



AGENDA

COMMITTEE OF THE WHOLE WORKSHOP BOARD OF COUNTY COMMISSIONERS

Board Chambers
Suite 100
Ernie Lee Magaha Government Building - First Floor
221 Palafox Place

December 18, 2014
9:00 a.m.

Notice: This meeting is televised live on ECTV and recorded for rebroadcast on the same channel. Refer to your cable provider's channel lineup to find ECTV.

1. Call to Order

(PLEASE TURN YOUR CELL PHONE TO THE SILENCE OR OFF SETTING.)
2. Was the meeting properly advertised?
3. Report on "Pits"
(Horace Jones/Pat Johnson/Keith Wilkins/Jack Brown - 45 min)
 - A. Board Discussion
 - B. Board Direction
4. Property Search for 1476-Bed Correctional Complex (BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)
(Jack Brown - 30 min)
 - A. Board Discussion
 - B. Board Direction
5. Atwood Community Redevelopment Area
(Keith Wilkins - 15 min)
 - A. Board Discussion
 - B. Board Direction

6. Aggressive Panhandling; Davis Highway
(Commissioner Robinson/Alison Rogers - 15 min)
 - A. Board Discussion
 - B. Board Direction

7. Property Assessed Clean Energy (PACE) Program
(Keith Wilkins - 10 min)
 - A. Board Discussion
 - B. Board Direction

8. County Administrator's Contract (NO BACKUP PROVIDED)
(Commissioner Barry - 15 min)
 - A. Board Discussion
 - B. Board Direction

9. Adjourn

Committee of the Whole

3.

Meeting Date: 12/18/2014

Issue: Report on "Pits"

From: Jack Brown, County Administrator

Information

Recommendation:

Report on "Pits"

(Horace Jones/Pat Johnson/Keith Wilkins/Jack Brown - 45 min)

A. Board Discussion

B. Board Direction

Attachments

Memorandum from FDEP Concerning Drywall Disposal Guidance

Presentation Concerning Construction Demolition Debris Concerns

**Florida Department of
Environmental Protection**

Memorandum

TO: District Waste Program Administrators
District Solid Waste Engineers

FROM: Richard B. Tedder, Program Administrator
Solid Waste Section

Chris McGuire, Senior Assistant General Counsel
Office of General Counsel

DATE: May 28, 2009

SUBJECT: Interim Drywall Disposal Guidance
SWM-19.17



A number of problems have been reported involving homes that were constructed over the past several years with drywall imported from China. While the exact number of homes affected in Florida is unknown, it is estimated that as many as 35,000 or more houses were constructed with Chinese drywall. This drywall appears to be emitting gasses, including hydrogen sulfide, sulfur dioxide and carbon disulfide, that may be related to numerous health complaints being investigated by the Florida Department of Health. There is also evidence that the drywall, probably through emission of some of these gases, is causing corrosion of copper wires and air conditioner coils in these houses. Data from testing this drywall indicates it is not a characteristic hazardous waste. However, it seems to release hydrogen sulfide gas at a faster rate than domestic drywall. It also appears to have elevated levels of strontium relative to domestic drywall.

In the aftermath of the clean-up from the 2004 and 2005 hurricanes, several construction and demolition (C&D) debris disposal facilities in the northwest region of the state experienced severe hydrogen sulfide¹ odors. In some cases, the concentrations of hydrogen sulfide were a potential health concern to residents living near these facilities. This was probably a result of accepting large volumes of damaged drywall along with vegetative debris. While hydrogen sulfide odors have been reported sporadically at C&D disposal facilities statewide, there have not been major issues with odors at most facilities that accept small amounts of drywall in the normal course of business.

Because of the current odor problems and potential health concerns from hydrogen sulfide gas, along with the possibility that many tons of Chinese drywall will enter the waste stream in the near future, questions have been raised about the proper

¹ It is well known that calcium sulfate from drywall, when exposed in a disposal facility to anaerobic conditions, moisture and organic matter, is consumed by sulfate reducing bacteria to produce hydrogen sulfide gas.

May 28, 2009

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management of both imported and domestic drywall in Florida. This memorandum is intended to give guidance on the disposal of this material.

Rule 62-701.200(27), Florida Administrative Code defines C&D debris to include gypsum wallboard² "from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure..." Since drywall is included in the definition of C&D debris and since the Department has no reason to believe this material is a hazardous waste, its disposal at permitted C&D debris disposal facilities in the state is not a violation of the Department's rules. However, C&D debris disposal facilities typically do not have gas collection and control systems, and are not normally designed to handle excessive levels of hydrogen sulfide gas that could result from the disposal of large amounts of drywall. On the other hand, Class I landfills often do have gas control systems. Class I landfills also typically accept much more waste than do C&D disposal facilities, meaning that dedicated loads of drywall would not have as much of a potential impact on odors emanating from the facility. And Class I landfills are required to apply initial cover on a daily basis. For these reasons, the Department recommends that C&D disposal facilities, as well as Class III landfills, develop management plans to segregate or refuse to accept dedicated loads³ of drywall, and instead to direct such dedicated loads to Class I landfills. If a C&D disposal facility or a Class III landfill elects to continue to accept dedicated loads of drywall, the Department recommends that the operator apply at least six inches initial cover soil over the drywall, preferably that day but at least weekly.

This memorandum applies to both imported and domestic drywall. C&D disposal facilities that continue to accept dedicated loads of drywall without applying initial cover will not be subject to enforcement actions solely on this basis, but may face increased inspections and testing to make sure that gas emissions do not become a problem.

Caveat

This guidance memorandum does not constitute a rule of the Department. It is intended solely as internal guidance to District staff, and is not intended to create additional requirements for the regulated community or to affect the rights of substantially affected parties to any agency decision. Please do not cite any part of this memorandum as though it were a standard, rule, or requirement.

² For the purposes of this memorandum, gypsum wallboard is considered to be drywall. Pure gypsum is calcium sulfate dihydrate, $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$.

³ For the purposes of this memorandum, dedicated loads are defined as loads of predominantly or exclusively drywall generated by the construction, demolition or renovation of a structure.

Construction Demolition Debris Concerns

For Staff Discussion w/BCC-

- Drywall segregation at CDD disposal facilities
- Impacts to local CDD industry
- Impacts to County Development Services
- Impacts to Perdido Landfill

Drywall Segregation

FDEP Interim Drywall Disposal Guidance:

Rule 62-701.200(27), FAC defines C&DD to include gypsum wallboard *“from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure...”* However,

- CDD disposal facilities are not normally designed to handle excessive levels of H₂S
- Class-I landfills often do have gas control systems
- Class-I landfills require daily cover

For these reasons, FDEP recommends CDD landfills segregate or refuse to accept dedicated loads of drywall and direct such loads to a C-I landfill or CDD landfills that accept drywall apply six inches of cover daily or at least weekly. (FDEP, “Interim Drywall Disposal Guidance.” May 2009)

Drywall Segregation

Broward County Ordinance language:

- B. Prohibitions: No person shall allow the following to be disposed of in a construction and demolition debris disposal area:
1. Solid waste other than construction and demolition debris;
 2. ***Gypsum wallboard or gypsum-containing waste material, except in construction and demolition debris disposal areas with gas control systems designed according to the provisions of Rule 62-701.400(10), F.A.C., as amended; and***
 3. Asbestos-containing waste materials regulated pursuant to 40 CFR, Part 61, Subpart M, as amended.

Impact to local CDD Industry

- Increased costs to separate drywall
 - New construction
 - Demolition
- Increased costs to dispose of drywall
 - Class-I landfill tip fee versus CDD landfill tip fee
- Assess impact fee for CDD disposal only
 - Encourages recycling
 - Revenue generated utilized @ BCC discretion for solid waste issues

Impacts to County Development Services



- Modify Development Review process to include drywall segregation plan to be submitted for approval for applicable projects
- Modify Building Permit application to track drywall segregation and disposal

Impacts to Perdido Landfill

- Gulf Power LFG-to-Energy Contract
 - Landfill Gas Specification- H₂S limitations
 - H₂S extraction system costs based on sulfur concentration
- Options for H₂S extraction from LFG

<u>Treatment Option</u>	<u>H₂S (ppm)</u>	<u>Costs</u>
1 - Scavenger	<1000	\$50k + o/m
2 – Regenerative Media	>1000	\$2mil + o/m
3 – Segregation	n/a	\$500k + o/m

Impacts to Perdido Landfill (PLF)

Recommendation-

- Implement drywall prohibition for CDD landfills
- Accept drywall and comingle with MSW at PLF
- Monitor inbound volumes of drywall/CDD at PLF
- Monitor H₂S levels within existing gas collection system
- Conduct research to estimate sulfur concentrations
- Evaluate H₂S extraction system options
- Choose option which best manages highest estimated sulfur concentration

Committee of the Whole

4.

Meeting Date: 12/18/2014

Issue: Property Search for 1476-Bed Correctional Complex

From: Jack Brown, County Administrator

Information

Recommendation:

Property Search for 1476-Bed Correctional Complex (BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)

(Jack Brown - 30 min)

A. Board Discussion

B. Board Direction

Attachments

No file(s) attached.

Committee of the Whole

5.

Meeting Date: 12/18/2014

Issue: Atwood Community Redevelopment Area

From: Keith Wilkins, Department Director

Information

Recommendation:

Atwood Community Redevelopment Area

(Keith Wilkins - 15 min)

A. Board Discussion

B. Board Direction

Attachments

Atwood Issue Paper

December 18, 2014 Committee of the Whole
Agenda Item: Atwood Community Redevelopment Area
Issue Sheet

Background:

It was requested of the Community Redevelopment Agency/Community & Environment Department to explore the potential boundaries and conditions for designation of an Atwood Community Redevelopment Area. To designate a CRA the Board of County Commissioners has to determine conditions of slum and blight exist. Slum and blight may be determined by many factors such as: poor housing condition, vacant properties, high percentage of rentals, low income, crime or disinvestment. Final boundaries will be determined by those findings.

Board Direction:

With Board direction CRA staff will begin investigating the proposed area to document existing conditions for CRA designation.

Committee of the Whole

6.

Meeting Date: 12/18/2014

Issue: Aggressive Panhandling; Davis Highway

From: Alison Rogers, County Attorney

Information

Recommendation:

Aggressive Panhandling; Davis Highway
(Commissioner Robinson/Alison Rogers - 15 min)

- A. Board Discussion
 - B. Board Direction
-

Attachments

Draft Open Container Ordinance Amendments

Loitering Statutes

Collier County - Loitering Ordinance

Escambia County's Roadway Safety Ordinance

Escambia County's Panhandling Ordinance

ORDINANCE 2015-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA AMENDING CHAPTER 6, ARTICLE III, RELATING TO ALCOHOLIC BEVERAGES IN PARKING AREAS, RECLASSIFYING TO ADDRESS OPEN OR UNSEALED ALCOHOLIC BEVERAGES; AMENDING SECTION 6-61 DEFINITIONS TO DEFINE ALCOHOLIC BEVERAGES, INTOXICATING BEVERAGE, LIQUOR, AND POSSESSION, AMENDING SECTION 6-63 RELATING TO OPEN CONTAINER IN PUBLIC PARKING AREAS, PROHIBITING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES AND ESTABLISHING EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized to establish and enforce regulations pertaining to alcoholic beverages pursuant to Sections 125.01(1)(o) and (w), and 562.14, Florida Statutes (2014); and

WHEREAS, the Board of County Commissioners finds that prohibiting the possession and consumption of alcoholic beverages in public places better ensures the continued health, safety, and welfare of the citizens of the County; and

WHEREAS, the Board of County Commissioners further finds that the proposed amendments serve an important public purpose.

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

Section 1. Chapter 6, Article III, of the Code of Ordinances of Escambia County, Florida is hereby amended to read as follows:

Article III. PARKING AREAS OPEN OR UNSEALED ALCOHOLIC BEVERAGES

Section 2. Chapter 6, Article III, Section 6-61 of the Code of Ordinances of Escambia County, Florida is hereby amended to read as follows:

1 **Sec. 6-61. Definitions.**

2 The following words, terms and phrases when used in this article, shall have the
3 meanings ascribed to them in this section, except where the context clearly indicates a
4 different meaning:

5
6 Alcoholic beverage means any distilled spirits and all beverages containing more
7 than one-half of one percent or more of alcohol by weight volume.

8
9 Food stores selling alcoholic beverages means any food or convenience store
10 which has a license for package sales of alcoholic beverages from the state division of
11 alcoholic beverages and tobacco in the classification of 1-APS, 2-APS or PS.

12
13 Intoxicating beverage or intoxicating liquor means only those alcoholic beverages
14 containing more than 4.007 percent of alcohol by volume.

15
16 Liquor means that substance known as ethyl alcohol, ethanol, or spirits of wine in
17 any form, including all dilutions and mixtures thereof from whatever source or by
18 whatever process produced.

19
20 Open container means any bottle, can, cup, glass or other receptacle containing
21 any alcoholic beverage, liquor, or other intoxicating beverage which is open, which has
22 been opened, which has its seal broken, or which has had its contents partially
23 removed, regardless of whether the container has been resealed or reclosed.

24
25 Operator means any person physically present at a food store or package store
26 who is managing such store or is otherwise in charge of its operation.

27
28 Owner means any person holding an occupational license for a food store or
29 package store.

30
31 Package store means any store primarily engaged in the business of selling
32 alcoholic beverages, which has a license for package sales from the state division of
33 beverages and tobacco in the classifications of 1-APS, 2-APS or PS.

34
35 Parking area, public means an open area, other than streets, used for the
36 temporary parking of motor vehicles and available for public use whether free, for
37 compensation or as an accommodation for clients or customers.

38
39 Possession means a container is under a person's custody or control either by
40 actual physical possession of the container, having the container in such close proximity
41 that it can be easily retrieved or is readily accessible, or being stored in a place over
42 which a person has control, or which the person has concealed it.

1 *Special events* means any business, corporate, or in-store or out-of-store sales
2 promotions or exhibitions of alcoholic beverages in or near food stores or package
3 stores, including any parking areas adjacent thereto, by an owner or operator, or any
4 sporting events, entertainments, fairs, festivals, social events or functions, or other
5 public gatherings sponsored by a person, in public parking areas wherein alcoholic
6 beverages are possessed and consumed.
7

8 **Section 3.** Chapter 6, Article III, Section 6-63 of the Code of Ordinances of Escambia
9 County, Florida is hereby amended to read as follows:

10
11 **Sec. 6-63. Open container in public parking areas. Consumption in public**
12 **places.**
13

14 (a) It shall be unlawful for any person to ~~consume~~ possess any open
15 container of any alcoholic beverage, liquor, or other intoxicating beverage, or consume
16 possess an open container of any alcoholic beverage, liquor, or other intoxicating
17 beverage while stopping, standing or remaining in, on, or upon any public parking area,
18 when such area is open to the view of the general public or accessible to vehicular
19 traffic: street, roadway, highway, sidewalk, boardwalk, alleyway, paved or unpaved
20 right-of-way, or while at or in any public park, playground, or other recreational facility
21 owned by the County, or other public place not duly licensed to permit the consumption
22 of said beverages on the premises in the unincorporated areas of Escambia County.

23 (b) Proof that a beverage was contained in a container labeled as "beer,"
24 "ale," "malt liquor," "malt beverage," "wine," or "distilled spirits," or with other similar
25 name; and which bears the manufacturer's insignia, name, or trademark, is prima facie
26 evidence that such beverage is an alcoholic beverage as defined in this article.

27 (c) Proof that a liquor was and is known as whiskey, moonshine whiskey,
28 shine, rum, gin, or brandy, or by another similar name or names shall be prima facie
29 evidence that such liquor is intoxicating and contains more than 4.007 percent of
30 alcohol by volume.

31 (d) This section shall not apply to the following:

- 32 1. The possession of any open container by any law enforcement officer,
33 employees of law enforcement agencies, or any code enforcement
34 officer while in the authorized performance and scope of their lawful
35 duties.
- 36 2. The otherwise lawful, licensed, and permitted possession of any open
37 container or consumption of alcoholic beverages within authorized
38 enclosed buildings or consumption or possession of alcoholic
39 beverages upon private residential property by the owners, residents,
40 or guests of the property.
- 41 3. The possession of any open container by any licensed distributor or
42 licensed vendor of alcoholic beverages provided that such alcoholic
43 beverages are being transported solely for commercial purposes.
- 44 4. The transportation of any open container in or on a vehicle provided
45 that such container is in a compartment of the vehicle not readily

1 accessible to the driver or passengers, such as a truck bed, car trunk,
2 or other non-passenger or non-driver area.

- 3 5. The possession of any open container collected by any person
4 engaged in picking up empty beverage containers for the sole purpose
5 of collecting the deposit value of the bottle or can itself, nor by any
6 person taking part in a litter control campaign.
7 6. The transportation of any open container or consumption of alcoholic
8 beverage in or on any vehicle duly licensed and operated for hire to
9 transport passengers, such as a private charter or separate passenger
10 compartments of limousines; provided that the operator thereof is not
11 in possession of an open container or engaged in consumption of any
12 alcoholic beverage. This exemption does not apply to any publicly
13 owned or operated vehicle.
14 7. Special events as provided in Section 6-65.

15
16 **Section 4. Severability.**

17
18 If any section, sentence, clause or phrase of this Ordinance is held to be invalid
19 or unconstitutional by any Court or competent jurisdiction, then said holding shall in no
20 way affect the validity of the remaining portions of this Ordinance.

21 **Section 5. Inclusion in the Code.**

22
23 It is the intention of the Board of County Commissioners that the provisions of
24 this Ordinance shall become and be made a part of the Escambia County Code; and
25 that the sections of this Ordinance may be renumbered or relettered and the word
26 "ordinance" may be changed to "section", "article", or such other appropriate work or
27 phrase in order to accomplish such intentions.

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29 **Section 6. Effective Date.**

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31 This Ordinance shall become effective upon filing with the Department of State.
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1 **DONE AND ENACTED THIS ____ DAY OF _____, 2015.**

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

Steven Barry, Chairman

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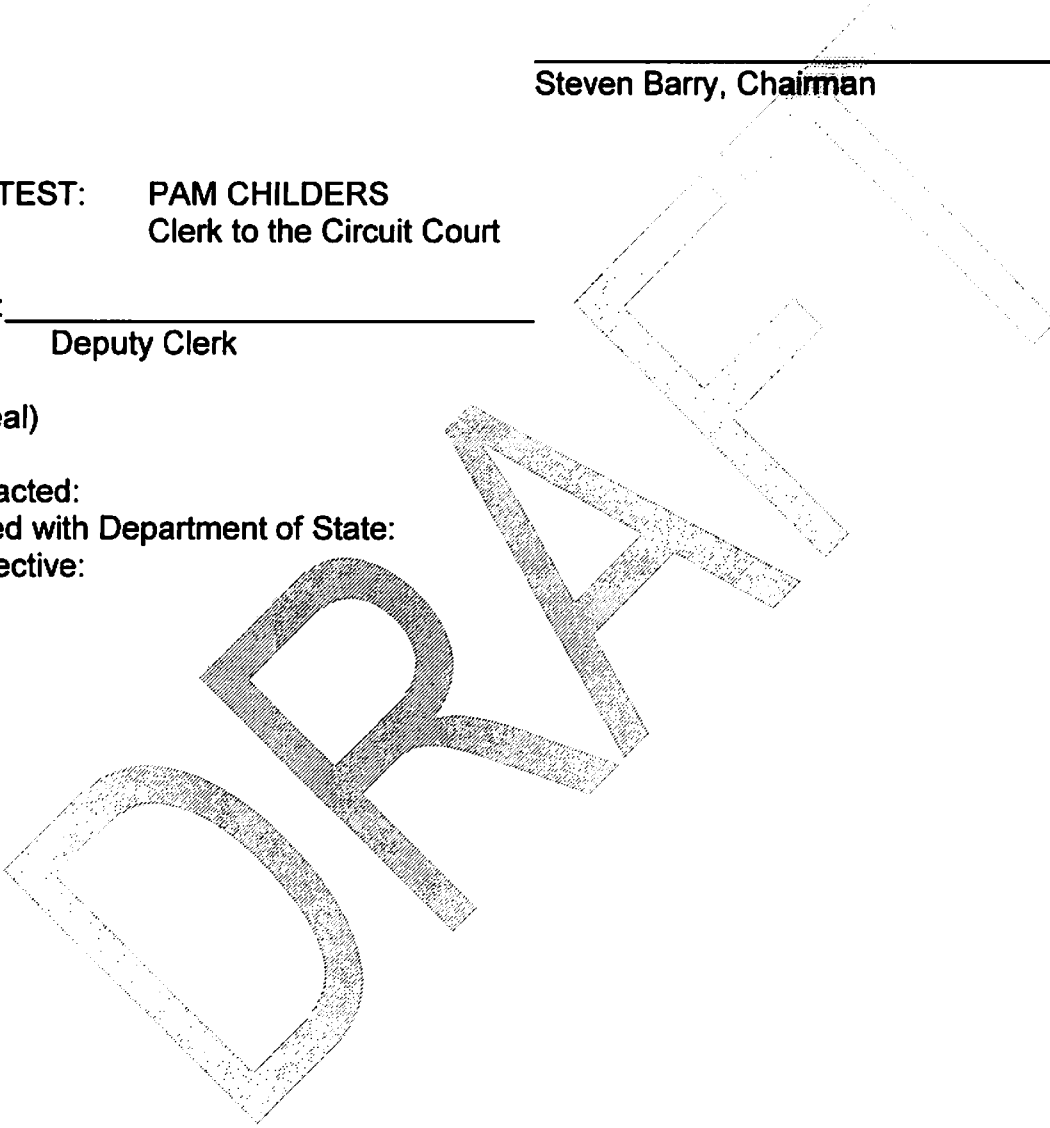
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**ATTEST: PAM CHILDERS
 Clerk to the Circuit Court**

**BY: _____
 Deputy Clerk**

(Seal)

**Enacted:
Filed with Department of State:
Effective:**



Notes on "Loitering" Ordinances

The following provisions relating to loitering are codified in **Chapter 856, Florida Statutes**:

Section 856.021, Florida Statutes—Loitering or prowling; penalty

(1) It is unlawful for any person to loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(2) Among the circumstances which may be considered in determining whether such alarm or immediate concern is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for any offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence or conduct. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have dispelled the alarm or immediate concern.

(3) Any person violating the provision of this section shall be guilty of a misdemeanor of the second degree...

Section 856.022, Florida Statutes—Loitering by certain offenders in close proximity to children; penalty

(1) Except as provided in subsection (2), this section applies to a person convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes...

(2) This section does not apply to a person who has been removed from the requirement to register as a sexual offender or sexual predator...

(3) A person described in subsection (1) commits loitering and prowling by a person convicted of a sexual offense against a minor if, in committing loitering and prowling, he or she was within 300 feet of a place where children were congregating.

(4) It is unlawful for a person described in subsection (1) to:

(a) Knowingly approach, contact, or communicate with a child under 18 years of age in any public park building or on real property comprising any public park or playground...

(b) 1. Knowingly be present in any child care facility or school containing any students in prekindergarten through grade 12...

2. Fail to notify the child care facility owner or school principal's office...; or

3. Fail to remain under direct supervision of a school official or designated chaperone...

(c) A person is not in violation of paragraph (b) if:

1. The child care facility or school is a voting location...

2. The person is only dropping off or picking up his or her own children...

(5) Any person who violates this section commits a misdemeanor of the first degree...

C**Effective:[See Text Amendments]**

West's Florida Statutes Annotated Currentness

Title XLVI. Crimes (Chapters 775-899)

Chapter 856. Drunkenness; Open House Parties; Loitering; Prowling; Desertion (Refs & Annos)

→ → 856.021. Loitering or prowling; penalty

(1) It is unlawful for any person to loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(2) Among the circumstances which may be considered in determining whether such alarm or immediate concern is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstance makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have dispelled the alarm or immediate concern.

(3) Any person violating the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

CREDIT(S)

Laws 1972, c. 72-133, § 1. Amended by Laws 1997, c. 97-102, § 1384, eff. July 1, 1997.

HISTORICAL AND STATUTORY NOTES**Amendment Notes:**

Laws 1997, c. 97-102, eff. July 1, 1997, removed gender-specific references applicable to human beings from volume 4 of the Florida Statutes without substantive changes in legal effect.

CROSS REFERENCES

Sec. 94-26. - Loitering, prowling.**(a) Prohibited.**

- (1) It shall be unlawful for any person to loiter or prowl or loaf on the premises of any school within the county without permission of the school authorities.
- (2) It shall be unlawful for any person to loiter or prowl in a public or semipublic area, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.
 - a. Among the circumstances which may be considered in determining whether such alarm or immediate concern is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.
 - b. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and if believed by the officer at the time would have dispelled the alarm or immediate concern.
- (3) It shall be unlawful for any person, after first being warned by a law enforcement officer, or where a no loitering sign or signs have been posted, to loiter, stand, sit or lie in or upon any public or semipublic sidewalk, street, curb, crosswalk, walkway area, mall, parking lot, or that portion of private property utilized or public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon; nor shall any person block or obstruct, or prevent the free access to the entrance to any building or parking facilities open to the public.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Loiter* means lingering by, or moving slowly about in, a public or semipublic area.
- (2) *Prowl* means roaming in a public or semipublic area with the apparent intent of committing an unlawful act.
- (3) *Public or semipublic area* means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings of dwellings and the grounds enclosing them.

(Ord. No. 88-46, §§ 1, 2)

State law reference— Trespass on school property, F.S. § 228.091; loitering or prowling, F.S. § 856.021.

section shall be enforced by county code enforcement officers as provided in article III of chapter 30.

(b) *Issuance.* For violation of this section, a county code enforcement officer shall have the discretion to either issue a warning with no civil penalty, or a notice to appear in court, or a civil penalty citation for a fine in the amount specified below:

- (1) First citation, a warning;
- (2) Second citation, \$25.00;
- (3) Third citation, \$50.00;
- (4) Fourth citation and all subsequent citations, \$50.00.

(c) *Mandatory court appearance.* Court appearance shall be mandatory for violations of this section involving third or subsequent violations. In the event a mandatory court appearance is required, the citation must clearly inform the person of such mandatory appearance, and records shall be maintained by the county regarding such cases. Persons required to appear in court do not have the option of paying the civil penalty instead of such an appearance.

(d) *Payment of civil penalty.* Subject to subsection (c), a person cited with a violation of this section may pay the civil penalty within ten days of the date of receiving the citation. If the person cited follows this procedure, he or she shall be deemed to have admitted the civil infraction and to have waived his or her right to a trial on the issue of the commission of the violation.

- (1) If a person fails to pay the civil penalty within ten days of receipt of the citation, the clerk of the circuit court shall issue a notice to appear. An additional amount of \$25.00 shall be assessed as a late fee for each penalty paid after the initial ten-day period.
- (2) If a person fails to pay the civil penalty or fails to appear in court to contest the citation as required by subsection (c) of this section, the court then may issue an order to show cause upon the request of the county. This order shall require such person to appear before the court to ex-

plain why no action on the citation has been taken by the person. If any person, who is issued such order, fails to appear in response to the court's directive, that person shall be held in contempt of court.

(e) *Refusal to sign or accept citation.* Any person refusing to sign and accept a citation shall be in violation of this section and shall be punished as provided for in section 30-65. (Ord. No. 2006-32, § 2, 4-20-2006)

Secs. 86-92—86-105. Reserved.

DIVISION 2. ROADWAY SAFETY

Sec. 86-106. Providing for a title.

This division shall be known as "The Roadway Safety Ordinance." (Ord. No. 2011-35, § 1, 11-17-2011)

Sec. 86-107. Stopping and standing on medians.

(1) *Findings.* The purpose of this division is to regulate standing or stopping upon medians in a manner that is narrowly tailored to serve the county's significant interests in vehicular and pedestrian safety and the free flow of traffic. This division is intended to apply evenhandedly to all persons who desire to stand or stop upon medians, regardless of their message. This division also is intended to leave open ample alternative channels of communication to engage in First Amendment protected activity. For example, this division does not prohibit a person from engaging in First Amendment protected activity on a public sidewalk not in a median. However, nothing contained in this division shall be construed to permit activities that are otherwise prohibited by applicable laws, regulations or ordinances.

(2) *Definition.* For purposes of this division, the term "median" means any paved or unpaved area that separates vehicular traffic lanes in a right-of-way.

(3) *Prohibition.* It shall be unlawful for any person to stand or stop upon any median, except as otherwise provided in this division.

(4) Exceptions.

- (a) The prohibitions contained in this division shall not apply to persons standing or stopping upon medians for the purpose of crossing the street in accordance with applicable traffic and safety laws, regulations and ordinances. Such persons standing or stopping upon medians shall cross the street as soon as possible in accordance with applicable traffic and safety laws, regulations and ordinances and shall not stand or stop upon the median any longer than necessary to legally cross the street.
- (b) The prohibitions contained in this division shall not apply to persons standing or stopping upon medians for the purpose of conducting government authorized construction, maintenance or similar activities.

(Ord. No. 2011-35, § 1, 11-17-2011)

Sec. 86-108. Approaching motor vehicles on roadways or rights-of-way.

(1) *Findings.* The county commission finds and determines that any commercial use of the public right-of-way is incompatible with the intended use of the right-of-way, which is primarily for motor vehicle traffic, is dangerous and otherwise poses a hazard to both motorists and non-motorists by distracting motorists and by causing nonmotorists to stop and stand in ways that interrupt normal traffic movements often on the county's most heavily traveled thoroughfares. These hazards are also created by persons who use the public right-of-way to solicit donations or distribute printed materials and other items not of a commercial nature. These safety concerns can be minimized by restricting the solicitation of donations and distribution of printed materials to sidewalks and other nontraffic areas intended for pedestrian use. The county commission finds and determines that preserving the safety of persons using the public right-of-way is a significant governmental interest and the restrictions on solicitation set forth below are the least restrictive means of advancing that interest.

(2) *Prohibition.* It is unlawful to approach a motor vehicle being operated on a public roadway or right-of-way open for vehicular traffic for the purposes of:

- (a) Soliciting or attempting to solicit as defined in section 86-251 of this Code, from any occupant of the motor vehicle; or
- (b) Collecting or attempting to collect donations of money or property of any kind or for any other purposes from any occupant of the motor vehicle; or
- (c) Distributing or attempting to distribute literature, property or advertising of any nature whatsoever to any occupant of the motor vehicle; or
- (d) Requesting or attempting to request employment or the purchase of property or services of any nature whatsoever from any occupant of the motor vehicle; or
- (e) Selling or attempting to sell property or services of any nature whatsoever to any occupant of the motor vehicle.

(Ord. No. 2011-35, § 1, 11-17-2011)

Sec. 86-109. Penalty.

Any person convicted of violating this division shall be prosecuted in the same manner as a misdemeanor in the second degree, and upon conviction shall be punished by a fine not to exceed \$500.00 or imprisonment in the county jail, not to exceed 60 days, or by both such fine and imprisonment.

(Ord. No. 2011-35, § 1, 11-17-2011)

Secs. 86-110—86-130. Reserved.**DIVISION 3. RESERVED*****Secs. 86-131—86-160. Reserved.**

**Editor's note*—Section 1 of Ord. No. 2004-72, adopted Nov. 15, 2004, repealed §§ 86-131—86-138, which had pertained to charitable solicitation of funds, and derived from the 1985 Code, §§ 1-29.5-61—1.29.5-68; Ord. No. 98-38, adopted Aug. 25, 1998; and Ord. No. 98-45, adopted Sept. 22, 1998.

ARTICLE VIII. SOLICITING, BEGGING OR PANHANDLING

Sec. 86-250. Legislative findings.

The board of county commissioners hereby makes the following legislative findings:

- (1) Aggressive soliciting, begging or panhandling warrants justifiable alarm or immediate concern for the safety of persons or property and can cause apprehension and fear in the intended target of the soliciting, begging or panhandling.
- (2) Soliciting, begging or panhandling on the public roadways or rights-of-way creates a safety hazard for both pedestrians and those travelling upon the roadways and rights-of-way, and poses a disruption to the free flow of traffic.
- (3) Escambia County has a significant interest in protecting the health, safety and welfare of those peacefully moving about within the county.
- (4) Studies have shown that soliciting, begging or panhandling has a negative impact on the attraction of businesses to the area as well as the ability to retain existing businesses; and
- (5) Studies have shown that soliciting, begging or panhandling causes a sense of fear and intimidation, particularly at night, on roadways or in confined areas; and
- (6) Studies have shown that soliciting, begging or panhandling contributes to the negative perception of those areas where it occurs, which discourages shoppers and visitors and contributes to the lack of enjoyment of public places within those areas.

(Ord. No. 2007-8, § 1, 3-5-2007; Ord. No. 2011-35, § 2, 11-17-2011)

Sec. 86-251. Definitions.

(a) *Arterial roadway* means a roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

(b) *Begging* means, for purposes of this section only, the same as soliciting, below.

(c) *Community outreach services* means a public or private services provider that offers residential, rehabilitative, medical or social services assistance, including, but not limited to, mental health treatment, drug or alcohol rehabilitation or homeless assistance services for individuals in need thereof. One example of an entity that can help individuals access such services is First Call For Help.

(d) *Community redevelopment areas* means those areas of the county the board of county commissioners has found to be areas of slum and blight as set forth in F.S. §§ 163.330—163.463. Escambia County's community redevelopment areas include the Barrancas Redevelopment Area, Brownsville Redevelopment Area, Cantonment Redevelopment Area, Englewood Redevelopment Area, Palafox Redevelopment Area and Warrington Redevelopment Area and these areas are set forth in the map made a part of Ordinance No. 2011-35. The board of county commissioners may establish additional community redevelopment areas pursuant to F.S. §§ 163.330—163.463.

(e) *Panhandling* means, for purposes of this section only, the same as soliciting, below.

(f) *Soliciting* means, for purposes of this section only, any request made in person on a street, sidewalk, or public place, asking for an immediate donation of money or other thing of value, including the purchase of an item or service for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is a donation. Soliciting shall not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing the request to any specific person.

(Ord. No. 2007-8, § 1, 3-5-2007; Ord. No. 2011-35, § 2, 11-17-2011)

Sec. 86-252. Soliciting, begging or panhandling prohibited in certain areas or under certain circumstances.

It shall be unlawful for any person to solicit, beg or panhandle in the unincorporated areas of Escambia County in the following areas or under the following circumstances:

- (a) On any day after sunset, or before sunrise; or
- (b) When either the panhandler or the person being solicited is located at any of the following locations:
 1. At a bus stop.
 2. In any public transportation vehicle.
 3. In any public transportation facility.
 4. In a vehicle which is parked or stopped on a public street or alley.
 5. In a sidewalk cafe.
 6. Within 20 feet from any ATM machine or entrance to a bank.
 7. Within 20 feet of a public toilet facility.
 8. From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this prohibition shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle; or
- (c) In an aggressive manner, to include any of the following:
 1. Touching the solicited person without the solicited person's consent.
 2. Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment.
 3. Blocking the path of a person being solicited, or the entrance to any building or vehicle.
 4. Following behind, ahead or alongside a person who walks away from the panhandler after being solicited.
5. Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled.
6. Panhandling in a group of two or more persons; or
 - (d) Within 500 feet of the intersection of two arterial roads in any community redevelopment area (CRA). The intersections of two arterial roads that fall within a community redevelopment area in the unincorporated areas of Escambia County are:

*Arterial / Arterial Intersections Located in
Community Redevelopment Areas*

Warrington Redevelopment Area

US 98 (SR 30) and Navy Blvd. (SR 295)

New Warrington Rd. (SR 295) and Navy Blvd. (SR 295)

New Warrington Rd. (SR 295) and Chief's Way (SR 294)

Navy Blvd. (SR 295) and Chief's Way (SR 294)

Gulf Beach Hwy. (SR 292) and Navy Blvd. (SR 295)

Gulf Beach Hwy. (SR 292) and Fairfield Dr. (SR 727)

Palafox Redevelopment Area

Fairfield Dr. (SR 295) and Pace Blvd. (SR 292)

Palafox St. (SR 95) and Brent Lane (SR 296)

"W" St. (CR 453) and Beverly Pkwy. (SR 296)

Pace Blvd. (SR 292) and Palafox St. (SR 95)

Fairfield Dr. (SR 295) and Palafox St. (SR 95)

Fairfield Dr. (SR 295) and "W" St. (CR 453)

Englewood Redevelopment Area

Fairfield Dr. (SR 295) and "W" St. (CR 453)

Fairfield Dr. (SR 295) and Pace Blvd. (SR 292)

Barrancas Redevelopment Area

None

Brownsville Redevelopment Area

New Warrington Rd. (SR 295) and Mobile Hwy.
(SR 10A)

Mobile Hwy. (SR 10A) and "W" St. (CR 453)

Fairfield Dr. (SR 727) and New Warrington Rd.
(SR 295)

New Warrington Rd. (SR 295) and Mobile Hwy.
(SR 10A)-Interchange Overpass

Lillian Hwy. (SR 298) and New Warrington Rd.
(SR 295)

Lillian Hwy. (SR 298) and New Warrington Rd.
(SR 295)-Interchange Overpass

Cantonment Redevelopment Area

None

Note: Some intersections are listed in two CRAs since some of their boundaries are adjacent.

(Ord. No. 2007-8, § 1, 3-5-2007; Ord. No. 2011-35, § 2, 11-17-2011)

Sec. 86-253. Penalties.

Any person convicted of violating this article shall be prosecuted in the same manner as a misdemeanor in the second degree, and upon conviction shall be punished by a fine not to exceed \$500.00, or imprisonment in the county jail not to exceed 60 days, or by both such fine and imprisonment.

In addition, the officer issuing a citation under this article may elect to contact community outreach services, such as United Way's First Call for Help, in order to determine whether a referral can be made or services offered to assist the individual cited. In the event the officer is unable to contact community outreach services at the time of the officer's contact with the person accused of violating this article, the officer may supply the person with information sufficient for the person to make such contact at a later time.

(Ord. No. 2007-8, § 1, 3-5-2007)

Committee of the Whole

7.

Meeting Date: 12/18/2014

Issue: Property Assessed Clean Energy (PACE) Program Status

From: Keith Wilkins, Department Director

Information

Recommendation:

Property Assessed Clean Energy (PACE) Program
(Keith Wilkins - 10 min)

- A. Board Discussion
 - B. Board Direction
-

Attachments

PACE Issue Paper

PACE Questions

December 18, 2014 Committee of the Whole
Agenda Item: Property Assessed Clean Energy (PACE)
Issue Sheet

Background:

On several occasions over the last few years the Board of County Commissioners discussed the issues around adopting a PACE program. PACE is authorized under Florida Statutes to provide for individual property financing for energy conservation and generation upgrades repaid through a non-advalorem assessment on the property. In August, the Board directed to solicit for qualified PACE providers. Because of several legal challenges among the providers and concerns expressed by our County Property Appraiser and Tax Collector, a qualifications questionnaire was researched, developed and submitted to the three providers which have expressed interest. The Questionnaires are based on similar searches in Alachua, Broward, Miami/Dade and Palm Beach Counties. Questionnaires are due back to Escambia County December 24, 2014 for evaluation.

This item is submitted as an informational update only

Escambia County PACE Qualifications Questionnaire

Organization

1. Please describe the entities that are affiliated with operating your PACE program including levy and collection entity and third party administrator.
2. What is the date your organization was established (including levy and collection entity as well as third party administrator)?
3. Please provide a list of all agency officers, personnel including titles (including levy and collection entity as well as third party administrator).
4. Dunn and Bradstreet reference? Other rating agencies?
5. Escambia County is only interested in a commercial property program. Are you willing to limit your delivery to the same?
6. Please provide a timeline for establishing your program in Escambia County.

Financing

7. What is your capitalization or sources of capitalization?
8. If you use bonds for your capitalization, are your bonds validated?
9. Detail your methods of compensation, customer costs, interest rates and state whether they are one time costs, annual or otherwise incremental for all fees associated with your program including all fees to the third party administrator, law firms, bond counsel and any other charges for your program either for program administration or fees paid by PACE participants.
10. We would like to see the total costs associated with this program for all parties involved. Please provide a detailed total repayment amount including one time fees and recurring interest (and all other fees listed in question 9) for the following scenarios:
 - a. Commercial loan of \$2,000 for 5 years at your applied interest rate;
 - b. Commercial loan of \$10,000 for 5 years at your applied interest rate;
 - c. Commercial loan of \$10,000 for 10 years at your applied interest rate;
 - d. Commercial loan of \$100,000 for 10 years at your applied interest rate;
 - e. Commercial loan of \$1,000,000 for 20 years at your applied interest rate;

11. How are financing rates determined?
12. What are the financing options available to the property owners in Escambia County?

Experience

13. How many projects have you funded and closed upon?
14. Please list current Florida municipal or county clients.

Litigation

15. Is your levy and collection entity or third party administrator currently involved in any PACE-related litigation? Are any of your staff, employees, principals, attorneys, independent contractors or contractors associated with any PACE-related litigation? If so, please provide a brief description of the parties and nature of the action.

County Resource Demand

16. What initial program development work or additional administration is required of the Tax Collector and is there compensation for that office?
17. What initial program development work or additional administration is required of the Property Appraiser and is there compensation for that office?
18. Is there start-up or initial costs to the County? If so, will your organization reimburse the County?
19. Please send terms, agreements, signatory papers etc that would be required of the county. Please include all formation documents including interlocal agreements forming any multi-jurisdictional entities and resolutions.
20. Describe how you interface with the Tax Collector and Property Appraiser and provide assessment information to those offices for the levy and collection of PACE assessments.
21. Does your program have agreements in place with any county Property Appraisers and Tax Collectors? If so, please provide copies of those agreements.
22. Confirm that the County will not be requested to financially participate.
23. How does your program protect the County from liability?
24. Will the County incur costs for: bond issuance, judicial validation, operating expenses or other costs?

Quality Control?

25. How do you assure your contractors are licensed, preferably local, certified, trained and how often do you update your contractor qualifications?
26. Please send a list of references.
27. Is there a mechanism for customer feedback and complaint resolution?

Energy Conservation and Credits

28. How are a property's carbon offsets handled by your agency and do the savings/credits remain with the property owner or transfer to your agency?
29. Are mechanisms built into your program to report back to the County on number and value of installations, energy savings, demographics, carbon offsets...?

Committee of the Whole

8.

Meeting Date: 12/18/2014

Issue: County Administrator's Contract

From: Steven Barry, District 5 Commissioner

Information

Recommendation:

County Administrator's Contract (NO BACKUP PROVIDED)

(Commissioner Barry - 15 min)

A. Board Discussion

B. Board Direction

Attachments

No file(s) attached.
