

MINUTES OF THE PUBLIC FORUM WORK SESSION AND REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
HELD FEBRUARY 7, 2013
BOARD CHAMBERS, FIRST FLOOR, ERNIE LEE MAGAHA GOVERNMENT BUILDING
221 PALAFOX PLACE, PENSACOLA, FLORIDA
(4:36 p.m. – 7:55 p.m.)

Present: Commissioner Gene M. Valentino, Chairman, District 2
Commissioner Lumon J. May, Vice Chairman, District 3
Commissioner Steven L. Barry, District 5
Commissioner Wilson B. Robertson, District 1
Commissioner Grover C. Robinson IV, District 4
Honorable Pam Childers, Clerk of the Circuit Court and Comptroller
(Regular Meeting only)
George Touart, Interim County Administrator
Alison Rogers, County Attorney
Susan Woolf, General Counsel to the Clerk (Regular Meeting only)
Doris Harris, Deputy Clerk to the Board
Judy H. Witterstaeter, Program Coordinator, County Administrator's Office

PUBLIC FORUM WORK SESSION

Chairman Valentino called the Public Forum Work Session to order at 4:36 p.m.

1. FOR INFORMATION: The Board heard comments from Commissioner Valentino, on behalf of Andrew Blewer, relative to the following issues:
 - A. Mr. Blewer's concerns relative to the Board's September 6, 2012, approval to purchase property on Lillian Highway for public boat ramp facilities, regarding which the Board was advised by Joy D. Blackmon, P.E., Director, Public Works Department, that staff is in the process of performing the necessary due diligence, which includes wetland surveys, environmental assessment, etc., and anticipates that a recommendation will be presented to the Board in March 2013; and
 - B. Mr. Blewer's concerns relative to the expanded parking at Navy Point, regarding which Commissioner Valentino advised that he will consult with Michael Rhodes, Director, Parks & Recreation Department, at a later date.

PUBLIC FORUM WORK SESSION – Continued

2. FOR INFORMATION: The Board:

- A. Heard comments from the following three citizens regarding the recommendation to rename Perdido Key to Perdido Key Beach (*County Administrator's Report, Item I-4; see Page 27*):
- (1) Douglas Underhill, who advised that he can support the recommendation to the extent that its purpose is to allow the word "beach" to be included on all of the Florida Department of Transportation (FDOT) signs along I-10 and Blue Angel Parkway, which would provide better information to potential tourists that Perdido Key does, in fact, have a beach; however, the recommendation, as written, will rename Perdido Key to Perdido Key Beach, which very few Perdido Key residents will support;
 - (2) Alison Davenport, who advised that the Perdido Key Chamber of Commerce had merely requested that the County ask FDOT to add the word "beaches" to signage, and to relocate the sign on I-10, currently located just past the Perdido Key exit, to the front of the Perdido Key exit, and change the sign reference from "beaches next three exits" to "beaches next four exits"; however, these suggestions had nothing to do with changing the name of the community; and
 - (3) Annie Griffin, who expressed concern regarding "unintended consequences" if Perdido Key is renamed, and requested that the Board table this issue and explore other options that might be available through FDOT, and, possibly, consider this issue as part of the marketing effort for the Perdido Key Master Plan, which will be presented to the Planning Board next month and to the Board of County Commissioners soon thereafter; and
- B. Was advised by Commissioner Valentino that there is, in fact, no intent to rename Perdido Key, but simply to request that FDOT revise its internal map for referencing Perdido Key.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

3. FOR INFORMATION: The Board heard comments from the following two citizens regarding the Local Option Gas Tax and/or Escambia County Area Transit (ECAT):
 - A. Gary Rauen, who expressed his appreciation to the Commissioners for their support of the gas tax as a dedicated funding source for ECAT, and advised that, based on discussions between the City and County over the last three years, the City Council had conveyed to the Board of County Commissioners its support of the County's enactment of a gas tax that would be dedicated to fund mass transit; however, the City withdrew all funding for ECAT, effective with Fiscal Year 2008, which resulted in a negotiated agreement between the City and the County for the City to relinquish 100% its gas tax proceeds to fund mass transit in this community; and
 - B. Michael Lowery, who recognized ECAT employees who were present for the Public Forum Work Session, and expressed his appreciation to the Board for its support of mass transit, as well as Pensacola City Council members who support mass transit, and advised that members of the Amalgamated Transit Union will educate the Pensacola City Council during the next couple of weeks concerning the importance of mass transit.
4. FOR INFORMATION: The Board heard comments from the Honorable Malcolm Thomas, Superintendent of Schools, who advised that the recent fire at Cove Landfill, which is located adjacent to Pine Meadow Elementary School, might have been a more serious incident had it not been for the quick, decisive action taken by Interim County Administrator Touart and County employees from the Road Department and the Solid Waste Department.
5. FOR INFORMATION: The Board heard the request from Anthony Sessa, on behalf of Re/Max Horizons Realty, for relief of the fines associated with a Code Enforcement Lien against property located at 812 Via De Luna, and heard Commissioner Robinson's request that this issue be referred to the Regular Board Meeting, and added to the Written Communication portion of the agenda.

PUBLIC FORUM WORK SESSION – Continued

6. FOR INFORMATION: The Board heard comments from Mark Taylor concerning the prospect of bringing an aircraft carrier to Pensacola, which would, conservatively, produce a \$20 million regional annual economic impact, and was advised by Mr. Taylor that the (*University of West Florida*) Haas Center (*for Business Research & Economic Development*) has been engaged to prepare a comprehensive economic feasibility study, the results of which will be shared with the Board when the independent study is completed.
7. FOR INFORMATION: The Board heard comments from Marcela Malin concerning her opposition to allowing dog parks on the beach (*relative to the 5:31 p.m. Public Hearing for consideration of adopting the Pensacola Beach Dog Park Ordinance; see Page 9*).
8. FOR INFORMATION: The Board heard comments from James C. Nims, Jr., concerning the number of juvenile crimes in Escambia County, and the formula for funding the costs of incarceration, and was advised by County Attorney Rogers that it is her understanding that the formula used by the Department of Juvenile Justice (DJJ) is tied to the resident County of the detained juvenile, and the County is billed by the DJJ.
9. FOR INFORMATION: The Board:
 - A. Heard comments from the following two citizens concerning the juvenile crime rate in Escambia County:
 - (1) Mackel D. Jones, who expressed his concerns regarding the ease with which firearms and/or drugs can be purchased in Escambia County, and advised that he seeks the Board's support for his *At Risk Teen Program*, which is designed to provide at-risk teens and young adults with the proper information on how to attain a High School Diploma or GED, to provide job skills training, and to build confidence, self-esteem, teamwork, and respect for themselves and others; and
 - (2) Rodney Jones, who expressed his concerns regarding violence in the Montclair community, as well as his concern that the Montclair neighborhood has no community center; and
 - B. Was advised by Commissioner May that he is attempting to identify resources, including community centers and programs, to improve crime prevention efforts.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

PUBLIC FORUM WORK SESSION – Continued

10. FOR INFORMATION: The Board:

A. Heard comments from the following two citizens regarding Escambia County Area Transit (ECAT) and/or the ECAT management company, First Transit, Inc.:

(1) Calvin T. Nairn, Sr., who advised that the management company is wrongfully terminating ECAT employees; and

(2) Mary Butler, who advised that, although it was her understanding, when ECAT employees enrolled for benefits under the new management company, that there would be no change in benefits, when she contacted the benefits department after her husband passed away in November 2012, her husband's death benefits were canceled; and

B. Heard the request from Commissioner May that the Interim County Administrator explore these issues related to ECAT, and provide a report to the Board at a later date.

11. FOR INFORMATION: The Board heard the request from Jeffrey Crouch that the Board provide relief relating to a Code Enforcement Lien filed against property located at 7031 Balboa Drive, and heard Commissioner Robinson's request that this issue be referred to the Regular Board Meeting, and added to the Written Communication portion of the agenda.

12. FOR INFORMATION: The Board heard comments from L. Gary Sansing concerning Public Forum issues, Pathways for Change, juvenile issues, the Local Option Gas Tax, public transportation, and libraries.

5:57 P.M. – PUBLIC FORUM ADJOURNED

6:09 P.M. – REGULAR BOARD MEETING CONVENED

REGULAR BCC AGENDA

1. Call to Order

Chairman Valentino called the Regular Meeting of the Board of County Commissioners to order at 6:09 p.m.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

2. Invocation

Commissioner May introduced Reverend Lonnie D. Wesley III, Pastor, Greater Little Rock Baptist Church, to deliver the Invocation.

3. Pledge of Allegiance to the Flag

Chairman Valentino advised that Commissioner Robertson would lead the Pledge of Allegiance to the Flag.

4. Adoption of the Agenda

Motion made by Commissioner Robinson, seconded by Commissioner Robertson, and carried unanimously, adopting the agenda, as prepared and duly amended.

5. Commissioners' Forum

A. District 4 – Commissioner Robinson recognized the Youth Leadership Pensacola Group (LEAP), and Vickie Campbell thanked Commissioner May, Commissioner Robinson, the Honorable Pam Childers, Clerk of the Circuit Court and Comptroller, Susan Wolf, General Counsel to the Clerk, and the Honorable David Stafford, Supervisor of Elections, and his staff, for showing the group how government works; and

B. District 3 – Commissioner May expressed his appreciation to Ms. Campbell for her role in Youth LEAP.

6. Proclamation

Motion made by Commissioner Robinson, seconded by Commissioner May, and carried unanimously, ratifying the Proclamation dated January 14, 2013, encouraging all citizens to reflect on the great sacrifices and accomplishments of Dr. Martin Luther King, Jr., as we embrace the theme of this year's celebration – "Building the Dream on the Foundation of Faith."

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

7. Retirement Proclamation

Motion made by Commissioner Robinson, seconded by Commissioner May, and carried unanimously, adopting the Proclamation commending and congratulating Leonard Padgett, Jr., Mosquito Control Technician, Community and Environment Department, on his retirement after 33 years of service.

8. Written Communication

A. Shane Willis – 1024 Muscogee Road

Motion made by Commissioner Barry, seconded by Commissioner Robertson, and carried unanimously, approving to accept \$5,605, plus any recording fees, in exchange for full release of the Code Enforcement Lien against the property located at 1024 Muscogee Road, relative to the January 3, 2013, email communication from Mr. Shane Willis requesting the Board forgive a Code Enforcement Lien, in the amount of \$46,405, against property located at 1024 Muscogee Road.

B. Chris Drivas – 6340 Louisville Avenue

Motion made by Commissioner Robertson, seconded by Commissioner Robinson, and carried unanimously, approving to accept \$3,177.50, which includes all administrative fees and costs, and recording fees, relative to the January 18, 2013, communication from Chris Drivas, Land Castle Title (*on behalf of Nations Credit Financial Services*), requesting the Board forgive the fines relative to a Code Enforcement Lien against property located at 6340 Louisville Avenue.

C. Anthony Sessa – 812 Via De Luna Drive

Motion made by Commissioner Robinson, seconded by Commissioner Robertson, and carried unanimously, approving to waive \$15,800 in fines, and collect \$2,000 in fines and court costs and the MSBU (*Municipal Services Benefit Unit [assessments]*), relative to the January 30, 2013, communication, referred from Public Forum Work Session, from Anthony Sessa requesting that the Board reduce the fines relative to a Code Enforcement Lien (*filed against the Estate of Leroy B. Cardenas, for property located at 812 Via De Luna*).

(Continued on Page 8)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

8. Continued...

D. Jeffrey Crouch – 7031 Balboa Drive

Motion made by Commissioner Robertson, seconded by Commissioner Robinson, and carried unanimously, approving to waive \$10,800 in fines and only assess the \$4,400, consisting of \$3,900 in hard costs and \$500 in court costs, to the bank (*Bank of America*), contingent on all issues being resolved (*regarding payment of the \$4,400*), relative to the verbal request from Jeffrey Crouch, referred from Public Forum Work Session, that the Board forgive a Code Enforcement Lien against property located at 7031 Balboa Drive.

Speaker(s):

Anthony Sessa
Jeffrey Crouch

9. Proof of Publication

Motion made by Commissioner Robinson, seconded by Commissioner Robertson, and carried unanimously, waiving the reading of the legal advertisement(s) and accepting, for filing with the Board's Minutes, the certified affidavit(s) establishing proof of publication for the Public Hearing(s) on the agenda, and the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule*, as follows:

A. The following four Public Hearings on the agenda:

- (1) The 5:31 p.m. Public Hearing, advertised in the Pensacola News Journal on January 26, 2013, for consideration of adopting the Pensacola Beach Dog Park Ordinance;
- (2) The 5:45 p.m. Public Hearing, advertised in the Pensacola News Journal on December 21, 2012, and January 7, 2013, for consideration of adopting an Ordinance amending the Official Zoning Map;
- (3) The 5:46 p.m. Public Hearing, advertised in the Pensacola News Journal on December 21, 2012, for consideration of adopting an Ordinance amending LDC, Article 13, "Signage," Regulation of Signs and Outdoor Display; and

(Continued on Page 9)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

REGULAR BCC AGENDA – Continued

9. Continued...

A. Continued...

(4) The 5:47 p.m. Public Hearing, advertised in the Pensacola News Journal on January 23, 2013, for consideration of adopting an Ordinance approving CPA 2012-06; and

B. The *Board of County Commissioners – Escambia County, Florida, Meeting Schedule February 4- February 8, 2013 – Legal No. 1589876*, as published in the Pensacola News Journal on February 2, 2013, as follows:

February 4 1:00 p.m. Planning Board
February 5 1:30 p.m. Environmental Enforcement Special Magistrate
February 6 8:30 a.m. Construction Competency Board Exam Committee
February 6 9:00 a.m. Construction Competency Board Regular Mtg/Public Hearing
February 6 1:00 p.m. Development Review Committee
February 7 9:00 a.m. Board of County Commissioners Agenda Work Session
February 7 4:30 p.m. Board of County Commissioners Public Forum
February 7 5:30 p.m. Board of County Commissioners Public Hearings & Reports
NEXT WEEK'S NOTE:
February 11 5:30 p.m. Marine Advisory Committee Meeting
February 12 1:30 p.m. Environmental Enforcement Special Magistrate
February 12 5:00 p.m. Escambia County Housing Finance Authority
February 12 5:00 p.m. Merit System Protection Board
February 12 5:30 p.m. Merit System Protection Board Hearing-Zoulek

10. 5:31 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner Robertson, and carried unanimously, approving to postpone the 5:31 p.m. Public Hearing until February 21, 2013, at 5:32 p.m., for consideration of adopting an Ordinance amending Volume I, Chapter 10, Article I, Section 10-11, relating to animal control, and creating Section 10-25 of the Escambia County Code of Ordinances to establish two public parks on Pensacola Beach specifically designated for dogs.

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Honorable Pam Childers, Clerk
of the Circuit Court & Comptroller

I. CONSENT AGENDA

1-5. Approval of Various Consent Agenda Items

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

1. Accepting, for filing with the Board's Minutes, the following five Reports prepared by the Clerk and Comptroller's Finance Department:
 - A. The following two Payroll Expenditures:
 - (1) Pay Date January 18, 2013, in the amount of \$2,765,514.06; and
 - (2) Pay Date February 1, 2013, in the amount of \$2,202,121.23; and
 - B. The following three Disbursement of Funds:
 - (1) January 10, 2013, to January 16, 2013, in the amount of \$3,360,939.00;
 - (2) January 17, 2013, to January 23, 2013, in the amount of \$572,961.85; and
 - (3) January 24, 2013, to January 30, 2013, in the amount of \$6,305,995.18.
2. Approving the Public Official Bond for Santa Rosa Island Authority (SRIA) appointee Janice E. Perkins-Gilley, Western Surety Company Bond No. 61564079, in the amount of \$10,000, underwritten by McMahon-Hadder Insurance, Inc., effective January 10, 2013, for an indefinite term; the original Bond will be executed by all five Commissioners and filed with the SRIA.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

3. Accepting, for filing with the Board's Minutes, the following documents provided to the Clerk to the Board's Office:
 - A. *Amendment No. 1 to Agreement* between the Florida Fish and Wildlife Conservation Commission and the Escambia County Board of County Commissioners, as executed by the Chairman on December 3, 2012, based on the Board's action of January 6, 2011, approving the Ex-Oriskany PCB Artificial Reef Monitoring Project Grant Agreement, and received in the Clerk to the Board's Office on January 8, 2013;
 - B. The following three original documents recorded on January 10, 2013:
 - (1) The Commercial Facade, Landscape, and Infrastructure Grant Program Lien Agreement, in the amount of \$9,631, for property located at 3107 Mobile Highway, owned by Kim Rice, as approved by the Board on April 21, 2011, and recorded in Official Records Book 6959, Pages 1233 through 1235;
 - (2) The Commercial Facade, Landscape, and Infrastructure Grant Program Lien Agreement, in the amount of \$10,000, for property located at 3720 North Pace Boulevard, owned by Gulf Coast Audio Visual Producers, Inc., as approved by the Board on April 17, 2012, and recorded in Official Records Book 6959, Pages 1229 and 1230; and
 - (3) The Commercial Facade, Landscape, and Infrastructure Grant Program Lien Agreement, in the amount of \$10,000, for property located at 3740 North Pace Boulevard, owned by LOJ, LLC, as approved by the Board on April 17, 2012, and recorded in Official Records Book 6959, Pages 1227 and 1228; and
 - C. A copy of the *General Release and Hold Harmless Agreement* signed by Robert Mark Herrmann, as approved by the Board on January 19, 2012, and received in the Clerk to the Board's Office on January 15, 2013.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
 4. Approving *Records Disposition Document No. 513*, for disposition of Board of County Commissioners' Records, Item 32a, Minutes: Official Meetings (Transcripts: Microfilmed on Rolls 485 through 487), for the period May 3, 2012, through August 9, 2012, in accordance with State Retention Schedule GS1, since the permanent records have been scanned and/or microfilmed.
 5. Taking the following action concerning Minutes and Reports prepared by the Clerk to the Board's Office:
 - A. Approving the Minutes of the Special Board Meeting held January 22, 2013;
 - B. Approving the Minutes of the Regular Board Meeting held January 17, 2013;
 - C. Accepting, for filing with the Board's Minutes, the Report of the Agenda Work Session held January 17, 2013; and
 - D. Accepting, for filing with the Board's Minutes, the Report of the Committee of the Whole (C/W) Workshop held January 8, 2013, as follows:

AGENDA NUMBER

1. Call To Order

Chairman Valentino called the Committee of the Whole (C/W) to order at 9:07 a.m.

2. Was the Meeting Properly Advertised?

The C/W was advised by Doris Harris, Deputy Clerk to the Board, that the Meeting was advertised in the Pensacola News Journal on January 5, 2013, in the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule January 7- January 11, 2013, Legal No. 1587269*.

(Continued on Page 13)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
5. Continued...
- D. Report of the January 8, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. County Medicaid Costs

A. Board Discussion – The C/W viewed and discussed a PowerPoint Presentation, which was also provided in hard copy, entitled *Medicaid, The Effect of State Legislation*, presented by Amy Lovoy, Director, Management and Budget Services Department, and the C/W:

(1) Was advised by Ms. Lovoy that:

(a) Because of outstanding issues surrounding the billing of Medicaid claims, Escambia County pays for undeserved Medicaid costs; and

(b) The Florida Association of Counties is negotiating with the Governor's Office to work out possible solutions, such as trading Health Departments for Medicaid or giving up a state-shared revenue in exchange for state assumption of Medicaid costs;

(2) Was advised by Patricia L. Sheldon, Clerk & Comptroller's Financial Reporting Manager, that the County is required to pay "transfer in" costs upfront, then request a refund, which is usually denied, and that tracking claims is difficult because the download from the Agency for Health Care Administration's billing system does not include the "transfers in"; and

(Continued on Page 14)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the January 8, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

3. Continued...

A. Continued...

(3) Was advised by Assistant County Administrator Newsom that either he or the Interim County Administrator will present this issue, as well as issues regarding Juvenile Justice mandates, to the Escambia County State Legislative Delegation at a public hearing that has been scheduled for Thursday (*January 10, 2013*), at Pensacola State College, to hear comments for proposals for the 2013 Regular Legislative Session; and

B. Board Direction – None.

(Continued on Page 15)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the January 8, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Policy Regarding Legal Representation for Commissioners and Staff

A. Board Discussion – The C/W discussed Policy Regarding Legal Representation for Commissioners and Staff, and the C/W:

- (1) Was advised by County Attorney Rogers that in almost every instance where a County employee has had legal action taken against him or her, whether it be for issues concerning ethics, professional licensing, or in a civil case, the County Commission has proactively fronted the legal expenses for those employees; furthermore, with regards to fronting and/or reimbursing Commissioners for legal expenses, the Commission typically handles those instances on a case-by-case basis, and how the Commission has proceeded has been dependant on whether or not the case is a civil matter, criminal matter, or ethics charge;
- (2) Heard the request from County Attorney Rogers for Board direction concerning drafting a policy that sets forth how these legal matters will be handled and what cases the Board of County Commissioners will proactively front legal expenses for employees and or Commissioners, and in which instances the County will then attempt, if necessary, to recoup those expenses if someone is not successful in that legal matter;

(Continued on Page 16)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the January 8, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

4. Continued...

A. Continued...

- (3) Was advised by Commissioner Robertson that he is willing to continue with the status quo when it concerns a County employee; however, when it concerns a County Commissioner, he would like to handle those instances on a case-by-case basis, with an official vote of the Board;
- (4) Was advised by Commissioner Robinson that there is a distinction between civil and criminal matters, and, since, any Commissioner is subject to frivolous civil lawsuits, he would prefer to handle these matters on a case-by-case basis;
- (5) Was advised by Commissioner Valentino that it is his opinion that discussions concerning legal defense fees for Commissioners should take place during a public meeting, not in the shade, so that the public can view firsthand the merits of the claim and the merits of the County's dollars being used to defend the Commissioner, whether the charges against him or her are civil or criminal; and
- (6) Was advised by Commissioner Valentino that there is a consensus to bring back a proposed policy that:
 - (a) Provides for fronting legal expenses for employees, in most situations;

(Continued on Page 17)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the January 8, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 4. Continued...
 - A. Continued...
 - (6) Continued...
 - (b) Provides that the legal expenses for elected Commissioners would be dealt with on a case-by-case basis; and
 - (c) Provides that discussions and/or actions concerning legal expenses for a Commissioner will not be held in a shade meeting; and
 - B. Board Direction – None.
- 5. Land Development Code/Comprehensive Plan
 - A. Board Discussion – The C/W discussed Land Development Code/Comprehensive Plan, and the C/W:
 - (1) Heard the request from Assistant County Administrator Newsom that the Board rescind the Resolution establishing the Escambia County Land Development Code Citizen Advisory Committee, and allow him to do a comparison of Escambia County's Land Development Code (LDC) and Comprehensive Plan with neighboring Counties; and
 - (2) Heard the request from Commissioner Barry that the LDC and the Comprehensive Plan be rewritten with "user friendly" verbiage; and

(Continued on Page 18)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-5. Approval of Various Consent Agenda Items – Continued
- 5. Continued...
- D. Report of the January 8, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

- 5. Continued...
 - B. Board Direction – The C/W recommends that the Board approve terminating the Land Development Code Advisory Committee, evaluate, and compare to comparable Florida Counties, including Bay County, and the applicable counties in Alabama, the work that has been presented, and approve a review of the existing Comprehensive Plan (*on May 6, 2010, the Board adopted Resolution R2010-81 establishing the Escambia County Land Development Code Citizen Advisory Committee and appointing the membership of the Committee*).

Recommended 4-0, with Commissioner Robertson having left the Workshop

- 6. Noise Ordinance
 - A. Board Discussion – The C/W heard the request from County Attorney Rogers for specifics concerning the composition of the advisory committee the Board directed staff to establish to bring forward recommendations regarding the County's Noise Ordinance, and the C/W:
 - (1) Heard Assistant County Administrator Newsom suggest decibel-based measurements be used in the County's Noise Ordinance, as it is the type of measurement used to mitigate noise for roadways and in airport studies;

(Continued on Page 19)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the January 8, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Continued...

A. Continued...

- (2) Heard Commissioner Valentino suggest that the committee be comprised of the County Attorney, the Assistant County Administrator, Lt. Frank Forte (*as a representative of the Sheriff's Office*), and a representative from District 4 to address concerns regarding Pensacola Beach;
- (3) Heard Commissioner Robinson's request that the noise measurement methodology remain as is for Pensacola Beach;
- (4) Upon inquiry from Commissioner May, was advised by Lt. Forte that the cost for one decibel device is approximately \$2,200, which does not include the cost of training and yearly calibrations;
- (5) Heard the request from Commissioner Barry that, because implementing a decibel-based Ordinance may be cost-burdensome, staff provide two proposed Ordinances, one that provides for a decibel-based measurement methodology and one that provides for another type of method; and
- (6) Was advised by Gerald E. "Jerry" Champagne, General Counsel for the Escambia County Sheriff, that to go solo with a decibel-based system would eliminate constitutionally approved standards/tools, which are not decibel-based, that officers utilize for testing; and

(Continued on Page 20)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER’S REPORT – Continued

I. CONSENT AGENDA – Continued

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

5. Continued...

D. Report of the January 8, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

6. Continued...

B. Board Direction – The C/W recommends that the Board approve granting the Assistant County Administrator and the County Attorney 60 days in which to meet with the Sheriff and prepare a draft Noise Ordinance, for the Board's consideration, and rescind any Committee, as needed *(at the November 15, 2012, Regular Board Meeting, the Board approved directing staff to create, through the County Administrator and the County Attorney, for their recommendation for a subsequent vote, an Advisory Committee to bring forward to the Board, at a future date, a firm proposal on which recommendation to proceed with, and a measuring strategy for the County to enforce, relative to updating the Noise Ordinance).*

Recommended 5-0

7. Adjourn

Chairman Valentino declared the C/W Workshop adjourned at 10:57 a.m.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

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

I. PUBLIC HEARINGS

1. Rezoning Cases

Motion made by Commissioner Robertson, seconded by Commissioner Barry, and carried unanimously, taking the following action concerning Rezoning Case Z-2012-25 heard by the Planning Board (PB) on January 7, 2013:

- A. Adopting the PB recommendation and approving R-6 for 7008 West Jackson Street only; and
- B. Authorizing the Chairman to sign the Order of the Escambia County Board of County Commissioners for the Rezoning Case that was reviewed, as follows:

- (1) Case Number: Z-2012-25
Address: 617 North 70th Avenue and 7008 West Jackson Street
Property Reference Numbers: 11-2S-31-5410-001-001 and 11-2S-31-5410-000-000
Property Size: .52 (+/-) acre
From: R-2, Single-Family District (cumulative), Low-Medium Density (7 dwelling units per acre)
To: R-6, Neighborhood Commercial and Residential District (cumulative), High Density (25 dwelling units per acre)
FLU Category: MU-U, Mixed Use-Urban
Commissioner District: 1
Requested by: Wiley C. "Buddy" Page, Agent for Freddy Powell, Owner
PB Recommendation: Approval for 7008 West Jackson Street only; the Planning Board accepted the applicant's findings of fact, as well as the request to withdraw the parcel on 70th Avenue and rezone only the Jackson Street parcel from R-2 to R-6.

Speaker(s) – None.

(Continued on Page 22)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

I. PUBLIC HEARINGS – Continued

1. Rezoning Cases – Continued

Motion made by Commissioner Barry, seconded by Commissioner Robertson, and carried unanimously, taking the following action concerning Rezoning Case Z-2012-16 heard by the Planning Board (PB) on September 10, 2012:

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

- (2) Case Number: Z-2012-16
- Address: Hanks Road
- Property Reference Number: 14-5N-32-2301-000-000
- Property Size: 50.24 (+/-) acres
- From: P, Public
- To: VAG-1, Villages Agriculture Districts, Gross Density (5 dwelling units per 100 acres on one-acre parcels)
- FLU Category: REC, Recreation
- Commissioner District: 5
- Requested by: Ronald Schneider, Agent for Donna Schneider, Owner
- PB Recommendation: Approval

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

1. PUBLIC HEARINGS – Continued

2. 5:45 p.m. Public Hearing

Motion made by Commissioner Robinson, seconded by Commissioner Robertson, and carried unanimously, adopting an Ordinance (*Number 2013-4*) to amend the Official Zoning Map to include the Rezoning Cases (*Z-2012-25 and Z-2012-16*) heard by the Planning Board on September 10, 2012, and January 7, 2013, and approved during the previous agenda item, and to provide for severability, inclusion in the Code, and an effective date.

Speaker(s) – None.

3. 5:46 p.m. Public Hearing

Motion made by Commissioner Robertson, seconded by Commissioner Barry, and carried unanimously, adopting an Ordinance (*Number 2013-5*) to (*amend*) the Escambia County Land Development Code, Article 13, Signage, (*Section 13.22.00*), "Regulation of signs and outdoor displays" (*to consolidate and streamline the standards expressed for the regulation of signs and outdoor displays on Santa Rosa Island*).

Speaker(s) – None.

4. 5:47 p.m. Public Hearing

Motion made by Commissioner Robertson, seconded by Commissioner Robinson, and carried unanimously, adopting (*an Ordinance [Number 2013-6] approving*) Comprehensive Plan Text Amendment (CPA) 2012-06, amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan 2030, as amended; amending Future Land Use element MU-PK (*removing certain restrictions on development, height, and density; increasing the floor area ratio; and adding minimum pervious and maximum impervious area standards*); on January 11, 2013, staff received a letter from the Department of Economic Opportunity saying that they identified no comment related to important state resources and facilities within the Agency's authorized scope of review that will be adversely impacted by the amendment, if adopted.

Speaker(s) – None.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

GROWTH MANAGEMENT REPORT – Continued

II. CONSENT AGENDA

1. Scheduling of Public Hearings

Motion made by Commissioner Robertson, seconded by Commissioner Robinson, and carried unanimously, authoring the scheduling of the following three Public Hearings, as amended to schedule the March 21, 2013, Public Hearings, Items B.(1) and B.(2), for April 2, 2013, at 5:46 p.m. and to 5:47 p.m., respectively:

A. Thursday, February 21, 2013, 5:45 p.m. – A Public Hearing – LDC Ordinance – Article 6, Zoning District, Perdido Key; and

B. Tuesday, April 2, 2013:

(1) 5:46 p.m. – A Public Hearing – LDC Ordinance – Article 13.12, Docks and Piers – SRIA; and

(2) 5:47 p.m. – A Public Hearing – LDC Ordinance – Article 13.01, Administration – SRIA.

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

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA

1-7. Approval of Various Consent Agenda Items

Motion made by Commissioner Robertson, seconded by Commissioner Robinson, and carried unanimously, approving Consent Agenda Items 1 through 7, as follows, with the exception of Items 3 and 4, which were held for separate votes:

1. Taking the following action concerning disposition of surplus equipment and donation of a 2004 GMC G-4500 Horton Ambulance, Property Number 54650, Serial Number 1GDE4C1254F511228, to the District Board of Trustees of Pensacola State College, for use by the Emergency Medical Services (EMS) Academy in its EMS Training Program:
 - A. Approving the *Request for Disposition of Property* Form for the ambulance, which is no longer needed for County purposes, *(and is)* to be appropriately disposed of through donation to the District Board of Trustees of Pensacola State College;
 - B. Adopting a Resolution (*R2013-18*) authorizing the conveyance of tangible personal property to the District Board of Trustees of Pensacola State College, for use by the EMS Academy in its EMS Training Program, in compliance with Section 274.06, Florida Statutes; and
 - C. Authorizing the Chairman to sign required documents related to the donation.
2. Taking the following action concerning a *Memorandum of Understanding Between Gulf Islands National Seashore and Escambia County, Florida (Agreement No. G532613001)*:
 - A. Approving the *Memorandum of Understanding Between Gulf Islands National Seashore and Escambia County, Florida*, which establishes the intent of each party to provide assistance when needed during emergencies in or near the Gulf Islands National Seashore; and
 - B. Authorizing the Chairman to sign the *Memorandum of Understanding Between Gulf Islands National Seashore and Escambia County, Florida*.
3. See Page 26.
4. See Page 27.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

1-7. Approval of Various Consent Agenda Items – Continued

5. Authorizing out-of-County travel for any representative of the Commission, the County Administrator, and/or the County Attorney wishing to participate in the conferences/ events, as noted on the 2012-2013 Revised Annual Travel/Conference Schedule.
6. Confirming Commissioner Lumon J. May's appointment of Ms. Eileen Beard to the Escambia Marine Advisory Committee, to serve as one of his two appointees, effective February 7, 2013; this appointment will run concurrent with Commissioner May's term of office, or at his discretion.
7. Taking the following action concerning Commissioner Gene M. Valentino's appointments to the West-End Advisory Committee:
 - A. Confirming the appointment of Mr. Will Kennedy, to replace Mr. Fred Garth, with the term of appointment to begin February 7, 2013, and to run concurrent with Commissioner Valentino's term of office, or at his discretion; and
 - B. Confirming the appointment of Mr. Ralph Loveless, to replace Dr. Darren McClellan, with the term of appointment to begin February 7, 2013, and to run concurrent with Commissioner Valentino's term of office, or at his discretion.

3. TDC Appointment

Motion made by Commissioner Robertson, seconded by Commissioner Barry, and carried unanimously, waiving the Board's Policy, Section I, Part B 1. (D), Appointment Policy and Procedures, and reappointing Denis McKinnon, Jr., to the Tourist Development Council, for a four-year term, effective, retroactively, February 3, 2013, through February 2, 2017, as an "Interested in Tourism" appointee.

For Information: The Board heard Commissioner Robinson disclose that Denis McKinnon is his broker; however, because this is an unpaid position (*for Mr. McKinnon*), he is not precluded from voting on this issue.

CHAIRMAN VALENTINO RELINQUISHED THE CHAIR TO COMMISSIONER MAY

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

I. TECHNICAL/PUBLIC SERVICE CONSENT AGENDA – Continued

4. Perdido Key Map Reference Change

Motion made by Commissioner Valentino, seconded by Commissioner Barry, and carried unanimously, taking the following action concerning the area known as Perdido Key:

- A. Adopting (*and authorizing the Chairman to sign*) the Resolution (*R2013-19*) requesting that the Florida Department of Transportation (FDOT) change (*on*) FDOT's County Map, and nothing else, the reference for the area known as Perdido Key to Perdido Key Beach, and approving that this in no way affects any other designation, branding, or imaging of Perdido Key for Escambia County; and
- B. Approving to direct staff to ensure that this Map reference only change is added to the official Florida Transportation Map.

Speaker(s):

Douglas Underhill
Alison Davenport

VICE CHAIRMAN MAY RELINQUISHED THE CHAIR TO COMMISSIONER VALENTINO

II. BUDGET/FINANCE CONSENT AGENDA

1-16. Approval of Various Consent Agenda Items

Motion made by Commissioner Robinson, seconded by Commissioner Barry, and carried 4-0, with Commissioner Robertson having left the Meeting, approving Consent Agenda Items 1 through 16, as follows, with the exception of Item 7, which was held for a separate vote:

- 1. Adopting the Resolution (*R2013-20*) approving Supplemental Budget Amendment #074, General Fund (001), in the amount of \$99,333, to recognize insurance proceeds for damaged equipment, off-duty employment expenses, and miscellaneous Sheriff's fees, and to appropriate these funds for law enforcement activities in Escambia County.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-16. Approval of Various Consent Agenda Items – Continued

2. Adopting the Resolution (*R2013-21*) approving Supplemental Budget Amendment #083, Escambia County Restricted Fund (101) and Other Grants and Projects Fund (110), in the amount of \$230,543, to recognize the remaining balance of funds for the National Pollutant Discharge Eliminated System permit program and other Grants, and to appropriate these funds into the correct Cost Centers for Fiscal Year 2012-2013.
3. Adopting the Resolution (*R2013-22*) approving Supplemental Budget Amendment #084, Other Grants and Projects Fund (110), in the amount of (\$15,121), to recognize proceeds from the State of Florida, Division of Emergency Management Grant Agreement Number EMW-2012-SS-00109-S01, and to appropriate these funds for Domestic Security activities; existing balances within the Grant Cost Center and Revenue Code are also being adjusted to the correct amounts, which will have the net effect of reducing the overall Grant budget.
4. Adopting the Resolution (*R2013-23*) approving Supplemental Budget Amendment #085, Local Option Sales Tax III Fund (352), in the amount of \$3,700,000, to recognize proceeds from a State of Florida Department of Transportation Local Agency Program Agreement, and to appropriate these funds for construction of paved shoulders along Jacks Branch Road.
5. Taking the following action concerning approval of the Fiscal Year 2012-2013 *Miscellaneous Appropriations Agreement between Escambia County and the Pensacola Bay Area Chamber of Commerce, Inc.:*
 - A. Approving the Miscellaneous Appropriations Agreement, in the amount of \$400,000, to be paid from the Economic Development Fund (102), Cost Center 360704, Account 58201;
 - B. Authorizing the Chairman to sign the Agreement and all other necessary documents; and
 - C. Authorizing the approval of the necessary Purchase Order.
6. Approving to direct staff to draft and send a letter to the Bank of Oklahoma formally declining its offer to purchase the Lamplighter Apartment Project properties for \$20,720,787.42.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-16. Approval of Various Consent Agenda Items – Continued

7. See Page 33.
8. Awarding a Lump Sum Contract per the terms and conditions of PD 12-13.013, Removal of Derelict Vessels and Associated Debris from Escambia River, to Florida Forest Recyclers, LLC, in the amount of \$68,498 (Funding: Fund 110, Other Grants and Projects, Cost Center 220807, Object Code 53401).
9. Awarding the Contract for County Road 297-A (Sandicrest to Kingsfield) Widening & Drainage Improvements, PD 12-13.010, to Roads Inc., of NWF, in the amount of \$1,665,546.89 (Funding: Fund 352, Local Option Sales Tax III, Cost Center 210107, Object Code 56301, Project Number 08EN0105).
10. Awarding the Contract for Roll-Off Container Services, PD 12-13.011, to the following: Allied Waste Services of North America, LLC; Dorado Services, Inc.; Waste Pro-Milton, and Southern Haulers, LLC, for a period of 12 months, renewable for two additional 12-month periods, for a total of 36 months, in the approximate annual amount of \$50,000 (Funding: Fund 401, Solid Waste Fund, Cost Center 230306, Object Code 53401).
11. Taking the following action concerning the property located on Frontera Circle within the Brownsville Community Redevelopment Area (CRA) (Funding Source: Fund 151, Community Redevelopment Agency, Cost Center 220515, CRA Brownsville, Object Code 56101):
 - A. Authorizing the purchase of the parcel of real property (totaling approximately 0.04 acre), located at 3808 Frontera Circle, from Jack L. Glenny, Jr., and Crystal M. Glenny, for the negotiated amount of \$18,000, in accordance with the terms and conditions contained in the *Contract for Sale and Purchase*;
 - B. Approving the *Contract for Sale and Purchase* for the acquisition of the parcel of real property located at 3808 Frontera Circle; and
 - C. Authorizing the County Attorney to prepare, and Chairman or Vice Chairman to execute, subject to Legal review and sign-off, any documentation necessary to complete the acquisition of the property, without further action of the Board.

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-16. Approval of Various Consent Agenda Items – Continued

12. Taking the following action concerning acceptance of the donation of a parcel of real property, located at the intersection of East Olive Road and North Palafox Street (a/k/a Old Palafox Highway), from Pensacola Electrical Workers Fraternal and Social Society, Inc., for road and drainage improvements; the County has a project in design to make road and drainage improvements at the intersection of East Olive Road and North Palafox Street (a/k/a Old Palafox Highway); due to limited right-of-way in this area, it was determined that additional property would be required to facilitate the project; Pensacola Electrical Workers Fraternal and Social Society, Inc., owner of the property located at 7830 North Palafox Street, has agreed to donate a portion of real property (approximately 0.14 acre) to facilitate the road and drainage improvements project; Board approval is required for the Board's acceptance of the donated property (Funding: funds for incidental expenses associated with recording of documents are available in an Engineering Escrow Account accessed by the Escambia County Clerk's Office):
 - A. Accepting the donation of a parcel of real property (approximately 0.14 acre), located at the intersection of East Olive Road and North Palafox Street (a/k/a Old Palafox Highway), from Pensacola Electrical Workers Fraternal and Social Society, Inc., for road and drainage improvements;
 - B. Authorizing the payment of documentary stamps because the property is being donated for governmental use, which is for road and drainage improvements, and the County benefits from the acceptance of this property, which enhances the safety and well-being of the citizens of Escambia County;
 - C. Authorizing the payment of incidental expenditures associated with the recording of documents; and
 - D. Authorizing staff to prepare, and the Chairman or Vice Chairman to accept, the Warranty Deed as of the day of delivery of the Warranty Deed to the Chairman or Vice Chairman, and authorizing the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-16. Approval of Various Consent Agenda Items – Continued

13. Taking the following action concerning acceptance of a 20-foot-wide drainage easement in Perdido Manor Subdivision, from Kathryn L. Bufkin, for stormwater drainage improvements; Perdido Manor Subdivision is located off Lillian Highway, just east of the Perdido Bay Bridge; the existing stormwater drainage swale, located on Lot 22, Block 3, of said Subdivision, is in need of improvement and continued maintenance; County staff could find no record of a recorded or platted Easement for the existing drainage swale; the property owner, Kathryn L. Bufkin, has agreed to donate a 20-foot-wide drainage easement to the County in order to make the needed improvements and for future maintenance; staff is requesting the Board approval required to accept the donation of the drainage easement (Funding: funds for incidental expenses associated with recording of documents are available in an Engineering Escrow Account accessed by the Escambia County Clerk's Office):
 - A. Accepting the donation of a 20-foot-wide drainage easement in Perdido Manor Subdivision from Kathryn L. Bufkin for stormwater drainage improvements;
 - B. Authorizing the payment of documentary stamps, as the drainage easement is being donated for governmental use, which is for stormwater drainage, and the County benefits from the acceptance of this drainage easement, which enhances the safety and well-being of the citizens of Escambia County;
 - C. Authorizing the payment of incidental expenditures associated with the recording of documents; and
 - D. Authorizing staff to prepare, and the Chairman or Vice Chairman to accept, the Drainage Easement as of the day of delivery of the Drainage Easement to the Chairman or Vice Chairman, and authorizing the Chairman or Vice Chairman to acknowledge the Board's acceptance at that time.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-16. Approval of Various Consent Agenda Items – Continued

14. Taking the following action concerning the Primary Rate ISDN (PRI) Service Agreements with AT&T for PRI services at the Sheriff's Office and at the Public Safety Building; the funds are available in the budget General Fund (001), Cost Center 270103, Object Code 54101; these Agreements include the following Contract Clause: "Arbitration: all claims and disputes arising from this Agreement shall be settled by binding arbitration administered by the American Arbitration Association under its commercial arbitration rules (subject to the requirements of the Federal Arbitration Act). Any judgment on any award rendered may be entered and enforced in a court having jurisdiction. The arbitrator shall not have the authority to award any damages disclaimed by this Agreement or in excess of the liability limitations in this Agreement, shall not have the authority to order prehearing depositions or document discovery, but may compel attendance of witnesses and production of documents at the hearing. The parties waive any right to trial by jury and waive any right to participate in or initiate class actions; if the parties cannot waive these rights, this entire section is void."
 - A. Approving the 12-month AT&T ILEC BellSouth Primary Rate ISDN Service Agreement for the PRI telephone service at the Sheriff's Office, and the 24-month BellSouth Primary Rate ISDN Service Agreement for the PRI telephone service at the Public Safety Building, for a total Contract cost of \$58,555.20; and
 - B. Authorizing the Chairman to sign the Service Agreements.
15. Authorizing the issuance of a Purchase Order to Panhandle Grading & Paving, Inc., per PD 10-11.065, General Paving and Drainage Pricing Agreement, in the amount of \$272,338.13, for the Saufley Field Road C&DD Landfill Closure and Stormwater Improvement Project; this Purchase Order will provide funding for material, labor, and equipment to install intermediate cover soil at the Perdido Landfill; in accordance with State of Florida Department of Environmental Protection regulations, cover soil is required to cover the fill area currently accepting debris from the Saufley Field Road C&DD Landfill Closure and Stormwater Improvement Project (Funding: Fund 401, Solid Waste Fund, Cost Center 230316, Object Code 56301).

COUNTY ADMINISTRATOR'S REPORT – Continued

II. BUDGET/FINANCE CONSENT AGENDA – Continued

1-16. Approval of Various Consent Agenda Items – Continued

16. Approving the *Request for Disposition of Property* Form, allowing the County Administrator's Office to trade in the three Cardiac Science Automated External Defibrillator (AED) Units, currently being used in the Ernie Lee Magaha Government Building, toward the purchase of three new Physio-Control AED Units (Funding: Fund 001, General Fund, Cost Center 110201, Object Code 56401).

7. Task Order-Based Continuing Contract

Motion made by Commissioner Robinson, seconded by Commissioner Barry, and carried 4-0, with Commissioner Robertson having left the Meeting, taking the following action concerning Professional Services as Governed by Florida Statute 287.055 (Funding: funds to be budgeted for on an annual basis):

- A. Awarding a Task Order-based Continuing Contract to Gulf Civil Engineering, LLC, per PD 02-03.79, Professional Services as Governed by Florida Statute 287.055 (A&E Services), on a "Maximum Ceiling" basis fee schedule, as follows:

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

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

Speaker(s):

Erica Floyd

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION

1. RESTORE Act Committee

Motion made by Commissioner Robinson, seconded by Commissioner Barry, and carried unanimously, approving Items A, B, and C, and taking the following action concerning nine appointments to the RESTORE Act Advisory Committee, effective February 7, 2013; appointees will serve on the Committee until all recommendations and assignments relating to the RESTORE Act are completed, as designated by the Board of County Commissioners:

A. Confirming the Escambia County Commissioners' appointments, as follows:

- (1) Commissioner Robertson's appointment of Mr. Alan C. McMillan to serve as an individual with five or more years of experience in the area of transportation;
- (2) Commissioner Valentino's appointment of Mr. Donald McMahan III, to serve as a business leader with five or more years of economic development experience;
- (3) Commissioner May's appointment of Mr. Alvin G. Coby to serve as an at-large citizen representative;
- (4) Commissioner Robinson's appointment of Ms. Tammy Bohannon to serve as an individual with five or more years of complex governmental experience; and
- (5) Commissioner Barry's appointment of Mr. Gregg Beck to serve as a representative of the financial industry with five or more years of experience;

B. Confirming the appointment of Mr. Christian Wagley to serve as an individual representing local environmental advocacy groups; and

C. Confirming the City of Pensacola's appointment of Ms. Bentina Chisolm Terry.

(Continued on Page 35)

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION – Continued

1. Continued...

D. Selection of At-Large and Alternate Appointees

The Board appointed, by ballot, Harlan Butler and Michelle Avignone Inere, from the list of the following 21 nominees, to serve as (*at-large*) appointees representing the Citizens of Escambia County:

- (1) Mr. Harlan Butler
- (2) Mr. Jesse Casey
- (3) Mr. James "Jim" S. Cox
- (4) Mr. Jim Donovan
- (5) Mr. John R. Fogg
- (6) Dr. Gloria G. Horning
- (7) Ms. Michelle Avignone Inere
- (8) Mr. Michael Johnson
- (9) Mr. Gregory Jones
- (10) Ms. Barbara Mayall
- (11) Mr. John L. Peacock, Jr.
- (12) Mr. Courtney B. Peterson
- (13) Mr. Vernon Lee Prather
- (14) Mr. John F. Soule
- (15) Mr. William "Mike" Turner
- (16) Mr. William Vann Milheim
- (17) Ms. Deborah Velleco
- (18) Ms. Tracie T. Watson
- (19) Ms. Valerie A. Watson
- (20) Ms. Frances Yeo
- (21) Mr. David C. Penzone

(Continued on Page 36)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ADMINISTRATOR'S REPORT – Continued

III. FOR DISCUSSION – Continued

1. Continued...

D. Continued...

Motion made by Commissioner Robertson, seconded by Commissioner Robinson, and carried unanimously, appointing John F. Soule as Alternate #1 and Courtney B. Peterson as Alternate #2, to serve only in the event an appointee permanently leaves the Committee.

Speaker(s):

Dottie Dubuisson

For Information: The Board heard Interim County Administrator Touart disclose that he and his wife, as well as he and his partner, have submitted claims to BP, which have not yet been paid.

COUNTY ATTORNEY'S REPORT – Alison Rogers, County Attorney

Motion made by Commissioner Barry, seconded by Commissioner Robinson, and carried 4-0, with Commissioner Robertson having left the Meeting, approving County Attorney's Report, For Action Items 1 and 2 and For Information Item 1, as follows, as amended to drop For Action Item 1:

I. FOR ACTION

1. Dropping the recommendation that the Board authorize scheduling a Public Hearing for February 21, 2013, at 5:32 p.m., for consideration of adopting an Ordinance restricting alcohol on Portofino Boardwalk.
2. Authorizing the County Attorney's Office to file a Notice of Appeal from the Final Order (provided) entered by the Secretary of the Department of Juvenile Justice, dated January 11, 2013, in the case of Miami-Dade Co., et al. v. Florida Department of Juvenile Justice (DOAH Case No. 10-1893).

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

COUNTY ATTORNEY'S REPORT – Continued

II. FOR INFORMATION

1. Accepting the following informational report concerning Joe Maddox v. Sandra Slay and Escambia County, Florida, Case No. 2011 CA 002136:

"On November 17, 2011, a summons and complaint was served on the Escambia County Board of County Commissioners and Sandra Slay by Joe Maddox, a citizen representing himself, alleging malicious prosecution/false arrest and defamation against Sandra Slay, individually, and a vicarious liability allegation against the Board of County Commissioners. On November 18, 2011, this office filed a motion to dismiss on behalf of the County and Ms. Slay asserting that the complaint should be dismissed for failing to comply with Florida Statutes requiring that the County be put on notice of a claim and in failing to state a cause of action against either Ms. Slay or the County.

The litigation languished until the end of November 2012 when this office scheduled a hearing on the Motion to Dismiss. The hearing was held on December 18, 2012 and Judge Terrell granted the motion to dismiss. Attached is a copy of the Order granting the motion to dismiss.

It is unknown whether Mr. Maddox will comply with Florida law requiring pre-suit notification before the statute of limitations has expired. Should he file a second lawsuit, this office will vigorously defend the interests of the County and of Ms. Slay."

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

1. Solid Waste Handlers – Meeting Request

Motion made by Commissioner Robinson, seconded by Commissioner Barry, and carried 4-0, with Commissioner Robertson having left the Meeting, approving to request a meeting of representatives of the three entities that handle solid waste in Escambia County (Escambia County, ECUA [*Emerald Coast Utilities Authority*], and City of Pensacola) to meet and evaluate all solutions for solid waste removal within Escambia County; the objective is to find that method which is not best for any one entity but rather the community in its entirety; if this suggestion is approved, the BCC (*Board of County Commissioners*) will forward to both the City of Pensacola and ECUA an invitation for their participation.

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

ANNOUNCEMENTS

1. FOR INFORMATION: The Board heard Commissioner Valentino request a moment of silence on behalf of Father Jack Gray, who had surgery.

ADJOURNMENT

There being no further business to come before the Board, Chairman Valentino declared the Regular Meeting of the Board of County Commissioners adjourned at 7:55 p.m.

 BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

ATTEST:

Pam Childers
Clerk of the Circuit Court & Comptroller

By: _____
Gene M. Valentino, Chairman

Deputy Clerk

Approved: February 21, 2013