEARING NORTH 37 DEGREES 43 MINUTES 32 SECONDS WEST, A CHORD DISTANCE OF 30.01 FEET) TO THE POINT OF BEGINNING, CONTAINING 0.037 ACRES (1,597 SQUARE FEET), MORE OR LESS

PREPARED BY

Eric B. Stuart 8/16/2011
ERIC B. STUART P. S. M. FLORIDA LICENSE NO. 6707

THIS IS NOT A SURVEY

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

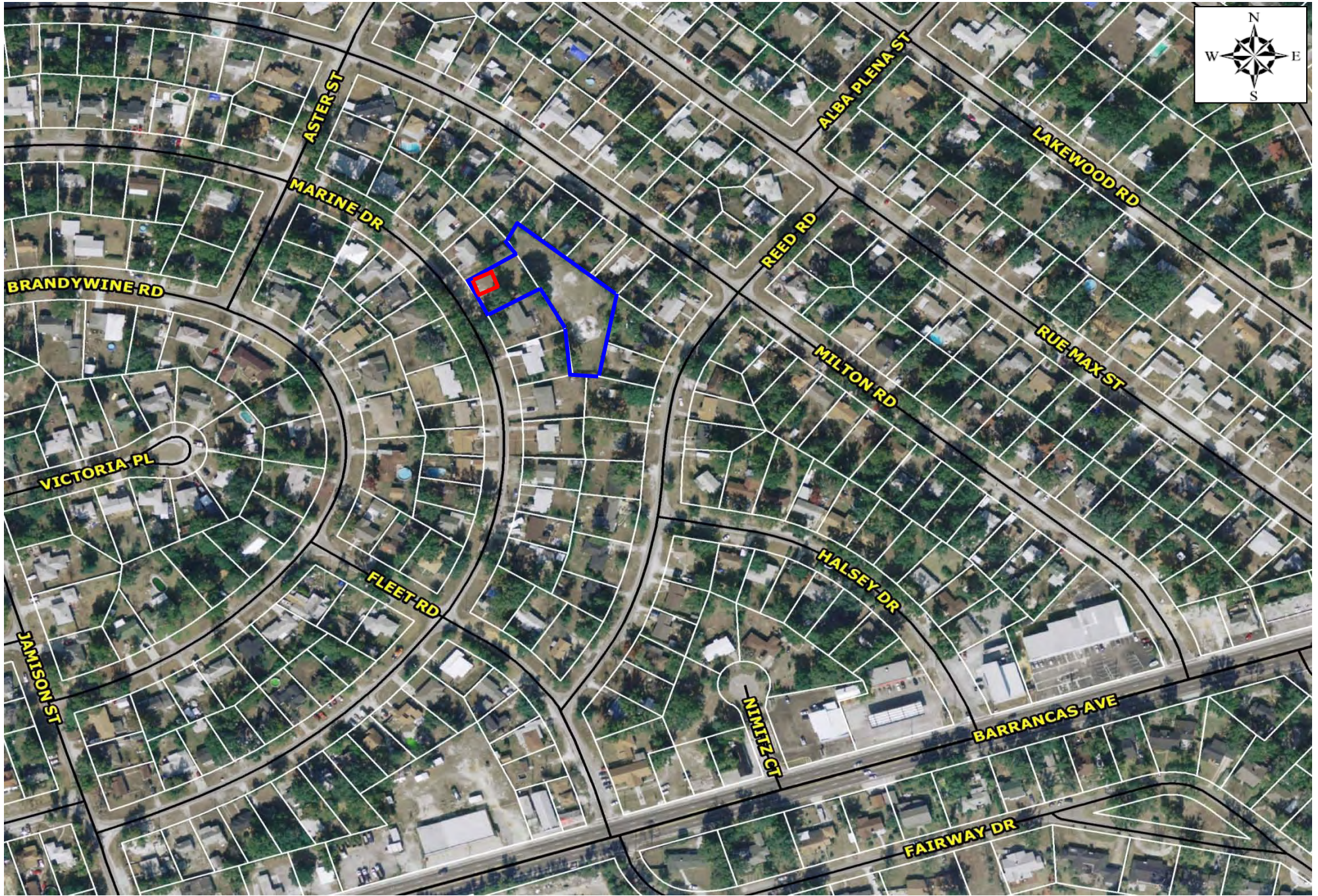
NCG
NOBLES CONSULTING GROUP, INC.
PENSACOLA • NICEVILLE • CHIPLEY • TALLAHASSEE • VALDOSTA
400 UNIVERSITY OFFICE BOULEVARD, SUITE #17-5, PENSACOLA, FLORIDA 32504
18#3293 88#7190 P.850.857.7725 F.850.857.7724 COPYRIGHT ©

LEGAL DESCRIPTION & SKETCH
SEWER EASEMENT
122 MARINE DRIVE, PENSACOLA
SECOND ADDITION TO AERO VISTA
ESCAMBIA COUNTY, FLORIDA

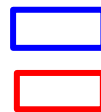
CLIENT:
HDR ENGINEERING, INC.

SCALE 1"=30'	PROJECT NO P234.100	SHEET 1
SURVEY DATE N/A	FIELDBOOK N/A	
DRAWN BY DHM		
CAD NO P234.100-MARINE LS		1
REVISED 8/16/11-BOUNDARY		

ECUA REQUESTED EASEMENT

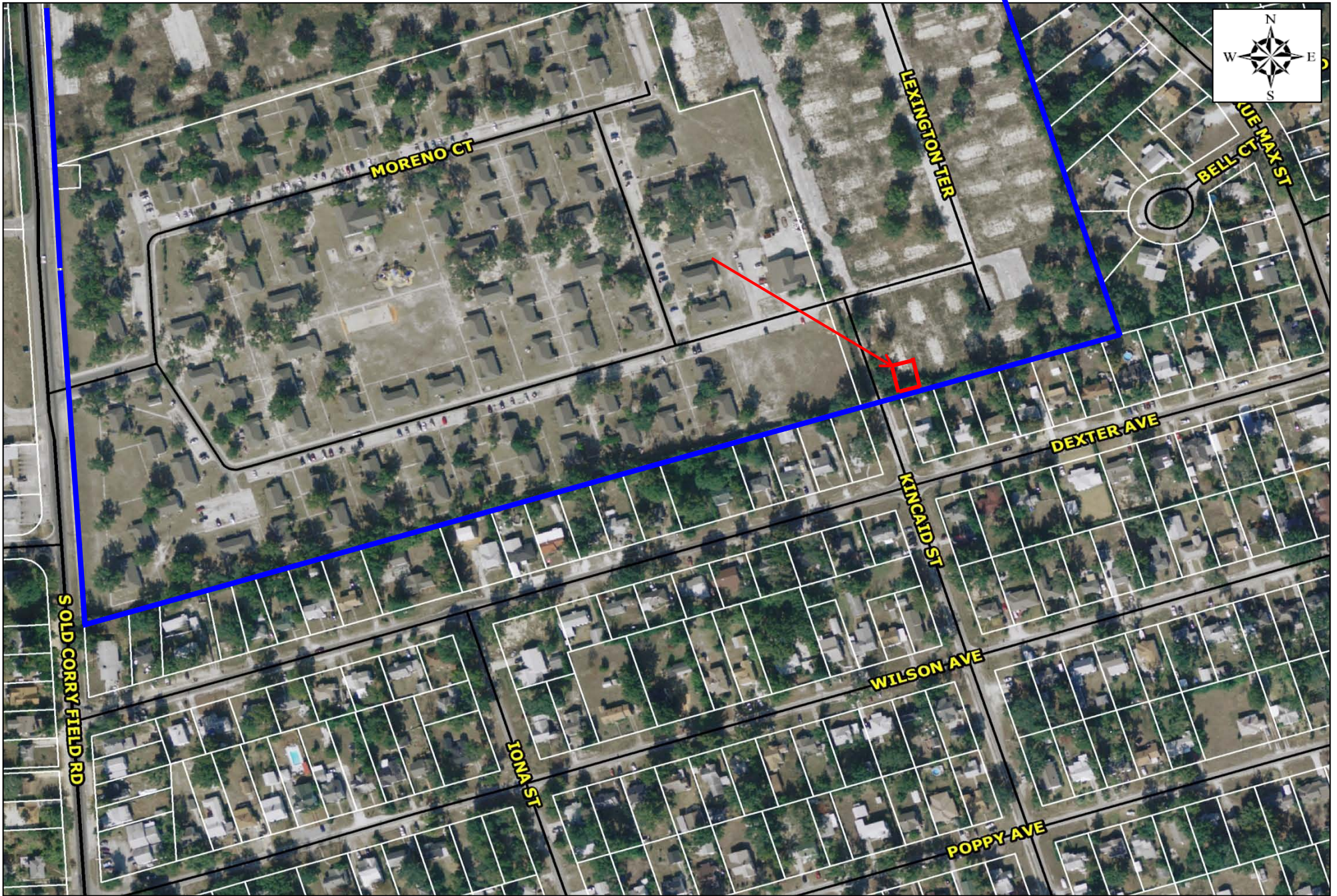


ESCAMBIA COUNTY
PUBLIC WORKS DEPARTMENT
LWG 10/19/11 DISTRICT 2

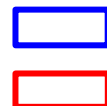


COUNTY PARK AREA / AEROA VISTA S/D
PROPOSED ECUA LIFT STATION SITE

ECUA REQUESTED EASEMENT



ESCAMBIA COUNTY
PUBLIC WORKS DEPARTMENT
LWG 10/19/11 DISTRICT 2



COUNTY PROPERTY / OLD LEXINGTON TERRACE
PROPOSED ECUA LIFT STATION SITE



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1660

County Administrator's Report Item #: 12. 4.

BCC Regular Meeting

Technical/Public Service Consent

Meeting Date: 11/03/2011

Issue: Public Hearing Request to Establish the Coventry Estates Subdivision Street Lighting MSBU Ordinance

From: Amy Lovoy

Organization: OMB

CAO Approval:

RECOMMENDATION:

Recommendation Concerning Scheduling a Public Hearing for the Coventry Estates Subdivision Street Lighting MSBU - Amy Lovoy, Management and Budget Services Department Director

That the Board authorize the scheduling of a Public Hearing for the establishment of a street lighting Municipal Services Benefit Unit (MSBU) on November 17, 2011, at 5:33 p.m., to consider adoption of an Ordinance creating the Coventry Estates Subdivision Street Lighting MSBU.

BACKGROUND:

The property owners in Coventry Estates have submitted a petition requesting the creation of an MSBU. The petition is sufficient to meet the MSBU Guidelines and Procedures because greater than fifty-five percent of property owners signed in approval.

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

The Board must approve the scheduling of public hearings.

IMPLEMENTATION/COORDINATION:

The property owners will be notified of the date, time and place of the public hearing by mail and by advertisement in the Pensacola News Journal.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1680

County Administrator's Report Item #: 12. 5.

BCC Regular Meeting

Technical/Public Service Consent

Meeting Date: 11/03/2011

Issue: Appointment to Workforce Escarosa, Inc. Board of Directors

From: Marilyn D. Wesley, Department Director

Organization: Community Affairs

CAO Approval:

RECOMMENDATION:

Recommendation Concerning an Appointment to the Workforce Escarosa, Inc. Board of Directors - Marilyn D. Wesley, Community Affairs Department Director

That the Board confirm the appointment of Randall (Randy) Fleming, Circuit 1 Community Development Administrator, State of Florida Department of Children and Families (DCF), to the Workforce Escarosa, Inc., Board of Directors as the Public Assistance/DCF permanent representative, effective November 3, 2011, for an indefinite term.

BACKGROUND:

The Board of Directors for Workforce Escarosa, Inc. serves as the local governing board for workforce development and job training activities as approved by Workforce Florida, Inc. and the Agency for Workforce Innovation (AWI). Federal and state legislation that govern the board activities require specific membership from various community sectors where the governing boards are located. This board serves the demographic area of Region One, comprised of Escambia and Santa Rosa counties. All appointments must conform to the requirements of the law, and have final approval from the local governing entity of each county – which, for Escambia County, is the Board of County Commissioners.

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

Appointments to this Board of Directors are made in accordance with state and federal legislation.

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

All Escambia County appointments to this Board of Directors must have approval from the Escambia County Board of County Commissioners.

IMPLEMENTATION/COORDINATION:

Upon approval by the Board, this appointment shall become effective for the expressed dates. The Department of Community Affairs has coordinated with Workforce Escarosa, Inc. on this appointment.

Attachments

[Randall Fleming appointment letter and info](#)

Jay Overman
Chairperson
Susan Nelms
Executive Director

workforceescarosa



Connecting businesses and resources.

October 19, 2011

Marilyn Wesley
Escambia County Board
Of Commissioners
221 Palafox Place
Pensacola, FL 32502

Dear Marilyn,

The federal Workforce Investment Act (WIA) requires a representative from Public Assistance sit on Regional Workforce Boards.

Janice Thomas who represented the State of Florida Department of Children and Families (DCF) on the Workforce Escarosa Board has submitted her resignation from the Board. A statewide reorganization of DCF was conducted and resulted in a position change for Ms. Thomas. DCF will no longer have a Circuit Administration position and previous community duties associated with the position has been assigned to a newly created position, Circuit 1 Community Development Administrator. Although her appointment has no expiration date, Ms. Thomas has been assigned to the Northwest Regional Family and Community Services Director position and will assume different duties.

Please find attached a letter from Ms. Thomas nominating Randall (Randy) Fleming, Circuit 1 Community Development Administrator, as her replacement on the Workforce Escarosa Board of Directors.

I request your assistance with having Escambia County Board of Commissioners review and accept Mr. Fleming's appointment to the Workforce Escarosa, Inc. Board of Directors. Please let me know if you need additional information or if I can be of further assistance in this process. Thanks for your help with this matter.

Sincerely,

Susan Nelms
Executive Director

SN/js

Attachments

Regional Workforce Board
9111 Sturdevant Street
Pensacola, FL 32514
Phone: (850) 473-0939
Fax: (850) 473-0935

Pensacola Center
3670-A North "L" Street
Pensacola, FL 32505-5217
Phone: (850) 607-8700
Fax: (850) 607-8849

Milton Center
5725 Highway 90
Milton, FL 32583
Phone: (850) 983-5325
Fax: (850) 983-5330

Century Center
8120 N. Century Blvd.
Century, FL 32535
Phone: (850) 256-6259
Fax: (850) 256-6266

www.workforceescarosa.com



State of Florida
Department of Children and Families



Rick Scott
Governor

David E. Wilkins
Secretary

Vicki Abrams
Regional Managing Director
Northwest Region

October 7, 2011

Susan B. Nelms
Executive Director
Workforce Escarosa, Inc.
9111 A Sturdevant Street
Pensacola, FL 32514

Dear Ms. Nelms:

I respectfully submit my resignation from the Workforce Escarosa, Inc. Board. Due to statewide reorganization within the Department of Children and Families (DCF), I now serve as the Northwest Regional Family and Community Services Director. There is no longer a Circuit Administration position however many of my previous community duties will be assigned to our newly created Community Development Administrator position. Randall (Randy) Fleming is the Circuit 1 Community Development Administrator. That being said, I am, therefore, submitting his name as my replacement on your Board as representative for the Department of Children and Families.

We value our partnership with Workforce Escarosa, Inc. The expertise and experience Randy offers will be a valuable asset to your agency.

It has been an honor to have worked with such dedicated individuals. Please continue with your outstanding service to the vulnerable citizens of our community.

Sincerely,

Janice S. Thomas
NW Regional Family and Community Services Director

cc Randall Fleming, Circuit Community and Development Administrator
Vicki Abrams, NW Regional Managing Director

Northwest Region, Circuit 1
160 Governmental Center, Suite 611, Pensacola, FL 32502-5734

**WORKFORCE ESCAROSA, INC.
BOARD MEMBERSHIP PROFILE - PRIVATE SECTOR**

TYPE OF BUSINESS (Check all that apply): Small Business (less than 500 employees)
 Minority Owned

Name: Randall N. Fleming Title: **Community Development Administrator**
Business Name: **Department of Children and Families, Circuit 1**
Address: **160 Governmental Center, Suite 607** Phone No.: **(850) 595-8075**
Pensacola, Florida 32502 FAX No.: **(850) 595-8064**
E-Mail Address: Randy_Fleming@dcf.state.fl.us
Cell Phone No.: **(850) 232-9272**

Home Address: **3029 Daybreak Lane**
Milton, Fl 32571

MEMBERSHIP DEMOGRAPHICS (for reporting purposes)

GENDER: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	RACE: <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> White <input type="checkbox"/> Ameri. Indian <input type="checkbox"/> Other	VETERAN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AGE: <input type="checkbox"/> < 55 <input checked="" type="checkbox"/> 55 OR >	DISABLED: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	--	---	---	--

Community Organization Memberships

Strengthening Families and Communities, Escambia and Santa Rosa Counties, Infant Mental Health Vision Committee, Head Start Escambia County Policy Council,

Board Memberships

West Florida Community Care Center, Healthy Start Santa Rosa County, Florida State Employees Federal Credit Union, Chumuckla Water System, EscaRoa Coalition on the Homeless (Ex Officio), Community Alliance, Okaloosa Walton Early Learning Coalition, Prosper Pensacola (f/k/a Poverty Solutions Team), West Florida Regional Planning Council – Transportation Disadvantaged, Escambia Emergency Food and Shelter Program.

Briefly state why you would like to become involved in the Workforce Escarosa, Inc. Board.

While poverty in and of itself does not cause child abuse, unemployment and under-employment cause additional stress in families that may lead to child abuse or neglect. I am hopeful that I can assist in making decisions that lead to better employment opportunities for citizens in Escambia and Santa Rosa Counties that would lead to a reduction in child abuse. Additionally, I am interested in assisting our ACCESS program clients obtain economic self sufficiency.

Does your company currently provide any service or products to Workforce Escarosa, Inc.?
Yes No

Please attach a copy of your resume' to this form

RANDALL N. FLEMING

3029 Daybreak Lane • Milton, FL 32571 • (850) 994-1107 • Randy_Fleming@dcf.state.fl.us

SUMMARY OF QUALIFICATIONS

- Five years experience Community Relations/Community Development
- Four years experience as Contract Manager Supervisor
- Nine years experience as Finance and Accounting Director in State Government.
- Five years experience as Finance and Accounting Director of local health department
- Ten years experience as manager of banking operations.
- Dynamic, analytical, and results-oriented.
- Florida Sterling Examiner 2006, 2007

PROFESSIONAL EXPERIENCE

- 2011-Pres. State of Florida Department of Children and Families
Community Development Administrator**
- 2007-Pres. State of Florida Department of Children and Families
Community Relations Consultant**
- 2004-2007 State of Florida Department of Children and Families
Senior Management Analyst Supervisor – SES**
- 2001-2004 State of Florida Department of Children and Families
Finance and Accounting Director II**
- 1996-2001 Escambia County Health Department
Finance and Accounting Director II**
- 1991-1996 Department of Health and Rehabilitative Services
Budget Specialist/Public Assistance Specialist**
- 1985-1991 First National Bank of Santa Rosa
Loan Operations Officer/Loan Review and Compliance Officer**
- 1973-1985 Sun Bank West Florida, N.A.
Assistant Vice President, Loan Operations**

EDUCATION

University of West Florida, Bachelor of Arts, Finance, 1981
Florida State University, Certified Public Manager, 2008

COMMUNITY INVOLVEMENT

Florida State Employees Federal Credit Union, Board of Directors
Chumuckla Water System, Board of Directors
Escambia County Emergency Food and Shelter Program, Board of Directors
Early Learning Coalition of Okaloosa Walton, Board of Directors
Healthy Start Santa Rosa, Board of Directors
EscaRosa Coalition on the Homeless, Ex Officio Board Member
Escambia County Head Start, Policy Council



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1681

County Administrator's Report Item #: 12. 6.

BCC Regular Meeting

Technical/Public Service Consent

Meeting Date: 11/03/2011

Issue: 2012 BCC Meeting/COW Meeting Schedule

From: Charles R. (Randy) Oliver

Organization: County Administrator's Office

CAO Approval:

RECOMMENDATION:

Recommendation Concerning 2012 Board of County Commissioners' Meeting/Committee of the Whole Meeting Schedule - Charles R. "Randy" Oliver, County Administrator

That the Board approve the 2012 Board of County Commissioners' Meeting/Committee of the Whole Meeting Schedule, as submitted.

BACKGROUND:

N/A

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

N/A

Attachments

2012 BCC/COW Meeting Schedule

**2012
MEETING CALENDAR
BOARD OF COUNTY COMMISSIONERS / COMMITTEE OF THE WHOLE
WORKSHOPS**

MEETING	DATE	TIME	CAR DEADLINE 9:00 A.M.	C/W DEADLINE 9:00 A.M.
BCC	JAN. 05, 2012	5:30 P.M.	DEC. 16, 2011	
C/W	JAN. 12, 2012	9:00 A.M.		JAN. 06, 2012
BCC	JAN. 19, 2012	5:30 P.M.	JAN. 09, 2012	
BCC	FEB. 02, 2012	5:30 P.M.	JAN. 23, 2012	
C/W	FEB. 09, 2012	9:00 A.M.		FEB. 03, 2012
BCC	FEB. 16, 2012	5:30 P.M.	FEB. 06, 2012	
BCC	MAR. 01, 2012	5:30 P.M.	FEB. 17, 2012	
C/W	MAR. 08, 2012	9:00 A.M.		MAR. 02, 2012
BCC	MAR. 15, 2012	5:30 P.M.	MAR. 05, 2012	
BCC	APR. 05, 2012	5:30 P.M.	MAR. 26, 2012	
C/W	APR. 12, 2012	CANCELLED	DUE TO FAC	ACC CLASS
BCC	APR. 19, 2012	RESCHEDULED	DUE TO FAC	ACC CLASS
BCC	APR. 17, 2012	5:30 P.M.	APR. 04, 2012	
BCC	MAY 03, 2012	5:30 P.M.	APR. 23, 2012	
C/W	MAY 10, 2012	9:00 A.M.		MAY 4, 2012
BCC	MAY 17, 2012	5:30 P.M.	MAY 07, 2012	
BCC	JUN. 07, 2012	5:30 P.M.	MAY 25, 2012	
C/W	JUN. 14, 2012	9:00 A.M.		JUN. 08, 2012
BCC	JUN. 21, 2012	RESCHEDULED	DUE TO FAC	ANNU CONF
BCC	JUN. 28, 2012	5:30 P.M.	JUN. 18, 2012	
BCC	JUL. 05, 2012	RESCHEDULED	DUE TO FAC	ANNU CONF
BCC	JUL. 12, 2012	5:30 P.M.	JUN. 29, 2012	
C/W	JUL. 19, 2012	9:00 A.M.		JUL. 13, 2012
BCC	JUL. 26, 2012	5:30 P.M.	JUL. 16, 2012	
BCC	AUG. 02, 2012	RESCHEDULED	DUE TO FAC	ANNU CONF
BCC	AUG. 09, 2012	5:30 P.M.	JUL. 30, 2012	
C/W	AUG. 16, 2012	9:00 A.M.		AUG. 10, 2012
BCC	AUG. 23, 2012	5:30 P.M.	AUG. 13, 2012	
BCC	SEPT. 06, 2012	5:30 P.M.	AUG. 27, 2012	
C/W	SEPT. 13, 2012	9:00 A.M.		SEPT. 07, 2012
BCC	SEPT. 20, 2012	5:30 P.M.	SEPT. 10, 2012	
BCC	OCT. 04, 2012	5:30 P.M.	SEPT. 24, 2012	
C/W	OCT. 11, 2012	9:00 A.M.		OCT. 05, 2012
BCC	OCT. 18, 2012	5:30 P.M.	OCT. 10, 2012	
BCC	NOV. 01, 2012	5:30 P.M.	OCT. 22, 2012	
C/W	NOV. 08, 2012	9:00 A.M.		NOV. 02, 2012
BCC	NOV. 15, 2012	5:30 P.M.	NOV. 05, 2012	
BCC	DEC. 06, 2012	5:30 P.M.	NOV. 26, 2012	
C/W	DEC. 13, 2012	9:00 A.M.		DEC. 07, 2012
BCC	JAN. 03, 2013	5:30 P.M.	DEC. 17, 2012	

NOTE: 9:00 A.M. – AGENDA REVIEW WORK SESSIONS HELD ON REGULAR BCC MEETING DATES
4:30 P.M. – PUBLIC FORUM HELD BEFORE ALL REGULAR BCC MEETINGS
ALL BCC AND C/W MEETINGS WILL BE HELD IN BOARD CHAMBERS, ROOM 100,
221 PALAFOX PLACE.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1682

County Administrator's Report Item #: 12. 7.

BCC Regular Meeting

Technical/Public Service Consent

Meeting Date: 11/03/2011

Issue: Appointment to Escambia County Canvassing Board for 2012 Elections

From: Charles R. (Randy) Oliver

Organization: County Administrator's Office

CAO Approval:

RECOMMENDATION:

Recommendation Concerning Appointment to Escambia County Canvassing Board for 2012 Elections - Charles R. "Randy" Oliver, County Administrator

That the Board take the following action concerning an appointment to the Escambia County Canvassing Board:

A. Appoint Commissioner Grover C. Robinson, IV, to serve on the Escambia County Canvassing Board for the 2012 elections. Commissioner Robinson would serve during the following elections: The Presidential Preference Primary January 31, 2012; the Primary Election, August 14, 2012; and the General Election, November 6, 2012; and

B. Authorize out-of-County travel and funding to a Canvassing Board Workshop scheduled in Orlando, Florida, on Friday, December 9, 2011.

BACKGROUND:

The Honorable David H. Stafford, Supervisor of Elections, requested the Board make an appointment to the Canvassing Board in a letter dated September 6, 2011. Mr. Stafford requested the appointee serve in three elections in 2012. In addition, a Canvassing Board Workshop is scheduled for December 9, 2011, in Orlando, Florida. Mr. Stafford has provided information relative to registration and the workshop.

As stipulated in Florida Statutes 102.141, the Chairman of the Board of County Commissioners is a standing member of the Escambia County Canvassing Board. Pursuant to Escambia County's Policy Section I.A.9, Reorganization of the Board of County Commissioners and Installation of Newly Elected Commissioners, District 1 Commissioner Wilson Robertson will assume the position of Chairman at the beginning of the Board Meeting on November 17, 2011. However, since Commissioner Robertson has qualified as a candidate and has opposition, he will not be eligible to serve. Commissioner Robinson is qualified and has expressed a willingness to serve on this Board.

BUDGETARY IMPACT:

Upon the Board's approval of this recommendation, funds for travel expenses to attend the Canvassing Board Workshop will be provided in Cost Center 110101/Account 54001. The Supervisor of Elections Office will be funding the \$60.00 cost of registration.

LEGAL CONSIDERATIONS/SIGN-OFF:

This recommendation has been reviewed and approved by Alison P. Rogers, County Attorney.

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

This recommendation is in compliance with Florida Statutes 102.141 and Escambia County Board Policy Section 1.A.9.

IMPLEMENTATION/COORDINATION:

The County Administrator's Office will coordinate registration and travel for Commissioner Robinson.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1647

County Administrator's Report Item #: 12. 1.

BCC Regular Meeting

Budget & Finance Consent

Meeting Date: 11/03/2011

Issue: Budget Amendment #010 - Increase in Personnel Funding

From: Amy Lovoy

Organization: OMB

CAO Approval:

RECOMMENDATION:

Recommendation Concerning Budget Amendment #010 - Amy Lovoy, Management and Budget Services Department Director

That the Board approve Budget Amendment #010, General Fund (001) in the amount of \$25,351, to appropriate additional personnel funds due to a leave payout caused from an employee resigning.

BACKGROUND:

County Administration/Public Information needs additional personnel funds to cover a leave payout due to an employee resigning from the Board of County Commissioners.

BUDGETARY IMPACT:

This amendment is moving funds from reserves for operating to personnel thus not increasing funding levels in Fund 001.

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

Board policy requires increases in personnel costs to be approved by the Board.

IMPLEMENTATION/COORDINATION:

N/A

Attachments

BA# 010

**Board of County Commissioners
Escambia County
Budget Amendment Request**

Request Number
#010

Approval Authorities

Bureau Chief
Assistant County Administrator
County Administrator
Action by the Board

Date Rec.	Date Forward	Approved	Disapproved
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Transfer From: Fund 001/General Fund
Fund/Department

Account Title	Project Number	Cost Center	Account Code	Amount
Reserves for Operating	_____	110201	59805	25,351
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total				\$25,351

Transfer To: Fund 001/General Fund/County Administration/Public Information
Fund/Department

Account Title	Project Number	Cost Center	Account Code	Amount
Regular Salaries and Wages	_____	380201	51201	21,720
FICA	_____	380201	52101	1,662
Retirement Contributions	_____	380201	52201	1,915
Workers Compensation	_____	380201	52401	54
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total				\$25,351

Detailed Justification:
To provide funding to cover a shortage in the personnel budget due to an employee resigning from the BCC (leave payout).

OMB Analyst

Budget Manager

Bureau Chief



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1648

County Administrator's Report Item #: 12. 2.

BCC Regular Meeting

Budget & Finance Consent

Meeting Date: 11/03/2011

Issue: SBA#013 - CRA Tax Increment Financing Adjustment

From: Amy Lovoy

Organization: OMB

CAO Approval:

RECOMMENDATION:

Recommendation Concerning Supplemental Budget Amendment #013 - Amy Lovoy,
Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #013, General Fund (001) and Community Redevelopment Fund (151) in the amount of \$3,686, to recognize an adjustment to the Escambia County Tax Increment Financing (TIF) Districts. This moves \$5,994 from reserves for operating and appropriates an additional \$3,686 for the County TIF Areas and an additional \$2,308 for the City TIF Areas based on the final certification of property values.

BACKGROUND:

This supplemental budget amendment adjusts the amount budgeted within the TIF Districts to the final actual property values within those areas. The final values are determined by the Escambia County Property Appraiser.

BUDGETARY IMPACT:

This amendment will increase Fund 151 and decrease Fund 001 by \$3,686.

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

Board policy requires increases and decreases in revenues to be approved by the Board.

IMPLEMENTATION/COORDINATION:

N/A

Attachments

SBA#013

Board of County Commissioners
Escambia County
Supplemental Budget Amendment Resolution

Resolution Number
R2011-

WHEREAS, the following revenues were unanticipated in the adopted budget for Escambia County and the Board of County Commissioners now desires to appropriate said funds within the budget.

WHEREAS, the final value certification was received from the Property Appraiser for the Escambia County TIF Areas, and these funds must be recognized and appropriated accordingly.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Escambia County, Florida, that in accordance with Florida Statutes, Section 129.06 (2d), it does hereby appropriate in the following funds and accounts in the budget of the fiscal year ending September 30, 2012:

CRA Expendable Trust Fund General Fund	151 1		
Fund Name	Fund Number		
Revenue Title	Fund Number	Account Code	Amount
Transfers General Fund (001)	151	381001	\$3,686
Total			\$3,686

Appropriations Title	Fund Number/Cost Center	Account Code/ Project Number	Amount
Warrington/Improv. Other than Bldgs.	151/220516	56301	32,729
Brownsville/Improv. Other than Bldgs.	151/220515	56301	(11,600)
Englewood/Improv. Other than Bldgs.	151/220520	56301	4,646
Palafox/Improv. Other than Bldgs.	151/220517	56301	(32,243)
Barrancus/Improv. Other than Bldgs.	151/220519	56301	10,154
Transfers Out (TIF)	001/110215	59115	3,686
Reserves for Operating	001/110201	59805	(5,994)
Tax Increment Financing/ City	001/110201	54910	2,308
Warrington/Other Current Charges	151/220516	54901	1,636
Warrington/Utilities	151/220516	54301	(1,636)
Brownsville/Other Current Charges	151/220515	54901	(580)
Brownsville/Improv. Other than Bldgs.	151/220515	56301	580
Englewood/Other Current Charges	151/220520	54901	232
Englewood/Utilities	151/220520	54301	(232)
Palafox/Other Current Charges	151/220517	54901	(1,612)
Palafox/Improv. Other than Bldgs.	151/220517	56301	1,612
Barrancus/Other Current Charges	151/220519	54901	508
Barrancus/Utilities	151/220519	54301	(508)
Total			3,686

NOW THEREFORE, be it resolved by the Board of County Commissioners of Escambia County, Florida, that the foregoing Supplemental Budget Amendment be made effective upon adoption of this Resolution.

ATTEST:
ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

Kevin W. White, Chairman

Deputy Clerk

Adopted

OMB Approved

Supplemental Budget Amendment
013



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1673

County Administrator's Report Item #: 12. 3.

BCC Regular Meeting

Budget & Finance Consent

Meeting Date: 11/03/2011

Issue: SBA#021 - COPS Technology Grant/Public Safety

From: Amy Lovoy

Organization: OMB

CAO Approval:

RECOMMENDATION:

Recommendation Concerning Supplemental Budget Amendment #021 - Amy Lovoy,
Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #021, Local Option Sales Tax III Fund (352) in the amount of \$1,000,000, to recognize Grant funds from the U.S. Department of Justice, and to appropriate these funds for the communications re-banding initiative at the Public Safety Department.

BACKGROUND:

Escambia County has received a grant from the US Department of Justice for the mandatory communications re-banding initiative. The implementation of the the re-banding project will be handles by the Public Safety Department.

BUDGETARY IMPACT:

This amendment will increase Fund 352 by \$1,000,000.

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

Board policy requires increases and decreases in revenues to be approved by the Board.

IMPLEMENTATION/COORDINATION:

N/A

Attachments

SBA#021

Board of County Commissioners
Escambia County
Supplemental Budget Amendment Resolution

Resolution Number
R2011-_____

WHEREAS, the following revenues were unanticipated in the adopted budget for Escambia County and the Board of County Commissioners now desires to appropriate said funds within the budget.

WHEREAS, The Escambia Public Safety Department has received a grant from the US Dept. Of Justice for the re-banding initiative, and these revenues must be recognized and appropriated in the 2011/2012 fiscal year's budget.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Escambia County, Florida, that in accordance with Florida Statutes, Section 129.06 (2d), it does hereby appropriate in the following funds and accounts in the budget of the fiscal year ending September 30, 2012:

Local Option Sales Tax III Fund Name	352 Fund Number		
Revenue Title	Fund Number	Account Code	Amount
COPS Technology Grant	352	3312xx	1,000,000
Total			<u>\$1,000,000</u>

Appropriations Title	Fund Number/Cost Center	Account Code/ Project Number	Amount
Improvements Other Than Bldgs	352/3304xx	56301	1,000,000
Total			<u>\$1,000,000</u>

NOW THEREFORE, be it resolved by the Board of County Commissioners of Escambia County, Florida, that the foregoing Supplemental Budget Amendment be made effective upon adoption of this Resolution

ATTEST:
ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

Deputy Clerk

Kevin W. White, Chairman

Adopted

OMB Approved

Supplemental Budget Amendment
#021



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1678

County Administrator's Report Item #: 12. 4.

BCC Regular Meeting

Budget & Finance Consent

Meeting Date: 11/03/2011

Issue: SBA#022 - EMS County Award Grant

From: Amy Lovoy

Organization: OMB

CAO Approval:

RECOMMENDATION:

Recommendation Concerning Supplemental Budget Amendment #022 - Amy Lovoy,
Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #022, Other Grants & Projects Fund (110) in the amount of \$19,434, to recognize Grant funds from the Florida Department of Health, and to appropriate these funds for the improvement and expansion of pre-hospital Emergency Management System (EMS) systems in Escambia County.

BACKGROUND:

Escambia County EMS has received grant funds from the State of Florida Department of Health for the improvement and expansion of pre-hospital Emergency Management System (EMS) systems.

BUDGETARY IMPACT:

This amendment will increase Fund 110 by \$19,434.

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

Board policy requires increases and decreases in revenues to be approved by the Board.

IMPLEMENTATION/COORDINATION:

N/A

Attachments

SBA#022

**Board of County Commissioners
Escambia County
Supplemental Budget Amendment Resolution**

**Resolution Number
R2011-**

WHEREAS, the following revenues were unanticipated in the adopted budget for Escambia County and the Board of County Commissioners now desires to appropriate said funds within the budget.

WHEREAS, Escambia County was awarded an EMS County grant by the Florida Department of Health, and these funds must be recognized and appropriated.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Escambia County, Florida, that in accordance with Florida Statutes, Section 129.06 (2d), it does hereby appropriate in the following funds and accounts in the budget of the fiscal year ending September 30, 2012:

<u>Other Grants & Projects</u> Fund Name	<u>110</u> Fund Number		
Revenue Title	Fund Number	Account Code	Amount
EMS County Award C0017	110	334221	\$19,434
Total			\$19,434

Appropriations Title	Fund Number/Cost Center	Account Code/ Project Number	Amount
Operating Supplies	110/330318	55201	\$12,586
Books, Pubs & Subscriptions	110/330318	55401	\$2,848
Training & Registration	110/330318	55501	\$750
Machinery & Equipment	110/330318	56401	\$3,250
Total			\$19,434

NOW THEREFORE, be it resolved by the Board of County Commissioners of Escambia County, Florida, that the foregoing Supplemental Budget Amendment be made effective upon adoption of this Resolution.

ATTEST:
ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA, COUNTY, FLORIDA

Deputy Clerk

Kevin W. White, Chairman

Adopted

OMB Approved

Supplemental Budget Amendment
#022



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1664

County Administrator's Report Item #: 12. 5.

BCC Regular Meeting

Budget & Finance Consent

Meeting Date: 11/03/2011

Issue: SBA#333 - Increased Civic Center Revenue

From: Amy Lovoy

Organization: OMB

CAO Approval:

RECOMMENDATION:

Recommendation Concerning Supplemental Budget Amendment #333 - Amy Lovoy,
Management and Budget Services Department Director

That the Board adopt the Resolution approving Supplemental Budget Amendment #333, Civic Center Fund (409) in the amount of \$357,121, to recognize additional concessions revenues over budget, and to appropriate these funds for the final associated September 2011 Civic Center expenses.

BACKGROUND:

The Civic Center operation has generated additional concession revenues over the budgeted amount. These additional revenues need to be appropriated to cover the final year expenses associated with the Civic Center operation.

BUDGETARY IMPACT:

This amendment will increase Fund 409 by \$357,121. These additional revenues do not impact the overall loss of the Civic Center.

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

Board policy requires increases and decreases in revenues to be approved by the Board.

IMPLEMENTATION/COORDINATION:

N/A

Attachments

SBA#333

Board of County Commissioners
Escambia County
Supplemental Budget Amendment Resolution

Resolution Number
R2011-_____

WHEREAS, the following revenues were unanticipated in the adopted budget for Escambia County and the Board of County Commissioners now desires to appropriate said funds within the budget.

WHEREAS, the Civic Center has generated additional revenues in its concessions operation, and these funds must now be recognized and appropriated back into the Civic Center Budget accordingly

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Escambia County, Florida, that in accordance with Florida Statutes, Section 129.06 (2d), it does hereby appropriate in the following funds and accounts in the budget of the fiscal year ending September 30, 2011:

Civic Center Fund Fund Name	409 Fund Number		
Revenue Title	Fund Number	Account Code	Amount
Concessions	409	347510	357,121
Total			\$357,121

Appropriations Title	Fund Number/Cost Center	Account Code/ Project Number	Amount
Other Contractual Services	409/221301	53401	357,121
Total			\$357,121

NOW THEREFORE, be it resolved by the Board of County Commissioners of Escambia County, Florida, that the foregoing Supplemental Budget Amendment be made effective upon adoption of this Resolution

ATTEST:
ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

Deputy Clerk

Kevin W. White, Chairman

Adopted

OMB Approved

Supplemental Budget Amendment
#333



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1613

County Administrator's Report Item #: 12. 6.

BCC Regular Meeting

Budget & Finance Consent

Meeting Date: 11/03/2011

Issue: Kupfrain Park Area Improvements-Avery Street from Pace Boulevard to "J" Street

From: Amy Lovoy

Organization: OMB

CAO Approval:

RECOMMENDATION:

Recommendation Concerning Kupfrain Park Area Improvements - Avery Street from Pace Boulevard to "J" Street - Amy Lovoy, Management and Budget Services Department Director

That the Board award an Indefinite Quantity, Indefinite Delivery Contract, PD 10-11.077, Kupfrain Park Area Improvements - Avery Street from Pace Boulevard to "J" Street, to Gulf Atlantic Constructors, Inc., for a total amount of \$826,000. The project features lane and drainage improvements.

[Funding: Fund 352 (LOST III), Cost Center 210107, Object Code 56301, Project Number 10EN0433]

BACKGROUND:

Submittals were received from 6 contractors on October 6, 2011. Gulf Atlantic Constructors, Inc. was the lowest Responsive and Responsible bid received. The project features lane and drainage improvements within District 3 to Avery Street from Pace Boulevard to J Street, including improvements to K Street from Blount Street to Avery Street. Roadway improvements include lowering the roadway profile, improving lane widths to 12 foot travel lanes, adding curb and gutter, adding speed tables for traffic calming, and adding a sidewalk through the project limits. Drainage improvements will be made throughout the project limits including storm drain systems on both Avery Street and K Street which will outfall into a pond designed for K Street. Pond construction will include a sand chimney as detailed in the plans. ECUA utility work will also be included in this Contract.

BUDGETARY IMPACT:

[Funding: Fund 352 LOST III, Cost Center 210107, Object Code 56301, Project Number 10EN0433]

LEGAL CONSIDERATIONS/SIGN-OFF:

County Attorney's Standard Form Contract D will be used.

PERSONNEL:

NA

POLICY/REQUIREMENT FOR BOARD ACTION:

This recommendation is in compliance with the provision of the Escambia County Florida Code of Ordinances, 1999 Chapter 46, Article II, Division 3, Sections 87-90, Purchases and Contracts.

IMPLEMENTATION/COORDINATION:

Upon receipt of post award compliance documents from the awarded contractor, the Office of Purchasing shall notify the Public Works Bureau, Engineering Division that they may issue a Notice to Proceed to Gulf Atlantic Constructors, Inc.

Attachments

Bid Tabulation

PUBLIC NOTICE OF RECOMMENDED AWARD

BID TABULATION		DESCRIPTION: Kupfrain Park Area Improvements-Avery Street from Pace Boulevard to "J" Street ITB# PD 10-11.077							
Bid Opening Time: 3:00 p.m., CDT Opening Date: 10/6/11 Pre Bid Mtg: 9/14/11 10 a.m. CDT Opening Location: Rm 11.407	Cover Sheet/ Acknowl	Bid Bond/ Bid Surety Check	Grand Total	Acknw. of Addendum	Sworn Statement Pursuant to Section (287.133) (3) (a), <u>Florida Statues, on Entity Crimes</u>	Drug-Free Workplac e Form	Information Sheet for Transactions & Conveyances Corporation ID	Certificate of Authority to do Business in the State of Florida	Left Blank Intentionally
NAME OF PROPOSER									
Areo Training & Rental, Inc. 537 Gulf Shore Drive Destin, FL 32541	X	Bid Bond	\$999,870.00	X	X	X	X	X	
Crestview Site & Underground Inc. P.O. Box 2354 Crestview, FL 32536	X	Bid Bond	\$1,093,802.50	X	X	X	X	X	
Gulf Atlantic Constructors, Inc. 650 W. Oakfield Rd Pensacola, FL 32503	X	Bid Bond	\$826,000.00	X	X	X	X	X	
J.B. Coxwell Contracting, Inc 6741 Lloyd Road West Jacksonville, FL 32254	X	Bid Bond	\$1,215,551.44	X	X	X	X	X	
Radford & Nix Construction, LLC 7014 Pine Forest Rd Pensacola, FL 32526	X	Bid Bond	\$829,680.00	X	X	X	X	X	
Roads, Inc. of NWF 106 Stone Blvd. Cantonment, FL	X	Bid Bond	\$960,960.00	X	X	X	X	X	
BIDS OPENED BY:				Bob Dennis, MABA, CPPB, Purchasing Specialist DATE: October 10, 2011					
BIDS TABULATED BY:				Cynthia Smith, Senior Office Support Assistant DATE: October 10, 2011					
BIDS WITNESSED BY:				Cynthia Smith, Senior Office Support Assistant DATE: October 10, 2011					

CAR DATE: 11/3/2011 BCC DATE 11/3/2011

The Public Works/ Engineering Department recommends to the BCC: **To award an Indefinite Quantity, Indefinite Delivery Contract to: Gulf Atlantic Constructors, Inc. in the amount of \$826,000.00 Pursuant to Section 119.07(3)(M),F.S., all documents relating to this tabulation are available for public inspection and copying at the Office of the Purchasing Manager.**

Posted: 10:45 a.m., CDT, October 10, 2011

BD/ crs



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1665

County Administrator's Report Item #: 12. 7.

BCC Regular Meeting

Budget & Finance Consent

Meeting Date: 11/03/2011

Issue: COPS Technology Program Grant #2010CKWX0486

From: Mike Weaver

Organization: Public Safety

CAO Approval:

RECOMMENDATION:

Recommendation Concerning COPS Technology Grant #2010CKWX0486 - Michael D. Weaver, Public Safety Department Director

That the Board take the following action concerning the U.S. Department of Justice, Community Oriented Policing Services (COPS), Law Enforcement Technology Grant #2010CKWX0486 for replacement of a 300 foot microwave communications tower, equipment shelter and emergency generator:

A. Ratify the Chairman's and the Interim County Administrator's signatures on the electronic COPS Technology Program Grant Application, dated June 24, 2010;

B. Accept the Grant in the amount of \$1,000,000, for the period December 16, 2009, through December 15, 2012;

C. Ratify the Chairman's and County Administrator's signatures on the award document; and

D. Authorize the Chairman and/or County Administrator to sign Amendments, requests for payment and other related documents as may be required.

BACKGROUND:

In June 2010, the former Public Safety Communications Division Manager received notification that our agency, as specified in the Consolidated Appropriations Act, 2010 (P.L. 111-117), was eligible to submit an application for grant funding under the FY 2010 COPS Technology Program. The online application requesting funding, in the amount of \$1,000,000, for replacement of a 300' microwave communications tower (Don Sutton tower, built in 1980), equipment shelter, and emergency generator was prepared by the Communications Division Manager and signed electronically by Commissioner Grover Robinson, then Board Chairman, and Interim County Administrator Larry Newsom.

BUDGETARY IMPACT:

The COPS Award will fund the replacement of the Don Sutton microwave communications tower and equipment shelter built in 1980, and the emergency generator.

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

Grant implementation and oversight will be provided by Public Safety Department.

Attachments

DOJ COPS FY10 Grant Application

DOJ COPS FY10 Grant Award Document

Application for Federal Assistance SF-424Version 02
OMB Number: 4040-0004
Expiration Date: 03/31/2012

1. Type of Submission: 2. Type of Application: If Revision, select appropriate letter(s)

- | | | |
|--|---|-----------------|
| <input type="checkbox"/> Preapplication | <input checked="" type="checkbox"/> New | Other (Specify) |
| <input checked="" type="checkbox"/> Application | <input type="checkbox"/> Continuation | |
| <input type="checkbox"/> Changed/Corrected Application | <input type="checkbox"/> Revision | _____ |

3. Date Received : 4. Applicant Identifier:
6/3/2010 FL092ZZ

5a. Federal Entity Identifier: 5a. Federal Award Identifier:

State Use Only:

6. Date Received by State: 7. State Application Identifier:

8. APPLICANT INFORMATION:a. Legal Name: Escambia County Board of
Commissioners/Public Safeb. Employer/Taxpayer Identification Number (EIN/TIN): c. Organizational DUNS:
596000598 596000598**d. Address:**Street 1: 221 Palafox PI
Street 2:
City: Pensacola
County:
State: FL
Province:
Country:
Zip / Postal Code: 32502**e. Organizational Unit:**Department Name: Division Name:
Public Safety Communications**f. Name and contact information of person to be contacted on matters involving this application:**Prefix: First Name: Robert
Middle Name: Last Name: Boschen
Suffix:Title: Communications Organizational Affiliation:
Division ManagerTelephone Number: 8504716315 Fax Number: 8504716322
Email: bob_boschen@co.escambia.fl.us

9. Type of Applicant 1: Select Applicant Type:

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

Other (Specify):

10 Name of Federal Agency:

**Office of Community Oriented Policing
Services**

11. Catalog of Federal Domestic Assistance Number:

CFDA # = 16.710

CFDA Title: Public Safety Partnership And Community Policing Grants

12 Funding Opportunity Number:

13. Competition Identification Number:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Escambia County, City of Pensacola, Town of Century

15. Descriptive Title of Applicant's Project:

Don Sutton Microwave Tower Replacement

16. Congressional Districts

Of:

a. Applicant: 1

b. Program/Project: 1

17. Proposed Project:

a. Start Date: 1/1/2011

b. End Date: 12/31/2011

18. Estimated Funding (\$):

a. Federal 1000000

b. Applicant

c. State

d. Local

e. Other

f. Program Income

g. TOTAL 1000000

19. Is Application Subject to Review By State Under Executive Order 12372 Process?

 a. This application was made available to the State under the Executive Order 12372 Process for review on b. Program is subject to E.O. 12372 but has not been selected by the State for review. c. Program is not covered by E.O. 12372

20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)

 Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

By clicking this box and typing my name below, I also certify that I have been legally and officially authorized by the appropriate governing body to submit this application and act on behalf of the grant applicant entity. I certify that I have read, understand, and agree, if awarded, to abide by all of the applicable grant compliance terms and conditions as outlined in the COPS Application Guide, the COPS Grant Owner's Manual, assurances, certifications and all other applicable program regulations, laws, orders, or circulars. In addition, I certify that the information provided on this form and any attached forms is true and accurate to the best of my knowledge. I understand that false statements or claims made in connection with COPS programs may result in fines, imprisonment, debarment from participating in federal grants, cooperative agreements, or contracts, and/or any other remedy available by law to the federal government.

 I AGREE** The certifications and assurances as well as grant terms and conditions can be reviewed at www.cops.usdoj/????.

Authorized Representative:

Prefix:

Title:

Chair

Middle Name:

First Name:

Grover

Last Name: Robinson

Suffix:

IV

Telephone Number: 8505954940

Fax Number:

8505954928

Email: district4@co.escambia.fl.us

Signature (Typed Name) of Authorized Representative: Grover Robinson IV Date Signed: 6/24/2010

Applicant Federal Debt Delinquency Explanation

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

COPS Application Attachment to SF-424

SECTION 1: COPS PROGRAM REQUEST

Federal assistance is being requested under the following COPS program:

Select the COPS grant program for which you are requesting federal assistance. A separate application must be completed for each COPS program for which you are applying. Please ensure that you read, understand, and agree to comply with the applicable grant terms and conditions as outlined in the COPS Application Guide before finalizing your selection.

CHECK ONE PROGRAM OPTION ONLY

Targeted - Technology Program

SECTION 2: Agency Eligibility Information

A. Type of Agency (select one)

Law Enforcement Non-Law Enforcement

From the list below, please select the type of agency which best describes the applicant.

Non-Law Enforcement Entities County Government

Section 3: GENERAL AGENCY INFORMATION

A. Applicant ORI Number: FL092ZZ

The ORI number is assigned by the FBI and is your agency's unique identifier. The COPS Office uses the first seven characters of this number. The first two letters are your state abbreviation, the next three numbers are your county's code, and the next two numbers identify your jurisdiction within your county. If you do not currently have an ORI number, the COPS Office will assign one to your agency for the purpose of tracking your grant. ORI numbers assigned to agencies by the COPS Office may end in "ZZ."

B. Applicant Data Universal Numbering System (DUNS) Number: 596000598

A Data Universal Numbering System (DUNS) Number is required. A DUNS number is a unique nine or thirteen digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. For more information about how to obtain a DUNS number, please refer to the "How to Apply" section of the COPS Application Guide.

C. Central Contractor Registration (CCR)

All applicants (other than individuals) are required to maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and sub-recipients. For more information about how to register with the CCR, please refer to the "How to Apply" section of the COPS Application Guide. Please note that applicants must update or renew their CCR at least once per year to maintain an active status.

Does your agency have an active registration with the Central Contractor Registration database?

Note: Your Agency must have an active registration with the CCR. If your agency is not registered, please register now by going to the following web address: <https://www.bpn.gov/ccr/default.aspx>

Yes No

D. Geographic Names Information System (GNIS) ID: 295737

Please enter your Geographic Names Information System (GNIS) Identification Number. This is a unique ID assigned to all geographic entities by the U.S. Geological Survey. To look up your GNIS Feature ID, please go to the website: <http://geonames.usgs.gov/domestic/index.html>. For more information about how to obtain a GNIS number, please refer to the "How to Apply" section of the COPS Application Guide.

E. Cognizant Federal Agency: Department of Justice

Select the legal applicant's Cognizant Federal Agency. A Cognizant Federal Agency, generally, is the federal agency from which your jurisdiction receives the most federal funding. Your Cognizant Federal Agency also may have been previously designated by the Office of Management and Budget. Applicants that have never received federal funding should select the "Department of Justice" as the Cognizant Federal Agency.

Section 3: GENERAL AGENCY INFORMATION

F. Fiscal Year: 10/1/2009 To: 9/30/2010

Enter the date of the legal applicant's fiscal year.

G. Service Population

1. Enter the total population of the government entity applying for this grant using the latest census estimate available in the American FactFinder at <http://FactFinder.census.gov>.

303343

2. Check here if the population of the entity applying for this grant is not represented by U.S. Census figures (e.g., colleges, special agencies, school police departments, etc.).

(If checked, complete 2a – 2b.)

2a. If the population of the entity applying for this grant is not represented by U.S. Census figures, please indicate the size of the population as of the latest available estimate:

0

2b. Please indicate the source of this population estimate: _____

(e.g., website address)

3. What is the actual population your department serves as the primary law enforcement entity?

This may or may not be the same as the population specified above. For example, a service population may be the census population minus incorporated towns and cities that have their own police department within your geographic boundaries or estimates of ridership (e.g., transit police) or visitors (e.g., park police).

0

3a. If applicable, please explain why the service population differs from the census population: _____

H. Law Enforcement Agency Sworn Force Information

1. Enter the Fiscal Year Budgeted Sworn Force Strength for each year below. The budgeted number of sworn officer positions is the number of sworn positions funded in your agency's budget, including funded but frozen positions, as well as state, Bureau of Indian Affairs, and/or locally funded vacancies. Do not include unfunded vacancies or unpaid/reserve officers.

a. Number of officers funded in agency's current fiscal year budget:

Full-Time: _____ Part-Time: _____

2. Enter the Fiscal Year Actual Sworn Force Strength as of the date of this application: *The actual number of sworn officer positions is the actual number of sworn positions employed by your agency as of the date of this application. Do not include funded but currently vacant positions or unpaid positions.*

a. Number of officers employed by your agency as of the date of this application:

Full-Time: _____ Part-Time: _____

SECTION 4: EXECUTIVE INFORMATION

Note: Listing individuals without ultimate programmatic and financial authority for the grant could delay the review of your application, or remove your application from consideration.

A. Law Enforcement Executive/Agency Executive Information:

For Law Enforcement Agencies: Enter the law enforcement executive's name and contact information. This is the highest ranking law enforcement official within your jurisdiction (e.g., Chief of Police, Sheriff, or equivalent). *For Non-Law Enforcement Agencies:* Enter the highest ranking individual in the applicant agency (e.g., CEO, President, Chairperson, Director) who has the authority to apply for this grant on behalf of the applicant agency. If the grant is awarded, this position would ultimately be responsible for the programmatic implementation of the award.

Title: Chair _____ Interim:

First Name: Grover _____ MI: _____ Last Name: Robinson _____ Suffix: IV _____

Agency Name: Escambia County Board of Commissioners/Public Safe _____

Street Address1: 221 Palafox Place _____

Street Address2: P.O. Box 1591 _____

City: Pensacola _____ State: FL _____ Zipcode: 32591 _____

Telephone: 8505954940 _____ Fax: 8505954928 _____

Email: district4@co.escambia.fl.us _____

B. Government Executive/Financial Official Information:

For Government Agencies: Enter the government executive's name and contact information. This is the highest ranking official within your jurisdiction (e.g., Mayor, City Administrator, Tribal Chairman, or equivalent). *For Non-Government Agencies:* Enter the name and contact information of the financial official who has the authority to apply for this grant on behalf of the applicant agency (e.g., Treasurer). If the grant is awarded, this position would ultimately be responsible for the financial management of the award. Please note that information for non-executive positions (e.g., clerks, trustees, etc.) is not acceptable.

Title: County Administrator _____ Interim:

First Name: Larry _____ MI: _____ Last Name: Newsom _____ Suffix: _____

Agency Name: Escambia County Board of Commissioners _____

Street Address1: 221 Palafox Place _____

Street Address2: P.O. Box 1591 _____

City: Pensacola _____ State: FL _____ Zipcode: 32591 _____

Telephone: 8505954900 _____ Fax: 8505954928 _____

Email: lmnewsom@co.escambia.fl.us _____

SECTION 6: LAW ENFORCEMENT & COMMUNITY POLICING STRATEGY

COPS Office grants must be used to reorient the mission and activities of law enforcement agencies toward the community policing philosophy or enhance their involvement in community policing. The following is the COPS Office definition of community policing that emphasizes the primary components of community partnerships, organizational transformation, and problem solving.

Community policing is a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problemsolving techniques, to proactively address the immediate conditions that give rise to public safety issues, such as crime, social disorder, and fear of crime.

The COPS Office has completed the development of a comprehensive community policing self-assessment tool for use by law enforcement agencies. Based on this work, we have developed the following list of primary sub-elements of community policing. Please refer to the COPS Office web site (www.cops.usdoj.gov) for further information regarding these sub-elements.

Community Partnerships:

Collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to both develop solutions to problems and increase trust in police.

Other Government Agencies
Community Members/Groups
Non-Profits/Service Providers
Private Businesses
Media

Organizational Transformation:

The alignment of organizational management, structure, personnel and information systems to support community partnerships and proactive problem-solving efforts.

Agency Management
Climate and culture
Leadership
Labor relations
Decision-making
Strategic planning
Policies
Organizational evaluations
Transparency

Organizational Structure
Geographic assignment of officers
Despecialization
Resources and finances
Personnel
Recruitment, hiring and selection
Personnel supervision/evaluations
Training

Information Systems (Technology)
Communication/access to data
Quality and accuracy of data

Problem Solving:

The process of engaging in the proactive and systematic examination of identified problems to develop effective responses that are rigorously evaluated.

Scanning: Identifying and prioritizing problems
Analysis: Analyzing problems
Response: Responding to problems
Assessment: Assessing problem-solving initiatives
Using the Crime Triangle to focus on immediate conditions (Victim/Offender/Location)

SECTION 6: LAW ENFORCEMENT & COMMUNITY POLICING STRATEGY

Proposed Community Policing Plan

COPS grants must be used to initiate or enhance community policing activities, either directly by your law enforcement agency, or (for non-law enforcement applicants) in collaboration with law enforcement. Please complete the following questions to describe the types of community policing activities that will result from COPS funding. For each question, answer on behalf of the applicant law enforcement agency, or for non-law enforcement applicants the law enforcement agency(s) with whom you will collaborate. You may find more detailed information about community policing at the COPS Office website <http://www.cops.usdoj.gov/Default.asp?Item=36>.

Community Partnerships

Community partnerships are ongoing collaborative relationships between law enforcement and the individuals and organizations they serve to both develop solutions to problems and increase trust in the police.

My Agency:

P1) Regularly distributes relevant crime and disorder information to community members.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

P2) Routinely seeks input from the community to identify and prioritize neighborhood problems (e.g., through regularly scheduled community meetings, annual community surveys, etc.).

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

P3) Regularly collaborates with local government agencies that deliver public services.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do not you plan to use grant funding to initiate or implement this activity?

YES

NO

SECTION 6: LAW ENFORCEMENT & COMMUNITY POLICING STRATEGY

P4) Regularly collaborates with non-profit organizations and/or community groups.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

P5) Regularly collaborates with local businesses.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

P6) Regularly collaborates with informal neighborhood groups and resident associations.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

If no, do you plan to use grant funding to initiate or implement this activity?

b) NO

YES

NO

**P7) Regularly collaborates with federal government agencies through formal partnerships
(e.g., task forces, working groups, etc.)**

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

SECTION 6: LAW ENFORCEMENT & COMMUNITY POLICING STRATEGY

Proposed Community Policing Plan

ProblemSolving

Problemsolving is an analytical process for systematically (1) identifying and prioritizing problems, (2) analyzing problems, (3) responding to problems, and (4) evaluating problem-solving initiatives. Problemsolving involves an agency-wide commitment to go beyond traditional police responses to crime to proactively address a multitude of problems that adversely affect quality of life.

My Agency:

PS1) Routinely incorporates problem-solving principles into patrol work.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

PS2) Identifies and prioritizes crime and disorder problems through the routine examination of patterns and trends involving repeat victims, offenders, and locations.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

PS3) Routinely explores the underlying factors and conditions that contribute to crime and disorder problems.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

SECTION 6: LAW ENFORCEMENT & COMMUNITY POLICING STRATEGY

PS4) Systematically tailors responses to crime and disorder problems to address their underlying conditions.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

PS5) Regularly conducts assessments to determine the effectiveness of responses to crime and disorder problems.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

If no, do you plan to use grant funding to initiate or implement this activity?

b) NO

YES

NO

SECTION 6: LAW ENFORCEMENT & COMMUNITY POLICING STRATEGY

Organizational Transformation

Organizational transformation is the alignment of organizational management, structure, personnel and information systems to support community partnerships and proactive problem-solving efforts.

My Agency:

OT1) Incorporates community policing principles into the agency's mission statement and strategic plan.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

OT2) Practices community policing as an agency-wide effort involving all staff (i.e., not solely housed in a specialized unit).

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

OT3) Incorporates problem-solving and partnership activities into personnel performance evaluations.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

SECTION 6: LAW ENFORCEMENT & COMMUNITY POLICING STRATEGY

Technology

Technology provides agencies with the tools to communicate more effectively externally with the public and internally with their own staff, and the ability to understand and analyze community problems.

My Agency:

TEC01) Ensures that agency staff have appropriate access to relevant data (e.g., calls for service, incident and arrest data, etc.).

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

TEC02) Uses technology (e.g., crime mapping or statistical software) to analyze and understand problems in the community.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

TEC03) Uses technology (e.g., GIS/GPS for deployment or laptops for field reporting) to improve the agency's overall efficiency and effectiveness.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

TEC04) Provides officers with necessary equipment to better prevent and/or respond to crime and disorder problems.

a) YES

If yes, do you plan to use grant funding to enhance or expand this activity?

YES

NO

b) NO

If no, do you plan to use grant funding to initiate or implement this activity?

YES

NO

SECTION 6: LAW ENFORCEMENT & COMMUNITY POLICING STRATEGY

Community Policing Plan Narrative

Please describe your agency's implementation plan for this program (if awarded), with specific reference to each of the following elements of community policing: (a) community partnerships and support, including consultation with community groups, private agencies, and/or other public agencies; (b) related governmental and community initiatives that complement your agency's proposed use of COPS funding; and (c) organizational transformation – how your agency will use these funds, if awarded, to reorient its mission to community policing or enhance its involvement in and commitment to community policing. Your organization may be audited or monitored to ensure that it is initiating or enhancing community policing in accordance with this plan. The COPS Office may also use this information to understand the needs of the field, and potentially provide for training, technical assistance, problem solving and community policing implementation tools.

If your organization receives this grant funding, these responses, along with the previous questions, will be considered as your organization's community policing plan. We understand that your community policing needs may change during the life of your grant (if awarded), and minor changes to this plan may be made without prior approval from the COPS Office. We also recognize that this plan may incorporate a broad range of possible community policing strategies and activities, and that your agency may implement particular community policing strategies from the plan on an as-needed basis throughout the life of the grant. If your agency's community policing plan changes significantly, however, you must submit those changes in writing to the COPS Office for approval. Changes are "significant" if they deviate from the range of possible community policing activities identified and approved in this original community policing plan submitted with your application.

In the space provided, please address your agency's implementation plan for this program with specific reference to each of the following elements of community policing:

(a) Community partnerships and support, including consultation with community groups, private agencies, and/or other public agencies.

[Please limit your response to a maximum of 3,000 characters.]

Escambia County (FL) Public Safety and Escambia County Sheriff's Office together operate a countywide communications network with 18 tower sites, connected by a digital microwave loop system. This network provides operable communications over 660 square miles for numerous agencies serving more than 300,000 citizens. The joint effort to enhance the counties communication network is instrumental in allowing for the deployment of the community oriented policing effort of the sheriff's office. The sheriff's office has deployed 20 COPS Officers throughout the county and this communication system is paramount in the deployment of the officers in rural parts of the county where limited communication capability exist.

(b) Related governmental and community initiatives that complement your agency's proposed use of COPS funding.

[Please limit your response to a maximum of 3,000 characters.]

The sheriff's office has deployed 20 COPS Officers throughout the county and this communication system is paramount in the deployment of the officers in rural parts of the county where limited communications capability exist. This is a new initiative for 2010 and will be expanding through 2014 where full implementation is targeted. This tower will assist the sheriff's office in its future plans to expand the capability of out street level camera system in parts of the county where communications are limited.

(c) Organizational transformation – how your agency will use these funds, if awarded, to reorient its mission to community policing or enhance its involvement in and commitment to community policing.

[Please limit your response to a maximum of 3,000 characters.]

The joint effort to enhance the County's communication network is instrumental in allowing for the deployment of the community oriented policing effort of the Sheriff's Office in the rural portions of the county where significant crime exist. The deployment of these COPS Officers have already made significant impact in areas that have been inundated with street level crime and gang activity. Deployment of these officers without suitable communications would endanger the law enforcement officers and limit the full implementation the community oriented policing plan. This tower will provide our COPS Officers with vital communications for us to fully implement our COPS Plan.

CP1) To what extent is there community support in your jurisdiction for implementing the proposed grant activities?

High level of support

Moderate support

Minimal support

CP2) If awarded, to what extent will the grant activities impact the other components of the criminal justice system in your jurisdiction?

Potentially decreased burden

No change in burden

Potentially increased burden

SECTION 7: NEED FOR FEDERAL ASSISTANCE

A. Waivers of the Local Match

Section Not Applicable to 2010 COPS Application Attachment

B. Explanation of Need for Federal Assistance

All applicants are required to address the need for federal assistance. In the space below, please provide a brief explanation of your agency's inability to address your public safety needs and implement this project without federal assistance.

[Please limit your response to a maximum of 3,000 characters.]

With the economic recession local government funding has decreased. Property values have fallen and foreclosures have increased. This directly affects the County's property tax funding source. In the last four years, Escambia County has been forced to reduce its annual budget by more than \$90 million. (FY2007 \$458,839,188 - FY2010 \$367,489,211). This massive reduction has caused the County to cut back on several major projects that have been identified as a critical need, including communication towers. We have requested funds during budget preparation for this tower for several years. Without federal assistance, we do not have the funds for this much needed project.

SECTION 8: CONTINUATION OF PROJECT AFTER FEDERAL FUNDING ENDS

If you are applying for a COPS grant with a post-grant retention plan requirement, please complete A. If you are applying for a COPS grant without a post-grant retention plan requirement, please complete B.

B. Continuation of Project after Federal Funding Ends (for other COPS grants with no retention plan requirement)

Please complete these questions to indicate any plans you may have to continue this program, project, or activity after the conclusion of federal funding

1. Will your agency plan to retain any additional positions awarded under this grant for a minimum of 12 months at the conclusion of federal funding for each position?

YES NO

2. Please identify the source(s) of funding that your agency plans to utilize to cover the costs of retention from the drop-down box listed below: (*check all that apply*)

- General funds
- Raise bond/tax issue
- Private sources/donations
- Non-federal asset forfeiture funds (subject to approval from the state or local oversight agency)
- Fundraising efforts
- Other (Please provide a brief description of the source(s) of funding not to exceed 350 characters.)

We receive funding from a surcharge on all moving violation citations issued in Escambia County. This is used to fund maintenance of our communications system, including towers.

SECTION 10: EXECUTIVE SUMMARY

Please provide a brief summary of how your agency will use this federal funding. Refer to the COPS Application Guide for clarification on specific information to include in your summary, and be sure to provide a description of how you expect this grant to impact public safety and/or crime prevention in your community. The Executive Summary may be used to keep Congress or other executive branch agencies informed on law enforcement strategies to deter crime in your community.

[Please limit your responses to a maximum of 3,000 characters.]

Escambia County Board of Commissioners
Florida
Robert Boschen 850.471.6315
\$1,000,000

Escambia County intends to use this grant award to replace a 1980 communications tower. This tower is a vital link in our county-wide communications network that serves the Sheriff's Office, EMS, Fire-Rescue, and other local government agencies. Replacement of this tower with one that meets the latest wind standards (TIA 222G) will ensure continued communications capability for our emergency responders.

This tower replacement is in conjunction with a simultaneous County project to replace the existing VHF and UHF analog radio systems with a UHF Project 25 (P25) digital radio system.

Escambia County (FL) Public Safety and Escambia County Sheriff's Office operate a countywide communications network with 18 tower sites, connected by a digital microwave loop system. This network provides operable communications over 660 square miles for numerous agencies serving more than 300,000 citizens.

The Don Sutton site (FCC ASR 1028864) is a 1980 hollow leg, painted (non galvanized), 300 foot, guyed tower. This tower is the last remaining tower needing replacement in our system. The equipment shelter at this site is a concrete block building with a shingled gable roof, window air conditioner, and space heater. This structure was also built in 1980. The 15 KW propane emergency generator and automatic transfer switch were purchased in 2000. This site is a critical location for two way radio equipment and the microwave loop system.

In order to maintain emergency communications connectivity, we intend to purchase a new tower, equipment shelter, and emergency generator and dismantle and dispose the existing site. This tower replacement is in conjunction with a simultaneous County project to replace the existing VHF and UHF analog radio systems with a UHF Project 25 (P25) digital radio system. The P25 system will enhance communications, extend the life of our communications system, ensure compliance with the FCC narrow banding requirement, and provide interoperability for first responders.

The tower will directly contribute to the Sheriff's Office Community Oriented Policing initiatives by maintaining and enhancing the countywide communications system and ensuring law enforcement officers at the local Molino Substation (Precinct 5) can access reliable communications. The P25 system will also provide advanced digital encryption for all Sheriff's subscribers.

The new tower will be a 300 foot solid leg, galvanized, self supporting tower. This tower will:

Meet the latest wind standards for our area (EIA 222G)

Eliminate the need for annual maintenance of guy wires tensioning

Remove the inherent hazards associated with guy wires and anchors that can lead to catastrophic tower failure

Eliminate the liability of a potential catastrophic failure of a 30 year old hollow leg tower with one that meets current wind requirements for our coastal hurricane-prone area

SECTION 11: PROJECT DESCRIPTION (NARRATIVE)

Please include in your application an in-depth narrative response detailing your proposed project. Please refer to the program-specific section of the COPS Application Guide: "How to Apply" section for information on what should be included in your response, as well as any additional formatting requirements and page length limitations. **Note: Child Sexual Predator Program (CSPP) and Community Policing Development (CPD) grant applicants must submit their entire project description narrative as an attachment in Section 13 of this application.**

A. Problem Identification

[Responses are limited to a maximum of 3,000 characters.]

The Don Sutton site (FCC ASR 1028864) is a 1980 hollow leg, painted (non galvanized), 300 foot, guyed tower. This tower is the last remaining tower needing replacement in our system. The equipment shelter at this site is a concrete block building with a shingled gable roof, window air conditioner, and space heater. This structure was also built in 1980. The 15 KW propane emergency generator and automatic transfer switch were purchased in 2000. This site is a critical location for two way radio equipment and the microwave loop system used by local law enforcement, fire departments, EMS, and other local government agencies. Since 1995, this area has suffered a direct hit from three Category 3 hurricanes (Ivan, Dennis, and Opal), one Category 2 hurricane (Erin), and faced the threat of another 12 tropical systems. We are concerned that this aging structure will fail and cripple our communications network.

B. Project Goals/Objectives

[Responses are limited to a maximum of 3,000 characters.]

Replace 1980 tower with new solid leg galvanized self supporting tower that meets the latest wind standards.

Replace 1980 equipment shelter with contemporary pre-cast structure.

Replace emergency generator.

Ensure continued communications availability for local law enforcement and public safety responders.

C. Building Relationships and Solving Problems

[Responses are limited to a maximum of 3,000 characters.]

D. Implementation Plan

[Responses are limited to a maximum of 3,000 characters.]

Procurement (Advertise RFP, review proposals, rank vendors, negotiate contract, Commission approval, issue Purchase Order, notice to proceed): 60 days

Approve plans and drawings, receive permits: 30 days

Foundation work: 30 days

Materials on site: 30 days

Equipment shelter on site: 60 days

Erect tower and antennas: 30 days

Install generator and startup: 30 days

Relocate communications equipment to new shelter: 14 days

Dismantle existing site and dispose: 30 days

E. Evaluation Plan/Effectiveness of Program

[Responses are limited to a maximum of 3,000 characters.]

Prior to "cutover", all systems will be tested: sweep microwave waveguide and record results, perform systems tests on all electronic equipment, trouble shoot circuits if problems exist, and document cable running list. After cutover, the site will be remotely monitored 24 hours each day for proper operation.

F. Project Description (Narrative) Attachment

Child Sexual Predator Program (CSPP) and Community Policing Development (CPD) applicants must submit their entire project description as an attachment in Section 13 of this application.

SECTION 13: APPLICATION ATTACHMENTS

This section should be used to attach any required or applicable attachments to your grant application (e.g., a Memorandum of Understanding). If the program for which you are applying requires a Memorandum of Understanding (MOU), this document should define the roles and responsibilities of the individuals and partner(s) involved in your proposed project. Please refer to the program-specific Application Guide to determine if an MOU or other application attachments are required. The Guide will also specify if optional attachments are permitted for submission.

File Name	Attachement
Grant narrative.docx	BudgetNarrative

SECTION 14: BUDGET DETAIL WORKSHEETS

Instructions for Completing the Budget Detail Worksheets

The following Budget Detail Worksheets are designed to allow all COPS grant and cooperative agreement applicants to use the same budget forms to request funding. Allowable and unallowable costs vary widely and depend upon the type of COPS program. The maximum federal funds that can be requested and the federal/local share breakdown requirements also vary.

Please refer to the program-specific Application Guide to determine the allowable/unallowable costs, the maximum amount of federal funds that can be requested, and the federal/local share requirements for the COPS program for which your agency is applying. To assist you, sample Budget Detail Worksheets are included in each Application Guide.

Please complete each section of the Budget Detail Worksheets applicable to the program for which you are applying (see the program-specific Application Guide for requirements). If you are not requesting anything under a particular budget category, please check the appropriate box in that category indicating that no positions or items are requested.

All calculations should be rounded to the nearest whole dollar. Once the budget for your proposal has been completed, a budget summary page will reflect the total amounts requested in each category, the total project costs, and the total federal and local shares.

If you need assistance in completing the Budget Detail Worksheets, please call the COPS Office Response Center at 800.421.6770.

A. SWORN OFFICER POSITIONS

Instructions: This worksheet will assist your agency in reporting your agency's current entry level salary and benefits and identifying the total salary and benefits request per officer position for the length of the grant term. Please list the current entry-level base salary and fringe benefits rounded to the nearest whole dollar for one full-time sworn officer position within your agency. Do not include employee contributions. (Please refer to the program-specific Application Guide for information on the length of the grant term for the program under which you are applying.)

Special note regarding sworn officer fringe benefits: For agencies that do not include fringe benefits as part of the base salary costs and typically calculate these separately, the allowable expenditures may be included under Part 1, Section B. Any fringe benefits that are already included as part of the agency's base salary (Part 1, Section A of the Sworn Officer Budget Worksheet) should not also be included in the separate fringe listing (Part 1, Section B).

Please refer to the program-specific Application Guide for information about allowable and unallowable fringe benefits for sworn officer positions requested under the program to which your agency is applying.

C. EQUIPMENT/TECHNOLOGY

Instructions:List non-expendable items that are to be purchased. **Provide a specific description for each item and explain how the item supports the project goals and objectives as outlined in your application.** Non-expendable equipment is tangible property (e.g., technology) having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Expendable items should be included either in the “**SUPPLIES**” or “**OTHER**” categories. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially for high-price items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the “**CONTRACTS / CONSULTANTS**” category.

Please be advised that, to the greatest extent practical, all equipment and products purchased with these funds must be American-made.

For agencies purchasing items related to enhanced communications systems, the COPS Office expects and encourages that, wherever feasible, such voice or data communications equipment should be incorporated into an intra- or interjurisdictional strategy for communications interoperability among federal, state, and local law enforcement agencies.

See the program-specific Application Guide for a list of allowable/unallowable costs for this program. Agencies are encouraged to limit their requests to the lines shown below and group similar items together so that all items are accounted for on the budget worksheet for each category. However, if your agency requires more lines please check the available box.

Item Name	Computation (# of Items/Units X Unit Cost)	Per Item SubTotal
Communications Tower	(1 X 533000)	\$533,000.00
Equipment Shelter	(1 X 395000)	\$395,000.00
Emergency Generator	(1 X 72000)	\$72,000.00
		\$1,000,000.00

D. SUPPLIES

Instructions: List items by type (office supplies; postage; training materials; copying paper; books; hand-held tape recorders; etc). **Provide a specific description for each item and explain how it supports the project goals and objectives outlined in your application.** Generally, supplies include any materials that are expendable or consumed during the course of the project. See the program-specific Application Guide for a list of allowable/unallowable costs for this program. Agencies are encouraged to limit their requests to the lines shown below and group similar items together so that all items are accounted for on the budget worksheet for each category. However, if your agency requires more than lines please check the available box.

Item Name	Computation (# of Items/Units X Unit Cost)	Per Item SubTotal

E. TRAVEL/TRAINING

Instructions: Itemize grant-related travel expenses of grantee personnel (excluding consultants, whose expenses are listed in Section F) by event (e.g., mandatory training, staff to training, field interviews, advisory group meetings). Identify the location of travel whenever possible, and show the number of staff expected to attend each event. Training fees, transportation, lodging and per diem rates for trainees should be listed as separate travel items. Grantee travel costs specific to the grant project may be based on the grantee's written travel policy, assuming the costs are reasonable. Grantees without a written travel policy must follow the established federal rates (found at www.gsa.gov) for lodging, meals, and per diem. For all grantees (with or without a written travel policy), airfare travel costs must be one of the following: the lowest discount commercial airfare, standard coach airfare, or the federal government contract airfare (if authorized and available). Note: Any local training costs (within a 50-mile radius) should be listed under Section G ("Other Costs").

See the program-specific Application Guide for a list of allowable/unallowable costs for this program. Agencies are encouraged to limit their requests to the lines shown below and group similar items together so that all items are accounted for on the budget worksheet for each category. However, if your agency requires more lines please check the available box.

Event Title and Location	Event Costs	Number of Staff	Per Event Subtotal

F. CONTRACTS/CONSULTANTS

Instructions: See the program-specific Application Guide for a list of allowable/unallowable costs for the particular program to which you are applying.

1. Contracts: Provide a cost estimate for the product or service to be procured by contract. Applicants are encouraged to promote free and open competition in awarding contracts. If awarded, requests for sole source procurements of equipment, technology, or services in excess of \$100,000 must be submitted to the COPS Office for prior approval.

(See Application Guide for more information on the required submission.)

Contract Name	Per Contract Subtotal

2. Consultant Fees: For each consultant enter the name (if known), service to be provided, hourly or daily fee (based upon an 8-hour day), and estimated length of time on the project. Unless otherwise approved by the COPS Office, approved consultant rates will be based on the salary a consultant receives from his or her primary employer. Consultant fees in excess of \$550 per day require additional written justification and must be pre-approved in writing by the COPS Office if the consultant is hired via a noncompetitive bidding process.

Consultant Name/Title	Service Provided	Computation (Cost X # Days or # Hours)	Per Consultant Fee Subtotal

3. Consultant Travel: List all travel-related expenses to be paid from the grant to the individual consultants (e.g., transportation, meals, lodging) separate from their consultant fees.

Consultant Name/Event Title	Event Costs	Number of Staff	Per Consultant Travel Subtotal

4. Consultant Expenses: List all travel-related expenses to be paid from the grant to the individual consultants separate from their consultant fees and travel expenses (e.g., computer equipment and office supplies).

Event Title and Location	Event Costs	Number of Staff	Per Event Subtotal

G. OTHER COSTS

Instructions: List other requested items that will support the project goals and objectives as outlined in your application. **Provide a specific description for each item and explain how the item supports the project goals and objectives as outlined in your application.** Please be advised that, to the greatest extent practical, all equipment and products purchased with these funds must be American-made. See the program-specific Application Guide for a list of allowable/unallowable costs for this program. Agencies are encouraged to limit their requests to the lines shown below and group similar items together so that all items are accounted for on the budget worksheet for each category. However, if your agency requires more lines please check the available box.

Item Name	Computation (# of Items/Units X Unit Cost)	Per Item SubTotal

H. INDIRECT COSTS

Instructions: Indirect costs are allowed under a very limited number of specialized COPS programs. Please see the program-specific Application Guide for a list of allowable/unallowable costs for the particular program to which you are applying.

If indirect costs are requested, a copy of the agency's fully-executed, negotiated Federal Rate Approval Agreement must be attached to this application.

Indirect Cost Description	Approved Indirect Cost Rate	Per Indirect Cost Subtotal

BUDGET SUMMARY

Instructions: Please review the category totals and the total project costs below. If the category totals and project amounts shown are correct, please continue with the submission of your application. Should you need to make revisions to a budget category, click the "Edit" button for that category. Note: Agencies applying for Secure Our Schools (SOS) must enter a "Total Local Share Amount" percentage of 50% in the designated area below. Applicants for all other Fiscal Year 2010 COPS Grants are not required to provide a local match.

Budget Category	Category Total
A Sworn Officer Positions	\$0.00
B Civilian/Non-Sworn Personnel	\$0.00
C Equipment/Technology	\$1,000,000.00
D Supplies	\$0.00
E Travel/Training	\$0.00
F Contracts/Consultants	\$0.00
G Other Costs	\$0.00
H Indirect Costs	\$0.00
Total Project Amount	\$1,000,000.00
Total Federal Share Amount	\$1,000,000.00
Total Local Share Amount	\$0.00

Contact Information for Budget Questions

Please provide contact information of the financial official that the COPS Office may contact with questions related to your budget submission.

Authorized Official's Typed Name: Larry Newsom
Title: Interim County Administrator
Phone: 8505954900
Fax: 8505954928
Email: lmnewsom@co.escambia.fl.us

SECTION 15A: ASSURANCES

Several provisions of federal law and policy apply to all grant programs. The Office of Community Oriented Policing Services needs to secure your assurance that the applicant will comply with these provisions. If you would like further information about any of these assurances, please contact your state's COPS Grant Program Specialist at 800.421.6770.

By the applicant's authorized representative's signature, the applicant assures that it will comply with all legal and administrative requirements that govern the applicant for acceptance and use of federal grant funds. In particular, the applicant assures us that:

1. It has been legally and officially authorized by the appropriate governing body (for example, mayor or city council) to apply for this grant and that the persons signing the application and these assurances on its behalf are authorized to do so and to act on its behalf with respect to any issues that may arise during processing of this application.
2. It will comply with the provisions of federal law, which limit certain political activities of grantee employees whose principal employment is in connection with an activity financed in whole or in part with this grant. These restrictions are set forth in 5 U.S.C. §1501, et seq.
3. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, if applicable.
4. It will establish safeguards, if it has not done so already, to prohibit employees from using their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.
5. It will give the Department of Justice or the Comptroller General access to and the right to examine records and documents related to the grant.
6. It will comply with all requirements imposed by the Department of Justice as a condition or administrative requirement of the grant, including but not limited to: the requirements of 28 CFR Part 66 and 28 CFR Part 70 (governing administrative requirements for grants and cooperative agreements); 2 CFR Part 225 (OMB Circular A-87), 2 CFR 220 (OMB Circular A-21), 2 CFR Part 230 (OMB Circular A-122) and 48 CFR Part 31.000, et seq. (FAR 31) (governing cost principles); OMB Circular A-133 (governing audits) and other applicable OMB circulars; the applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; 28 CFR Part 38.1; the current edition of the COPS Grant Monitoring Standards and Guidelines; the applicable COPS Grant Owner's Manuals; and with all other applicable program requirements, laws, orders, regulations, or circulars.
7. If applicable, it will, to the extent practicable and consistent with applicable law, seek, recruit and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions in the agency.

8. It will not, on the ground of race, color, religion, national origin, gender, disability or age, unlawfully exclude any person from participation in, deny the benefits of or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. These civil rights requirements are found in the non-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789d); Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); Title II, Subtitle A of the Americans with Disabilities Act (ADA) (42 U.S.C. § 12101, et seq.); the Age Discrimination Act of 1975 (42 U.S.C. § 6101, et seq.); and Department of Justice Non-Discrimination Regulations contained in Title 28, Parts 35 and 42 (subparts C, D, E, G and I) of the Code of Federal Regulations.
 - A. In the event that any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, gender, disability or age against the applicant after a due process hearing, it agrees to forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, D.C. 20531.
 - B. If your organization has received an award for \$500,000 or more and has 50 or more employees, then it has to prepare an Equal Employment Opportunity Plan (EEOP) and submit it to the Office for Civil Rights ("OCR"), Office of Justice Programs, 810 7th Street, N.W., Washington, DC 20531, for review within 60 days of the notification of the award. If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR.

SECTION 15B: CERTIFICATIONS

Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Coordination with Affected Agencies.

Although the Department of Justice has made every effort to simplify the application process, other provisions of federal law require us to seek your agency's certification regarding certain matters. Applicants should read the regulations cited below and the instructions for certification included in the regulations to understand the requirements and whether they apply to a particular applicant. Signing this form complies with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "Nonprocurement Debarment and Suspension" 28 CFR Part 83 Government-Wide Requirements for Drug-Free Workplace (Grants)," and the coordination requirements of the Public Safety Partnership and Community Policing Act of 1994. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered grant.

1. Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment or modification of any federal grant or cooperative agreement;

B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions; and

C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. Debarment, Suspension and Other Responsibility Matters (Direct Recipient)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Part 2867.20(a)-

A. The applicant certifies that it and its principals:

- (i) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;
- (ii) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) or private agreement or transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of

any offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;

(iii) Are not presently indicted for or otherwise criminally or civilly

charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (A)

(ii) of this certification; and

(iv) Have not within a three-year period preceding this application had one or more public transactions (federal, state or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this Certifications form, he or she shall attach an explanation to this application regarding the particular statement that cannot be certified. Please check here if an explanation is attached to this application. Please note that the applicant is still required to sign the Certifications form to certify to all the other applicable statements.

3. If applicable, an applicant who receives an award in excess of \$5,000,000 certifies that, to the best of its knowledge and belief, the applicant has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

4. Drug-Free Workplace (Grantees Other Than Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, for grantees/recipients, as defined at 28 CFR Part 83.660 -

A. The applicant certifies that it will, or will continue to, provide a drug-free workplace by:

- (i) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (ii) Establishing an on-going drug-free awareness program to

inform employees about -

- (a) The dangers of drug abuse in the workplace;
- (b) The grantee's policy of maintaining a drug-free workplace;
- (c) Any available drug counseling, rehabilitation and employee assistance programs; and
- (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

SECTION 15B: CERTIFICATIONS

(iii) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (i);

(iv) Notifying the employee in the statement required by paragraph (i)

that, as a condition of employment under the grant, the employee will -

(a) Abide by the terms of the statement; and

(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(v) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (iv)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: COPS Office, 1100 Vermont Ave., NW, Washington, D.C. 20530. Notice shall include the identification number(s) of each affected grant;

(vi) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (iv)(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such

purposes by a federal, state or local health, law enforcement or other appropriate agency;

(vii) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (i), (ii), (iii),

(iv),

(v), and (vi).

Grantee Agency Name and Address:

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of performance (street address, city, county, state, zip code)

2340 Crabtree Church Rd

Molino

Florida

Check if there are workplaces on file that are not identified here

5. Coordination

The Public Safety Partnership and Community Policing Act of 1994

requires applicants to certify that there has been appropriate coordination with all agencies that may be affected by the applicant's grant proposal if approved. Affected agencies may include, among others, the Office of the United States Attorney, state or local prosecutors, or correctional agencies. The applicant certifies that there has been appropriate coordination with all affected agencies.

Grantee Agency Name and Address:

Escambia County Board of Commissioners/Public Safe 221 Palafox Place P.O. Box 1591
Pensacola, FL 32591

Grantee IRS/ Vendor Number: 596000598

False statements or claims made in connection with COPS grants (including cooperative agreements) may result in fines, imprisonment, disbarment from participating in federal grants or contracts, and/or any other remedy available by law.

I certify that the assurances provided are true and accurate to the best of my knowledge.

Elections or other selections of new officials will not relieve the grantee entity of its obligations under this grant.

By clicking this box and typing my name below, I certify that I have been legally and officially authorized by the appropriate governing body to submit this application and act on behalf of the grant applicant entity. I certify that I have read, understand, and agree, if awarded, to abide by all of the applicable grant compliance terms and conditions as outlined in the COPS Application Guide, the COPS Grant Owner's Manual, assurances, certifications and all other applicable program regulations, laws, orders, or circulars. In addition, I certify that the information provided on this form and any attached forms is true and accurate to the best of my knowledge. I understand that false statements or claims made in connection with COPS programs may result in fines, imprisonment, debarment from participating in federal grants, cooperative agreements, or contracts, and/or any other remedy available by law to the federal government.

Grover Robinson, IV

6/24/2010

Typed Name of Law Enforcement Executive
(or Official with Programmatic Authority, as applicable)

Date

By clicking this box and typing my name below, I certify that I have been legally and officially authorized by the appropriate governing body to submit this application and act on behalf of the grant applicant entity. I certify that I have read, understand, and agree, if awarded, to abide by all of the applicable grant compliance terms and conditions as outlined in the COPS Application Guide, the COPS Grant Owner's Manual, assurances, certifications and all other applicable program regulations, laws, orders, or circulars. In addition, I certify that the information provided on this form and any attached forms is true and accurate to the best of my knowledge. I understand that false statements or claims made in connection with COPS programs may result in fines, imprisonment, debarment from participating in federal grants, cooperative agreements, or contracts, and/or any other remedy available by law to the federal government.

Larry Newsom

6/24/2010

Typed Name of Government Executive
(or Official with Programmatic Authority, as applicable)

Date

SECTION 16: Disclosure of Lobbying Activities

Instructions for Completion of SF-LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District number, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commit
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFPD E-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting registrant identified in item 4 to influence the covered Federal action.
(b) Enter the full name(s) of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title and telephone number.
Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352.

Not Applicable If not applicable, then entire form, including signature area is grayed-out

1. Type of Federal Action:

2. Status of Federal Action: 3. Report Type

<input type="checkbox"/> contract	<input type="checkbox"/> loan	<input checked="" type="checkbox"/> bid/offer/application	<input checked="" type="checkbox"/> initial filing
<input checked="" type="checkbox"/> grant	<input type="checkbox"/> loan guarantee	<input type="checkbox"/> initial award	<input type="checkbox"/> material change
<input type="checkbox"/> cooperative agreement	<input type="checkbox"/> loan insurance	<input type="checkbox"/> post-award	<i>For Material Change Only:</i>
			Year: _____ Quarter: _____
			Date of Report: _____

4. Name and Address of Reporting

Entity: Prime

Congressional District (number), if known:

5. If Reporting Entity in No. 4 is Subawardee, Enter

Name and Address of Prime:

Congressional District (number), if known:

6. Federal Department/Agency:

USDOJCOPS

7. Federal Program Name/Description:

CFDA Number, if applicable: 16.710

8. Federal Action Number, if known:

9. Award Amount, if known:

\$0.00

10. a. Name and Address of Lobbying

(if individual, last name, first name, MI):

10. b. Individuals Performing Services

(including address if different from No. 1 0a) (last name, first name, MI):

Registrant

11. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Typed Name: _____

Title: _____

Phone: _____

Date: _____

Federal Use Only:

Authorized for Local Reproduction, Standard Form - LLL

SECTION 17: CERTIFICATION OF REVIEW AND REPRESENTATION OF COMPLIANCE WITH REQUIREMENTS

Certification of Review of 28 C.F.R. Part 23/Criminal Intelligence Systems

Please review the COPS Application Guide: Legal Requirements Section for additional information.

Please check one of the following, as applicable to your agency's intended use of this grant:

- No, my agency will not use these COPS grant funds (if awarded) to operate an interjurisdictional criminal intelligence system.
- Yes, my agency will use these COPS grant funds (if awarded) to operate an interjurisdictional criminal intelligence system. By signing below, we assure that our agency will comply with the requirements of 28 C.F.R. Part 23.

The signatures of the Law Enforcement Executive/Program Official and Government Executive/Financial Official, and any applicable program partners on the Certification of Review and Representation of Compliance with Requirements:

- 1) Assures the COPS Office that the applicant will comply with all legal, administrative, and programmatic applicant for acceptance and use of federal funds as outlined in the applicable COPS Application Guide; AND
- 2) Attests to the accuracy of the information submitted with this application (including the Budget Detail Worksheets).

The signatures on this application must be made by the actual executives named on this application unless there is an officially documented authorization for a delegated signature. If your jurisdiction has such an official document, it must be attached to this application. Applications with missing, incomplete, or inaccurate signatories or responses may not be considered for funding.

Signatures shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered grant.

Please be advised that a hold may be placed on this application if it is deemed that the applicant agency is not in compliance with federal civil rights laws, and/or is not cooperating with an ongoing federal civil rights investigation, and/or is not cooperating with a COPS Office compliance investigation concerning a current grant award.

Person Submitting this Application

- By clicking this box and typing my name below, I certify that I have been legally and officially authorized by the appropriate governing body to submit this application and act on behalf of the grant applicant entity. I certify that I have read, understand, and agree, if awarded, to abide by all of the applicable grant compliance terms and conditions as outlined in the COPS Application Guide, the COPS Grant Owner's Manual, assurances, certifications and all other applicable program regulations, laws, orders, or circulars. In addition, I certify that the information provided on this form and any attached forms is true and accurate to the best of my knowledge. I understand that false statements or claims made in connection with COPS programs may result in fines, imprisonment, debarment from participating in federal grants, cooperative agreements, or contracts, and/or any other remedy available by law to the federal government.

Please type your name here in place of your signature: Grover Robinson, IV

SECTION 17: CERTIFICATION OF REVIEW AND REPRESENTATION OF COMPLIANCE WITH REQUIREMENTS

Law Enforcement Executive/Agency Executive

By clicking this box and typing my name below, I certify that I have been legally and officially authorized by the appropriate governing body to submit this application and act on behalf of the grant applicant entity. I certify that I have read, understand, and agree, if awarded, to abide by all of the applicable grant compliance terms and conditions as outlined in the COPS Application Guide, the COPS Grant Owner's Manual, assurances, certifications and all other applicable program regulations, laws, orders, or circulars. In addition, I certify that the information provided on this form and any attached forms is true and accurate to the best of my knowledge. I understand that false statements or claims made in connection with COPS programs may result in fines, imprisonment, debarment from participating in federal grants, cooperative agreements, or contracts, and/or any other remedy available by law to the federal government.

Please type your name here in place of your signature:

Grover Robinson, IV

Government Executive/Financial Official

By clicking this box and typing my name below, I certify that I have been legally and officially authorized by the appropriate governing body to submit this application and act on behalf of the grant applicant entity. I certify that I have read, understand, and agree, if awarded, to abide by all of the applicable grant compliance terms and conditions as outlined in the COPS Application Guide, the COPS Grant Owner's Manual, assurances, certifications and all other applicable program regulations, laws, orders, or circulars. In addition, I certify that the information provided on this form and any attached forms is true and accurate to the best of my knowledge. I understand that false statements or claims made in connection with COPS programs may result in fines, imprisonment, debarment from participating in federal grants, cooperative agreements, or contracts, and/or any other remedy available by law to the federal government.

Please type your name here in place of your signature:

Larry Newsom



U. S. Department of Justice
Community Oriented Policing Services

Grants Administration Division
Law Enforcement Technology

Modified

145 N Street, N.E.
Washington, DC 20530

Memorandum

To: Chair Kevin W. White
Escambia County Board of Commissioners/Public Safe

From: Andrew A. Dorr, Assistant Director for Grants Administration
Pete Borges, Grant Program Specialist
Budget Prepared By: Pete Borges, Grant Program Specialist

Re: Law Enforcement Technology Financial Clearance Memo
A financial analysis of budgeted costs has been completed. Costs under this award appear reasonable, allowable, and consistent with existing guidelines. Exceptions/Adjustments are noted below.

OJP Vendor #: 386000563

ORI #: FL092ZZ

DUNS #: 596000598

Grant #: 2010CKWX0486

<u>Budget Category</u>	<u>Proposed Budget</u>	<u>Approved Budget</u>	<u>Adjustments</u>	<u>Disallowed/Adjusted - Reasons/Comments</u>
Equipment	\$1,000,000.00	\$1,000,000.00	\$0.00	
Direct Costs:	\$1,000,000.00	\$1,000,000.00	\$0.00	
Grand Total	\$1,000,000.00	\$1,000,000.00	\$0.00	
Grand Total:	Federal Share:	\$ 1,000,000.00		
	Applicant Share:	\$ 0.00		

Cleared Date: 10/3/2011

Overall Comments:

All cost listed in the budget were programmatically approved based on the final Budget Detailed Worksheets submitted by your agency to the COPS Office. Maintenance agreements (if applicable) must be purchased and paid in full within the three-year grant period. Prior to the obligation, expenditure or drawdown of grant funds for non-competitive contracts in excess of \$100,000, grantee must submit a sole source justification to the COPS Office. If the vendor number on this form differs from the EIN number included in your application, then for administrative purposes only, we are assigning a different vendor number to your agency. The reason for this administrative change is that your original EIN number has been assigned to another agency. If this applies to your agency, please use the new vendor number on all financial documents related to this grant award. The vendor number should not be used for IRS purposes and only applies to this grant.



**U.S. Department of Justice
Community Oriented Policing Services
Grants Administration Division
Law Enforcement Technology
Treasury Account Symbol (TAS) 15X0406**

Modified

Grant #: 2010CKWX0486

ORI #: FL09ZZZ

Applicant Organization's Legal Name: Escambia County Board of Commissioners/Public Safe

OJP Vendor #: 386000563

DUNS #: 596000598

Law Enforcement Executive: Chair Kevin W. White

Address: 221 Palafox Place

P.O. Box 1591

City, State, Zip Code: Pensacola, FL 32591

Telephone: (850) 595-4950

Fax: (850) 595-4204

Government Executive: County Administrator Charles Oliver

Address: 221 Palafox Place

P.O. Box 1591

City, State, Zip Code: Pensacola, FL 32591

Telephone: (850) 595-4900

Fax: (850) 595-4928

Award Start Date: 12/16/2009

Award End Date: 12/15/2012

Original Award Amount: \$ 1,000,000.00

Modified Award Amount

Final Award Amount: \$ 1,000,000.00

Bernard Melekian
Director

OCT 05 2011

Date

By signing this Award Document, the grantee agrees to abide by all 20 Grant Terms and Conditions on the reverse side of this document and the attached pages.



Kevin W. White
Chair

10/17/2011

Date



Charles Oliver
County Administrator

10/17/11

Date

False statements or claims made in connection with COPS grants may result in fines, imprisonment, debarment from participating in federal grants or contracts, and/or any remedy available by law to the Federal Government.

Award ID:
96778

U.S. Department of Justice
Office of Community Oriented Policing Services
2010 Technology Program Grant Terms and Conditions

By signing the Award Document to accept this Technology Program grant, your agency agrees to abide by the following grant conditions:

1. The grantee agrees to comply with the terms and conditions in the 2010 COPS Technology Program Grant Owner's Manual; COPS statute (42 U.S.C. §. 3796dd, et seq.); 28 C.F.R. Part 66 or 28 C.F.R. Part 70 as applicable (governing administrative requirements for grants and cooperative agreements); 2 C.F.R. Part 225 (OMB Circular A-87), 2 C.F.R. Part 220 (OMB Circular A-21), 2 C.F.R. Part 230 (OMB Circular A-122) and 48 C.F.R. Part 31.000 et seq. (FAR 31.2) as applicable (governing cost principles); OMB Circular A-133 (governing audits); representations made in the COPS Technology Program grant application; and all other applicable program requirements, laws, orders, regulations, or circulars.
2. The grantee acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its Technology Program application.
3. The funding under this project is for the payment of approved costs for the continued development of technologies and automated systems to assist state, local, and tribal law enforcement agencies in investigating, responding to, and preventing crime. The allowable costs for which your agency's grant has been approved are limited to those listed on the Financial Clearance Memorandum, which is included in your agency's award package.

The Financial Clearance Memorandum specifies the costs that your agency is allowed to fund with your Technology grant. It also describes any costs which have been disallowed after review of your proposed budget. **Your agency may not use Technology grant funds for any costs that are not identified as allowable in the Financial Clearance Memorandum.**

4. Travel costs for transportation, lodging and subsistence, and related items are allowable under the Technology Program with prior approval from the COPS Office. Payment for allowable travel costs will be in accordance with 2 C.F.R. Part 225 (OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments), 2 C.F.R. Part 220 (OMB Circular A-21, Cost Principles for Educational Institutions), 2 C.F.R. Part 230 (OMB Circular A-122, Cost Principles for Non-Profit Organizations), and 48 C.F.R. Part 31.000, et seq. (FAR-31.2, Cost Principles for Commercial Organizations), as applicable.
5. When procuring information-sharing services, hardware, software, or other equipment, the grantee agrees to procure and implement those items in accordance with the applicable standards outlined in the terms and conditions of the Grant Owner's Manual.
6. State, local, and tribal governments must use Technology Program grant funds to supplement, and not supplant, state, local, or Bureau of Indian Affairs (BLA) funds that are already committed or otherwise would have been committed for grant purposes (hiring, training, purchases, and/or activities) during the grant period. In other words, grantees may not use COPS funds to supplant (replace) state, local, or Bureau of Indian Affairs funds that would have been dedicated to the COPS-funded item(s) in the absence of the COPS grant.
7. Your agency may request an extension of the grant award period to receive additional time to implement your grant program. Such extensions do not provide additional funding. Only those grantees that can provide a reasonable justification for delays will be granted no-cost extensions. **Extension requests must be received prior to the end date of the award. Any extension requests received after an award has expired will be approved only under very limited circumstances.**
8. Occasionally, a change in an agency's fiscal or law enforcement situation necessitates a change in its Technology Program award. Grant modifications under the Technology Program are evaluated on a case-by-case basis. All modification requests involving the purchase of new budget items must be approved, in writing, by the COPS Office prior to their implementation. In addition, please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.
9. The COPS Office may conduct monitoring or sponsor national evaluations of the COPS Technology Program. The grantee agrees to cooperate with the monitors and evaluators.
10. To assist the COPS Office in the monitoring of your award, your agency will be responsible for submitting periodic programmatic progress reports and quarterly financial reports.
11. Federal law requires that law enforcement agencies receiving federal funding from the COPS Office must be monitored to ensure compliance with their grant conditions and other applicable statutory regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of grant implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Grant monitoring activities conducted by the COPS Office include site visits, office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a COPS Technology grantee, you agree to cooperate with and respond to any requests for information pertaining to your grant.
12. All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (28 C.F.R. Part 42 subpart E).
13. Grantees using Technology Program funds to operate an interjurisdictional criminal intelligence system must comply with operating principles of 28 C.F.R. Part 23. The grantee acknowledges that it has completed, signed and submitted with its grant application the relevant Special Condition certifying its compliance with 28 C.F.R. Part 23.
14. Grantees who have been awarded funding for the procurement of an item (or group of items) or service in excess of \$100,000 and who plan to seek approval for use of a noncompetitive procurement process must provide a written sole source justification to the COPS Office for approval prior to obligating, expending, or drawing down grant funds for that item.
15. The grantee agrees to submit one copy of all reports and proposed publications resulting from this grant 20 days prior to public release. Any publications (including written, software, visual, or sound, but excluding press releases, newsletters, and issue analyses), whether published at the recipient's or government's expense, shall contain the following statement: "This project was supported by Grant # _____, awarded by the U.S. Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues."
16. The grantee agrees to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.
17. To facilitate communication among local and state governmental agencies regarding various information technology projects, the grantee agrees to notify the appropriate State Information Technology Point of Contact of the receipt of this grant award. For a list of State Information Technology Points of Contact, visit <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.

U.S. Department of Justice
Office of Community Oriented Policing Services
2010 Technology Program Grant Terms and Conditions

18. The grantee agrees to comply with 28 C.F.R. Part 61 (Procedures for Implementing the National Environmental Policy Act).
19. False statements or claims made in connection with COPS grants may result in fines, imprisonment, or debarment from participating in federal grants or contracts, and/or any other remedy available by law.
20. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the awarding agency determines that the recipient is a high-risk grantee (28 C.F.R. Parts 66 and 70).



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1626

County Administrator's Report Item #: 12. 8.

BCC Regular Meeting

Budget & Finance Consent

Meeting Date: 11/03/2011

Issue: HOME Program Interlocal Agreements with the City of Pensacola and Santa Rosa County

From: Keith Wilkins, REP

Organization: Community & Environment

CAO Approval:

RECOMMENDATION:

Recommendation Concerning Approval of the 2011-2012 Home Investments Partnerships Act (HOME) Program Interlocal Agreements with the City of Pensacola and Santa Rosa County - Keith Wilkins, REP, Community & Environment Department Director

That the Board take the following action concerning implementation of the 2011 Home Investments Partnership Act (HOME) Program Grant (#M-11-DC-12-0225):

A. Approve the HOME Program Interlocal Agreement with the City of Pensacola, providing for the utilization of \$316,852 in 2011 HOME funds, to support approved Substantial Housing Rehabilitation/Reconstruction assistance and related project management activities within the City of Pensacola, with an effective date of November 1, 2011;

B. Approve the HOME Program Interlocal Agreement with Santa Rosa County, providing for the utilization of \$232,232 in 2011 HOME funds, to support approved homebuyer assistance and related project management activities within Santa Rosa County, with an effective date of November 1, 2011; and

C. Authorize the Chairman or Vice Chairman to execute the Interlocal Agreements and all documents required to implement HOME project activities.

[Funding: Fund 147/HOME, Cost Center 220401]

BACKGROUND:

The Board approved submission of the Escambia Consortium 2011 Consolidated Plan for Housing and Community Development on August 4, 2011, including CDBG, HOME and ESG grant activities to be undertaken by the Consortium members (Escambia County, City of Pensacola and Santa Rosa County), and authorized the Chairman to execute documents necessary to receive and implement the 2011 CDBG, HOME and ESG Programs.

The Plan, as approved by all participating jurisdictions and advertised for public information, incorporated the planned utilization of 2011 HOME funds (Exhibit I). With approval of the Plan by the U.S. Department of Housing and Urban Development (HUD), the funds will be available for use on or about November 1, 2011. In order to prepare for implementation of the 2011 HOME

Program activities, Agreements must be entered with the City of Pensacola (Exhibit II) and Santa Rosa County (Exhibit III) to provide for the utilization of the 2011 HOME allocations.

For background, the HOME Program was initiated in 1991 as a key element of the National Affordable Housing Act. The Program is designed to assist with production and preservation of affordable rental and owner occupied housing opportunities. The Board and City of Pensacola entered an Interlocal Consortium for purposes of receipt of the HOME funds in 1993 and Santa Rosa County joined the Consortium in 1994.

BUDGETARY IMPACT:

The total 2011 HOME Consortium funding is comprised of the \$1,576,794 HOME allocation and minimum required local affordable housing contributions (match) of \$436,030 (provided through Escambia/Pensacola and Santa Rosa SHIP Program resources) as approved by the Board on August 4, 2011. The HOME funds are to be utilized as follows:

Jurisdiction	Activity	Total Program Funding
Escambia	Substantial Rehab/Reconstruction (Homeowner)	\$558,516
Pensacola	Substantial Rehab/Reconstruction (Homeowner)	\$316,852
Santa Rosa	Down Payment/Closing Cost Assistance	\$232,232
CHDO Set-Aside	Affordable Rental Unit Development	\$236,520
CHDO Operating Assistance	Support for Local Non-Profit Housing Development Agencies	\$74,995
All Jurisdictions	Administration (10% maximum)	\$157,679
	TOTALS	\$1,576,794

The 2011 HOME funds are currently included in the County's Fiscal Year 2012 budget in Fund 147. Local matching funds for Escambia/Pensacola are currently included in the County's Fiscal Year 2011 budget in Fund 120-Escambia/Pensacola SHIP Program. Santa Rosa County provides the local match for its share of HOME funds through the Santa Rosa County SHIP Program. No County general revenue funds are required for the HOME Program.

LEGAL CONSIDERATIONS/SIGN-OFF:

The Interlocal Agreements were reviewed and approved by Kristin Hual, Assistant County Attorney. The Agreements have also been reviewed by the City Attorney's Office and the Santa Rosa County Attorney's Office.

PERSONNEL:

All project level activities will be managed by Neighborhood Enterprise Foundation, Inc., City of Pensacola Housing Department staff, and Santa Rosa County with the support of the Finance Division and the City of Pensacola's Finance Office for respective financial matters. Such services are provided for in the HOME Grant administrative costs per contract. No additional County personnel or personnel reclassifications are associated with the Program or its implementation.

POLICY/REQUIREMENT FOR BOARD ACTION:

Formal Interlocal Agreements are required for participating jurisdictions and such Agreements must be approved by the Board.

IMPLEMENTATION/COORDINATION:

The City of Pensacola and Santa Rosa County were involved in the preparation of the Consolidated Plan and HOME activities contained therein and are aware of the award of the HOME Grant and impending Board acceptance thereof.

Attachments

Exhibit I-BCC approval

Exhibit II-City IA

Exhibit III-Santa Rosa IA

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-14. Approval of Various Consent Agenda Items – Continued

8. See Page 39.
9. See Page 40.
10. Taking the following action concerning approval of the Escambia Consortium 2010-2014 Consolidated Plan and the 2011 Annual Action Plan (Funding: Fund 129/CDBG, Fund 147/HOME, and Fund 110/ESG – Cost Centers to be assigned):
 - A. Approving the Escambia Consortium 2010-2014 Consolidated Plan, providing goals, objectives, and strategies for housing, community development, and fair housing activities, during the period October 1, 2010, through September 30, 2015;
 - B. Approving the Escambia Consortium 2011 Annual Action Plan for Housing and Community Development, including the Escambia County 2011 Annual Plan, detailing use of 2011 Community Development Block Grant (CDBG) funds, in the amount of \$1,883,282; 2011 HOME Investment Partnerships Act (HOME) funds, in the amount of \$1,576,794; and 2011 Emergency Shelter Grant (ESG) Program funds, in the amount of \$91,599; and
 - C. Authorizing the County Administrator to execute all Escambia Consortium 2010-2014 Consolidated Plan and 2011 Annual Action Plan Forms, Certifications, and related documents, as required to submit the Plans to the U. S. Department of Housing and Urban Development (HUD), and authorizing the County Administrator or Chairman, as appropriate, to execute documents required to receive and implement the 2011 CDBG, 2011 HOME, and 2011 ESG Programs.

ESCAMBIA CONSORTIUM
2011-2012 HOME INVESTMENT PARTNERSHIPS ACT (HOME)
BUDGET AND ACTIVITIES DESCRIPTION
FOR MEMBER JURISDICTIONS

RECOMMENDED PROGRAM ACTIVITIES**FUNDING****ESCAMBIA COUNTY:****SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION****\$558,516**

Provide assistance for low/moderate income families through Deferred Payment Grants/Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 7 to 8 severely substandard homeowner occupied housing units. (Escambia County)

CITY OF PENSACOLA:**SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION****\$316,852**

Provide assistance for low/moderate income families through Deferred Payment Grants, Deferred Payment Loans, Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of severely substandard single family homeowner occupied housing units. It is estimated that this funding will reconstruct approximately 3 to 4 housing units. (City of Pensacola)

SANTA ROSA COUNTY:**HOME BUYER ASSISTANCE****\$232,232**

Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment Grants, Deferred Payment Loans, Low Interest Loans, or a combination thereof, to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 21-23 families. (Santa Rosa County)

JOINT HOME ACTIVITIES (CONSORTIUM-WIDE):**RENTAL HOUSING DEVELOPMENT (CHDO SET-ASIDE)****\$236,520**

Provide low interest and/or deferred loan assistance to partially support the costs for development of approximately 4 affordable rental or special needs housing units through activities of locally designated non-profit Community Housing Development Organizations (CHDO's) in Escambia or Santa Rosa County.

CHDO OPERATING EXPENSES**\$ 74,995**

Optional allocation to provide operating support to enhance capacity of locally designated CHDO's that: have a minimum of one year of documented experience in the development of affordable housing and are actively undertaking affordable housing activities for the benefit of the Consortium. Any residual funds from this category will be utilized for Escambia Substantial Housing Rehabilitation/Reconstruction.

ADMINISTRATION/MANAGEMENT (JOINT)**\$157,679**

Provides for oversight, management, monitoring and coordination of financial and general administration of the HOME Program in all participating jurisdictions.

TOTAL 2011 HOME FUNDS PROJECTED**\$ 1,576,794**

=====

**INTERLOCAL AGREEMENT
FOR HOME INVESTMENT PARTNERSHIPS ACT PROGRAM**

THIS AGREEMENT is made and entered into this 1st day of November, 2011, by and between the **COUNTY OF ESCAMBIA**, a political subdivision of the State of Florida ("**ESCAMBIA COUNTY**"), whose mailing address is P.O. Box 1591, Pensacola, Florida 32597; and the **CITY OF PENSACOLA**, a municipality chartered in the State of Florida ("**PENSACOLA**"), whose address is P.O. Box 12910, Pensacola, Florida 32521 for the purpose of receiving and administering activities under the provisions located at 24 CFR, Part 92 which regulate funding provided through the federal HOME Investment Partnerships Program (the "HOME" Program", the "Program") and which regulate the terms under which the City of Pensacola shall provide HOME Program eligible services and assistance to eligible families residing within the City of Pensacola.

WITNESSETH:

WHEREAS, Escambia County and the City of Pensacola have legal authority to perform general governmental services within their respective jurisdictions; and

WHEREAS, both jurisdictions are authorized by Florida Statutes Section 163.01 et. seq. to enter into interlocal agreements and agreements with State agencies, and thereby cooperatively utilize their powers and resources in the most efficient manner possible; and

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990 authorizes contiguous local jurisdictions to enter consortia for purposes of receiving funds and administering activities allowed under the HOME Investment Partnerships Program Regulations found at 24 CFR Part 92, hereinafter referred to as "HOME"; and

WHEREAS, after executing the Escambia HOME Consortium Agreement on June 22, 1999, as extended by mutual agreement in May 2011, Escambia County and the City of Pensacola have determined that the provision of Substantial Housing Rehabilitation/Reconstruction assistance authorized at 24 CFR Part 92.205, 92.250, 92.251, and 92.252 is a high priority need in the City of Pensacola; and

WHEREAS, Escambia County desires to provide necessary limited administrative authority related to the delivery of HOME financed activities to the City of Pensacola, where the Pensacola Housing Department shall administer the City of Pensacola's participation in the HOME Program.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and of the mutual benefits and for other good and valuable consideration, Escambia County and the City of Pensacola agree as follows:

SECTION 1. Purpose of the Agreement.

This Agreement provides the Mayor of the City of Pensacola the authority and concurrent responsibility required to implement Substantial Housing Rehabilitation activities in the City of Pensacola ("HOME Activities"), as provided for in the **2011** Escambia Consortium HOME Program Description approved by the U.S. Department of Housing and Urban Development ("HUD"), and attached hereto as **EXHIBIT I** of this agreement and incorporated herein by reference. The City of Pensacola shall have direct responsibility for assuring full and complete compliance with all regulatory, statutory, and administrative requirements associated with the HOME Activities undertaken in the City of Pensacola according to provisions articulated in the National Affordable Housing Act of 1990 (Public Law 101-625), as amended, the HOME regulations (24 CFR Part 92), and all HOME Activities related administrative directives as amended and published under authorization of HUD.

SECTION 2. Coordination.

The City of Pensacola agrees to cooperate fully with Escambia County and Neighborhood Enterprise Foundation, Inc. ("NEFI"), Escambia County's designated agent for housing and community development, in all actions related to the HOME Program and related HOME Activities. With regard to HOME fiscal matters, the City of Pensacola and its Housing Department, in cooperation with NEFI, shall provide detailed cost documentation and other information pertaining to the payment of HOME Activities assistance on behalf of eligible clients to the Office of the Clerk of the Circuit Court/Finance Division as required to fully establish the eligibility and validity of HOME-funded expenditures.

SECTION 3. HOME Program Policies, Procedures and Requirements.

The City of Pensacola, the Pensacola Housing Department, Escambia County, and NEFI shall cooperate in the development of the policies, procedures and actions required to implement the HOME Substantial Rehabilitation and/or Tenant Based Rental Assistance activities in the City of Pensacola, and both parties agree that Escambia County shall have the final local approval authority as designated in the HOME Consortium Agreement currently in effect between the two jurisdictions with regard to the expenditure of HOME activity and administrative funds. The City of Pensacola shall ensure that the HOME Activities provided through the HOME funding referenced herein are administered in accordance with the governing regulations found at 24 CFR Part 92, which have been provided to the City as evidenced by the acknowledgement included in **EXHIBIT II** of this Agreement and incorporated herein by reference. The City of Pensacola and Escambia County and their designated agents agree to cooperate and communicate fully with each other during the term of this Agreement to assure the provision of HOME Activities for qualified lower income families, including the execution of any documents necessary to carry out the purposes of this Agreement.

SECTION 4. Funding.

a) Pensacola HOME Activities:

The maximum **2011** HOME Program funding available to provide assistance to documented eligible, low/moderate income clients through HOME Activities in the City of Pensacola, Florida, shall be **\$316,852.00**. Said funds are allocated between approved and eligible HOME Activities denoted as follows:

Substantial Rehabilitation/Reconstruction of Homeowner Occupied Substandard Housing	\$316,852.00
Total	<u>\$316,852.00</u>

EXHIBITS I and II further detail the requirements associated with the project categories cited above, and regulations referenced therein shall at all times govern the expenditure of funds referenced in this Agreement. HOME Activities funds shall be utilized within these designated categories unless the funds are reallocated by formal amendment as mutually approved by Escambia County and the City of Pensacola.

b) Pensacola HOME Activities Payment Processing:

Escambia County, through coordination with NEFI, shall issue HOME related payments from the Escambia Consortium HOME Trust Fund for Pensacola HOME Activities as based upon clear and proper documentation of individual HOME Program client eligibility and of all costs to be paid or reimbursed by Escambia County in support of Pensacola HOME Activities and HOME client eligibility. Payments shall be either made directly to the approved vendor by Escambia County or to the City of Pensacola to reimburse costs that are advanced by the City of Pensacola, as based upon voucher and supporting documentation provided to the Clerk of the Circuit Court/Finance Division. The City of Pensacola Housing Department

shall be programmatically and fiscally responsible for the accuracy, completeness and proper documentation of Pensacola HOME Activities, the eligibility of clients assisted in the City of Pensacola, and all related payments; and further, the City of Pensacola shall be responsible for the repayment of any disallowed costs related to the Pensacola HOME Activities.

c) Pensacola HOME Program Local Match Requirement:

HUD HOME Program regulations require local cash matching in a minimum amount equal to twenty-five percent (25%) of the HOME allocation, excluding administrative funds. Based upon the Pensacola HOME Activities funding cited in Section 4(a) above, the City of Pensacola's HOME Activities require a minimum local match of **\$79,213.00** in non-federal funds. The City of Pensacola's local match shall be provided through the Escambia/Pensacola State Housing Initiatives Partnership (SHIP) Program as fiscally administered by Escambia County. Said matching funds shall be expended to: (1) provide a maximum of \$50,000 in SHIP match for mutually designated Substantial Housing Rehabilitation units completed by the City under the terms and conditions of this agreement, and/or (2) provide affordable housing for families with incomes at or below 80% of the Pensacola MSA median income adjusted for family size as defined by HUD and shall be expended during the term of this Agreement. Documentation of the expenditure of the required local matching funds shall be maintained by Escambia County through consultation with the City of Pensacola. In the event matching funds are not fully expended prior to the completion or termination of this Agreement, said remaining funds shall be expended in support of affordable housing activities within the City of Pensacola, Florida.

d) HOME Administrative Payments:

In addition to HOME Program Activities funds, the City of Pensacola shall be entitled to payment for HOME Program related administrative services in an amount not to exceed **\$37,767.00**, payable solely from funds currently available under the **2011 Escambia Consortium HOME Grant M-11-DC-12-0225**. Prior to requesting administrative funds from Escambia County, the City of Pensacola shall provide a detailed breakdown of the administrative services to be provided. Upon receipt of said budget detail by the Office of the Escambia County Administrator or Escambia County's designated agent, NEFI, administrative funds shall be paid by Escambia County through the Clerk of the Circuit Court/Finance Division to the City of Pensacola in twelve (12) equal monthly installments beginning with the month following the effective date of this Agreement. The City of Pensacola shall be responsible for ensuring documentation of proper expenditure of such administrative funds.

e) HOME Funding Limitations:

All funding addressed in this Agreement is available solely from the **2011 Escambia Consortium HOME Grant M-11-DC-12-0225** as provided by HUD. Escambia County shall have the right to immediately terminate this Agreement and immediately cease all payments related thereto in the event of termination or cancellation of said funding by HUD. Upon such occurrence, Escambia County and the City of Pensacola shall have no responsibility whatsoever for any payments beyond the costs directly paid or reimbursed by HUD. The Clerk of the Circuit Court/Finance Division shall retain fiscal control concerning the allowability of all payments for HOME Activities and related HOME administrative expenditures under this Agreement, and shall disburse payments in accordance with the terms and conditions of this Agreement.

SECTION 5. Administrative Authority.

Upon written authorization of the County Administrator, the City of Pensacola, or the Pensacola Housing Department, may be authorized to prepare and execute documents and requests required to enter (set-up) and revise City projects in the HUD Integrated Disbursement and Information System (IDIS). However, neither the City of Pensacola nor the Pensacola Housing Department shall be authorized to draw down HOME Program funds from the Escambia Consortium Letter of Credit. Draw down of HOME funding from the Escambia Consortium Letter of Credit shall be undertaken solely by personnel authorized by Escambia County to perform such functions.

SECTION 6. Program Records.

The City of Pensacola assumes responsibility for maintaining all records and documentation related to and supportive of the Pensacola HOME Activities associated with this Agreement. Further, such records and necessary HOME Activities information shall be readily available to Escambia County, its representatives or designated agent(s), the U.S. Department of HUD or its authorized representatives, or other duly authorized parties requiring access to such records. The City of Pensacola shall ensure that such records are maintained in accordance with the governing federal regulations, and shall keep all related records in a readily accessible location for a minimum of five (5) years, unless such records are the subject of litigation or audit, in which case they shall be maintained pending the completion of such action. The City of Pensacola shall cooperate with Escambia County to ensure the availability of all records related to this Agreement as may be required for audit, monitoring or reporting purposes.

SECTION 7. Liability.

Subject to any claim of sovereign immunity, each party to this Agreement shall be fully liable for the acts and omissions of its respective employees and agents in the performance of this Agreement to the extent permitted by law. The City of Pensacola shall be directly responsible, legally and fiscally, for all matters related to the HOME Activities assistance provided hereunder including but not limited to compliance with HOME Program Regulations; client intake and eligibility documentation; legal matters involving HOME Activities contracts; forms; certifications; specifications; bidding processes; and other actions in connection with proper implementation of HOME Activities according to **EXHIBITS I and II** hereto.

SECTION 8. Notices.

All notices to be made hereunder shall be in writing and shall be served either personally or by deposit with the U.S. Postal Service, certified mail, return receipt requested or by deposit with Federal Express or other nationally recognized overnight courier service, postage pre-paid and addressed to Escambia County and the City of Pensacola at the address set forth first above, with a copy in the case of County to:

Randy Wilkerson, Executive Director
Neighborhood Enterprise Foundation, Inc.
P.O. Box 18178
Pensacola, Florida 32523
Phone: (850) 458-0466 FAX: (850) 458-0464
E-mail: Randy_Wilkerson@co.escambia.fl.us

and in the case of the City of Pensacola to:

Ashton J. Hayward, III, Mayor
City of Pensacola
Pensacola City Hall
P.O. Box 12910
Pensacola, Florida 32521
Phone: (850) 435-1626
E-mail: ahayward@ci.pensacola.fl.us

with a copy to the City of Pensacola
Housing Department Director or designee

All notices shall be deemed served when received, except that any notice mailed or deposited in the manner provided in this section shall be deemed served on the postmark date or courier deposit (pickup) date.

SECTION 9. Effective Date, Term, and Termination.

This Agreement shall become effective on **November 1, 2011**, and this Agreement shall continue for a term of one (1) year from said date or until all of the subject **2011 HOME** funds are fully expended and Grant **#M-11-DC-12-0225** is officially closed, or in the event of immediate termination in the event HUD funds cease to be made available to support the HOME Activities cited in this Agreement, according to Section 4(e) hereof.

SECTION 10. Nepotism

The City of Pensacola and Escambia County agree to abide by the provisions of Section 112.3135, Florida Statutes, hereby incorporated by reference, pertaining to nepotism in its performance, under this Agreement.

SECTION 11. Civil Rights and Anti-Discrimination

a). The City of Pensacola agrees to abide by the spirit and intent of the Civil Rights Act of 1964, as amended, and the Civil Rights Act of 1968, as amended, in that its operation under this contract is free of discrimination against their employees, persons, or groups of persons on the basis of race, color, sex, or national origin. Both of the said Civil Rights Acts are incorporated by reference herein.

b). All services associated with this project shall be made available to the public in a non-discriminatory manner. Services and access thereto shall be available without regard to race, creed, color, handicap, familial status, disability, marital status, religion, or national origin. The City of Pensacola accepts sole responsibility for ensuring such non-discriminatory access to the services provided hereunder by its elected officials and officers, employees, agents, and representatives.

c). The City of Pensacola will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, physical handicap, or familial status. Such action shall include but not be limited to the following: employment; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The City of Pensacola agrees to post in a conspicuous place notices setting forth the provision of this Equal Employment Opportunity clause.

SECTION 12. Understanding of Terms.

(a) This Agreement is executed in Escambia County, State of Florida, and shall be construed under the laws of the State of Florida, and the parties agree that any action relating to this agreement shall be instituted and prosecuted in the courts of the County of Escambia, State of Florida, and each party waives the right to change of venue. Further, it is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Florida, both as to interpretation and performance.

(b) It is understood and agreed by the parties that if any part, term, or provision of this Agreement is held by the Courts to be illegal or in conflict with governing law, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

(c) In the event of any litigation between the parties concerning this Agreement or the transaction contemplated hereby, each party shall be responsible for its own attorney's fees and costs.

(d) Each individual executing this Agreement on behalf of a corporate or governmental party represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of said party, in accordance with a duly adopted action of the governing Board of said party in accordance with applicable law, and that this Agreement is binding upon said party in accordance with its terms.

(e) This Agreement shall become effective, after being properly executed by the parties, when recorded in the County's official records by the Office of the Clerk of the Circuit Court of Escambia County. The County shall be responsible for such filing after such execution by both parties.

IN WITNESS WHEREOF, the duly authorized representatives of the parties have set their hands and seals this day and year first written above.

**ESCAMBIA COUNTY, a political subdivision
of the State of Florida, BY AND THROUGH
ITS BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA**

**ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court**

By: _____
Kevin W. White, Chairman

BY: _____
Deputy Clerk

BCC Approved: November 3, 2011

(S E A L)

Escambia County Legal Department Approval:

This document approved as to form and legal sufficiency.

By: *[Signature]*

Title: ACA

Date: 10/12/11

[City of Pensacola Signature page follows]

**CITY OF PENSACOLA, a Municipal corporation
chartered in the State of Florida, BY ITS CITY
COUNCIL**

ATTEST:

Ericka L. Burnett, City Clerk

By: _____
**Ashton J. Hayward, III, Mayor
City of Pensacola**

(SEAL)

Approved as to Content:

Approved As To Form And Execution:

Pat Hubbard, Housing Director

By: _____
City Attorney

Date: _____

Date: _____

EXHIBIT I

2011 ESCAMBIA CONSORTIUM HOME PROGRAM DESCRIPTION

ESCAMBIA CONSORTIUM
2011-2012 HOME INVESTMENT PARTNERSHIPS ACT (HOME)
BUDGET AND ACTIVITIES DESCRIPTION
FOR MEMBER JURISDICTIONS

RECOMMENDED PROGRAM ACTIVITIES

FUNDING

ESCAMBIA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$558,516**

Provide assistance for low/moderate income families through Deferred Payment Grants/Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 7 to 8 severely substandard homeowner occupied housing units. (Escambia County)

CITY OF PENSACOLA:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$316,852**

Provide assistance for low/moderate income families through Deferred Payment Grants, Deferred Payment Loans, Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of severely substandard single family homeowner occupied housing units. It is estimated that this funding will reconstruct approximately 3 to 4 housing units. (City of Pensacola)

SANTA ROSA COUNTY:

HOME BUYER ASSISTANCE **\$232,232**

Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment Grants, Deferred Payment Loans, Low Interest Loans, or a combination thereof, to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 21-23 families. (Santa Rosa County)

JOINT HOME ACTIVITIES (CONSORTIUM-WIDE):

RENTAL HOUSING DEVELOPMENT (CHDO SET-ASIDE) **\$236,520**

Provide low interest and/or deferred loan assistance to partially support the costs for development of approximately 4 affordable rental or special needs housing units through activities of locally designated non-profit Community Housing Development Organizations (CHDO's) in Escambia or Santa Rosa County.

CHDO OPERATING EXPENSES **\$ 74,995**

Optional allocation to provide operating support to enhance capacity of locally designated CHDO's that : have a minimum of one year of documented experience in the development of affordable housing and are actively undertaking affordable housing activities for the benefit of the Consortium. Any residual funds from this category will be utilized for Escambia Substantial Housing Rehabilitation/Reconstruction.

ADMINISTRATION/MANAGEMENT (JOINT) **\$157,679**

Provides for oversight, management, monitoring and coordination of financial and general administration of the HOME Program in all participating jurisdictions.

TOTAL 2011 HOME FUNDS PROJECTED

\$ 1,576,794
=====

EXHIBIT II

**HOME INVESTMENT PARTNERSHIPS PROGRAM REGULATIONS
(24 CFR PART 92)**

THIS EXHIBIT CONTAINS PERTINENT EXCERPTS FROM THE HOME INVESTMENT PARTNERSHIPS ACT FINAL RULE AS PUBLISHED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. THIS EXHIBIT IS FOR REFERENCE ONLY. THEREFORE, THE ENTIRETY OF THE HOME RULE AT 24 CFR PARTS 92, ALL AMENDMENTS TO THE RULE, AND ANY SUBSEQUENT AMENDMENTS TO THE RULE MUST BE CONSULTED TO DETERMINE PROGRAM COMPLIANCE AND PROCEDURAL REQUIREMENTS. A COMPLETE COPY OF THE TEXT OF 24 CFR PARTS 92 HAS BEEN PROVIDED TO THE PARTY (IES) WITH RESPONSIBILITY FOR MANAGEMENT AND IMPLEMENTATION OF THIS CONTRACT AS EVIDENCED BY THE ACKNOWLEDGEMENT CONTAINED IN THIS EXHIBIT.

CERTIFICATION REGARDING DRUG-FREE REQUIREMENTS

The **CITY OF PENSACOLA, FLORIDA** will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibitions;

- (b) Establishing a drug-free awareness program to inform employees about-
 - (1) The dangers of drug abuse in the workplace ;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

- (d) Notifying the employer in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

- (e) Notifying HUD within 10 days after receiving notice under subparagraph (d) (2) from an employer or otherwise receiving actual notice of such conviction;

- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted-

(1) taking appropriate personnel action against such an employee, up to and including termination; or

(2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;

(g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

PLACE OF PERFORMANCE
FOR CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Agency: **CITY OF PENSACOLA, FLORIDA**

Date: 11/1/11

Grant Program Name: HOME INVESTMENT PARTNERSHIPS ACT PROGRAM

Grant Number: M-11-DC-12-0225

CITY OF PENSACOLA, FLORIDA shall insert in the space provided below the site(s) expected to be used for the performance of work under the grant covered by the certification:

PLACE OF PERFORMANCE (Including street address, city, county, state, and zip code for each site):

ADDRESS: City of Pensacola
Pensacola Housing Department
420 West Chase Street
Pensacola, Florida 32502

Total estimated number of employees expected to be engaged in the performance of the grant at the site(s) noted above:

ESTIMATED: Five (5)

SIGNED: _____
Certifying Officer
Ashton J. Hayward, III, Mayor
City of Pensacola

ANTI-LOBBYING
CERTIFICATION FOR CONTRACTS, GRANTS, LOANS
AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form To Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____

Certifying Official
Ashton J. Hayward, III, Mayor
City of Pensacola

Date: _____

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature: _____

Name: Ashton J. Hayward, III

Title: Mayor

HOME Investment Partnerships Act

(Project Name)

M-11-DC-12-0225

(Project Number)

Firm/Agency: City of Pensacola, Florida

Street Address: City of Pensacola (Housing Department)
420 West Chase Street
Pensacola, Florida 32502

FR 24.510 & 24 CFR, Part 24, Appendix A

**CERTIFICATION OF RECEIPT
HOME INVESTMENT PARTNERSHIPS PROGRAM REGULATIONS
(24 CFR PART 92)**

I/We hereby certify and affirm that Escambia County has provided the City of Pensacola with a complete copy of the current U. S. HUD HOME Program Regulations (24 CFR Part 92), copies of any amendments to the governing Regulations, and related Federal Laws as may be applicable to the activities to be provided through this Agreement. I/We have reviewed the Regulations and understand the requirements which govern the HUD HOME Program financed activities under this Agreement. I/We also understand that clarification of any uncertainties regarding the Regulations or requirements related thereto should be resolved by contacting the Contract Manager denoted in this Agreement. If the Contract Manager cannot resolve the question, the issue will be submitted to the U. S. Department of Housing and Urban Development (HUD) for review and resolution.

Additionally, I/We have access to a complete copy of the HUD HOME Training Compliance Manual and have reviewed the document to ensure compliance in the implementation of activities provided through this Agreement.

This certification is provided in lieu of including the entire text of 24 CFR Part 92 in this Exhibit. I/We understand that additional copies of the entire text will be promptly provided upon written request directed to the County's designated Contract Manager.

CITY OF PENSACOLA

By: _____
Ashton J. Hayward, III, Mayor

Date: _____

**INTERLOCAL AGREEMENT
FOR HOME INVESTMENT PARTNERSHIPS ACT PROGRAM**

THIS AGREEMENT is made and entered into this 1st day of November , 2011, by and between the **COUNTY OF ESCAMBIA**, a political subdivision of the State of Florida ("**ESCAMBIA COUNTY**"), whose mailing address is P.O. Box 1591, Pensacola, Florida 32597; and the **COUNTY OF SANTA ROSA**, a political subdivision of the State of Florida ("**SANTA ROSA COUNTY**"), whose address is 6495 Caroline Street, Milton, Florida 32570 for the purpose of receiving and administering activities under the provisions located at 24 CFR, Part 92 which regulate funding provided through the federal HOME Investment Partnerships Program (the "HOME" Program", the "Program") and which regulate the terms under which Santa Rosa County shall provide HOME Program eligible services and assistance to eligible families residing within Santa Rosa County.

WITNESSETH:

WHEREAS, Escambia County and Santa Rosa County have legal authority to perform general governmental services within their respective jurisdictions; and

WHEREAS, both Counties are authorized by Florida Statutes Section 163.01 et. seq. to enter into interlocal agreements and agreements with State agencies, and thereby cooperatively utilize their powers and resources in the most efficient manner possible; and

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990 authorizes contiguous local jurisdictions to enter consortia for purposes of receiving funds and administering activities allowed under the HOME Investment Partnerships Program Regulations found at 24 CFR Part 92, hereinafter referred to as "HOME"; and

WHEREAS, after executing the Escambia HOME Consortium Agreement on June 22, 1999, as extended by mutual agreement in May 2011, Escambia County and Santa Rosa County have determined that the provision of **Homebuyer Assistance** as authorized at 24 CFR Part 92.205, 92.250, and 92.251 is a high priority need in Santa Rosa County; and

WHEREAS, Escambia County desires to provide necessary limited administrative authority related to the delivery of HOME financed activities to Santa Rosa County.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and of the mutual benefits and for other good and valuable consideration, Escambia County and Santa Rosa County agree as follows:

SECTION 1. Purpose of the Agreement.

This Agreement provides the Santa Rosa County Administrator the authority and concurrent responsibility required to implement Homebuyer Assistance activities in Santa Rosa County ("HOME Activities"), as provided for in the **2011 Escambia Consortium HOME Program Description** approved by the U.S. Department of Housing and Urban Development ("HUD"), and attached hereto as **EXHIBIT I** of this agreement and incorporated herein by reference. Santa Rosa County shall have direct responsibility for assuring full and complete compliance with all regulatory, statutory, and administrative requirements associated with the HOME Activities

undertaken in Santa Rosa County according to provisions articulated in the National Affordable Housing Act of 1990 (Public Law 101-625), as amended, the HOME regulations (24 CFR Part 92), and all HOME Activities related administrative directives as amended and published under authorization of HUD.

SECTION 2. Coordination.

Santa Rosa County agrees to cooperate fully with Escambia County and Neighborhood Enterprise Foundation, Inc. ("NEFI"), Escambia County's designated agent for housing and community development, in all actions related to the HOME Program and related HOME Activities. With regard to HOME fiscal matters, Santa Rosa County, in cooperation with NEFI, shall provide detailed cost documentation and other information pertaining to the payment of HOME Activities assistance on behalf of eligible clients to the Office of the Clerk of the Circuit Court/Finance Division as required to fully establish the eligibility and validity of HOME-funded expenditures.

SECTION 3. HOME Activities Administrative Requirements.

a) HOME Program Policies, Procedures and Requirements:

Santa Rosa County, Escambia County and NEFI shall cooperate in the development of the policies, procedures and actions required to implement the HOME Activities in Santa Rosa County, and both parties agree that Escambia County shall have the final local approval authority as designated in the HOME Consortium Agreement currently in effect between the two jurisdictions with regard to the expenditure of HOME activity and administrative funds. Santa Rosa County shall ensure that the HOME Activities provided through the HOME funding referenced herein are administered in accordance with the governing regulations found at 24 CFR Part 92, which have been provided to Santa Rosa County as evidenced by the acknowledgement included in **EXHIBIT II** of this Agreement and incorporated herein by reference. Santa Rosa County and Escambia County and their designated agents agree to cooperate and communicate fully with each other during the term of this Agreement to assure the provision of HOME Activities for qualified lower income families, including the execution of any documents necessary to carry out the purposes of this Agreement.

SECTION 4. Funding.

a) Santa Rosa HOME Activities:

The maximum **2011** HOME Program funding available to provide assistance to documented eligible, lower income clients through HOME Activities in Santa Rosa County, Florida, shall be **\$232,232.00**. Said funds are allocated between approved and eligible HOME Activities denoted as follows:

HOMEBUYER ASSISTANCE	<u>\$232,232.00</u>
----------------------	---------------------

EXHIBITS I and II further detail the requirements associated with the project categories cited above, and regulations contained therein shall at all times govern the expenditure of funds referenced in this Agreement. HOME Activities funds shall be utilized within these designated categories unless the funds are reallocated by formal amendment as mutually approved by Escambia County and Santa Rosa County.

b) Santa Rosa HOME Activities Payment Processing:

Escambia County, through coordination with NEFI, shall issue HOME related payments from the Escambia Consortium HOME Trust Fund for Santa Rosa HOME Activities as based upon clear and proper documentation of individual HOME Program client eligibility and of all costs to be paid or reimbursed by Escambia County in support of Santa Rosa HOME Activities and HOME client eligibility. Payments shall be either made directly to the approved vendor by Escambia County, or to Santa Rosa County to reimburse costs that are advanced by Santa Rosa County, as based upon voucher and supporting documentation provided to the Clerk of the Circuit Court/Finance Division. Santa Rosa County shall be programmatically and fiscally responsible for the accuracy, completeness and proper documentation of Santa Rosa HOME Activities, the eligibility of clients assisted in Santa Rosa County, and all related payments; and further, Santa Rosa County shall be responsible for the repayment of any disallowed costs related to Santa Rosa HOME Activities.

c) Santa Rosa HOME Program Local Match Requirement:

HUD HOME Program regulations require local cash matching in a minimum amount equal to twenty-five percent (25%) of the HOME allocation, excluding administrative funds. Based upon the Santa Rosa HOME Activities funding cited in Section 4(a) above, Santa Rosa County shall provide a minimum local match of **\$58,058.00** in non-federal funds. Santa Rosa County's State Housing Initiatives Partnership (SHIP) Program fund is an acceptable match source. Said matching funds shall be expended by Santa Rosa County to provide affordable housing for families with incomes at or below 80% of the Pensacola MSA median income adjusted for family size as defined by HUD and shall be expended during the term of this Agreement. Documentation of the expenditure of the required local matching funds shall be provided to Escambia County upon request, but at least annually, and shall at all times be at least equal to the pro-rata share of HOME funds expended. In the event matching funds are not fully expended prior to the completion or termination of this Agreement, said remaining funds shall be expended in support of affordable housing activities within Santa Rosa County, Florida.

d) HOME Administrative Payments:

In addition to HOME Program Activities funds, Santa Rosa County shall be entitled to payment for HOME Program related administrative services in an amount not to exceed **\$27,726.00**, payable solely from funds currently available under the **2011 Escambia Consortium HOME Grant M-11-DC-12-0225**. Prior to requesting administrative funds from Escambia County, Santa Rosa County shall provide a detailed breakdown of the administrative services to be provided. Upon receipt of said budget detail by the Office of the Escambia County Administrator or Escambia County's designated agent, NEFI, administrative funds shall be paid by Escambia County through the Clerk of the Circuit Court/Finance Division to Santa Rosa County in twelve (12) equal monthly installments beginning with the month following the effective date of this Agreement. Santa Rosa County shall be responsible for ensuring documentation of proper expenditure of such administrative funds.

e) HOME Funding Limitations:

All funding addressed in this Agreement is available solely from the **2011 Escambia Consortium HOME Grant M-11-DC-12-0225** as provided by HUD. Escambia County shall have the right to immediately terminate this Agreement and immediately cease all payments related thereto in the event of termination or cancellation of said funding by HUD. Upon such occurrence,

Escambia County shall have no responsibility whatsoever for any payments beyond the costs directly paid or reimbursed by HUD. The Clerk of the Circuit Court/Finance Division shall retain fiscal control concerning the allowability of all payments for HOME Activities and related HOME administrative expenditures under this Agreement, and shall disburse payments in accordance with the terms and conditions of this Agreement.

SECTION 5. Administrative Authority.

Santa Rosa County is not authorized to prepare and execute documents and requests required to enter (set-up) or draw down HOME Program funds from the Escambia Consortium Letter of Credit. Such actions shall be undertaken solely by personnel authorized by Escambia County to perform such functions.

SECTION 6. Program Records.

Santa Rosa County assumes responsibility for maintaining all records and documentation related to and supportive of the Santa Rosa HOME Activities associated with this Agreement. Further, such records and necessary HOME Activities information shall be readily available to Escambia County, its representatives or designated agent(s), the U.S. Department of HUD or its authorized representatives, or other duly authorized parties requiring access to such records. Santa Rosa County shall ensure that such records are maintained in accordance with the governing federal regulations, and shall keep all related records in a readily accessible location for a minimum of five (5) years, unless such records are the subject of litigation or audit, in which case they shall be maintained pending the completion of such action. Santa Rosa County shall cooperate with Escambia County to ensure the availability of all records related to this Agreement as may be required for audit, monitoring or reporting purposes.

SECTION 7. Liability.

Subject to any claim of sovereign immunity, each party to this Agreement shall be fully liable for the acts and omissions of its respective employees and agents in the performance of this Agreement. Santa Rosa County shall be directly responsible, legally and fiscally, for all matters related to the HOME Activities assistance provided hereunder including but not limited to compliance with HOME Program Regulations; client intake and eligibility documentation; legal matters involving HOME Activities contracts; forms; certifications; specifications; bidding processes; and other actions in connection with proper implementation of HOME Activities according to **EXHIBITS I and II** hereto.

SECTION 8. Notices.

All notices to be made hereunder shall be in writing and shall be served either personally or by deposit with the U.S. Postal Service, certified mail, return receipt requested or by deposit with Federal Express or other nationally recognized overnight courier service, postage pre-paid and addressed to Escambia County and Santa Rosa County at the address set forth first above, with a copy in the case of County to:

Randy Wilkerson, Executive Director
Neighborhood Enterprise Foundation, Inc.
P.O. Box 18178
Pensacola, Florida 32523

Phone: (850) 458-0466 FAX: (850) 458-0464

and in the case of Santa Rosa County (Administration) to:

Hunter Walker, County Administrator
Santa Rosa County
Santa Rosa County Administration Office
6495 Caroline Street, Suite M
Milton, Florida 32570-4592
Phone: (850) 983-1855 FAX: (850) 983-1856

All notices shall be deemed served when received, except that any notice mailed or deposited in the manner provided in this section shall be deemed served on the postmark date or courier deposit (pickup) date.

SECTION 9. Effective Date, Term, and Termination.

This Agreement shall become effective on **November 1, 2011**, and this Agreement shall continue for a term of one (1) year from said date or until all of the subject **2011** HOME funds are fully expended and Grant **#M-11-DC-12-0225** is officially closed, or in the event of immediate termination in the event HUD funds cease to be made available to support the HOME Activities cited in this Agreement, according to Section 4(e) hereof.

SECTION 10. Nepotism

Santa Rosa County agrees to abide by the provisions of Section 112.3135, Florida Statutes, hereby incorporated by reference, pertaining to nepotism in its performance, under this Agreement.

SECTION 11. Civil Rights and Anti-Discrimination

a). Santa Rosa County agrees to abide by the spirit and intent of the Civil Rights Act of 1964, as amended, and the Civil Rights Act of 1968, as amended, in that its operation under this contract is free of discrimination against their employees, persons, or groups of persons on the basis of race, color, sex, or national origin. Both of the said Civil Rights Acts are incorporated by reference herein.

b). All services associated with this project shall be made available to the public in a non-discriminatory manner. Services and access thereto shall be available without regard to race, creed, color, handicap, familial status, disability, marital status, religion, or national origin. Santa Rosa County accepts sole responsibility for ensuring such non-discriminatory access to the services provided hereunder.

c). Santa Rosa County will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, physical handicap, or familial status. Such action shall include but not be limited to the following: employment; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. Santa Rosa County agrees to post in a conspicuous place notices setting forth the provision of this Equal Employment Opportunity clause.

SECTION 12. Understanding of Terms.

(a) This Agreement is executed in Escambia County, State of Florida, and shall be construed under the laws of the State of Florida, and the parties agree that any action relating to this agreement shall be instituted and prosecuted in the courts of the County of Escambia, State of Florida, and each party waives the right to change of venue. Further, it is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Florida, both as to interpretation and performance.

(b) It is understood and agreed by the parties that if any part, term, or provision of this Agreement is held by the Courts to be illegal or in conflict with governing law, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

(c) In the event of any litigation between the parties concerning this Agreement or the transaction contemplated hereby, each party shall be responsible for its own attorney's fees and costs.

(d) Each individual executing this Agreement on behalf of a corporate or governmental party represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of said party, in accordance with a duly adopted action of the governing Board of said party in accordance with applicable law, and that this Agreement is binding upon said party in accordance with its terms.

(e) This Agreement shall become effective, after being properly executed by the parties, when recorded in the County's official records by the Office of the Clerk of the Circuit Court of Escambia County. The County shall be responsible for such filing after such execution by both parties.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the duly authorized representatives of the parties have set their hands and seals this day and year first written above.

**ESCAMBIA COUNTY, a political subdivision
of the State of Florida, by and through
its BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA**

By: _____
Kevin W. White, Chairman

**ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court**

BCC Approved: November 3, 2011

BY: _____
Deputy Clerk

(S E A L)

Legal Department Approval:

This document approved as to form
and legal sufficiency.

By: *Justin Huel*
Title: ACA
Date: 10/12/11

[Santa Rosa County Signature Page to follow]

**SANTA ROSA COUNTY, a political subdivision
of the State of Florida, by and through its
BOARD OF COUNTY COMMISSIONERS OF
SANTA ROSA COUNTY, FLORIDA**

ATTEST:

Mary M. Johnson
Clerk of Courts

By: _____
Lane Lynchard, Chairman

BCC Approved:

(SEAL)

PASSED AND ADOPTED BY THE SANTA ROSA COUNTY BOARD OF COUNTY
COMMISSIONERS THIS _____ DAY OF _____, 2011, BY A VOTE
OF _____ YEAS, _____ NAYS AND _____ ABSENT.

EXHIBIT I

2011 ESCAMBIA CONSORTIUM HOME PROGRAM DESCRIPTION

ESCAMBIA CONSORTIUM
2011-2012 HOME INVESTMENT PARTNERSHIPS ACT (HOME)
BUDGET AND ACTIVITIES DESCRIPTION
FOR MEMBER JURISDICTIONS

RECOMMENDED PROGRAM ACTIVITIES

FUNDING

ESCAMBIA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$558,516**

Provide assistance for low/moderate income families through Deferred Payment Grants/Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 7 to 8 severely substandard homeowner occupied housing units. (Escambia County)

CITY OF PENSACOLA:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$316,852**

Provide assistance for low/moderate income families through Deferred Payment Grants, Deferred Payment Loans, Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of severely substandard single family homeowner occupied housing units. It is estimated that this funding will reconstruct approximately 3 to 4 housing units. (City of Pensacola)

SANTA ROSA COUNTY:

HOME BUYER ASSISTANCE **\$232,232**

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JOINT HOME ACTIVITIES (CONSORTIUM-WIDE):

RENTAL HOUSING DEVELOPMENT (CHDO SET-ASIDE) **\$236,520**

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CHDO OPERATING EXPENSES **\$ 74,995**

Optional allocation to provide operating support to enhance capacity of locally designated CHDO's that : have a minimum of one year of documented experience in the development of affordable housing and are actively undertaking affordable housing activities for the benefit of the Consortium. Any residual funds from this category will be utilized for Escambia Substantial Housing Rehabilitation/Reconstruction.

ADMINISTRATION/MANAGEMENT (JOINT) **\$157,679**

Provides for oversight, management, monitoring and coordination of financial and general administration of the HOME Program in all participating jurisdictions.

TOTAL 2011 HOME FUNDS PROJECTED

\$ 1,576,794
=====

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**HOME INVESTMENT PARTNERSHIPS PROGRAM REGULATIONS
(24 CFR PART 92)**

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CERTIFICATION REGARDING DRUG-FREE REQUIREMENTS

SANTA ROSA COUNTY, FLORIDA will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibitions;
- (b) Establishing a drug-free awareness program to inform employees about-
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employer in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;
- (e) Notifying HUD within 10 days after receiving notice under subparagraph (d) (2) from an employer or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subpara-graph (d)(2), with respect to any employee who is convicted-
 - (1) taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
- (g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

PLACE OF PERFORMANCE
FOR CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Agency: SANTA ROSA COUNTY ADMINISTRATIVE

Date: 11/1/10

Grant Program Name: HOME INVESTMENT PARTNERSHIPS ACT PROGRAM

Grant Number: M-11-DC-12-0225

SANTA ROSA COUNTY, FLORIDA shall insert in the space provided below the site(s) expected to be used for the performance of work under the grant covered by the certification:

PLACE OF PERFORMANCE (Including street address, city, county, state, and zip code for each site):

ADDRESS: Santa Rosa County Administrative Office
6495 Caroline Street
Milton, Florida 32570

Total estimated number of employees expected to be engaged in the performance of the grant at the site(s) noted above:

ESTIMATED: Three (3)

SIGNED: _____
Lane Lynchard, Chairman
Santa Rosa County
Board of County Commissioners

ANTI-LOBBYING
CERTIFICATION FOR CONTRACTS, GRANTS, LOANS
AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form To Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____

Date: _____

Lane Lynchard, Chairman
Santa Rosa County Board of County Commissioners

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature: _____ **HOME Investment Partnerships Act (HOME)**
Name: Lane Lynchard (Project Name)
Title: Chairman **M-11-DC-12-0225**
(Project Number)

Firm/Agency: Santa Rosa County, Florida

Street Address: Santa Rosa County Administrative Office
6495 Caroline Street
Milton, Florida 32570

FR 24.510 & 24 CFR, Part 24, Appendix A

**CERTIFICATION OF RECEIPT
HOME INVESTMENT PARTNERSHIPS PROGRAM REGULATIONS
(24 CFR PART 92)**

I/We hereby certify and affirm that Escambia County has provided Santa Rosa County with a complete copy of the current U. S. HUD HOME Program Regulations (24 CFR Part 92), copies of any amendments to the governing Regulations, and related Federal Laws as may be applicable to the activities to be provided through this Agreement. I/We have reviewed the Regulations and understand the requirements which govern the HUD HOME Program financed activities under this Agreement. I/We also understand that clarification of any uncertainties regarding the Regulations or requirements related thereto should be resolved by contacting the Contract Manager denoted in this Agreement. If the Contract Manager cannot resolve the question, the issue will be submitted to the U. S. Department of Housing and Urban Development (HUD) for review and resolution.

Additionally, I/We have access to a complete copy of the HUD HOME Training Compliance Manual and have reviewed the document to ensure compliance in the implementation of activities provided through this Agreement.

This certification is provided in lieu of including the entire text of 24 CFR Part 92 in this Exhibit. I/We understand that additional copies of the entire text will be promptly provided upon written request directed to the County's designated Contract Manager.

Santa Rosa County:

By: _____
Lane Lynchard, Chairman
Board of County Commissioners

Date: _____



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1645

County Administrator's Report Item #: 12. 9.

BCC Regular Meeting

Budget & Finance Consent

Meeting Date: 11/03/2011

Issue: Conveyance of an Underground Distribution Easement to Gulf Power Company for Electric Service on County-Owned Property

From: Joy D. Blackmon, P.E.

Organization: Public Works

CAO Approval:

RECOMMENDATION:

Recommendation Concerning the Conveyance of an Underground Distribution Easement to Gulf Power Company for Electric Service on County-owned Property - Joy D. Blackmon, P.E., Public Works Department Director

That the Board take the following action concerning the conveyance of an Underground Distribution Easement to Gulf Power Company for electric service on County-owned property, located on North Highway 95-A for improvements on the Old Molino School property:

A. Approve granting an Underground Distribution Easement to Gulf Power Company for electric service on County-owned property, located on North 95-A for improvements on the Old Molino School property; and

B. Authorize the Chairman to sign the Easement document and any other documents, subject to Legal review and sign-off, associated with the granting of the Underground Distribution Easement to Gulf Power Company.

[Funding Source: Funds for incidental expenditures associated with the recording of documents are available in the Engineering Escrow account accessed by the Escambia County Clerk's Office]

BACKGROUND:

Escambia County owns the Old Molino School property, located on North Highway 95-A, and has plans to construct a community center and an office for the Tax Collector on this site. In order to provide electrical service for these planned facilities, Gulf Power requires an Underground Distribution Easement. Engineering and Facilities Management staff have reviewed the request, and having no objections, request that the Board grant the approval required for the conveyance of this easement.

BUDGETARY IMPACT:

Funds for incidental expenditures associated with the recording of documents are available in an Engineering Escrow account accessed by the Escambia County Clerk's Office.

LEGAL CONSIDERATIONS/SIGN-OFF:

The easement document was approved as to form and legal sufficiency by Stephen West, Assistant County Attorney, on October 13, 2011.

PERSONNEL:

All work associated with this request is being done in-house and no additional staff is required.

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

Upon Board approval, staff will have the easement executed by the Chairman and attested by the County Clerk's office, with copies provided to Gulf Power Company. County staff will continue to work with Gulf Power Company in meeting their requirements to provide electrical service.

Attachments

Easement

Map



This Legal Document
Prepared by William Maudlin
Gulf Power Company
One Energy Place
Pensacola, Florida 32520-0093

UNDERGROUND DISTRIBUTION EASEMENT

WO# Molino Tax Collector
TAX ID# 03-2N-31-3000-002-001
EN# 96490

STATE OF FLORIDA
COUNTY OF ESCAMBIA

KNOW ALL MEN BY THESE PRESENTS that Escambia County, Florida, a political subdivision of the State of Florida, acting by and through its duly authorized Board of County Commissioners (Grantor), whose address is 221 Palafox Place, Pensacola, FL 32502 for and in consideration of One And 00/100 Dollars (\$1.00) and other good and valuable considerations in hand paid by Gulf Power Company, a Florida corporation (Grantee), whose address is One Energy Place, Pensacola, Florida 32520-0093, the receipt whereof is hereby acknowledged, does hereby grant and convey to Grantee, its successors and assigns, the perpetual right to lay, bury, construct, operate, maintain, dig up and repair an underground electrical distribution system and necessary related overhead facilities, with all necessary conductors, ducts, conduit, transformers, connection boxes, facilities and equipment, necessary or convenient in connection therewith from time to time, together with all rights and privileges necessary or convenient for the full enjoyment or use thereof for the aforesaid purposes, including the right of ingress and egress thereto and therefrom, along, under and across the following described property in Escambia County, Florida, to-wit:

A TEN FOOT STRIP (10') OF LAND LYING FIVE FEET (5') ON EACH SIDE OF THE CENTERLINE OF THE ELECTRICAL FACILITIES AS INSTALLED AND OR TO BE INSTALLED AS SHOWN IN THE ATTACHED EXHIBIT "A" ON THE PROPERTY DESCRIBED IN THE ATTACHED EXHIBIT "B".

IT IS UNDERSTOOD AND AGREED THAT SAID FACILITIES WILL BE INSTALLED AT A MUTUALLY ACCEPTABLE LOCATION TO BOTH PARTIES.

SHOULD THE GRANTOR CAUSE TO HAVE A SURVEY COMPLETED DESCRIBING THE LOCATION OF THE ELECTRICAL FACILITIES AND EXECUTE A NEW EASEMENT TO GULF POWER COMPANY THE GRANTEE AGREES TO RELEASE THIS EASEMENT IN THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.

for the transmission, distribution, supply and sale to the public for power, heat and light; and also the perpetual right to lay, bury, construct, operate, maintain, dig up and repair such an underground electrical system on Grantor's adjoining property to serve present and future customers of Grantee, its successors and assigns with electric energy.

TO HAVE AND TO HOLD the same to the said Gulf Power Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has executed this instrument this _____ day of _____, 20____.

ESCAMBIA COUNTY, FLORIDA, a political subdivision of the State of Florida acting by and through its authorized Board of County Commissioners.

By: _____
Kevin W. White, Chairman

Attest: Ernie Lee Magaha
Clerk of the Circuit Court

This document approved as to form and legal sufficiency.

By: Schell
Title: Asst. County Attorney
Date: Oct 13, 2011

EXHIBIT "A"
(Page 1 of 2)

THE UPSTREAM PROTECTIVE DEVICE IS BRKR #5382 LOCATED IN MOLINO SUBSTATION.

U/G SERVICE

NOTE: CUSTOMER TO SUPPLY AND INSTALL SERVICE SERVICE WIRE CUSTOMER OWNED GPOD TO SUPPLY CT CABINET AND METER SOCKET CUSTOMER TO INSTALL CABINET AND SOCKET.

RM: 45/3
TLM #10867-63481
1-10800 7.2KV TX
1-3/8" DOWNHILL W/ ANCHOR

INST: 3 PH SWITCH CAN
TLM #10867-63487

INST: 1500VA PADMOUNT
TLM # 10865-63502
CALC LOAD 277/480 VOLT
3PH 1145.135W
1PH 625.339W
V.D. 3.368 FLUR 1.10%

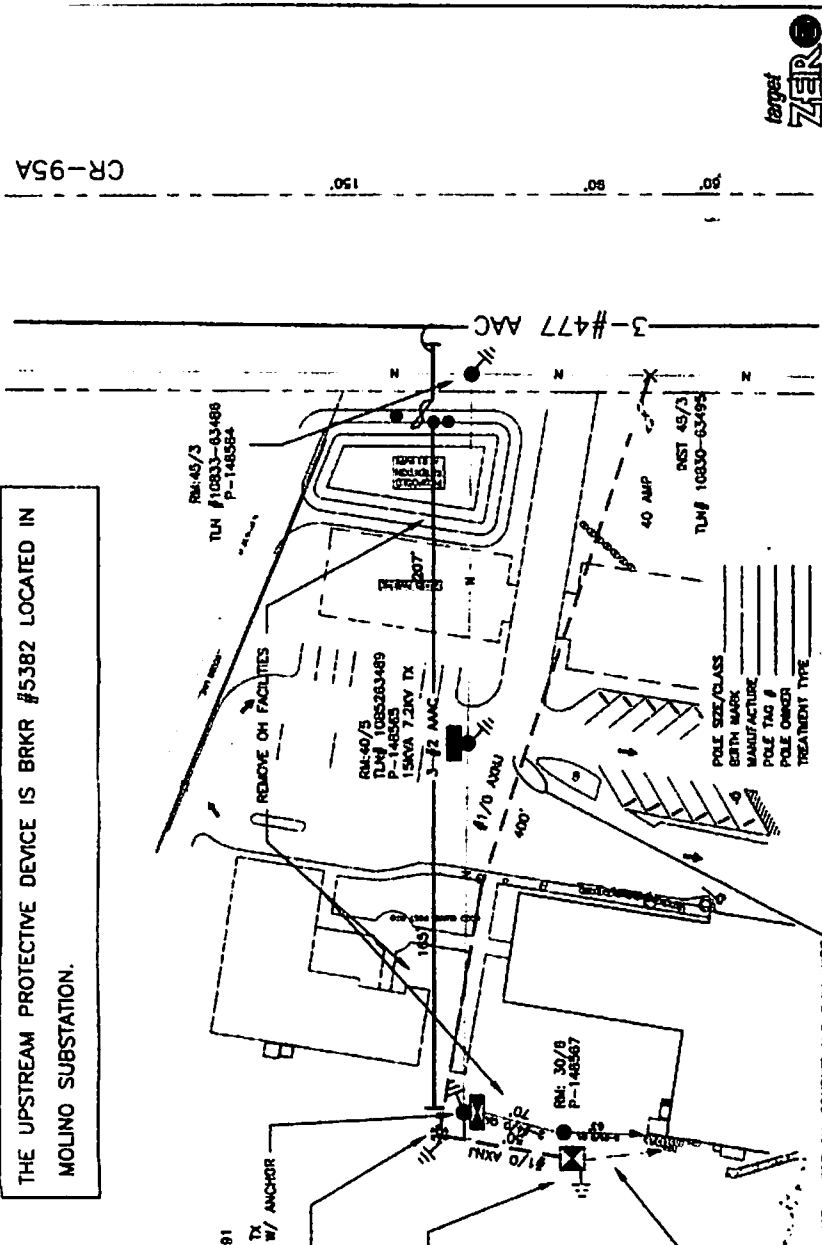
GPOD TO INSTALL
2005 CT'S IN PADMOUNT

CUSTOMER OWNED SERVICE
3 RUNS: 4-100 MCMIL
IN 3" CONDUIT EACH

GPOD TO INSTALL TRENCH, CONDUIT AND PULL WIRE



NOTE: ESTIMATE BASE ON STANDARD DIGGING. NO BORING INVOLVED.



SUBJECT: MOLINO TAX COLLECTORS	
LETB REF: #	38811
LOCATION: 6440 NORTH 95A	
DRN. BY: NBR	DATE: 9/16/11
REV. BY:	DATE:
SCALE: N/A	DSB: ASB
DSC: 55A3C7 1 of 2	

CR-95A

EXHIBIT "A"
(Page 2 of 2)

THE UPSTREAM PROTECTIVE DEVICE IS BREAKER 5382 LOCATED IN MOLINO SUBSTATION.

U/C SERVICE

NOTE: CUSTOMER TO SUPPLY AND INSTALL SERVICE SERVICE WIRE CUSTOMER OWNED GPCO TO SUPPLY CT CABINET AND METER SOCKET CUSTOMER TO INSTALL CABINET, SOCKET, AND C.T'S

CUSTOMER OWNED SERVICE
2 RIMS-4-3500CMTL
3" CONDUIT EACH

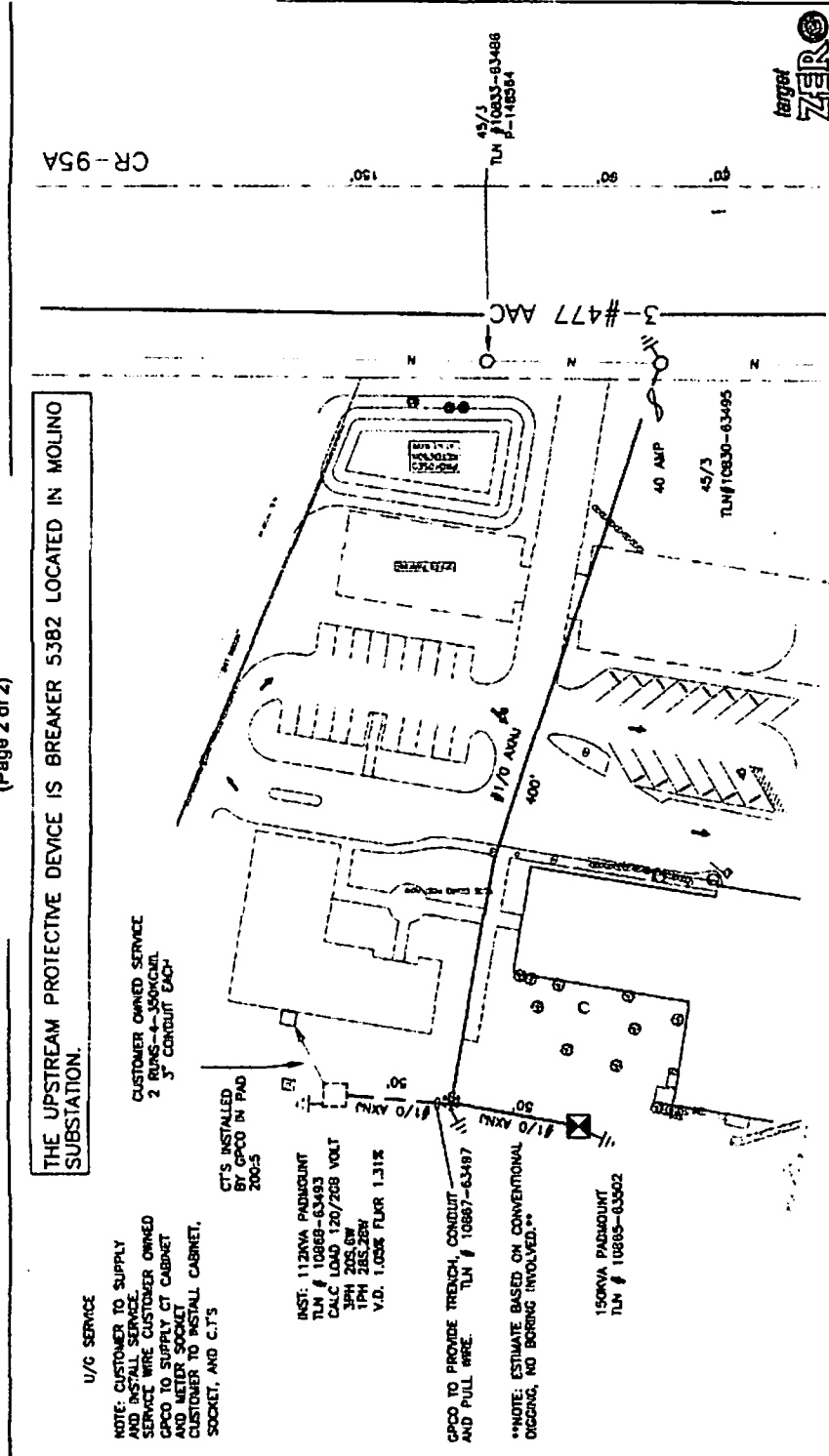
CT'S INSTALLED BY GPCO IN PAD 200-5

INST: 1120VA PADMOUNT
TLN # 10869-63493
CALC LOAD 120/268 VOLT
3PH 205.6W
1PH 285.28W
V.D. 1.05% FLKR 1.31%

GPCO TO PROVIDE TRENCH, CONDUIT AND PULL WIRE. TLN # 10867-63487

NOTE: ESTIMATE BASED ON CONVENTIONAL DIGGING, NO BORING INVOLVED.

1500VA PADMOUNT
TLN # 10885-63502



CR-95A



SUBJECT: MOLINO TAX COLLECTOR		JETS REF. #	59201
LOCATION: 6440 NORTH HWY 95A SUITE A		DATE: 8/16/11	SCALE: N/A
DRN. BY: RBK	DATE: 8/16/11	E.A.J	MAP# 82
REV. BY:	DATE:	SCALE: N/A	DCB# 5382
DSD: 55A308		1 of 2	

EXHIBIT "B"

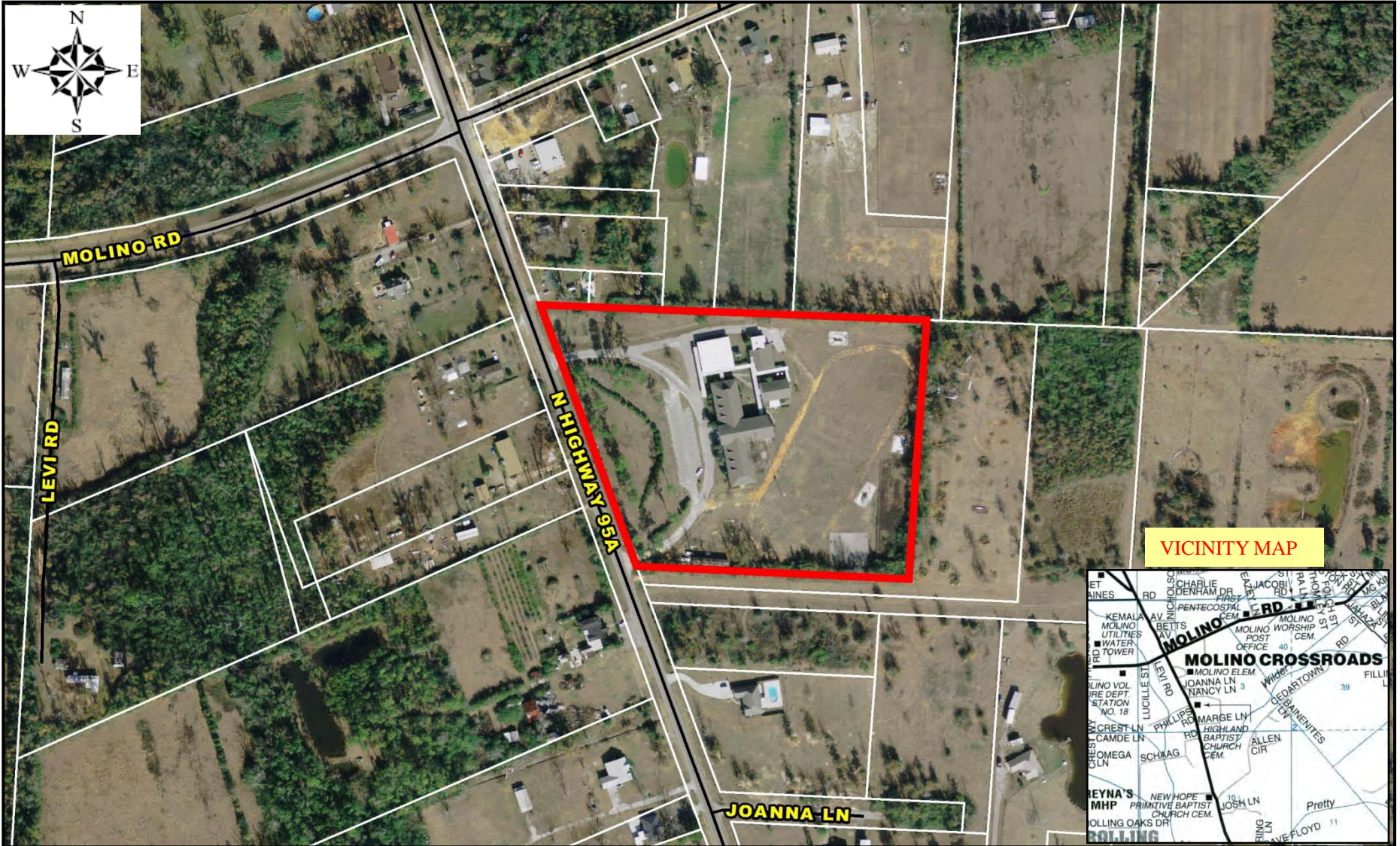
Begin at the intersection of the Eastern right-of-way line of the Pensacola and Flomaton Highway 33' from the centerline of the concrete pavement and the North line of Lot 1 of the Molino-Florida Colony Company's Subdivision of Lots 3, 4 and 5 of Section 3, Township 2 North, Range 31 West in Escambia County, Florida, as recorded in Deed Book 102, Page 282 and run thence, Eastward along the North line 862 feet; thence Southward parallel to its East line 591 feet; thence, Westward parallel to its North line 608.84 feet to the said Eastern right-of-way; thence, North Westward along the said Eastern right-of-way to the Point of Beginning and containing 10 acres, more or less.

LESS AND EXCEPT:

Any portion of the following described parcel of land as recorded in Official Records Book 4515 at Page 1836, of the public records of Escambia County, Florida:

Commence at the Southwest corner of Lot 4 of the Plat of Thomas Kent Subdivision, as recorded in Deed Book 102 at Page 282, of the public records of Escambia County, Florida; thence run S 90°00'00" E along the South line of said Lot 4, also being the North right-of-way line of Nancy Lane (30' R/W) for 8.65 feet to the East right-of-way line of Old Palafox Highway (S.R. No. 95A, 66' R/W, as per Tax Map); thence run N 22°21'24" W along said East right-of-way line for 755.10 feet for the Point of Beginning; thence continue along the last course run N 22°21'24" W along said East right-of-way line for 43.25 feet; thence run S 90°00'00" E for 595.50 feet; thence run N 01°13'48" E for 590.60 feet to the North line of the Northeast Quarter of the Southwest Quarter of said Section 3; thence run S 90°00'00" E along the North line of said Quarter for 241.89 feet; thence run S 01°13'48" West for 630.61 feet; thence run N 90°00'00" W for 820.09 feet to the Point of Beginning. Containing 4.04 acres, more or less. All lying and being in the Northeast Quarter of the Southwest Quarter of Section 3, Township 2 North, Range 31 West, Escambia County, Florida.

OLD MOLINO SCHOOL



ESCAMBIA COUNTY
ENGINEERING DEPARTMENT
JCC 10/17/11 DISTRICT 5



OLD MOLINO SCHOOL PROPERTY / APPROX. 9.6 ACRES
Parcel ID No.: 03-2N-31-3000-002-001



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1691

County Administrator's Report Item #: 12. 1.

BCC Regular Meeting

Discussion

Meeting Date: 11/03/2011

Issue: Sale of Real Property

From: Amy Lovoy

Organization: OMB

CAO Approval:

RECOMMENDATION:

Recommendation Concerning the Sale of Real Property Located at 7251 North Century Boulevard - Amy Lovoy, Management and Budget Services Department Director

That the Board take the following action concerning the sale of real property located at 7251 North Century Boulevard, Account Number 11-1678-000, Reference Number 07-5N-30-1205-000-000:

A. Authorize the sale of the property in accordance with Section 46-131 of the Escambia County Code of Ordinances. The real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property, and the size, shape, location and value of the property would make it of use only to one or more adjacent property owners; and

B. Authorize the Chairman to sign all documents related to the sale.

BACKGROUND:

Escambia County acquired this property through tax deed in August 1981, and surplus was approved at the May 1, 2007, Board Meeting. There has been a long-standing issue with this property. The property contains four separate parcels. One parcel contains two structures of which one is being used as a church and the other a small house. The Hudson family is claiming an interest in the property. The Town of Century states the property is not developable and not eligible for a building permit. This property would only be useful to adjacent property owners. Therefore, they recommend that the guidelines of Escambia County Ordinance, Section 46.131(a) & (c) be used to allow the property to be sold to adjacent property owners. The Property Appraiser's 2011 Certified Roll Assessment value is \$22,247. The property is not needed for County purposes.

BUDGETARY IMPACT:

Sale of this property will provide revenue for the General Fund.

LEGAL CONSIDERATIONS/SIGN-OFF:

All legal documents will be approved as to form and legal sufficiency by the County Attorney's Office prior to execution by the Chairman. The purchaser will pay all closing costs.

PERSONNEL:

NA

POLICY/REQUIREMENT FOR BOARD ACTION:

Escambia County Ordinance, Section 46.131(a) & (c)

IMPLEMENTATION/COORDINATION:

NA

Attachments

7251 N Century Blvd

[Back](#)

Source: Escambia County Property Appraiser

[Restore Full Page Version](#)

General Information
Reference: 075N301205000000
Account: 111678000
Owners: ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS
Mail: 221 PALAFOX PL STE 420
 PENSACOLA, FL 32502
Situs: 7251 N CENTURY BLVD 32535
Use Code: COUNTY OWNED
Taxing Authority: CENTURY CITY LIMITS
Tax Inquiry: [Open Tax Inquiry Window](#)
 Tax Inquiry link courtesy of Janet Holley,
 Escambia County Tax Collector

2011 Certified Roll Assessment
Improvements: \$20,627
Land: \$1,620

Total: \$22,247
Save Our Homes: \$0

[Disclaimer](#)

[Amendment 1 Calculations](#)

Sales Data

Sale Date	Book	Page	Value	Type	Official Records (New Window)
08/1981	1571	650	\$100	TD	View Instr

Official Records Inquiry courtesy of Ernie Lee Magaha,
 Escambia County Clerk of the Court

2011 Certified Roll Exemptions
 COUNTY OWNED

Legal Description
 BEG AT SE COR OF NW1/4 OF NE1/4 S ON W LI OF SE1/4 OF NE1/4 TO W LI OF H/W NELY ON W LI TO A PT S 65...

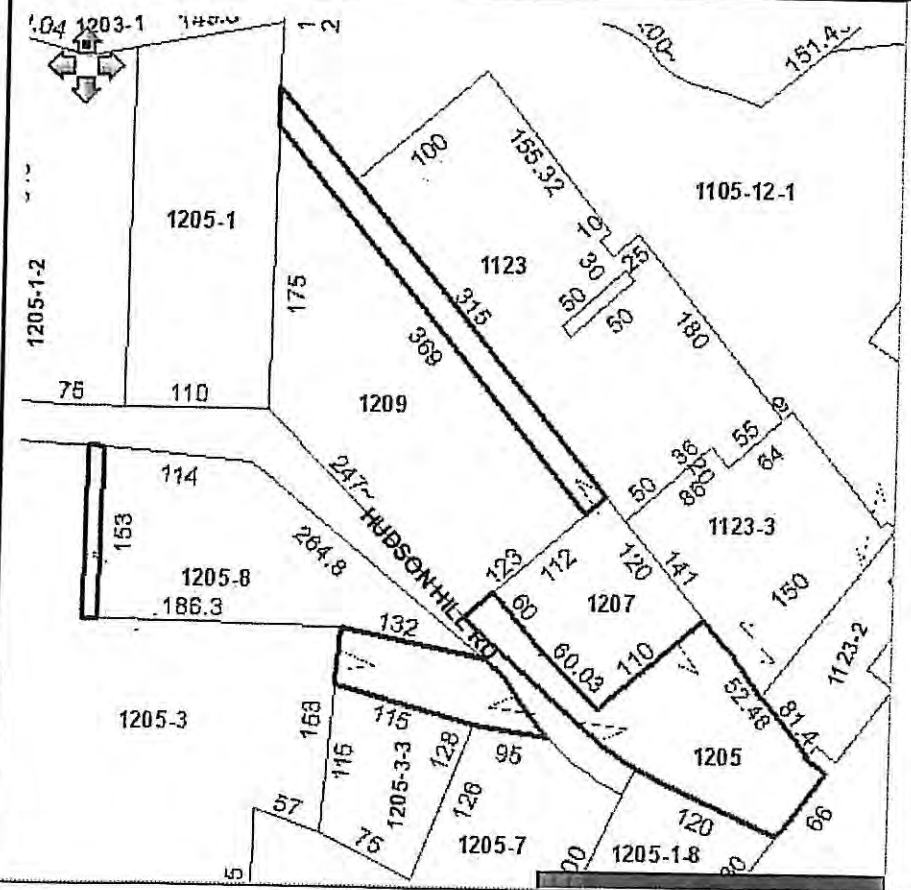
Extra Features
 None

Parcel Information

[Restore Map](#)

[Get Map Image](#) [Launch Interactive Map](#)

Section Map Id:
 075N30-1
Approx. Acreage:
 0.7800
Zoned:
 INCORP



Buildings	
Building 1 - Address:7251 N CENTURY BLVD, Year Built: 1962, Effective Year: 1962	
<div style="border: 1px solid black; padding: 2px;">Structural Elements</div> <p>FOUNDATION-SLAB ON GRADE EXTERIOR WALL-CONCRETE BLOCK NO. PLUMBING FIXTURES-3.00 DWELLING UNITS-1.00 ROOF FRAMING-GABLE ROOF COVER-CORRUGATED METL INTERIOR WALL-PANEL-PLYWOOD FLOOR COVER-ASPHALT TILE NO. STORIES-1.00 DECOR/MILLWORK-BELOW AVERAGE HEAT/AIR-UNIT HEATERS STRUCTURAL FRAME-MASONRY PIL/STL</p>	
Areas - 1060 Total SF	
BASE AREA - 884	
SCRN PORCH UNF - 120	
UTILITY UNF - 56	

Images

None

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.



Chris Jones
Escambia County
Property Appraiser

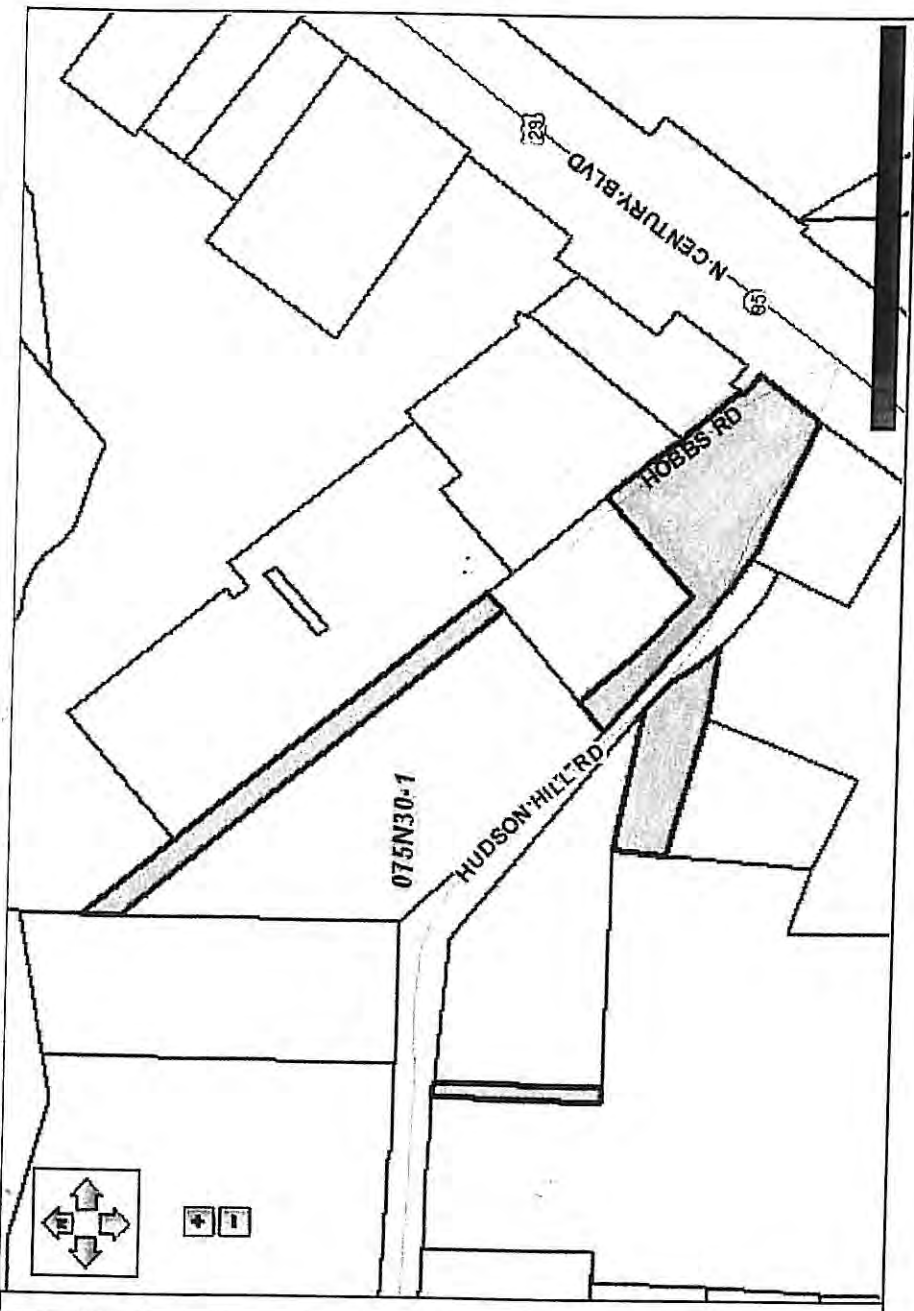
PLEASE NOTE: This product has been compiled from the source data of the Inter-Local Mapping and Geographic Information Network (IMAGINE) project of Escambia County. The ESCAMBIA COUNTY PROPERTY APPRAISER I-MAP Service is for reference purposes only and not to be considered as a legal document or survey instrument. Relying on the information contained herein is at the user's own risk. We assume no liability for any use of the information contained in the I-MAP Service or any resultant loss.

Use numeric selection labels
 Download Selection Data (1 row)
 Record Search
 Record Search
 Record Search

075N30-1

Reference: 07-5N-30-1205-000-000
Account: 11-1678-000
Section Map: 075N30-1
Situs: 7251 N CENTURY BLVD
Owner: ESCAMBIA COUNTY BOARD OF COUNTY COM
Mailing Address:
 221 PALAFOX PL STE 420
 PENSACOLA, FL 32502
Last Sale: 8/1981, \$100
Property Use: COUNTY OWNED
Approx. Acreage: 0.7800
Building Count: 1
Total Heated Area: 884
Zoned: INCORP

Include radius in selection (5280 ft max)
 Radius is used only with single parcel selection
Lookup Options:
 Auto Select
 Lookup Results
 Reference Nbr
 Search
Ex: 012N33444455666



Print Tool
 Copy Map Image

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-27. Approval of Various Consent Agenda Items – Continued

10. Taking the following action concerning approval of the Fiscal Year 2006/2007 Miscellaneous Appropriations Agreement for Pensacola Beach Chamber of Commerce, Inc.: 2050

A. Approving the Miscellaneous Appropriations Agreement for \$20,000, to be paid from 4th Cent Tourist Development Tax Fund (108), Cost Center 360105;

B. Authorizing the Chairman to sign the Agreement and all other necessary documents; and

C. Authorizing the execution of the necessary Purchase Order.

11. Taking the following action concerning International Paper Company:

A. Adopting a Resolution (*R2007-100*) establishing the Board's intent to adopt an Ordinance for an Economic Development Ad Valorem Tax Exemption for International Paper Company, for 100% of their expansion for up to 10 years; and 2050

B. Authorizing the Chairman to execute the Resolution.

12. Taking the following action concerning the surplus and sale of real property located at 7251 North Century Boulevard: 2050

A. Declaring surplus the Board's real property, Account Number 111678000, Reference Number 07-5N-30-1205-000-000, acquired by tax deed in 1981; a legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting bids by sealed bid;

B. Authorizing the sale of this property to the highest offer received from sealed bid above the minimum bid of \$38,450; in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and

C. Authorizing the Chairman to sign all documents related to the sale.



BCC 05-01-2007

BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

DEPARTMENT: Administrative Services
FROM: Jean A. Kassab, Director 
DATE: April 18, 2007
ISSUE: Surplus and Sale of Real Property located at 7251 North Century Boulevard

RECOMMENDATION:

That the Board take the following action concerning the surplus and sale of real property located at 7251 North Century Boulevard, Account Number 111678000.

- A. Declare surplus its real property Account Number 111678000, Reference Number 07-5N-30-1205-000-000 acquired by tax deed in 1981. A legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting bids by sealed bid;
- B. Authorize the sale of this property to the highest offer received from sealed bid in accordance with Section 46.134 of the County Code of Ordinances above the minimum bid of \$38,450 without further action of the Board; and
- C. Authorize the Chairman to sign all documents related to the sale.

BACKGROUND:

This property interest was acquired through a tax deed by Escambia County in 1981. In accordance with Section 46.134, real property can be offered by sealed bid with two notices in the newspaper one week apart. This property is not needed for County purposes.

BUDGETARY IMPACT:

Sale of this property will provide revenue for the General Fund.

LEGAL CONSIDERATIONS/SIGN-OFF:

Closing will be handled by the County Attorney's Office. The purchaser will pay all closing costs.

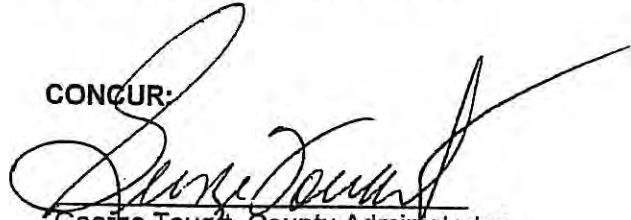
IMPLEMENTATION REQUIREMENTS:

The Administrative Services Department will coordinate with the Office of Purchasing and the County Attorney's Office. Closing will be through the County Attorney's Office.

2007-000586 BCC
May. 01, 2007 Page 3

BCC May 1, 2007
RE: Surplus and Sale of Real Property located at 7251 North Century Boulevard
Date April 18, 2007
Page 2 of 2

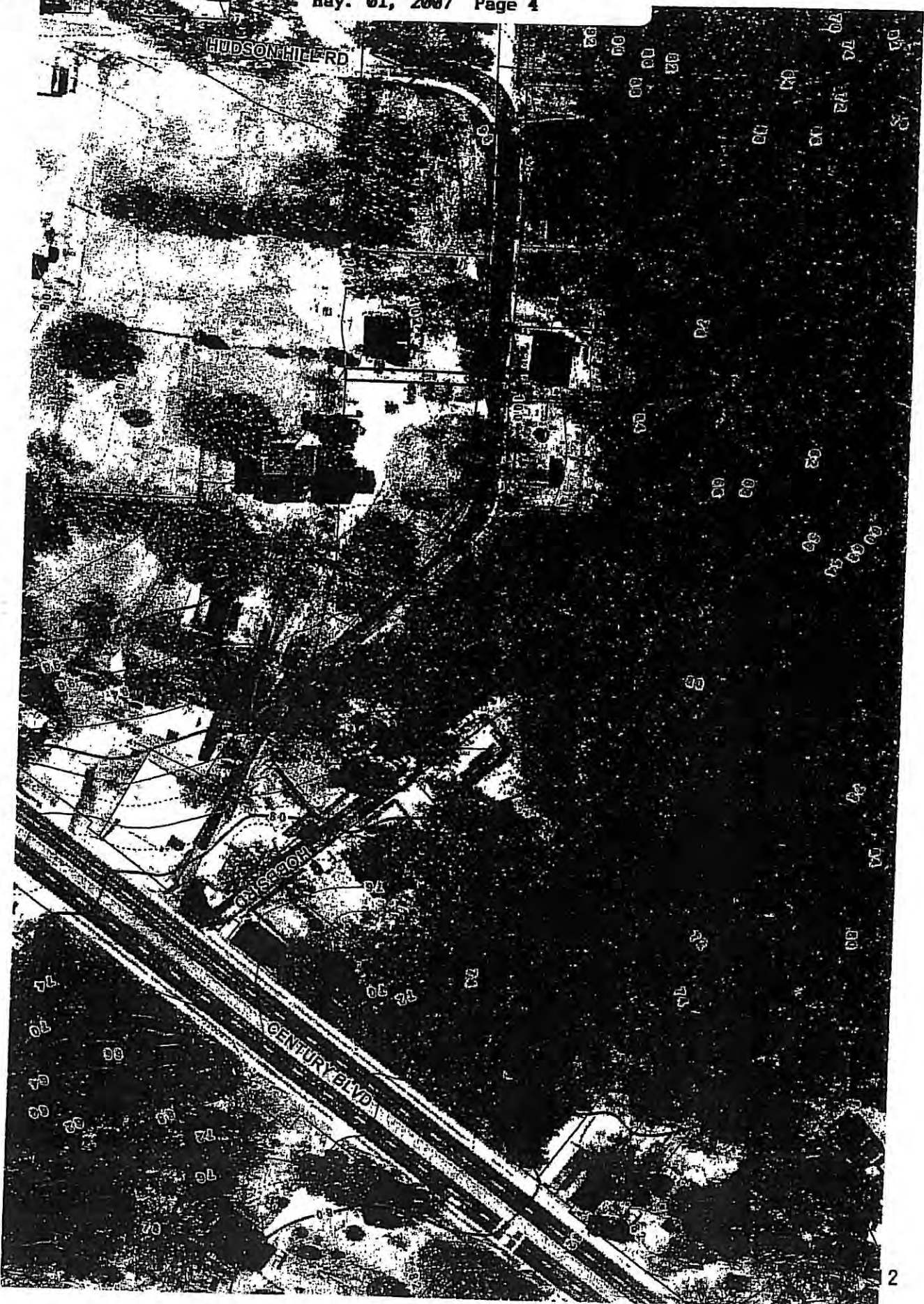
CONCUR:



George Touaft, County Administrator

THE CONDITION OF THE ORIGINAL DOCUMENT IS REFLECTED IN THE IMAGE AND IS NOT THE FAULT OF THE MICROFILMING PROCESS

2007-000586 BCC
May. 01, 2007 Page 4



Tim Timaan

From: Tim Timaan [Tim_Timaan@co.escambia.fl.us]
Sent: Friday, May 20, 2005 2:43 PM
To: jean_kassab@co.escambia.fl.us
Subject: RE: Surplus 11-1678-000, 7251 Century Blvd., Century

Jean,

Engineering has reviewed this request and has no objections. Please be aware that portions of this account contain part of the roadway of Hudson Hill Road and Hobbs Road in the Century City Limits. I would recommend the Town of Century be given the portions where these roads lie.

Thanks,

Tim

-----Original Message-----

From: Jean Kassab [mailto:jean_kassab@co.escambia.fl.us]
Sent: Friday, April 08, 2005 12:59 PM
To: Tim Timaan
Cc: John Hartman
Subject: Surplus 111678000, 7251 Century Blvd., Century

Acquired by tax deed 1981, please review for surplus.

2007-000586 BCC
May. 01, 2007 Page 6

ADMINISTRATIVE SERVICES DEPARTMENT
ESCAMBIA COUNTY, FLORIDA

OFFICE OF MANAGEMENT & BUDGET
223 PALAFOX PLACE
P.O. BOX 1591
PENSACOLA, FLORIDA 32591-1591

Telephone: (850) 595-4960
FAX: (850) 595-4810



JEAN A. KASSAB, DIRECTOR

March 23, 2007

Honorable Evelyn Hammond, Mayor
Town of Century
P. O. Drawer 790
Century, FL 32535

Dear Mayor Hammond:

Attached is a copy of a record search for property located at 7251 N. Century Boulevard. It appears that portions of this property contain part of the roadway of Hudson Hill Road and Hobbs Road in the Town of Century limits.

Please review the attached and advise me if the Town of Century is interested in obtaining portions of this property for right-of-way. If so, please send me the correct legal description and a survey of the property.

If you have any questions, please feel free to call me at 595-4960.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jean A. Kassab".

Jean A. Kassab, Director

Attachment
JK:bg



Chris Jones Escambia County Property Appraiser

We Have Relocated To 221 Palafox Place (3rd Floor)
 CHRIS JONES ECPA RECORD SEARCH MAPS GENERAL INFORMATION GOVERNMENT AGENCIES TANGIBLE PROPERTY CONTACT

RECORD SEARCH

[Previous](#) [Next](#)

General Information							Assessment	
Name: ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS 223 PALAFOX PL PENSACOLA FL 32502							Improvements: \$34,260.	
Account: 111678000							Land: \$4,280.	
Reference: 075N301205000000							Total: \$38,540.	
Section Map: S-317-N							Save Our Homes: \$0.	
Use Code: 86 - County Owned Legend Window								
Tax Inquiry: Open Tax Inquiry Window								
Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector								
Sales Data							Legal Description	
Mo/Yr	Book	Page	Value	Type	Deed Search (new window)	BEG AT SE COR OF NW1/4 OF NE1/4 S ON W LI OF SE1/4 OF NE1/4 TO W LI OF H/W NELY ON W LI TO A PT S 65 DEG E FROM POB NWLY 120 FT NELY 10...		
08/1981	1571	650	\$100.00	TD	Click Here			
00/000	0	0	\$0.00					
00/000	0	0	\$0.00					
00/000	0	0	\$0.00					
Deed Search courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court							Full Description	



Card 1 Data

Location Address	Structural Elements
7251 N Century Blvd	Slab On Grade Concrete Block Wood Frame/Trus Corrugated Metl
Exemptions	

Totally Exempted
Taxable: [Open Tax Inquiry Window](#)

Drywall-Plaster
Asphalt Tile
Unit Heaters
Plumbing Fixtures: 003
Actual Year Built: 1962

Areas
884 Base Area
144 Open Porch Unf



The primary use of the assessment data is for the preparation of the current year tax roll.
No responsibility or liability is assumed for inaccuracies or errors.

CHRIS JONES ECPA ■ RECORD SEARCH ■ GENERAL INFORMATION ■ DIRECTORY OF GOVERNMENT AGENCIES
MAPS ■ CONTACT US ■ HOME ■ DISCLAIMER

Powered by ESCPA.ORG

Dianne D. Taylor

From: Stephen G. West
Sent: Wednesday, September 14, 2011 10:07 AM
To: Dianne D. Taylor
Cc: Brenda J. Spencer
Subject: FW: 7251 North Century Boulevard

Dianne:

Attached below please find an email from Debbie Nickles, who provides planning services under contract with the Town of Century. Ms. Nickles' email indicates that the property at 7251 North Century Boulevard may fall within the exception to public bidding in Section 46-131, Code of Ordinances. (Specifically, Ms. Nickles indicates that Section 46-131 (1)(a) and (c) may be satisfied.) Note that the ordinance requires the BCC to affirmatively find that these criteria are satisfied and that the property must still be offered to all of the adjacent property owners. .

I spoke with Randy Oliver this morning. Originally, he wanted to present this to the Committee of the Whole. However, in light of Ms. Nickles' email, he related that he would like you to prepare a recommendation for the next available consent agenda to have the BCC authorize the property to be conveyed pursuant to Section 46-131. Please let me know if you need help or have any questions.

From: Debbie Nickles [mailto:ncg@mchsi.com]
Sent: Tuesday, September 13, 2011 4:21 PM
To: Stephen G. West
Cc: fmccall; 'Matt Dannheisser'
Subject: 7251 North Century Boulevard

Dear Mr. West, after researching and visually inspecting the areas in reference to the above address, the 4 small parcels would not be eligible for a building permit and would only be of use to the adjacent owners. Mayor Freddie W. McCall concurs with this conclusion. Please note that an adjacent property owner, who currently lives in Louisiana, called Mayor McCall this morning and told him that her family was to attend the November 10th Board of County Commissioner's meeting to discuss the above referenced areas.

I will be happy to share with you a couple of photos and details regarding the parcels, if you so desire-- just let me know. I am sure you are aware that the Property Appraiser's Office parcel map for this area excludes Hobbs Road, which runs parallel to Hudson Hill Road on the north side of Parcel #1205, whereas, Hudson Hill Road is located on the south side of Parcel #1205.

If you have further questions or need additional information, please contact me or Mayor McCall. Thanks.

Debbie Nickles
Nickles Consulting Group
4419 Devonshire Place
Pace, FL 32571
Phone - (850) 994-0081
Fax - (850) 994-6935

[Back](#)

Source: Escambia County Property Appraiser

[Restore Full Page Version](#)

General Information

Reference: 075N301124001001
Account: 111653000
Owners: FREE WILL BAPTIST
Mail: C/O MOUNT ZION CHAPEL
 PO BOX 616
 CENTURY, FL 32535
Situs: 21 HOBBS RD 32535
Use Code: CHURCH
Taxing Authority: CENTURY CITY LIMITS
Tax Inquiry: [Open Tax Inquiry Window](#)
 Tax Inquiry link courtesy of Janet Holley,
 Escambia County Tax Collector

2011 Certified Roll Assessment

Improvements: \$25,326
Land: \$408

Total: \$25,734
Save Our Homes: \$0

[Disclaimer](#)

Amendment 1 Calculations

Sales Data

Sale Date Book Page Value Type Official Records (New Window)

None
 Official Records Inquiry courtesy of Ernie Lee Magaha,
 Escambia County Clerk of the Court

2011 Certified Roll Exemptions

RELIGIOUS

Legal Description

UNPLOTTABLE PARCEL BEG ON
 H/W ALG EDWARD HOBBS LOT
 127 FT FOR POB NELY 82 FT
 SWLY 50 FT S 105 FT E 52...

Extra Features

None

Parcel Information

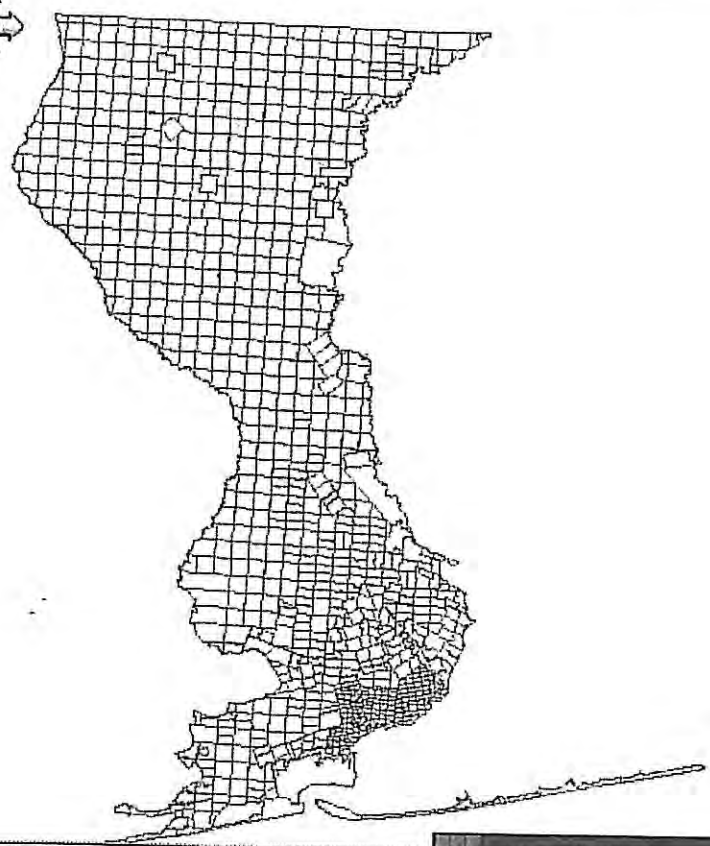
[Restore Map](#)

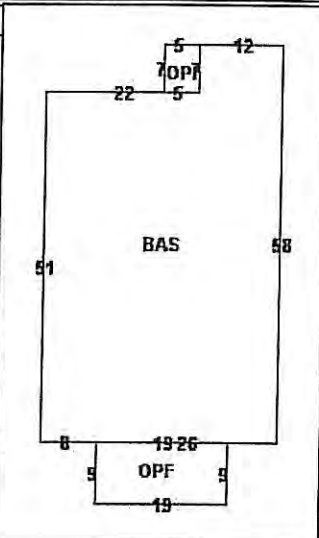
[Get Map Image](#) [Launch Interactive Map](#)

Section Map Id:

Approx. Acreage:
0.0000

Zoned:



Buildings	
Building 1 - Address:21 HOBBS RD, Year Built: 1955, Effective Year: 1955	
Structural Elements	
FOUNDATION-SLAB ON GRADE EXTERIOR WALL-CONCRETE BLOCK NO. PLUMBING FIXTURES-6.00 ROOF FRAMING-GABLE ROOF COVER-CORRUGATED METL INTERIOR WALL-DRYWALL-PLASTER FLOOR COVER-VINYL ASBESTOS NO. STORIES-1.00 DECOR/MILLWORK-BELOW AVERAGE HEAT/AIR-UNIT HEATERS STRUCTURAL FRAME-WOOD FRAME	
Areas - 2024 Total SF	
BASE AREA - 1818	
OPEN PORCH FIN - 206	

Images

None

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

[Back](#)

Source: Escambia County Property Appraiser

[Restore Full Page Version](#)

General Information	
Reference:	075N301124002001
Account:	111654000
Owners:	HUDSON JOHN M
Mail:	PO BOX 965 CENTURY, FL 32535
Situs:	UNPLOTTED-UTV 32535
Use Code:	VACANT RESIDENTIAL
Taxing Authority:	CENTURY CITY LIMITS
Tax Inquiry:	Open Tax Inquiry Window

Tax Inquiry link courtesy of Janet Holley,
Escambia County Tax Collector

2011 Certified Roll Assessment	
Improvements:	\$0
Land:	\$399
Total:	\$399
Save Our Homes:	\$0
Disclaimer	
Amendment 1 Calculations	

Sales Data					
Sale Date	Book	Page	Value	Type	Official Records (New Window)
12/2006	6056	476	\$100	WD	View Instr
08/2006	5967	640	\$100	WD	View Instr
12/2004	5554	62	\$100	OT	View Instr
10/1999	4481	101	\$100	WD	View Instr

Official Records Inquiry courtesy of Ernie Lee Magaha,
Escambia County Clerk of the Court

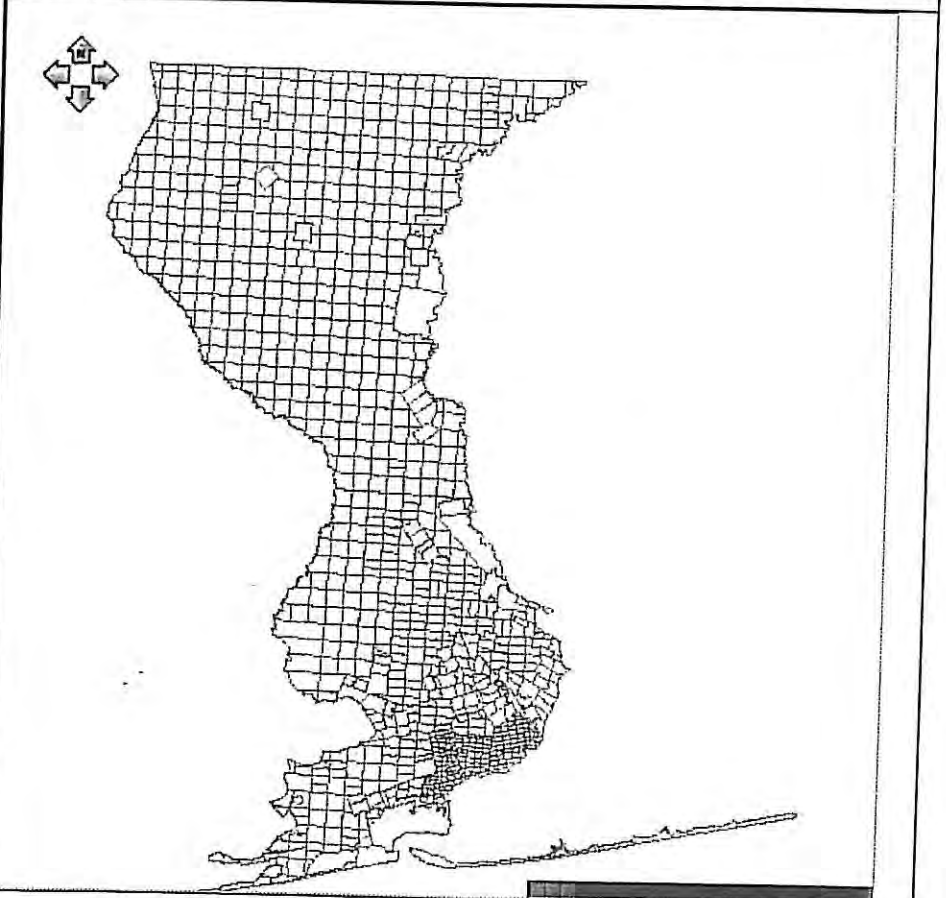
2011 Certified Roll Exemptions	
None	
Legal Description	<input type="text"/>
UNPLOTTABLE PARCEL BEG AT B J HUDSONS LOT NELY ALG H/W 182 FT TO POB W 127 FT NELY 82 FT SELY 183 FT...	
Extra Features	<input type="text"/>
None	

Parcel Information [Restore Map](#) [Get Map Image](#) [Launch Interactive Map](#)

Section Map Id:

Approx. Acreage:
0.0000

Zoned:



Buildings
Images

None

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

AI-1666

County Attorney's Report Item #: 12. 1.

BCC Regular Meeting

Action

Meeting Date: 11/03/2011

Issue: Demolition of a Residential Structure Located at 4635 Whisper Way

From: Ryan E. Ross, Assistant County Attorney

Organization: County Attorney's Office

CAO Approval:

RECOMMENDATION:

Recommendation Concerning Demolition of a Residential Structure Located at 4635 Whisper Way

That the Board authorize the Environmental Code Enforcement Department to pursue the demolition of a residential structure located at 4635 Whisper Way in Escambia County pursuant to an order of the environmental code enforcement special magistrate.

BACKGROUND:

On June 15, 2010, Environmental Code Enforcement Special Magistrate Robert O. Beasley entered an order finding code violations existing on property located at 4635 Whisper Way in Escambia County, Florida. Among other findings, the special magistrate determined that a residential structure located on the property violated the County's unsafe building code. The special magistrate reserved jurisdiction to determine whether the County could pursue demolition of the structure. A copy of the order is attached as Exhibit "A" to this recommendation.

On September 27, 2011, the special magistrate held a second hearing on the County's request to authorize demolition of the structure. The special magistrate found that the violations were not abated in compliance with the earlier order and authorized the County to "take such action as necessary to accomplish the demolition of the structure," contingent on the County providing notice of the intent to demolish to any lien holders for the property. A copy of the second order is attached as Exhibit "B" to this recommendation. Contemporary photos of the structure are attached as Exhibit "C" to this recommendation.

The Environmental Code Enforcement Department has ordered a title search to identify any lien holders for the property. County staff has also met with the County Administrator to review demolition as an option to abate the code violations. Environmental Code Enforcement has obtained price estimates, and the County Building Official is reviewing the estimates and the proposed scopes of work. Although the estimates indicate that the scope of work will not exceed the minimum \$50,000 bid requirement, the cost of demolition could still be significant and will likely exceed \$15,000.00. The County has the legal right to file a lien for the abatement costs against the property and the property owner. The County may also foreclose on the lien. However, in this case, recovery is uncertain because other lien holders may have superior interests to the County. Furthermore, the property owner is claiming homestead status on the

property (although recent legislative changes initiated by the County could defeat any claimed homestead status). Because recovery of the abatement costs is uncertain, County staff is requesting authorization to pursue demolition with the understanding that any County costs may not necessarily be recouped through the lien foreclosure process.

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

N/A

Attachments

Exhibit A

Exhibit B

Exhibit C

Ernie Lee Magaha
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY FLORIDA
INST# 2010039928 06/22/2010 at 11:50 AM
OFF REC BK: 6605 PG: 553 - 557 Doc Type: CEL
RECORDING: \$44.00

**THE OFFICE OF ENVIRONMENTAL ENFORCEMENT
SPECIAL MAGISTRATE
IN AND FOR THE
COUNTY OF ESCAMBIA, STATE OF FLORIDA**

ESCAMBIA COUNTY, FLORIDA

VS.

**CASE NO: CE#09-09-00753
LOCATION: 4635 Whisper Way
PR# 081S29-1001-001-004**

**Lawrence William Conti
4635 Whisper Way
Pensacola, Florida 32504**

**Lawrence William Conti
401 Tonawanda Drive
Pensacola, Florida 32506**

ORDER

This CAUSE having come before the Office of Environmental Enforcement Special Magistrate on the Petition of the Environmental Enforcement Officer for alleged violation of the ordinances of the County of Escambia, State of Florida, and the Special Magistrate having considered the evidence before him in the form of testimony by the Enforcement Officer and the respondent or representative, N/A , as well as evidence submitted and after consideration of the appropriate sections of the Escambia County Code of Ordinances, the Special Magistrate finds that a violation of the following Code of Ordinance(s) has occurred and continues

- 42-196 (a) Nuisance Conditions
- 42-196 (b) Trash and Debris
- 42-196 (c) Inoperable Vehicle(s); Described _____

- 42-196 (d) Overgrowth



Certified to be a true copy
the original on file in this office
Witness my hand and official seal
ERNIE LEE MAGAHA
Clerk of the Circuit Court
Escambia County, Florida
By: Ernie Lee Magaha
Date: June 22, 2010

- 30-203 Unsafe Building; Described as Main Structure Accessory Building(s)
 - (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o)
 - (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (bb) (cc) (dd)
- 94-51 Obstruction of County Right-of-Way (ROW)
- 82-171 Mandatory Residential Waste Collection
- 82-15 Illegal Burning
- 82-5 Littering Prohibited
- LDC Article 6 Commercial in residential and non permitted use
- LDC 4.01.02 and LDC 4.01.04 Land Disturbance without permits
- LDC 8.03.02 and COO 86-91 Prohibited Signs, Un-permitted Sign ROW
- Other _____
- Other _____
- Other _____
- Other _____
- Other _____
- Other _____

THEREFORE, The Special Magistrate being otherwise fully advised in the premises; it is hereby **ORDERED** that: Lawrence William Cont. shall have until 4/29/20, 2010 to correct the violation and to bring the violation into compliance. Corrective action shall include:

Complete removal of all contributing nuisance conditions; trash, rubbish, overgrowth and legally dispose of. Maintain clean conditions to avoid a repeat violation.

Remove vehicle. Repair vehicle or store in rear yard behind 6' opaque fencing

Obtain building permit and restore structure to current building codes or, obtain demolition permit and remove the structure(s), legally disposing of all debris.

Remove all structures, signs, vehicles, etc. from County ROW; refrain from further obstruction.

Subscribe for residential waste collection with a legal waste collection service and comply with solid waste disposal methods

Immediately cease burning and refrain from future burning

Remove all refuse and dispose of legally and refrain from future littering

Rezone property and conform to all performance standards or complete removal of the commercial or industrial entity

Obtain necessary permits or cease operations

Acquire proper permits or remove sign(s)

Other County may ASATE overgrowth

Other & nuisance conditions upon non-compliance

Other Certification not jurisdiction to consider

Other order demolishing the structure upon

Other non-compliance Affidavit is hereby

Retained

If you fail to fully correct the violation within the time required, you will be assessed a fine of \$ 100 . 00 per day, commencing 2/2/, 2010. This daily fine shall continue until this violation is abated and the violation brought into compliance or until as otherwise provided by law. **YOU ARE REQUIRED,** immediately upon your full correction of this violation(s), to contact the Escambia County Environmental Enforcement Office in writing to request that they immediately inspect the property to make an official determination of whether the violation has been abated and brought into compliance. If the violation is not abated within the specified time period, then the County may elect to take whatever measures are necessary to abate the violation for you. These measures could include, but are not limited to, **DEMOLISHING YOUR STRUCTURE (S), LEGALLY DISPOSING OF ALL CONTRIBUTING CONDITIONS, AND TOWING OF DESCRIBED VEHICLE (S).** The reasonable cost of such will be assessed against you and will constitute a lien on the property.

Costs in the amount of \$ 1,100.00 are awarded in favor of Escambia County as the prevailing party against Lawrence Court.

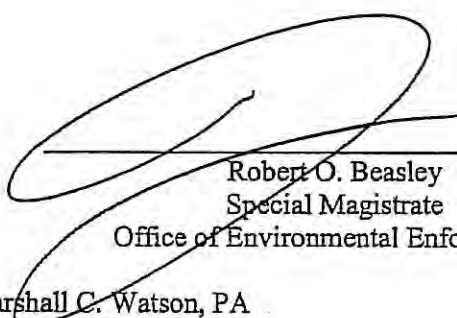
This fine shall be forwarded to the Board of County Commissioners. Under the authority of 162.09(1) F.S. and Sec. 30-34(d) of the Code of Ordinances, the Board of County Commissioners will certify to the Special Magistrate all costs imposed pursuant to this order. All Monies owing hereunder shall constitute a lien on **ALL YOUR REAL AND PERSONAL PROPERTY** including any property involved herein, which lien can be enforced by foreclosure and as provided by law.

You have the right to appeal orders of the Special Magistrate to the Circuit Court of Escambia County. If you wish to appeal, you must give notice of such in writing to both the Environmental Enforcement Division at 6708 Plantation Road Pensacola, Florida 32504 and the Escambia County Circuit Court at the M.C. Blanchard Judicial Building,

190 Governmental Center, Pensacola, Florida 32501, no later than **30 days** from the date of this Order. Failure to timely file a Written Notice of Appeal will waive your rights to appeal.

Jurisdiction is retained to enter such further orders as may be appropriate and necessary.

DONE AND ORDERED at Escambia County, Florida on the 15th day of JUNE, 2010.



Robert O. Beasley
Special Magistrate
Office of Environmental Enforcement

cc: Law Offices of Marshall C. Watson, PA
1800 NW 49th Street, Suite 120
Fort Lauderdale, Florida 33309

Carver, Darden, Koretzky, Tessier, Finn, Blossman, Areaux, LLC
801 West Romana Street, Suite A
Pensacola, Florida 32502

**THE OFFICE OF ENVIRONMENTAL CODE ENFORCEMENT
SPECIAL MAGISTRATE
IN AND FOR THE
COUNTY OF ESCAMBIA, STATE OF FLORIDA**

ESCAMBIA COUNTY, FLORIDA

v.

**Lawrence William Conti
4635 Whisper Way
Pensacola, FL 32504**

**CASE NO.:CE#09-09-00753
Location: 4635 Whisper Way
PR# 081S29-1001-001-004**

ORDER AMENDING ORDER DATED JUNE 15, 2010

Following a full evidentiary hearing an Order was entered on June 15, 2010, which found there to be an existing violation of Sections 42-196 and 30-203, Escambia County Code of Ordinances and directed abatement, to include obtaining a building permit, on or before July 1, 2010. The prior Order also specifically reserved jurisdiction to consider the additional remedy of demolishing the structure upon receipt of an affidavit of non-compliance.

On September 27, 2011, a hearing was conducted upon the request of Escambia County to amend the Order to include the remedy of demolition. Physical evidence identified as Exhibits "A"- "G" were entered into the record and testimony from the Respondent, representatives of Escambia County and the surrounding neighbors was heard.

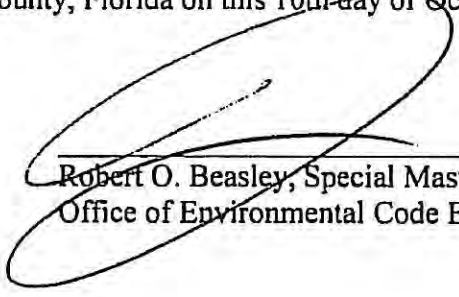
The evidence revealed that an Affidavit of Non-Compliance was signed on July 1, 2010, and certified on July 6, 2010. The Respondent was unable to produce any evidence that a building permit had been applied for or obtained during the time period provided in Order. The condition of the property is unchanged and remains in a state of disrepair. According to the testimony of the neighbors the property has remained in various stages of disrepair since 1991. The Respondent testified as to his efforts to stabilize the lot and to the negative impact of the



storms in 2004 and 2006. The first mortgage holder initiated a foreclosure action in 2008 but on September 6, 2011, dismissed the action on the grounds that the "subject loan of this proceeding was charged off." This appears to indicate that the lender is no longer seeking to foreclose on this collateral.

The evidence is compelling that the property has remained in a state of disrepair for many years and that its key position at the entrance of the subdivision creates a negative impact to the neighboring properties. The Order dated June 15, 2010, is amended to provide that the County may, after no less than thirty (30) days written notice to the first, and all subordinate lien holders, take such action as necessary to accomplish the demolition of the structure. Following demolition, the County may seek a supplemental order awarding costs related to this demolition along with additional costs of enforcement.

DONE and ORDERED at Escambia County, Florida on this 10th day of October, 2011.



Robert O. Beasley, Special Master
Office of Environmental Code Enforcement

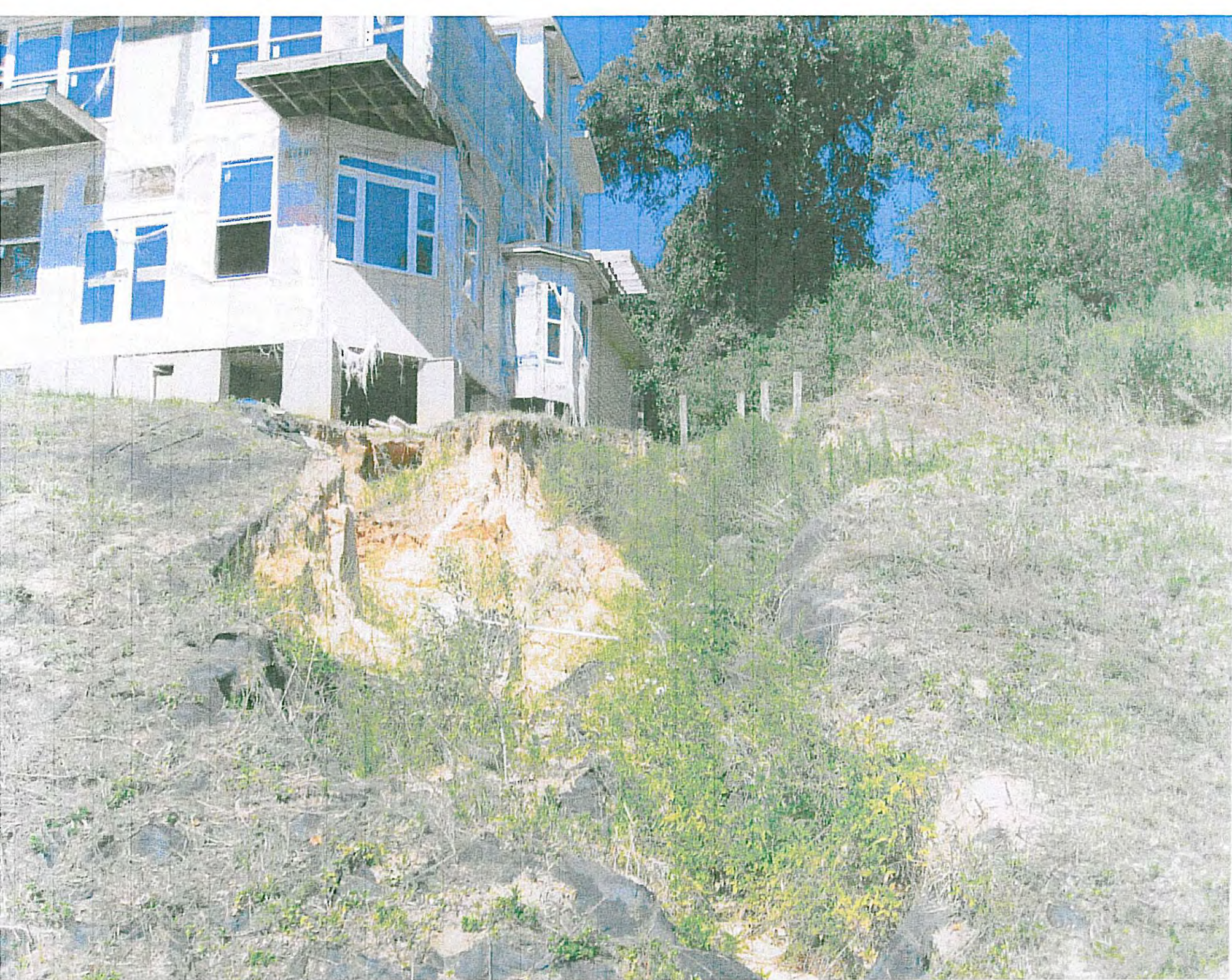


EXHIBIT
C

tabbies











5











BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1657

County Attorney's Report Item #: 12. 2.

BCC Regular Meeting

Action

Meeting Date: 11/03/2011

Issue: Attorney-Client Session Regarding Jacenta Walker v. Escambia County Office of Environmental Enforcement, et al.

From: Ryan E. Ross, Assistant County Attorney

Organization: County Attorney's Office

CAO Approval:

RECOMMENDATION:

Recommendation concerning scheduling an Attorney-Client Session regarding *Jacenta Walker v. Escambia County Office of Environmental Enforcement, et al.* - Case No.: 2010 CA 001107

That the Board take the following action:

- A. Schedule a private meeting with its attorneys to discuss pending litigation, in accordance with Section 286.011 (8), Florida Statutes, for Thursday, November 10, 2011 at 8:30 a.m.; and,
- B. Ratify the public notice printed below that was published in the Pensacola News Journal on Saturday, October 29, 2011.

PUBLIC NOTICE

IT IS THE INTENTION of the Board of County Commissioners of Escambia County, Florida, to hold a private meeting with its attorney to discuss pending litigation in the case of *Jacenta Walker v. Escambia County Office of Environmental Enforcement, et al.*, in accordance with Section 286.011 (8), Florida Statutes. Such attorney-client session will be held at 8:30 a.m., C.T. on Thursday, November 10, 2011, in the Board Meeting Room, First Floor, Escambia County Governmental Complex, 221 Palafox Place, prior to the meeting of the Board of County Commissioners. Commissioners Wilson B. Robertson, Gene M. Valentino, Marie K. Young, Grover C. Robinson, IV, and Kevin W. White, County Administrator Charles R. "Randy" Oliver, County Attorney Alison Rogers, Attorney representing Escambia County Ryan E. Ross, Assistant County Attorney, and a certified court reporter will attend the attorney-client session.

BACKGROUND:

N/A

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

N/A



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-1667

County Attorney's Report Item #: 12. 3.

BCC Regular Meeting

Action

Meeting Date: 11/03/2011

Issue: Ginger Lee's Workers' Compensation Settlement

From: Ryan E. Ross, Assistant County Attorney

Organization: County Attorney's Office

CAO Approval:

RECOMMENDATION:

Recommendation Concerning Approval of a Workers' Compensation Settlement to Former Employee Ginger Lee

That the Board approve a Workers' Compensation settlement to former employee Ginger Lee, in the amount of \$57,500.00, and a separate attorney's fee, in the amount of \$2,500.00. In return for the settlement amount, Ms. Lee will execute a general release of liability and waiver of future employment.

BACKGROUND:

Ginger Lee is a forty-one (41) year-old former Escambia County Animal Control Officer. She was injured on September 4, 2006, while moving down mobile steps in the line of duty. She injured her left knee and left ankle and has received orthopedic treatment for these injuries. Ms. Lee reached maximum medical improvement on August 4, 2009 and continues to receive regular treatment for these injuries.¹ She is not presently receiving any recurring impairment benefits.

The County's adjuster, PGCS, projected that Ms. Lee will require regular medical treatment for these injuries. PGCS calculated the future cost of this treatment as \$246,861.00. Although Ms. Lee is not receiving impairment benefits, she did qualify for in-line-of-duty disability from the Florida Retirement System and is no longer working for the County. Accordingly, she may seek permanent total disability benefits if the settlement is not approved. Due to the significant cost-savings of this settlement, PGCS is recommending approval of a washout settlement in the amount of \$57,500.00. Ms. Lee's attorney negotiated a separate attorney's fee settlement for \$2,500.00, resulting in a total settlement of \$60,000.00. In exchange for this settlement amount, Ms. Lee will execute a general release of liability and a waiver of future employment with the County. (Ms. Lee has settled a subsequent work-related injury through the County's current insurance carrier in the amount of \$40,000.00).

¹ In the interest of privacy, a detailed medical history is not provided with this recommendation but Assistant County Attorney Ryan E. Ross is available to assist with any questions from the Board.

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

N/A
