

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

CHAMBER RULES

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

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

AGENDA

Board of County Commissioners  
Regular Meeting – September 6, 2007 – 5:30 p.m.  
Governmental Complex – First Floor

1. Call to Order.

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

2. Invocation – Reverend Hugh Hamilton, Trinity Presbyterian Church.
3. Pledge of Allegiance to the Flag.
4. Are there any items to be added to the agenda?

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

5. Commissioners' Forum.

6. Proclamations/Special Recognition.

Recommendation: That the Board take the following action concerning Proclamations/Special Recognition:

- A. Take the following action concerning adoption/ratification of the following four Proclamations:
- (1) Adopt the Proclamation proclaiming September 23-29, 2007, as “National Deaf Awareness Week”;
  - (2) Adopt the Proclamation proclaiming the fourth Monday in September as “Family Day – A Day to Eat Dinner With Your Children”;
  - (3) Ratify the Proclamation dated August 28, 2007, welcoming the honored guests of the 138th Annual Session of the Florida Annual Conference A.M.E. Zion Church; and
  - (4) Ratify the Proclamation dated August 20, 2007, commending and congratulating Mr. Arthur Williams for receiving the “Congressional Gold Medal” for his service to the United States Army as a Tuskegee Airman;
- B. Recognize, and present an Adopt A Spot sign to, Mr. John A. Cordray for his efforts in making Escambia County a better place to live; and
- C. Present a Plaque recognizing Marvin Kaiman for his dedicated services as an Appointee by Commissioner D. M. "Mike" Whitehead, District 1, to the Escambia County Board of Adjustment, from July 1, 2003, through September 1, 2007.

7. Employee of the Month Proclamations/Years of Service/Special Recognition.
- A. Recommendation: That the Board adopt the two Proclamations commending and congratulating the following employees for being selected as Employees of the Month for September 2007:
- (1) Ms. Priscilla V. Latson, Senior Office Support Assistant, Community Corrections Department, Community Services and Public Safety Agency; and
  - (2) Ms. Karen S. Spitsbergen, Senior Office Support Assistant, Neighborhood and Environmental Services Department, Public Works and Land Management Agency;
- B. Recommendation: That the Board recognize, with pins and certificates, the below-named employees for their dedication and years of service to the County:
- (1) Karen A. Franklin, Community Corrections Department, 30 years;
  - (2) Brenda Long, Public Safety Department, 30 years; and
  - (3) Walter F. Morgan, Facilities Management Department, 25 years; and
- C. Recommendation: That the Board recognize and commend the Office of Public Information and Communications for receiving the following Awards at the Florida Public Relations Association's 50th Golden Image Award Ceremony on August 7, 2007:
- Award of Distinction – Escambia County's Local Option Sales Tax Campaign
  - Judges' Award – Hurricane Supply Kit Shopping List (Printed Tools of Public Relations)

8. Written Communication:

- A. August 15, 2007 – Communication from David R. Hall concerning a request that the Board consider forgiving a fine, in the amount of \$9,015, against 730 Cornell Avenue; and
- B. August 23, 2007 – Communication from Dr. Gabrieli A. Davis, Pastor/Teacher, True Love Community Baptist Church, requesting that the Board consider donating or selling the property at 29 Devane Street to True Love Community Baptist Church.

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

Recommendation: That the Board waive the reading of the legal advertisement(s) and accept, for filing with the Board's Minutes, the certified affidavit(s) establishing proof of publication for the Public Hearing(s) on the agenda, and the *Board of County Commissioners – Escambia County, Florida, Meeting Schedule*.

10. **5:31 p.m. Hearing concerning Erick Alexander's Appeal of the Competency Board's decision of July 11, 2007.**

Recommendation: That the Board, at the 5:31 p.m. Hearing, take the following action concerning Erick Alexander's Appeal of the Competency Board's decision of July 11, 2007:

- A. Ratify the scheduling of Erick Alexander's Appeal on September 6, 2007, at 5:31 p.m.; and
- B. Uphold the Competency Board's decision of July 11, 2007, whereby it upheld its unanimous decision of June 6, 2007, to place Mr. Alexander's license on probation and impose a \$3,000 fine, payable in 30 days.

11. **5:32 p.m. Public Hearing for consideration of the Petition to Vacate a portion of Sonnyboy Lane, as petitioned by Arbours at Ensley, LTD.**

Recommendation: That the Board, at the 5:32 p.m. Public Hearing, take the following action regarding the Petition to Vacate a portion of Sonnyboy Lane, measuring approximately 16 feet by 700 feet = 11,200 square feet, or 0.25 acre, as petitioned by Arbours at Ensley, LTD:

- A. Approve the Petition to Vacate;
- B. Accept the Hold/Harmless Agreement;
- C. Adopt the Resolution to Vacate; and
- D. Authorize the Chairman or Vice Chairman to accept the documents as of the day of delivery of the documents to the Chairman or Vice Chairman, and authorize the Chairman or Vice Chairman to execute them at that time.

12. **5:33 p.m. Public Hearing for consideration of the renewal of a Permit for Longleaf C&DD Disposal Facility, owned by Waste Management.**

Recommendation: That the Board, at the 5:33 p.m. Public Hearing, take the following action concerning a Permit to Construct, Operate, Modify, or Close a Construction and Demolition Debris or Land Clearing Disposal Management Facility for Longleaf C&DD Disposal Facility, owned by Waste Management:

- A. Ratify the scheduling and advertisement of the Public Hearing scheduled for 5:33 p.m., on Thursday, September 6, 2007; and
- B. Conduct the Public Hearing and, thereafter, authorize the Director of Solid Waste Management to sign the approved interim Permit.

13. **5:34 p.m. Public Hearing for consideration of adopting an Ordinance amending the County Administrator's Contract.**

Recommendation: That the Board, at the 5:34 p.m. Public Hearing, take the following action regarding the County Administrator's Contract:

- A. Ratify the advertisement of the Public Hearing for Thursday, September 6, 2007, at 5:34 p.m.;
- B. Hold the Public Hearing to consider adopting an Ordinance amending Chapter 2, Article III, Division 2, Section 2-82, of the Escambia County Code of Ordinances concerning the requisite number of votes required to remove the County Administrator;
- C. Dependent upon the outcome of Item B, direct the County Attorney to draft an amendment to the employment agreement between the Board of County Commissioners and the County Administrator to reflect the change in Section 2-82 of the Escambia County Code of Ordinances; and
- D. Pursuant to Board discussions at the August 23, 2007, Board of County Commissioners Special Meeting, consider suspension of the County Administrator for one week, without pay, for failure to disclose his financial relationship with the seller and broker in the Bauer Road property matter.

14. Committee of the Whole Recommendation.

Recommendation: The Committee of the Whole (C/W) recommends the Board take the following action:

- A. Approve the request of the Honorable David H. Stafford, Supervisor of Elections, to utilize \$2 million in Local Option Sales Tax (LOST) funds to purchase voting equipment in Fiscal Year 2007-2008 (*August 23, 2007 C/W Item 3*); and
- B. Approve the Year-End Capital Project List (*August 23, 2007, C/W Item 6*).

15. Reports:

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

16. Items added to the agenda.

17. Announcements.

18. Adjournment.

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

REPORT OF CLERK OF THE CIRCUIT COURT & COMPTROLLER  
September 6, 2007

I. CONSENT AGENDA

1. Recommendation Concerning Acceptance of Reports

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

- A. Payroll Expenditures as of Payday August 24, 2007, in the amount of \$2,283,241.11;  
and
- B. The following three Disbursement of Funds:
  - (1) August 9, 2007, to August 15, 2007, in the amount of \$4,859,016.36;
  - (2) August 16, 2007, to August 22, 2007, in the amount of \$3,237,984.79; and
  - (3) August 23, 2007, to August 29, 2007, in the amount of \$10,766,831.94.

2. Recommendation Concerning Records Disposition

Recommendation: That the Board approve *Records Disposition Document No. 383*, for disposition of Board of County Commissioners' records, Item 32a, Minutes: Official Meetings (Transcripts: Microfilmed on Rolls 419-424), for the period November 2, 2006, to March 26, 2007, in accordance with State Retention Schedule GS1, since the permanent records have been scanned and/or microfilmed.



I. CONSENT AGENDA – Continued

3. Recommendation Concerning Acceptance of Documents

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

- A. The *Hurricane Housing Recovery Program Agreement for New Housing Development* with Residential Renovation Co., Inc., based on the Board's action of December 8, 2005, approving to commit HHRP funds to finance performance-based incentives supporting the construction of new workforce homes and complementing second mortgage assistance at levels required to ensure that the homes are affordable to HHRP-eligible, low- and moderate-income homebuyers;
- B. A copy of the recorded *Escambia County Community Redevelopment Agency Commercial Facade, Landscape, and Infrastructure Grant Program Lien Agreement* with each of the following two entities:
  - (1) Belinda G. Hernandez and Steven M. Hernandez, based on the Board's action of September 21, 2006, approving the Lien Agreement for property located at 900 New Warrington Road; and
  - (2) Sheet Metal Masters, Inc., based on the Board's action of March 5, 2007, approving the Lien Agreement for property located at 3537 North "W" Street;
- C. The Agreement among Escambia County, the City of Pensacola, and First Federal Mortgage, as executed by the Chairman on August 13, 2007, based on the Board's action of February 15, 2007, approving Agreements with Participating Local Lenders and the City of Pensacola committing a total of \$275,000 for down payment and/or closing cost assistance for SHIP-eligible, very low-, low-, and moderate-income homebuyers;
- D. The *Agreement Between Escambia County and Universal Engineering Sciences, Inc., for Perdido Landfill – Landfill Engineering Services (PD 05-06.041)*, as approved by the Board on March 5, 2007, and executed by the County Administrator on August 2, 2007;

(Continued on Page 3)

I. CONSENT AGENDA – Continued

3. Continued...

- E. The August 8, 2007, letter from Clayton H. Wilder, Administrator, Florida Department of Law Enforcement, Office of Criminal Justice Grants, awarding an Edward Byrne Memorial Justice Assistance Grant, in the amount of \$44,568.22, for the Escambia County Drug Court Treatment Program, and a copy of the *Certificate of Acceptance of Subgrant Award*, as executed by the Chairman on August 15, 2007;
- F. *Surety Bond for Solid Waste Disposal Rates and Charges, Bond No.: 1813224*, in the penal sum of \$30,000, with Dorado Services, Inc., as Principal, and The Hanover Insurance Company, as Surety, in favor of the Board of County Commissioners, as Obligee, as submitted by Denee M. Rudd, Accounting Technician, Solid Waste Management Department;
- G. Copies of the Oaths of Office for Eugene Franklin and Arthur J. Hall, Jr., who were each reappointed by the Board on July 19, 2007, to serve an additional four-year term on the Escambia County Health Facilities Authority, effective August 22, 2007, through August 21, 2011, as submitted to the Florida Department of State by Paula G. Drummond, Executive Director, on August 24, 2007; and
- H. Copies of the Minutes of the Santa Rosa Island Authority Special Board Meeting, Administrative Committee Meeting, Architectural Environmental Committee Meeting, Development & Leasing Committee Meeting, and Budget Workshop held July 25, 2007, and the Regular Board Meeting held August 8, 2007.

4. Recommendation Concerning Minutes and Reports

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

- A. Approve the Minutes of the Public Forum Work Session and Regular Board Meeting held August 16, 2007, and the Special Board Meeting held August 23, 2007;
- B. Accept, for filing with the Board's Minutes, the Report of the Agenda Work Session held August 16, 2007; and
- C. Accept, for filing with the Board's Minutes, the Report of the August 9, 2007, Committee of the Whole Workshop.

## GROWTH MANAGEMENT REPORT

September 6, 2007

### I. PUBLIC HEARINGS

1. Review of the rezonings heard by the Rezoning Hearing Examiner on July 23, 2007.

**RECOMMENDATION:** That the Board take the following actions:

- A. Review and either adopt, modify, or overturn the Rezoning Hearing Examiner's recommendation for rezoning cases Z-2007-17, Z-2007-18, Z-2007-19 and Z-2007-20; and
- B. Authorize the Chairman to sign the Orders of the Escambia County Board of County Commissioners for the rezoning cases that were reviewed.

**Case No.:** Z-2007-17  
**Location:** 705 Decatur Avenue  
**Property Reference No.:** 35-2S-31-1000-110-097  
**Property Size:** 0.70 (+/-) acres  
**From:** R-5, Urban Residential/Limited Office District (cumulative), High Density (20du/acre) and R-1, Single-Family District, Low Density, (4du/acre) AIPD-2 Overlay  
**To:** AMU-1, Airfield Mixed Use-1 District (Non-cumulative) (3du/acre) AIPD-2 Overlay  
**FLU Category:** MU-1, Mixed Use 1  
**Commissioner District:** 2  
**Requested by:** Jesse W. Rigby, Agent for RGK Investments, Inc. Robert G. Kerrigan  
**RHE Recommendation:** Approval  
**Speakers:** Dana Word, Presentation  
Jesse W. Rigby, Agent

**Case No.:** Z-2007-18  
**Location:** 2155 Beaver Dam Road  
**Property Reference No.:** 29-2N-31-1401-000-006  
**Property Size:** 2.20 (+/-) acres  
**From:** VR-1, Villages Rural Residential Districts (1du/4 acres)  
**To:** VR-3, Villages Rural Residential Districts Medium Density (1du/2 acres)

FLU Category: RR, Rural Residential  
Commissioner District: 5  
Requested by: Michael Eric Black, Owner  
RHE Recommendation: Approval  
Speakers: Dana Word, Presentation  
Michael Eric Black, Owner

**Case No.:** **Z-2007-19**  
Location: 8600 Block Hwy 97-A  
Property Reference No.: 23-3N-33-1120-001-001  
Property Size: 4.98 (+/-) acres  
From: VAG-1, Villages Agriculture Districts (5du/100 acres on 1-acre parcels)  
To: VAG-2, Villages Agriculture Districts (1du/5 acres)  
FLU Category: AG, Agricultural  
Commissioner District: 5  
Requested by: Nathan Peaden & Thomas Johnson, Owners  
RHE Recommendation: Approval  
Speakers: Dana Word, Presentation  
Nathan Peaden, Owner

**Case No.:** **Z-2007-20**  
Location: 1400 Block of West Nine-Mile Road (at Stefani Road un-opened right of way)  
Property Reference No.: 12-1S-31-1100-020-001(northern portion zoned R-4)  
Property Size: 10.17 (+/-) acres  
From: Portion zoned R-4, Multiple-Family District, (cumulative), Medium High Density (18du/acre)  
To: C-2, General Commercial and Light Manufacturing District, (cumulative) (25du/acre)  
FLU Category: MU-1, Mixed Use 1  
Commissioner District: 5  
Requested by: Daniel P. Saba, Agent for The Mitchell Company, Inc.  
RHE Recommendation: Approval  
Speakers: Dana Word, Presentation  
Daniel P. Saba, Agent

**2. 5:45 p.m. – Thursday, September 6, 2007, Public Hearing –**  
Amendment to the Official Zoning Map

**Recommendation:** That the Board adopt an ordinance to amend the Official Zoning Map to include Rezoning cases Z-2007-17, Z-2007-18, Z-2007-19 and Z-2007-20; and approved during the previous agenda

item and to provide for severability, inclusion in the code, and an effective date.

**3. 5:46 p.m. – Thursday, September 6, 2007, Public Hearing – Cottages at Untreiner, a Planned Unit Development**

**Recommendation:** That the Board approve the development plan for Cottages at Untreiner, a proposed 96 lot residential Planned Unit Development on Untreiner Avenue across from Hannah Street, requested by Thomas G. Hammond, Jr., P.E. of Hammond Engineering, Inc., agent and engineer for LJJ Developers, LLC, owner.

**4. 5:47 p.m. – Thursday, September 6, 2007 Public Hearing– Development Agreement for Nine Mile Square**

**Recommendation:** That the Board take the following actions:

- A. Hold the public hearing on the Development Agreement for Nine Mile Square for New Plan Excel Realty Trust Inc, and;
- B. Record the Development Agreement with the Clerk, and;
- C. File the recorded Agreement with the Department of Community Affairs (DCA).

**5. 5:48 p.m. – Thursday, September 6, 2007 Public Hearing – Small Scale Amendment 2007-03**

**Recommendation:** That the Board adopt an ordinance of Escambia County, Florida, amending Part II of the Escambia County Comprehensive Plan, as amended; amending Chapter 7, “The Future Land Use Element,” as authorized by Section 7.06; providing for a Small Scale Amendment (SSA 2007-03), to the Year 2020 Future Land Use Map, as amended, and as requested by Wiley C. “Buddy” Page, Agent for Roger Rogers of Rogers Development, Owner changing the Future Land Use (FLU) of 1.49 (+/-) acres located on the northeast corner of Highway 196 and Highway 29 from Rural Residential, (RR) to Commercial, (C). Providing for a title; a copy on file; severability; and an effective date.

**6. 5:49 p.m. – Thursday, September 6, 2007 Public Hearing– Small Scale Amendment 2007-06**

**Recommendation:** That the Board adopt an ordinance of Escambia County, Florida, amending Part II of the Escambia County Comprehensive Plan, as amended; amending Chapter 7, “Future Land Use Element,” as authorized by Section 7.06; providing for a Small Scale Amendment (SSA 2007-06),

to the Year 2020 Future Land Use Map, as amended, and as requested by Keith Bowers, Agent for Circle Community Development Corporation, Owners changing the Future Land Use (FLU) of 2.65 (+/-) acres located on the northwest corner of the 1200 block of Hope Drive and Kershaw Street, from Industrial, (I) to Urban Residential, (UR). Providing for a title; a copy on file; severability; and an effective date.

**7. 5:50 p.m. – Thursday, September 6, 2007 Public Hearing – Comprehensive Plan Amendment (CPA 2007-01)**

**Recommendation:** That the Board take the following actions:

- A. Review Comprehensive Plan Amendment (CPA 2007-01), composed of three (3) draft ordinances and attachments herein, to amend Part II of The Escambia County Code of Ordinances (1999), The Escambia County Comprehensive Plan, as amended; amending portions thereof as follows:
1. **CPA 2007-01A:** Text amendment, amending Chapter 6, “Concurrency Management System Element” and Chapter 14, “Capital Improvements Element” to include references to the County’s adopted proportionate fair share mitigation program;
  2. **CPA 2007-01B:** Text and map amendment, amending Chapter 8, “Transportation Element” to update the County transportation map series and associated references;
  3. **CPA 2007-01C:** Map amendment, amending Chapter 7, “Future Land Use Element” to amend the Year 2020 Future Land Use Map to correct existing deficiencies;
- B. Vote individually to adopt each of the CPA 2007-01 components (A thru C above) and transmit to the Department of Community Affairs (DCA) as the first of two Comprehensive Plan Amendments allowed by Florida Statute for the Year 2007.

**8. 5:51 p.m. – Thursday, September 6, 2007 Public Hearing –LDC Articles 6 and 7, Perdido Key Beach Mouse Habitat Landscaping**

**Recommendation:** That the Board conduct the second of two public hearings and adopt an ordinance to the Land Development Code (Ordinance 96-3, as amended); amending Article 6, “Zoning Districts,” sections 6.05.06.F, 6.05.08.F, 6.05.10.F, 6.05.15.I, 6.05.15.0.G, 6.05.15.02.G, 6.05.15.03.H.8, and Article 7, “Performance Standards,” section 7.01.02.A to allow the County to defer Perdido Key landscape requirements in beach mouse habitat to US Fish and Wildlife (FWS) and Florida Fish and Wildlife Conservation Commission (FWC) permit requirements. Providing for severability, inclusion in the code, and an effective date.

**9. 5:52 p.m. – Thursday, September 6, 2007 Public Hearing– LDC Article 13, Covenants and Restrictions**

**Recommendation:** That the Board take the following actions:

- A. Ratify the scheduling of a public hearing for September 6, 2007 at 5:52 p.m. to consider an Covenants & Restrictions Ordinance; and
- B. Ratify the notice of intent to adopt the Covenants & Restrictions Ordinance that was advertised in the Pensacola News Journal on Friday, August 24, 2007; and
- C. Conduct the public hearing and adopt the attached Covenants & Restrictions Ordinance.

**II. ACTION ITEMS:**

**1. Revised Fee Scedule**

**Recommendation:** That the Board take the following actions:

- A. Approve the proposed fee resolution for Planning & Zoning, Code Enforcement, Neighborhood Environmental Services Departments, and Traffic Engineering Division and;
- B. Adopt an annual increase of 5% to all Public Works and Land Management Agency fees unless specifically exempt by Board Resolution.

**2. Lowe's of Ensley Stormwater Discharge**

**Recommendation:** That the Board take the following action concerning allowing the Lowe's of Ensley, a 17.3 acre development that will be located on Nine Mile Road between McCarty Street and Fowler Avenue, to use the McCarty Street Regional Stormwater Facility for stormwater discharge:

- A. Authorize Lowe's of Ensley to use the existing McCarty Street Regional Stormwater Facility upon approval by the Planning and Zoning Department. Lowe's Home Centers, Inc. will make connection to the stormwater facility for the Developer, at no expense to the County and;
- B. Authorize the Chairman or Vice-Chairman to execute the Agreement For Use Of County Stormwater Management Facility with Lowe's Home Centers, Inc. to authorize acceptance of a use fee of \$165,638.95 (see attached cost estimate), in exchange for reserving capacity in the pond for the drainage from the planned Lowe's of Ensley development and;

- C. Grant a 25' Drainage Easement with a 100' Temporary Construction Easement from Lowe's Home Center, Inc. to construct and maintain the drainage connection.

### 3. Summerfield Final Plat

**Recommendation:** That the Board take the following actions concerning recording of the Final Plat of Summerfield (a 72 lot single family residential subdivision), located in the Pine Forest community lying west of Waring Road and south of West Nine Mile Road (alternate U.S. Highway 90), owned and developed by Leonard Jernigan Contractors, Inc. Prior to recording, the County Engineer, County Surveyor, Planning and Zoning Director and the Clerk of the Circuit Court must sign the Final Plat, as set forth in Section 4.02.07.E, of the Escambia County Land Development Code;

- A. Approve the final plat for recording; and
- B. Approve the street names "Larkspur Circle and Sunflower Court"; and
- C. Accept the public road paving, all public easements and drainage improvements as depicted upon the final plat for permanent County maintenance, the cost of maintenance for drainage improvements are to be funded through the establishment of a stormwater management MSBU (Municipal Services Benefit Unit); and
- D. Authorize the Chairman or Vice-Chairman to execute a Two-Year Warranty Agreement for Streets and Drainage improvements.

### III. CONSENT AGENDA:

Scheduling of Public Hearing:

**Recommendation:** That the Board schedule the following public hearing(s):

- 1. **5:45 p.m. – Thursday, October 4, 2007 Public Hearing**– A public hearing to amend the Official Zoning Map to include the following Rezoning Cases heard by the Rezoning Hearing Examiner (RHE) for cases heard on August 27, 2007.

<b>Case No.:</b>	<b>Z-2007-23</b>
Location:	2083 Longleaf Drive
Property Reference No.:	41-1S-30-2000-002-001
Property Size:	1.44 (+/-) acres
From:	R-2, Single-Family District (cumulative), Low-Medium Density (7du/acre)
To:	ID-1, Light Industrial District (No residential uses allowed) (0du/acre)



FLU Category: I, Industrial  
Commissioner District: 3  
Requested by: Ms Myra G. Lightner, Owner

**Case No.:** **Z-2007-24**  
Location: 11115 & 11117 Lillian Hwy  
Property Reference No.: 25-2S-31-2102-001, 000-002  
Property Size: 2.0 (+/-) acres  
From: R-2, Single-Family District (cumulative), Low-Medium Density (7du/acre) C-2, General Commercial and Light Manufacturing District, (cumulative) (25du/acre)  
To: R-6, Neighborhood Commercial and Residential District (cumulative), High Density (25du/acre)  
FLU Category: LDR, Low Density Residential  
Commissioner District: 1  
Requested by: John Sperry, Owner

**Case No.:** **Z-2007-25**  
Location: 7400 Abbott Lane  
Property Reference No.: 32-3N-31-2101-000-000  
Property Size: 40.00 (+/-) acres  
From: VAG-1, Villages Agriculture Districts (5du/100 acres on 1-acre parcels)  
To: VAG-2, Villages Agriculture Districts (1du/5 acres)  
FLU Category: AA-13, Activity Area 13  
Commissioner District: 5  
Requested by: Charles B. & Alice B. Woodward, Owner

**Case No.:** **Z-2007-26**  
Location: 951 Night Mares Lane  
Property Reference No.: 01-1N-31-34020-001-001  
Property Size: 2.52 (+/-) acres  
From: VR-1, Villages Rural Residential Districts (1du/4 acres)  
To: VR-3, Villages Rural Residential Districts (1du/2acre)  
FLU Category: AA-15, Activity Area 15  
Commissioner District: 5  
Requested by: Darren & Angelia Penton, Owners

**Case No.:** **Z-2007-27**  
Location: 810 Neal Road  
Property Reference No.: 03-1N-31-1302-000-000 (Portion of)

Property Size: 8.33 (+/-) acres  
From: VR-2, Villages Rural Residential District (1du/.75acre)  
To: C-2, General Commercial and Light Manufacturing District, (cumulative) (25du/acre)  
FLU Category: AA-15, Activity Area 15  
Commissioner District: 5  
Requested by: Wiley C. "Buddy" Page Agent for David A. & Maggie Louise Zaukelies

**Case No.:** **Z-2007-28**  
Location: 30 Block of Mason Lane  
Property Reference No.: 47-1S-30-1101-030-004  
Property Size: 2.71 (+/-) acres  
From: R-6, Neighborhood Commercial and Residential District (cumulative), High Density (25du/acre), and C-1, Retail Commercial District (cumulative) (25du/acre)  
To: C-2, General Commercial and Light Manufacturing District, (cumulative) (25du/acre)  
FLU Category: C, Commercial and MU-1, Mixed Use 1  
Commissioner District: 3  
Requested by: Ryan P. Hatler, Esq., Agent for Mabel M. Kirkland, for her lifetime, then to Mary Ellen Laviolette and Amy I. Kirkland

2. **5:46 p.m. – Thursday October 4, 2007 Public Hearing**– A public hearing to review an ordinance to the Land Development Code (LDC); Amending Articles 2, 3, 4, and 7 to restructure the DRC membership, the DRC submittal procedures, and reassign several plan review duties from the County Engineer to the Division Manager, Development Services.
3. **5:47 p.m. – Thursday, October 4, 2007, Public Hearing** – A public hearing to review the Airport/Airfield Environs Real Estate Disclosure Form, and to amend COO 58-2 and Article 11, relating to the regulation of the Disclosure Form.
4. **5:48 p.m. – Thursday, October 4, 2007, Public Hearing** – A public hearing to adopt the proposed amendment with the annual update to the five-year schedule of Capital Improvements in the Capital Improvement Element.

**COUNTY ADMINISTRATOR'S REPORT  
SEPTEMBER 6, 2007**

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

1. **Recommendation Concerning Scheduling a Public Hearing – East Port Street Lighting MSBU Ordinance – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board authorize a public hearing to rescind Ordinance No. 2007-23, East Port Street Lighting Municipal Services Benefit Unit, on September 20, 2007, at 5:33 p.m., because the East Port Subdivision was annexed into the City of Pensacola during the 2006/2007 Fiscal Year.

2. **Recommendation Concerning Conveyance of Two Parcels of Real Property to Pensacola Habitat for Humanity, Inc. – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board take the following action concerning conveyance of real property to Pensacola Habitat for Humanity, Inc.:

- A. Approve the conveyance of 2919 North Miller Street, Account Number 050926000, Reference Number 04-2S-30-6001-017-009, to Pensacola Habitat for Humanity, Inc., a Not-for-Profit Corporation, for their affordable home ownership program;
- B. Approve the conveyance of 1003 1/2 Yonge Street, Account Number 062752000, Reference Number 18-2S-30-6000-050-030, to Pensacola Habitat for Humanity, Inc., a Not-for-Profit Corporation, for their affordable home ownership program;
- C. Adopt a Resolution stating the application being made and the purpose for which such properties are to be used; and
- D. Authorize the Chairman to execute the Resolution and all documents related to the conveyances.
3. **Recommendation Concerning Street Name Approval – “Carrol Clark Road” – Robert R. McLaughlin, Assistant County Administrator**

**RECOMMENDATION:** That the Board approve the street name “Carroll Clark Road” for an un-named private road that runs north off of the 800 block of Upland Road and 1760 feet east of Nowak Road.

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4. Recommendation Concerning Street Name Approval – “ Steelers Lane” – Robert R. McLaughlin, Assistant County Administrator

**RECOMMENDATION:** That the Board approve the street name “Steelers Lane” for an un-named private road that runs north off of the 9900 Block of Sorrento Road and 900 feet east of South Blue Angel Parkway.

5. Recommendation Concerning Reappointment to the Building Inspections Department Inspections Fund Advisory Board – Don Mayo, Building Inspections Director

**RECOMMENDATION:** That the Board take the following action concerning an appointment to the BID (Building Inspections Department) Inspections Fund Advisory Board (IFAB):

- A. Waive Board Policy B.1. Appointment Policy and Procedures; and
- B. Re-appoint West Calhoun, West Calhoun Construction Company, Inc., for a three-year term, effective October 1, 2007, through September 30, 2010, to serve as one of three representatives of the construction industry trades regulated by the Building Inspections Department.

6. Recommendation Concerning Certificate of Need for Three Deuces, Inc. – Sandra P. Jennings, E.I., DSWM Director

**RECOMMENDATION:** That the Board takes the following action concerning a Certificate of Need for Three Deuces, Inc.:

- A. Approve a Certificate of Need Application permitting the above-named company to operate in Escambia County; and
- B. Authorize the Chairman to sign the Certificate.

7. Recommendation Concerning Certificate of Need for TransMotaigne Product Services, Inc. – Sandra P. Jennings, E.I., DSWM Director

**RECOMMENDATION:** That the Board take the following action concerning a Certificate of Need for TransMontaigne Product Services, Inc.:

- A. Approve a Certificate of Need Application permitting the above-named company to operate in Escambia County; and
- B. Authorize the Chairman to sign the Certificate.

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**8. Recommendation Concerning Enterprise Zone Development Agency Third Quarter Report – Keith Wilkins, NESD Director**

**RECOMMENDATION: That the Board accept for filing with the September 6, 2007, Board Minutes an Information Report concerning the Enterprise Zone Development Agency Third Quarter Report.**

**9. Recommendation Concerning Appointment to the Equestrian Center Advisory Committee – Kevin Briski, Parks and Recreation Director**

**RECOMMENDATION: That the Board appoint Ed Schroeder to the Equestrian Center Advisory Committee, for a two-year term, effective September 6, 2007, through September 5, 2009.**

**10. Recommendation Concerning Memorandum of Agreement – Pensacola Naval Air Station – Janice Kilgore, CEM, Public Safety Director**

**RECOMMENDATION: That the Board take the following action regarding the Memorandum of Agreement between the County and the Pensacola Naval Air Station (NAS) N00204-01004-173:**

- A. Approve the Termination of Memorandum of Agreement N00204-01004-173 that will officially end the hurricane evacuation and shelter operational support responsibilities as identified in the original 2001 Agreement; and**
- B. Authorize the Chairman to execute the Agreement.**

II. Budget/Finance Consent Agenda

1. Recommendation Concerning Supplemental Budget Amendment #398 – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #398, Other Grants & Projects Fund (110), in the amount of \$50,000, to recognize funding from the Florida Fish & Wildlife Conservation Commission and to appropriate these funds for the removal and disposal of derelict vessels in Escambia County.

2. Recommendation Concerning Disposition/Donation of Surplus Equipment – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board take the following action concerning Disposition of Surplus Equipment and Donation of a 1989 Spartan/Boyertown Trolley to Winterfest of Pensacola, Inc.:

- A. Approve the Requests for Disposition of Surplus Equipment to be sold as surplus or appropriately disposed of, all of which are described on 10 requests as provided by various County Departments for the reasons stated on each;
- B. Approve the donation of a 1989 Spartan/Boyertown Trolley, Property Number 043378, to Winterfest of Pensacola, Inc.;
- C. Adopt a Resolution stating the application being made and the purpose for which such 1989 Spartan/Boyertown Trolley is to be used in compliance with F.S. 274.05; and
- D. Authorize the Chairman to sign all documents related to the donation.

3. **Recommendation Concerning State Aid to Libraries Grant Agreement – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board take the following action concerning the Fiscal Year 2007/2008 State Aid to Libraries Grant Agreement:

- A. Approve the Fiscal Year 2007/2008 State Aid to Libraries Grant Agreement; and
- B. Authorize the Chairman to sign the Agreement, acceptance documents, amendments, requests for payments, and other related documents, as may be required.

4. **Recommendation Concerning Surplus and Sale of Real Property Located on Dogwood Street – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board take the following action concerning the surplus and sale of real property located on Dogwood Street:

- A. Declare surplus its real property Account Number 070630000, Reference Number 34-2S-30-0380-042-038, acquired by tax deed and offer this property to the adjacent property owners and authorize the sale of this property to the highest offer received above the minimum bid of \$100 without further action of the Board;
- B. In accordance with Section 46-131, Escambia County Code of Ordinances, make a factual determination that:
  - 1. The real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property; and
  - 2. The size, shape, location, and value of the property would make it of use to only one or more of the adjacent property owners; and
- C. Authorize the Chairman to sign all documents related to the sale.

5. **Recommendation Concerning Surplus and Sale of Real Property Located on Ramar Street – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board take the following action concerning the surplus and sale of real property located on Ramar Street:

- A. Declare surplus its real property, Account Number 111834100, Reference Number 08-5N-30-2204-001-001 acquired by tax deed. A legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting bids by sealed bid;
- B. Authorize the sale of this property to the highest offer received from sealed bid above the minimum bid of \$17,050, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and
- C. Authorize the Chairman to sign all documents related to the sale.

6. **Recommendation Concerning Fifth Amendment to Lease at Town and Country Plaza for Building Inspections – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board approve the Fifth Amendment to the Lease at Town and Country Plaza for Building Inspections, for Suite 300, occupied by the County's Building Inspections Department, through Merchant's Square Shopping Center LLC, at a cost of \$14,000 per month, from January 1, 2008, through December 31, 2009. [Funds will be provided in Building Inspections Department Rent – 250111-54401.]



7. **Recommendation Concerning Surplus and Sale of Real Property Located on West Gregory Street – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board take the following action concerning the surplus and sale of real property located on West Gregory Street:

- A. Declare surplus its real property, Account Number 072103550, Reference Number 34-2S-30-1260-005-126, acquired by tax deed. A legal notice will be posted in the Pensacola News Journal for two weeks stating that the County will be accepting bids by sealed bid;
- B. Authorize the sale of this property to the highest offer received from sealed bid above the minimum bid of \$600, in accordance with Section 46.134 of the Escambia County Code of Ordinances, without further action of the Board; and
- C. Authorize the Chairman to sign all documents related to the sale.

8. **Recommendation Concerning State of Florida, Division of Historical Resources Historic Preservation Grant Award Agreement – Jean A. Kassab, CGFM, Administrative Services Director**

**RECOMMENDATION:** That the Board take the following action concerning a State of Florida, Division of Historical Resources Historic Preservation Grant Award Agreement:

- A. Approve the Historic Preservation Grant Award Agreement and related Attachments "A" and "B";
- B. Authorize the Chairman to sign the Agreement and related Attachments;
- C. Adopt the Resolution approving Supplemental Budget Amendment #406, Other Grants & Projects (110), in the amount of \$350,000, to recognize the proceeds from the Historic Preservation Grant Award Agreement and to appropriate these funds for the restoration of the third floor of the Escambia County Courthouse.

9. Recommendation Concerning Supplemental Budget Amendment #405 – Jean A. Kassab, CGFM, Administrative Services Director

**RECOMMENDATION:** That the Board adopt the Resolution approving Supplemental Budget Amendment #405, Other Grants & Projects (110), in the amount of \$51,263, to recognize the proceeds from the Florida Department of Health, Bureau of Emergency Medical Services (EMS) EMS County Grant Program and to appropriate these funds to improve and expand the County's pre-hospital EMS system.

10. Recommendation Concerning Purchase Order for Perdido Landfill – Engineering Services – Sandra P. Jennings, E.I., DSWM Director

**RECOMMENDATION:** That the Board approve the issuance of a Purchase Order to HDR Engineering, Inc., in the amount of \$335,739 on Contract PD 05-06.041, Perdido Landfill – Landfill Engineering Services, providing for the preliminary design and permitting of the Section Five Expansion to Perdido Landfill.

11. Recommendation Concerning Contract for Design/Build Sheriff's Garage – John Hartman, Facilities Management Director

**RECOMMENDATION:** That the Board take the following action concerning Contract PD 05-06.084, Design/Build Sheriff's Garage:

A. Ratify the County Administrator's signature approving the following six Owner-Direct Purchase Orders that exceed \$50,000:

1. Coastal Equipment Supply - \$79,625.02;
2. Air Tech, Inc. - \$97,282.00;
3. Vulcan All-Steel - \$103,255.41;
4. Coastal Equipment Supply - \$91,703.17;
5. Pensacola Ready Mix - \$52,344.00; and
6. Bell Steel - \$50,520.00; and

B. Authorize the County Administrator to approve and execute any further documents necessary to carry out Contract PD 05-06.084, Design/Build Sheriff's Garage.

[Fund 351, Sheriff LOST II, Cost Center 540110, Object Code 56201  
Fund 351, Sheriff LOST III, Cost Center 540115, Object Code 56201]

12. **Recommendation Concerning Community Development Block Grant Neighborhood Renewal Initiative Project Agreement with Ebonwood Homeowners and Neighborhood Watch Community, Inc. – Randy Wilkerson, NEFI Executive Director / Keith Wilkins, NESD Director**

**RECOMMENDATION:** That the Board take the following action regarding the Community Development Block Grant (CDBG) funded Neighborhood Renewal Initiative Project Agreement with Ebonwood Homeowners and Neighborhood Watch Community, Inc.:

- A. Award a Neighborhood Renewal Initiative Project matching Grant in the maximum amount of \$2,000, for specific benefit of the Ebonwood Homeowners and Neighborhood Watch Community, Inc., (Association), volunteer-based initiative, known as the Ebonwood Youth Improvement Project (funded with CDBG funds budgeted in Fund 129/2005 CDBG Cost Center: 220422); and
- B. Authorize the Chairman or Vice Chairman to execute the Agreement and all related documents as required to implement the Project.

13. **Recommendation Concerning Fiscal Year 2007/2008 Annual Certified Budget for Mosquito Control – Keith Wilkins, NESD Director**

**RECOMMENDATION:** That the Board take the following action concerning annual Grant funding received from the Florida Department of Agriculture and Consumer Services for Mosquito Control:

- A. Approve the Fiscal Year 2007/2008 Annual Certified Budget for Mosquito Control, to be allocated under Fund 106, Cost Center 220703; and
- B. Authorize the Chairman to sign the document.

14. Recommendation Concerning Electronic Payments to Emergency Medical Services – Janice Kilgore, CEM, Public Safety Director

**RECOMMENDATION:** That the Board take the following action concerning the Participation Agreement between BA Merchant Services and Bank of America, N.A. and Escambia County, Florida, Emergency Medical Services (EMS) to enable EMS to accept Visa, MasterCard and debit card payments from its customers. A onetime purchase of the required software to provide this payment option, along with a minimal monthly transaction fee will be paid based upon volume of customer usage. [The cost of the software required to provide this payment option, less than \$200, is available in Fund 408 (EMS)]:

- A. Approve the Agreement to establish the mechanism for electronic payments to EMS for ambulance service fees; and
- B. Authorize the Chairman to sign the Agreement.

15. Recommendation Concerning Elevator Maintenance/Service Contract – Claudia Simmons, Purchasing Department Chief

**RECOMMENDATION:** That the Board extend the Contract for “Elevator Maintenance/Service, Escambia County”, PD 03-04.58, to Bagby Elevator Company, Inc., for one year. This Contract is a critical maintenance Contract that is due to expire on September 30, 2007, and the vendor has agreed to extend for an additional year with no cost increase to the County. The estimated usage for this Contract is approximately \$50,000 per year with funding available from Fund 001 (General Fund), Cost Center 310201.

16. Recommendation Concerning Contract for Concessionary Services – John R. Jones Athletic Complex – Claudia Simmons, Purchasing Department Chief

**RECOMMENDATION:** That the Board award a Contract, PD 06-07.100, Concessionary Services for the New Escambia County Softball Complex, located at the John R. Jones Athletic Complex, to Gene’s Concessions, the sole proposer, based on the unanimous recommendation of the Proposal Review Committee, contingent on the approval of the negotiated Contract, that the food contractor shall operate the concessionary services as a revenue Contract, with 25% of gross sales paid back to Escambia County, and that the program is self-sufficient and will not require any additional funds or support from the County.

17. Recommendation Concerning Contract for High Pressure Breathing Air Mobile Compressor System – Claudia Simmons, Purchasing Department Chief

**RECOMMENDATION:** That the Board award a Contract for “High Pressure Breathing Air Mobile Compressor System”, PD 06-07.091, to Sunbelt Fire, Inc., in accordance with the terms and conditions of the solicitation, for \$66,591, with funding available from Fund 143 (Fire Protection Fund), Cost Center 330202.

18. Recommendation Concerning Contract for Purchase and Installation of Fencing – Claudia Simmons, Purchasing Department Chief

**RECOMMENDATION:** That the Board award Contracts for “Purchase and Installation of Fencing”, PD 06-07.092, to A-1 Hurricane Fence Industries and Tornado Fence Company, in accordance with the terms and conditions of the solicitation, with funding available from various Funds and Cost Centers.

19. Recommendation Concerning Contract for Purchase of Safety Shoes – Claudia Simmons, Purchasing Department Chief

**RECOMMENDATION:** That the Board award three-year Contracts for “Purchase of Safety Shoes”, PD 06-07.083, in accordance with the terms and conditions of the solicitation, with funding available from various Funds and Cost Centers, to the following vendors: Lehigh Safety Shoe Co., LLC; CEE Us 1st Uniform Co., Inc.; Bosso’s Uniform Co., Inc.; Safety Solutions, Inc.; and Affordable Work Shoes & Clothing, Inc.

20. Recommendation Concerning Agreement for Vocational Training of Incarcerated Adult Students – Escambia County Road Prison – Pat Overton, Road Department Director

**RECOMMENDATION:** That the Board take the following action concerning a Cooperative Agreement between Escambia County and the Escambia County School Board:

- A. Approve the Cooperative Agreement between Escambia County and the Escambia County School Board that provides for vocational training of incarcerated adult students located in the Escambia County Road Prison for a not-to-exceed amount of \$25,000; and
- B. Authorize the Chairman to execute the Agreement.

[Transportation Fund 175, Cost Center 260402, Object Code 55201]

**COUNTY ADMINISTRATOR'S REPORT**

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**21. Recommendation Concerning Animal Regulation Service Fee Schedule– Janice Kilgore, CEM, Public Safety Director**

**RECOMMENDATION: That the Board take the following action concerning the Escambia County Animal Regulation Services Fee Schedule, effective October 1, 2007:**

- A. Adopt the Resolution adjusting the schedule of fees specific to animal regulation services provided by the Department of Public Safety, Animal Regulation & Control Division; and**
- B. Authorize the Chairman to sign the Resolution.**

**22. Recommendation Concerning Escambia County Area Transit Route Restructure – Travis Lakin, ECAT General Manager / Willie C. Taylor, Assistant County Administrator**

**RECOMMENDATION: That the Board take the following action concerning the State of Florida Department of Transportation (FDOT) Public Transportation Joint Participation Agreement (JPA) Number 2, Financial Project Number 4177111 84 01:**

- A. Approve the Service Development Restructuring Comprehensive Operating Analysis (COA) Supplemental JPA Number 2, providing for FDOT participation in the implementation of route changes recommended by the COA, in the amount of \$400,000;**
- B. Adopt the authorizing Resolution; and**
- C. Authorize the Chairman to execute the Supplemental JPA and Resolution.**

23. Recommendation Concerning Joint Participation Agreement for Operation of Escambia County Area Transit Route 63 – Travis Lakin, ECAT General Manager / Willie C. Taylor, Assistant County Administrator

**RECOMMENDATION:** That the Board take the following action concerning the State of Florida Department of Transportation (FDOT) Supplemental Public Transportation Joint Participation Agreement (JPA) Number 1, Financial Project Number 4217341 84 01:

- A. Approve the Service Development Cross-town Route Supplemental JPA Number 1, providing for FDOT participation in the operation of ECAT Route 63 traveling along SR 296, in the amount of \$100,000 for Fiscal Year 2007/2008;
  - B. Adopt the authorizing Resolution; and
  - C. Authorize the Chairman to execute the JPA and Resolution.
24. Recommendation Concerning Fish and Wildlife Conservation Contract – Keith Wilkins, NESD Director

**RECOMMENDATION:** That the Board take the following action regarding a \$492,000 Grant from the US Fish and Wildlife Service (FWS) through the Florida Fish and Wildlife Commission (FWC) for the development of a multi-species Habitat Conservation Plan (HCP) for Perdido Key:

- A. Approve the Escambia County Florida Beaches Habit Conservation Plan Contract for Perdido Key, which allows the funding of \$492,000 for the development of a multi-species HCP for Perdido Key; and
- B. Authorize the Chairman to sign the Contract and any subsequent Contract-related documents.

III. For Discussion

1. Discussion Concerning Request from Buck Lee, General Manager, SRIA, for Funding from the 4th Cent TDC to Purchase Two Lifeguard Stands – George Touart, County Administrator

(NO BACKUP WAS PROVIDED)

2. Discussion Concerning a Letter Dated August 7, 2007, from W. Logan Fink, Chairman, Emerald Coast Utilities Authority Board, requesting Approval of the Use of Eminent Domain Powers – George Touart, County Administrator
3. Recommendation Concerning Cleanup of State of Florida Sovereign Lands Cleanup in Seven Areas of Escambia County – Claudia Simmons, Purchasing Department Chief

**RECOMMENDATION:** That the Board take the following action concerning State of Florida Sovereign Lands Cleanup in seven areas of Escambia County:

- A. Approve the expenditure of not-to-exceed \$8,146,021.55 (\$7,083,497 for cleanup and \$1,062,525.55 for monitoring of the cleanup) allocated by the Federal Emergency Management Agency for cleanup of State of Florida Sovereign Lands in seven areas of Escambia County (Santa Rosa Sound, Big Lagoon, Old River/Innerarity Point, Escambia Bay, Bayou Texar, Pensacola Bay including Bayous Chico, Grande, and Davenport, Perdido Bay including Bayous Garcon, Weekley, Heron and Marcus);
- B. Award a Contract to Three Deuces, Inc., per PD 06-07.090, State of Florida Sovereign Lands Cleanup in Seven Areas of Escambia County, for a not-to-exceed amount of \$7,083,497, based on a unit price of \$222 per ton, with Purchase Orders to be issued incrementally by area, with the first Purchase Order being \$1,000,000;
- C. Approve the ranking of firms for PD 06-07.109, Waterway Cleanup Monitoring, as follows:
  1. Beck Disaster Recovery, Inc.;
  2. PBS&J; and
  3. SCS Engineers, Inc.; and



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- D. Award a Contract to Beck Disaster Recovery, Inc., per PD 06-07.109, Waterway Cleanup Monitoring, for monitoring services for PD 06-07.090, State of Florida Sovereign Lands Cleanup in Seven Areas of Escambia County, for a not-to-exceed amount of \$1,062,524.55, with Purchase Orders to be issued incrementally by area, with the first Purchase Order being \$200,000.**

**Funding: FEMA approved the funding under Project Work Sheet Reference Number SP-SSLA to the Florida Department of Environmental Protection (FDEP). The Board of County Commissioners approved Agreement Number G0198 between FDEP and Escambia County at its regular meeting on June 21, 2007, authorizing the waterway debris cleanup. FEMA will provide 90% of the funding and FDEP will provide 10%.**

- 4. Discussion Concerning the Sector Plan – Robert R. McLaughlin, Assistant County Administrator**

**(NO BACKUP WAS PROVIDED)**

**COUNTY ATTORNEY'S REPORT**  
**September 6, 2007**

**I. CONSENT AGENDA:**

1. Settlement of Workers Compensation Case #06-000936NSW:  
Reuben Smith

**RECOMMENDATION:**

That the Board should accept a washout settlement offer from former Engineering Department employee Reuben Smith that would pay Mr. Smith a sum of \$6,000.00, inclusive of attorney fees and costs, in exchange for a general release of liability. Escambia County would additionally waive any right to recover the balance of a workers compensation lien.

2. Settlement of Workers Compensation Case #04-015478NSW:  
Wallace Jones

**RECOMMENDATION:**

That the Board accept a washout settlement offer from Workers Compensation claimant Wallace Jones in the amount of \$75,875. Upon receipt of the settlement amount, Mr. Jones will execute a general release of liability for Escambia County.

3. Cancellation of MSBU Assessment Lien

**RECOMMENDATION:**

That the Board cancel the Santa Rosa Island Municipal Services Benefit Unit (MSBU) assessment lien against the property owned by Richard and Suzanne Young, recorded in Official Record Book 5666 at Page 1222.

4. Approval of ECUA's Request to Exercise its Power of Eminent Domain

**RECOMMENDATION:**

That the Board adopt a resolution approving the request of the Emerald Coast Utilities Authority (ECUA) to exercise its power of eminent domain in connection with the replacement and relocation of its Lift Station 14 to a parcel of property located at the corner of Addison Drive and Scenic Highway.

5. Bert J. Harris, Jr., Private Property Rights Protection Act Claim of Rapid Management Company

**RECOMMENDATION:**

That the Board accept the information report concerning the filing of a Bert J. Harris claim against Escambia County for a DRC denial of a development order for a C&DD operation at what is commonly called the Cove Avenue site.