



City of Pensacola

Agenda Conference

Agenda - Final

Monday, July 16, 2018, 3:30 PM

Hagler-Mason Conference Room,
2nd Floor

ROLL CALL

PRESENTATION ITEMS

1. [18-27](#) RESOLUTION NO. 18-27 - A RESOLUTION RECOGNIZING THE 28TH ANNIVERSARY OF THE PASSAGE OF THE AMERICANS WITH DISABILITIES ACT AND THE CONTRIBUTIONS OF PEOPLE WITH DISABILITIES IN THE CITY OF PENSACOLA

Recommendation: That City Council adopt Resolution No. 18-27.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, RECOGNIZING THE 28TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT AND THE CONTRIBUTIONS OF PEOPLE WITH DISABILITIES IN THE CITY OF PENSACOLA AND DESIGNATING JULY 26, 2018, AMERICANS WITH DISABILITIES ACT AWARENESS DAY.

Sponsors: Sherri Myers

Attachments: [Resolution No. 18-27](#)

REVIEW OF CONSENT AGENDA ITEMS

2. [18-00178](#) AWARD OF BID #18-018 WOODCLIFF DRIVE AT LIVINGSTON
OUTFALL STORMWATER TREATMENT ENHANCEMENT PROJECT

Recommendation: That City Council award Bid #18-018 Woodcliff Drive at Livingston Outfall Stormwater Treatment Enhancement Project to B&W Utilities Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$354,556.20, plus alternate #1 of \$8,730.00, plus 10% contingency of \$36,328.62 for a total amount of \$399,614.82. Further, that City Council authorize the Mayor to execute the contract and take all actions necessary to complete the project.

Sponsors: Ashton J. Hayward, III

Attachments: [Bid Tabulation, Bid No. 18-018](#)
 [Final Vendor Reference List, Bid No. 18-018](#)
 [Map, Woodcliff Drive at Livingston Outfall Stormwater Treatment Enhance](#)

3. [18-00215](#) ASSIGNMENT OF LEASE FROM SUMMIT GOLF, INC. TO FLIGHTLINE
GOLF, LLC AND AMENDMENT TO LEASE AND OPERATING
AGREEMENT

Recommendation: That City Council consent to the assignment of the lease and operating agreement for the driving range at the Pensacola International Airport from Summit Golf, Inc. to Flightline Golf, LLC. Further, that City Council consent to the amendment to the lease and operating agreement. Finally, that Council authorize the Mayor to take all actions necessary to execute the Consent Agreement and the Lease Amendment.

Sponsors: Ashton J. Hayward, III, Andy Terhaar

Attachments: [Consent By Lessor](#)
 [First Amendment to Lease and Operating Agreement, Flight Line Golf, LLC](#)

4. [18-00247](#) CITY OF PENSACOLA FY 2018-2019 COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) ANNUAL ACTION PLAN AND HOME
INVESTMENT PARTNERSHIPS ACT (HOME) PROGRAM BUDGET AND
ACTIVITY SUMMARY

Recommendation: That City Council approve the FY 2018-2019 CDBG Annual Action Plan for the period October 1, 2018 through September 30, 2019, for submission to U. S. Department of Housing and Urban Development, and the City of Pensacola 2018-2019 CDBG and HOME Programs Proposed Budgets and Activities Summary. Further, that City Council authorize the Mayor to execute all documents relating to the programs' administration.

Sponsors: Ashton J. Hayward, III

Attachments: [City of Pensacola FY 2018-2019 CDBG Annual Action Plan](#)
 [City of Pensacola FY 2018-2019 CDBG and HOME Programs Proposed Bu](#)

5. [18-00250](#) APPOINTMENTS - ZONING BOARD OF ADJUSTMENT

Recommendation: That City Council appoint two (2) individuals that are residents or property owners of the City to the Zoning Board of Adjustments for a term of three (3) years, expiring July 14, 2021.

Sponsors: Gerald Wingate

Attachments: [Member List](#)
[Nomination Form - Steven Sebold](#)
[Application of Interest - Steven Sebold](#)
[Application of Interest - Troy Stepherson](#)
[Ballot](#)

6. [18-00248](#) RE-APPOINTMENT TO THE DOWNTOWN IMPROVEMENT BOARD (DIB)

Recommendation: That the City Council affirm the Mayor's re-appointment of John Peacock to the Downtown Improvement Board (DIB) for a term of three years expiring June 30, 2021.

Sponsors: Ashton J. Hayward, III

Attachments: [Mayoral Letter Reappointing John Peacock to DIB](#)

7. [18-00256](#) AWARD OF CONTRACT TO AE NEW, JR., INC. FOR INVITATION TO BID (ITB) #18-022 BAYVIEW SENIOR CENTER REPAIRS AND RENOVATIONS

Recommendation: That City Council award a contract to AE New, Jr., Inc. for Bayview Senior Center Repairs and Renovations for \$252,000.00 plus a 10% contingency of \$25,200.00 for a total amount of \$277,200.00. Further, that City Council authorize the Mayor to execute all contracts, related documents, and take all related actions necessary to complete the project.

Sponsors: Ashton J. Hayward, III

Attachments: [Bid No. 18-022 Tabulation of Bids](#)
[Bid No. 18-022 Vendor Reference List](#)

8. [18-00259](#) AWARD OF BID #18-017 - BROWNFIELDS CLEANUP OF SUBMERGED LANDS FOR THE CITY OF PENSACOLA

Recommendation: That City Council award a contract for Brownsfield Cleanup of Submerged Land for the City of Pensacola to H.G. Harders & Son, Inc. of Panama City, Florida, the lowest and most responsible bidder with a base bid of \$394,552, calculated at a daily rate of \$11,796 for a 18 days, plus mobilization of \$40,672 with a not to exceed cost of \$253,000 for piling debris removal in Pensacola Bay south of Community Maritime Park, contingent upon receipt of all required permits. Further, that City Council authorize the Mayor to execute the contract and take all action necessary to complete the project.

Sponsors: Ashton J. Hayward, III

Attachments: [Bid Tabulation Bid No. 18-017](#)
 [Final Vendor Reference List Bid No. 18-017](#)

9. [18-00261](#) AWARD OF CONTRACTS RFP #18-012 THREE (3) YEAR PREPOSITION CONTRACT FOR DISASTER DEBRIS MANAGEMENT SERVICES

Recommendation: That City Council approve the ranking of the selection committee for RFP #18-012 “Three (3) Year Prepositioned Contract for Disaster Debris Management Services,” with D & J Enterprises, Inc. of Auburn, Alabama submitting the best proposal. Further, that Council award the primary contract for the disaster debris management services to D & J Enterprises Inc., and that secondary contracts be awarded to Crowder Gulf Joint Venture, Inc. and Phillips & Jordan, Inc. in the event D & J Enterprises is unable to perform the required services or in the event circumstances require more than one firm to adequately respond to a disaster. Finally, that City Council authorize the Mayor to execute a contract with each named firm and take all related actions necessary to respond to any disaster or emergency.

Sponsors: Ashton J. Hayward, III

Attachments: [Selection Committee Scoring Matrix](#)
 [RFP Pricing Tab](#)
 [Final Vendor Reference List](#)

REVIEW OF REGULAR AGENDA ITEMS (Sponsor)

10. [18-00267](#) APPOINTMENT OF DIRECTOR OF SANITATION SERVICES/FLEET MANAGEMENT

Recommendation: That City Council consent to the appointment of Dennis Fleming as Director of Sanitation Services/Fleet Management.

Sponsors: Ashton J. Hayward, III

Attachments: [Resume for Dennis Fleming Dated June 2018](#)

11. [18-00182](#) PUBLIC HEARING: PROPOSED AMENDMENT TO LAND DEVELOPMENT CODE SECTION 12-2-10 (C)(4)(B) HISTORIC AND PRESERVATION LAND USE DISTRICT ; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

Recommendation: That City Council conduct the second of two required public hearings on July 19, 2018 to consider the proposed amendment to the Land Development Code Section 12-2-10 (C)(4)(b) Historic and Preservation Land Use District; Old East Hill Preservation Zoning District; Uses Permitted; OEHC-1, Neighborhood Commercial District.

Sponsors: Ashton J. Hayward, III

Attachments: [Applicant's Request, LDC Amendment 12-2-10, Dr. Laura Hall](#)
[GIS Map of Impacted Commercial Districts in Old East Hill](#)
[Correspondence from Citizens, LDC Amendment 12-2-10, Dr. Laura Hall](#)
[Ruling from Code Enforcement Authority, 805 E. Gadsden, Dr. Laura Hall](#)
[April 10, 2018 Planning Board Minutes](#)
[Proposed Ordinance](#)
[1st PROOF OF PUBLICATION FOR INITIAL 1ST PUBLIC HEARING WH](#)
[EMAILING CORRESPONDENCE AND INFO PACKET - OEH NEIGHBO](#)
[EMAIL CORRESPONDENCE FROM SUSAN AND DANNY AGNEW](#)
[EMAIL CORRESPONDENCE AND INFO PACKET FROM AMBER HOVE](#)
[EMAIL CORRESPONDENCE FROM BARRY GOODSON](#)
[EMAIL CORRESPONDENCE FROM DAVID G KELLEY](#)
[EMAIL CORRESPONDENCE FROM DIANNE KRUMEL](#)
[EMAIL FROM DIANA BARNES](#)
[EMAIL FROM JEANNE HAGAN](#)
[EMAIL FROM RICHARD BAILEY](#)
[EMAIL FROM TIMOTHY WILSON](#)
[LETTER FROM MATTHEW AHEARN](#)
[2nd PROOF OF PUBLICATION FOR PUBLIC HEARING.pdf](#)
[ADDITIONAL EMAIL FROM DIANA BARNES - 2ND HEARING](#)
[ADDITIONAL EMAIL FROM LOU COURTNEY - 2ND HEARING](#)
[ADDITIONAL EMAIL FROM MICHAEL COURTNEY - 2ND HEARING](#)
[EMAIL FROM MARIA HANELL - 2ND HEARING](#)
[EMAIL FROM MILES SAMPSON - 2ND HEARING](#)
[EMAIL FROM PATRICIA MCGRATH - 2ND HEARING](#)
[LETTERS TO EACH CC MEMBER FROM JERRY GILL](#)
[ADDITIONAL EMAIL FROM AMBER HOVERSON - 2ND HEARING](#)
[3rd PROOF OF PUBLICATION](#)

12. [11-18](#) PROPOSED ORDINANCE NO. 11-18 - AMENDING LAND DEVELOPMENT CODE SECTION 12-2-10 (C)(4)(B) HISTORIC AND PRESERVATION LAND USE DISTRICT; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT

Recommendation: That City Council approve Proposed Ordinance No. 11-18 on first reading.

AN ORDINANCE AMENDING SECTION 12-2-10 (C)(4)(b) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE HISTORIC AND PRESERVATION LAND USE DISTRICT; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Sponsors: Ashton J. Hayward, III

Attachments: [Proposed Ordinance No. 11-18](#)
[Applicant's Request, LDC Amendment 12-2-10, Dr. Laura Hall](#)
[GIS Map of Impacted Commercial Districts in Old East Hill](#)
[Coorespondence from Citizens, LDC Amendment 12-2-10, Dr. Laura Hall](#)
[Ruling from Code Enforcement Authority, 805 E. Gadsden, Dr. Laura Hall](#)
[April 10, 2018 Planning Board Minutes](#)

13. [18-00251](#) PUBLIC HEARING: REQUEST TO VACATE RIGHT-OF-WAY - 1600 BLOCK OF NORTH 18TH AVENUE

Recommendation: That City Council conduct a public hearing on July 19, 2018 to consider the request to vacate a portion of the 1600 Block of North 18th Avenue between Moreno and Mallory Streets.

Sponsors: Ashton J. Hayward, III

Attachments: [Vacation of Right-of-Way Application, 18th Avenue, dated May 11, 2018](#)
[Right-of-Way Map, 18th Avenue Right-of-Way Vacation Request](#)
[June 12, 2018 Planning Board Minutes](#)
[Technical Comments, 18th Avenue Right-of-Way Vacation Request](#)
[Citizen Comments, 18th Avenue Right-of-Way Vacation Request](#)
[Neighbor Petition, 18th Avenue Right-of-Way Vacation Request](#)
[Proposed Ordinance](#)
[PROOF OF PUBLICATION](#)

14. [12-18](#) PROPOSED ORDINANCE NO. 12-18 - VACATION OF RIGHT-OF-WAY
1600 BLOCK OF NORTH 18TH AVENUE

Recommendation: That City Council approve Proposed Ordinance No. 12-18 on first reading.

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 1600 BLOCK OF NORTH 18TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Ashton J. Hayward, III

Attachments: [Proposed Ordinance No. 12-18](#)
 [Vacation of Right-of-Way Application, 18th Avenue, dated May 11, 2018](#)
 [Right-of-Way Map, 18th Avenue Right-of-Way Vacation Request](#)
 [June 12, 2018 Planning Board Minutes](#)
 [Technical Comments, 18th Avenue Right-of-Way Vacation Request](#)
 [Citizen Comments, 18th Avenue Right-of-Way Vacation Request](#)
 [Neighbor Petition, 18th Avenue Right-of-Way Vacation Request](#)

15. [18-00270](#) LEASE AGREEMENT FOR PORT WAREHOUSE #9 AND #10

Recommendation: That City Council authorize the Mayor to negotiate and execute a lease agreement for Port Warehouse #9 and #10 and approximately 6.5 acres of immediately adjacent undeveloped land with Incoa Performance Minerals, LLC.

Sponsors: Gerald Wingate

Attachments: [Deal Points Overview - Indigo](#)

16. [18-00277](#) LETTER SUPPORTING FAST TRACKING CONSTRUCTION OF SHORT
TERM SAFETY IMPROVEMENTS TO THE WEST CERVANTES STREET
CORRIDOR

Recommendation: That City Council authorize the Council President to send a letter to Phillip Gainer, Secretary of the Florida Department of Transportation, supporting fast tracking construction of the short term safety improvements identified in FDOT's West Cervantes Street Corridor Management Plan (CMP).

Sponsors: Jewel Cannada-Wynn

Attachments: [W. Cervantes St info and letter to FDOT](#)

17. [13-18](#) PROPOSED ORDINANCE NO. 13-18 - AMENDING SECTION 3-3-2 -
REGULATING CONTRACTING AND PURCHASE OF COMMODITIES
AND SERVICES

Recommendation: That City Council approve Proposed Ordinance No. 13-18 - Amending Section 3-3-2 of the Code - Regulating contracting and purchase of commodities and services adding language to cover purchase of legal services, on first reading.

AN ORDINANCE AMENDING SECTION 3-3-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CONTRACTS FOR PUBLIC WORK AND PURCHASES OF OTHER COMMODITIES AND SERVICES; LOWEST AND BEST RESPONSIBLE BIDDER; REJECTION OF BIDS; APPROVAL OF COUNCIL AND MAYOR; EMERGENCY PURCHASES; REGULATING CONTRACTING AND PURCHASE OF LEGAL SERVICES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Sponsors: Sherri Myers

Attachments: [Proposed Ordinance No. 13-18](#)

18. [14-18](#) PROPOSED ORDINANCE NO. 14-18 - AMENDING SECTION 2-6-3
CODE OF ETHICS - PROHIBITIONS

Recommendation: That City Council approved Proposed Ordinance No. 14-18 on first reading:

AN ORDINANCE AMENDING SECTION 2-6-3 CODE OF ETHICS; PROHIBITIONS; OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Sherri Myers

Attachments: [Proposed Ordinance No. 14-18](#)

19. [18-00269](#) ANALYSIS OF GENTRIFICATION DUE TO URBAN REVITALIZATION

Recommendation: That City Council allocate \$200,000 to hire a consultant to perform an analysis of the impact of urban revitalization in the CRA urban core on the African American population in the city limits and that the consultant provide Council with recommendations to mitigate the dislocation, displacement, economic loss of affordable housing, and community resources in historically African American and low income communities.

Sponsors: Sherri Myers

Attachments: [Demographic for CRA Urban Core Population for 2000](#)

20. [18-24](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 18-24 - APPROPRIATING FUNDING IN CONNECTION WITH THE SALE OF 113 NORTH "C" STREET - FORMER BLOUNT SCHOOL PROPERTY.

Recommendation: That City Council adopt Supplemental Budget Resolution No. 18-24.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2018; PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Ashton J. Hayward, III

Attachments: [Supplemental Budget Resolution No. 18-24](#)
 [Supplemental Budget Explanation No. 18-24](#)

21. [18-00275](#) REQUEST FOR LEGAL OPINION REGARDING TAXING CIGARETTES, INCLUDING E-CIGARETTES

Recommendation: That City Council request a legal opinion from the City Attorney regarding the City's ability to impose a tax on cigarettes, including e-cigarettes, and that the opinion be delivered to City Council no later than Friday July 27, 2018.

Sponsors: Sherri Myers

22. [18-00253](#) FY17 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) - DRUG ENFORCEMENT ADMINISTRATION (DEA) FEDERAL GRANT AWARD #G17GC0007A

Recommendation: That City Council approve and authorize the Mayor to execute the acceptance of the FY 17 High Intensity Drug Trafficking Area (HIDTA) between the Santa Rosa County Sheriff's Office (SRCSO) being the fiscal agent on behalf of the Gulf Coast High Intensity Drug Trafficking Area for the Drug Enforcement Administration in the amount of \$26,153. Further, that City Council authorize the Mayor to take all actions necessary relating to the finalization of the grant. Finally, that City Council approve a supplemental budget resolution appropriating the grant funds

Sponsors: Ashton J. Hayward, III

Attachments: [Santa Rosa County Sheriff's Office Letter for MOA](#)
 [Sub-grantee Memorandum of Agreement - Santa Rosa County Sheriff's Office](#)
 [Supplemental Budget Resolution](#)
 [Supplemental Budget Explanation](#)

23. [18-25](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 18-25- APPROPRIATING FUNDING IN CONNECTION WITH THE FY17 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) - DRUG ENFORCEMENT ADMINISTRATION (DEA) FEDERAL GRANT AWARD #G17GC0007A

Recommendation: That City Council adopt Supplemental Budget Resolution No. 18-25.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2018; PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Ashton J. Hayward, III

Attachments: [Supplemental Budget Resolution No. 18-25](#)
 [Supplemental Budget Explanation No. 18-25](#)

24. [18-00260](#) TENTATIVE MILLAGE RATE - FISCAL YEAR 2019

Recommendation: That City Council set the tentative fiscal year 2019 millage rate for the City of Pensacola at 4.2895 mils and for the Downtown Improvement District at 2.0000 mils and authorize the Mayor to set final levies in compliance with the new property tax reform regulations. Further that the Mayor may administratively adjust the final adopted millage rate upon receipt of the final valuation if the City's final current year gross taxable value is reduced by more than 1%. Finally, that the first public hearing on fiscal year 2019 millage rates be held on September 12, 2018 at 5:30 p.m. in Council Chambers.

Sponsors: Ashton J. Hayward, III

Attachments: [Taxable Value Estimates](#)

FOR DISCUSSION

25. [18-00233](#) HISTORIC PRESERVATION BOARD

Sponsors: Jewel Cannada-Wynn

Attachments: [MODEL HISTORIC PRESERVATION ORDINANCE FOR CRYSTAL RIVER](#)

26. [18-00281](#) ARCHAEOLOGICAL REVIEW PROCEDURE AND CONSTRUCTION ON CITY OWNED PROPERTY

Sponsors: Brian Spencer

Attachments: [Archaeological Review Procedure - City Council Policy](#)
 [Pensacola Historic Preservation Officer Proposal](#)

INFORMATIONAL ITEMS

CONSIDERATION OF ANY ADD-ON ITEMS**READING OF ITEMS FOR COUNCIL AGENDA****COMMUNICATIONS****City Administrator's Communication**

27. [18-00226](#) CITY ADMINISTRATOR COMMUNICATION

Sponsors: Ashton J. Hayward, III

City Attorney's Communication**Monthly Financial Report - Chief Financial Officer Richard Barker, Jr.**

28. [18-00030](#) MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER
 RICHARD BARKER, JR.
 FISCAL YEAR 2019 BUDGET PRESENTATION

Sponsors: Ashton J. Hayward, III

Attachments: [FY 2018 - June Monthly Financial Report](#)
 [FY 2019 - Budget Presentation - July 16 2018](#)

City Council Communication**ADJOURNMENT**

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-27

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Vice President Sherri F. Myers

SUBJECT:

RESOLUTION NO. 18-27 - A RESOLUTION RECOGNIZING THE 28TH ANNIVERSARY OF THE PASSAGE OF THE AMERICANS WITH DISABILITIES ACT AND THE CONTRIBUTIONS OF PEOPLE WITH DISABILITIES IN THE CITY OF PENSACOLA

RECOMMENDATION:

That City Council adopt Resolution No. 18-27.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, RECOGNIZING THE 28TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT AND THE CONTRIBUTIONS OF PEOPLE WITH DISABILITIES IN THE CITY OF PENSACOLA AND DESIGNATING JULY 26, 2018, AMERICANS WITH DISABILITIES ACT AWARENESS DAY.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On July 26, 1990 the Americans with Disabilities Act was enshrined into law with the notion that Americans living with disabilities deserve to participate in society free from discrimination. The ADA sought to guarantee that shared places, from schools to workplace to stadiums to parks truly belong to everyone, regardless of physical or mental status.

The City of Pensacola has long been committed to the purpose of the ADA by removing barriers to parks, sidewalks, employment, recreation and all other government services.

This Resolution recognizes the milestone of 28 years of protections as well as recognizing those in Pensacola who have continually contributed to this effort.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Resolution No. 18-27

PRESENTATION: Yes

RESOLUTION
NO. 18-27

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, RECOGNIZING THE 28TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT AND THE CONTRIBUTIONS OF PEOPLE WITH DISABILITIES IN THE CITY OF PENSACOLA AND DESIGNATING JULY 26, 2018, AMERICANS WITH DISABILITIES ACT AWARENESS DAY.

WHEREAS, On July 26, 1990, our Nation marked a pivotal moment in history for Americans with disabilities. Fueled by a chorus of voices who refused to accept a second-class status and driven by a movement that recognized that our country is stronger and more vibrant when we draw on the talents of all our people, the Americans with Disabilities Act (ADA) enshrined into law the notion that Americans living with disabilities deserve to participate in our society free from discrimination. Twenty-eight years later, as we mark this anniversary, we recognize all this milestone law has made possible for the disability community.

WHEREAS, The ADA sought to guarantee that the places we share -- from schools and workplaces to stadiums and parks -- truly belong to everyone. It reflects our City's full commitment to the rights and independence of people with disabilities, and it has paved the way for a more inclusive and equal society. For the 6.5 million students and the approximately 50 million adults living with mental or physical disabilities, the ADA has swung open doors and empowered each of them to make of their lives what they will.

WHEREAS, the City of Pensacola is committed to the purpose of the ADA by removing barriers to parks, sidewalks, employment, recreation and all other government services. We know our work to expand opportunity and confront the stigma that persists surrounding disabilities is not yet finished: We have to address the injustices that linger and remove the barriers that remain. Too many people with disabilities are still unemployed and lack access to skills training or are not paid fairly for their work. We must continue increasing graduation rates for students with disabilities to give them every chance to receive the education and training they need to pursue their dreams. We must make the information and communication technologies we rely on accessible for all people, and ensure their needs are considered and incorporated as we advance the tools of modern life. And we must keep fighting for more consistent and effective enforcement of the ADA in order to prevent discrimination in public services and accommodations.

WHEREAS, at a time when so many doubted that people with disabilities could contribute to our economy or support their families, the ADA assumed they could, and guided the way forward. Today, as we reflect on the courage and commitment of all who made this achievement possible, let us renew our obligation to extend the promise of the American dream to all our people, and let us recommit to building a world free of unnecessary barriers and full of deeper understanding of those living with disabilities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the City Council of the City of Pensacola declares July 26, 2018, Americans with Disabilities Act Awareness Day.

SECTION 2. This Resolution shall become effective the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00178

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

AWARD OF BID #18-018 WOODCLIFF DRIVE AT LIVINGSTON OUTFALL STORMWATER TREATMENT ENHANCEMENT PROJECT

RECOMMENDATION:

That City Council award Bid #18-018 Woodcliff Drive at Livingston Outfall Stormwater Treatment Enhancement Project to B&W Utilities Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$354,556.20, plus alternate #1 of \$8,730.00, plus 10% contingency of \$36,328.62 for a total amount of \$399,614.82. Further, that City Council authorize the Mayor to execute the contract and take all actions necessary to complete the project.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The scope of the project is to provide stormwater treatment for two currently untreated drainage sub-basins within the Escambia Bay Watershed. This treatment will be provided by installing two proprietary underground treatment units with associated stormwater structures and piping. This project is consistent with current technology and industry standards for stormwater retrofit treatment and is part of the City's ongoing program to improve the water quality of area waterways.

PRIOR ACTION:

None

FUNDING:

Budget: \$ 575,000.00

Actual: \$ 354,556.20 Construction Contract
8,730.00 Alternate #1
36,328.62 10% Contingency
39,823.36 Engineering Design/Permitting/Surveying

20,000.00 Engineering Management/Inspection (Estimate)
5,000.00 Construction Testing/Misc. (Estimate)
\$ 464,438.18

FINANCIAL IMPACT:

The total budget for this project is \$575,000.00 and is funded within the Stormwater Capital Projects Fund. In FY 2017, \$50,000 was transferred from the Fisher Street & 11th Avenue Pond Rehabilitation Project after grant funds were made available for that project. The unexpended funds were carried forward on a supplemental budget resolution in November 2017. The FY 2018 Beginning Budget provided an additional \$525,000 for a total budget of \$575,000. To date, \$40,041.94 has been expended for completed items related to Surveying, Engineering Design, Studies and Permitting leaving a balance of \$534,958.06. The remaining budget balance is sufficient to cover the remaining items that have yet to be completed/expended.

CITY ATTORNEY REVIEW: Yes

7/8/2018

STAFF CONTACT:

Eric W. Olson, City Administrator

L. Derrik Owens, Director of Public Works and Facilities/City Engineer

ATTACHMENTS:

- 1) Bid Tabulation, Bid No. 18-018
- 2) Final Vendor Reference List, Bid No. 18-018
- 3) Map, Woodcliff Drive at Livingston Outfall Stormwater Treatment Enhancement Project

PRESENTATION: No

TABULATION OF BIDS

BID NO: 18-018

TITLE: WOODCLIFF DRIVE AT LIVINGSTON OUTFALL STORMWATER TREATMENT

OPENING DATE: May 17, 2018 OPENING TIME: 2:30 P.M. DEPARTMENT: Engineering	B&W UTILITIES, INC. Cantonment, FL	BROWN CONSTRUCTION OF NWFL, INC. Pensacola, FL	CHAVERS CONSTRUCTION, INC. Pensacola, FL	J. MILLER CONSTRUCTION, INC. Pensacola, FL	SITE & UTILITY, LLC Pensacola, FL
Base Bid	\$354,556.20	\$386,364.95	\$484,373.00	\$376,683.00	\$492,906.00
Alternate 1	\$8,730.00	\$12,824.00	\$15,200.00	\$7,200.00	\$9,392.00
Base Bid + Alternate 1	\$363,286.20	\$399,188.95	\$499,573.00	\$383,883.00	\$502,298.00
M/WBE Participation	6.3%	0%	5.1%	5%	0%
Attended Prebid	Yes	Yes	Yes	Yes	Yes

Opening Date: 00/00/18

Bid No.: 18-000

FINAL VENDOR REFERENCE LIST
TITLE
DEPARTMENT

Vendor	Name	Address	City	St	Zip Code	SMWBE
044957	ALL SEASONS CONSTRUCTION LLC	6161 BLUE ANGEL PKWY	PENSACOLA	FL	32526	
068571	B&W UTILITIES INC	1610 SUCCESS DR	CANTONMENT	FL	32533	
000377	BASKERVILLE DONOVAN	449 WEST MAIN ST	PENSACOLA	FL	32502	
036997	BELLVIEW SITE CONTRACTORS INC	3300 GODWIN LN	PENSACOLA	FL	32526	Y
053457	BIRKSHIRE JOHNSTONE LLC	11 CLARINDA LN	PENSACOLA	FL	32505	Y
065013	BKW INC	5615 DUVAL ST	PENSACOLA	FL	32503	Y
029184	BLARICOM, KIRK VAN DBA KIRK CONSTRUCTION COMPANY	619 GREEN HILLS RD	CANTONMENT	FL	32533	Y
022856	BROWN CONSTRUCTION OF NW FL INC	10200 COVE AVE	PENSACOLA	FL	32534	Y
041503	BROWN, AMOS P JR DBA P BROWN BUILDERS LLC	4231 CHERRY LAUREL DR	PENSACOLA	FL	32504	Y
042045	CHAVERS CONSTRUCTION INC	1795 WEST DETROIT BLVD	PENSACOLA	FL	32534	Y
049653	CHRISTOPHER C BARGAINEER CONCRETE CONSTRUCTION INC	6550 BUD JOHNSON RD	PENSACOLA	FL	32505	Y
057454	COASTAL PILE DRIVING INC	2201 VALLEY ESCONDIDO DR	PENSACOLA	FL	32526	
045454	COASTLINE STRIPING INC	8840 FOWLER AVE	PENSACOLA	FL	32534	
058302	CONTECH	182 MONTGOMERY ST	SANTA ROSA BEACH	FL	32455	
060876	CREATIVE PUBLIC AMENITIES	1317 JOHN CARROLL DR	PENSACOLA	FL	32504	
036146	CRONIN CONSTRUCTION INC	913 GULF BREEZE PKWY STE 12	GULF BREEZE	FL	32561	Y
033554	D K E MARINE SERVICES	P O BOX 2395	PENSACOLA	FL	32513	Y
032038	EVANS CONTRACTING INC	289 NOWAK RD	CANTONMENT	FL	32533	
058842	EVERS COMMERCIAL SERVICES OF NORTHWEST FL LLC	1450 EVERS HAVEN	CANTONMENT	FL	32533	
033421	FLOYD BROTHERS CONSTRUCTION	101 EAST 9 1/2 MILE RD	PENSACOLA	FL	32534	
032792	GATOR BORING & TRENCHING INC	1800 BLACKBIRD LN	PENSACOLA	FL	32534	Y
050495	GB GREEN CONSTRUCTION MGMT & CONSULTING INC	303 MAN'O'WAR CRCL	CANTONMENT	FL	32533	Y
053862	GFD CONSTRUCTION INC	8777 ASHLAND AVE	PENSACOLA	FL	32514	
000591	GULF ATLANTIC CONSTRUCTORS INC	650 WEST OAKFIELD RD	PENSACOLA	FL	32503	Y
044100	GULF BEACH CONSTRUCTION	1308 UPLAND CREST CT	GULF BREEZE	FL	32563	Y
034504	GULF COAST AFRICAN AMERICAN CHAMBER OF COMMERCE	PO BOX 17844	PENSACOLA	FL	32522	
018636	GULF COAST BUILDING CONTRACTORS INC	1010 N 12TH AVE	PENSACOLA	FL	32501	Y
017352	GULF COAST TRAFFIC ENGINEERS	8203 KIPLING ST	PENSACOLA	FL	32514	
055520	GULF COAST UTILITY CONTRACTORS	13938 HIGHWAY 77	PANAMA CITY	FL	32409	
036662	H H H CONSTRUCTION OF NWF INC	8190 BELLE PINES LN	PENSACOLA	FL	32526	
050489	HAILE, MICHAEL JACKSON DBA THE HAILE COMPANY OF NW FL INC	PO BOX 13425	PENSACOLA	FL	32591	
070385	HANTO & CLARKE GENERAL CONTRACTORS LLC	1401 EAST BELMONT ST	PENSACOLA	FL	32501	
001597	HEATON BROTHERS CONSTRUCTION CO INC	5805 SAUFLEY FIELD RD	PENSACOLA	FL	32526	
052866	HEWES & COMPANY LLC	390 SELINA ST	PENSACOLA	FL	32503	Y
056716	HOWELL, KENNETH C, JR DBA KEN JR CONSTRUCTION LLC	1102 WEBSTER DR	PENSACOLA	FL	32505	
022978	INGRAM SIGNALIZATION INC	4522 N DAVIS HWY	PENSACOLA	FL	32503	Y
049240	J MILLER CONSTRUCTION INC	201 SOUTH "F" ST	PENSACOLA	FL	32501	Y
043857	KBI CONSTRUCTION CO INC	9214 WARING RD	PENSACOLA	FL	32534	
058332	LEIDNER BUILDERS INC	409 N PACE BLVD	PENSACOLA	FL	32505	Y
058801	M & H CONSTRUCTION SVCS INC	4782 MALLARD CREEK RD	PENSACOLA	FL	32526	Y
052456	MEI LING DAVIS LLC	PO BOX 18155	PENSACOLA	FL	32523	
053467	MIDSOUTH PAVING INC	4375 MCCOY DR	PENSACOLA	FL	32503	
016210	NORD, STEVE DBA SEA HORSE GENERAL CONTRACTORS INC	4238 GULF BREEZE PKWY	GULF BREEZE	FL	32563	Y
051747	PAEDAE PROPERTIES INC	5104 NORTH W ST	PENSACOLA	FL	32505	
002720	PANHANDLE GRADING & PAVING INC	2665 SOLO DOS FAMILIAF	PENSACOLA	FL	32534	
030951	PAV'R CONSTRUCTION INC	501 EAST GREGORY ST STE 3	PENSACOLA	FL	32502	
060344	PENSACOLA BAY AREA CHAMBER OF COMMERCE DBA GREATER PENSACOLA CHAMBER	117 W GARDEN ST	PENSACOLA	FL	32502	

Opening Date: 00/00/18

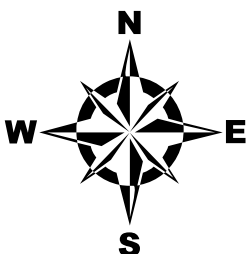
Bid No.: 18-000

FINAL VENDOR REFERENCE LIST
TITLE
DEPARTMENT

Vendor	Name	Address	City	St	Zip Code	SMWBE
003956	PENSACOLA CONCRETE CONSTRUCTION CO INC	P O BOX 2787	PENSACOLA	FL	32513	
000225	PENSACOLA NEWS JOURNAL	P O BOX 12710	PENSACOLA	FL	32591	
055028	PERDIDO GRADING & PAVING	PO BOX 3333	PENSACOLA	FL	32516	Y
066152	PRINCIPLE PROPERTIES INC	4371 MARILYN CT	GULF BREEZE	FL	32563	Y
051133	PUGH, KEVIN D DBA KEVIN D PUGH SITE & DOZER WORKS LLC	5731 STEWART RD	WALNUT HILL	FL	32568	Y
050307	QCFS MANAGEMENT GROUP INC	3326 NORTH W ST	PENSACOLA	FL	32505	
018305	R D WARD CONSTRUCTION CO INC	15 EAST HERMAN ST	PENSACOLA	FL	32505	
049671	RADFORD & NIX CONSTRUCTION LLC	7014 PINE FOREST RD	PENSACOLA	FL	32526	Y
021834	RANDALL CHAVERS SEPTIC TANK INC DBA R & L PRODUCTS	9492 PENSACOLA BLVD	PENSACOLA	FL	32534	
001681	RANDALL, HENRY DBA RANDALL CONSTRUCTION	1045 S FAIRFIELD DR	PENSACOLA	FL	32506	
031881	ROADS INC OF NWF	106 STONE BLVD	CANTONMENT	FL	32533	
017634	ROBERSON EXCAVATION INC	6013 SOUTHRIDGE RD	MILTON	FL	32570	Y
067564	ROBERSON UNDERGROUND UTILITY LLC	6013 SOUTHRIDGE RD	MILTON	FL	32570	Y
055499	ROCKWELL CORPORATION	3309 LINGER COURT	PENSACOLA	FL	32526	Y
042044	SALTER/3C'S CONSTRUCTION CO	4512 TRICE RD	MILTON	FL	32571	
052761	SEASIDE GOLF DEVELOPMENT INC	312 N DAVIS HWY	PENSACOLA	FL	32501	
065450	SITE AND UTILITY LLC	PO BOX 30136	PENSACOLA	FL	32503	Y
059753	SITE WORX OF NORTHWEST FL LLC	1450 EVERS HAVEN	CANTONMENT	FL	32533	
011457	SOUTHERN UTILITY CO INC	P O BOX 2055	PENSACOLA	FL	32513	Y
057995	T&W BREAKING GROUND LLC	5748 PRINCETON DR	PENSACOLA	FL	32526	
066848	TALCON GROUP LLC	156 DUPONT RD	HAVANA	FL	32333	
045247	TEAM POWER SOLUTIONS	4033 WILLIS WAY	MILTON	FL	32583	
002839	TERHAAR & CRONLEY GENERAL CONTRACTOR INC	1401 EAST BELMONT ST	PENSACOLA	FL	32501	
028060	THE GREEN SIMMONS COMPANY INC	3407 NORTH W ST	PENSACOLA	FL	32505	Y
053924	THOMPSON CONTRACTOR RESOURCES INC	196 E NINE MILE RD STE C	PENSACOLA	FL	32534	
002482	UTILITY SERVICE COMPANY INC	4326 GULF BREEZE PKWY	GULF BREEZE	FL	32563	
030096	W D ROGERS MECHANICAL CONTRACTORS INC	3018 NORTH DAVIS HWY	PENSACOLA	FL	32503	
030317	W P R INC	4175 BRIARGLEN RD	MILTON	FL	32583	Y
030448	WARRINGTON UTILITY & EXCAVATING INC	8401 UNTREINER AVE	PENSACOLA	FL	32534	Y
070332	WILLIAMS INDUSTRIAL	902 SOUTH MCGEE RD	BONIFAY	FL	32425	
045140	WIT CONSTRUCTION SVCS LLC	1161 WEST DETROIT BLVD	PENSACOLA	FL	32534	
044856	WOLFE CONSTRUCTION	40 W NINE MILE RD #2 STE 212	PENSACOLA	FL	32534	Y

Vendors: 79

WOODCLIFF DRIVE AT LIVINGSTON OUTFALL TO ESCAMBIA BAY STORMWATER TREATMENT ENHANCEMENT PROJECT



PENSACOLA
THE UPSIDE *of* FLORIDA

**DEPARTMENT OF PUBLIC WORKS AND FACILITIES
ENGINEERING AND CONSTRUCTION SERVICES DIVISION**



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00215

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor
Andy Terhaar, City Council Member

SUBJECT:

ASSIGNMENT OF LEASE FROM SUMMIT GOLF, INC. TO FLIGHTLINE GOLF, LLC AND AMENDMENT TO LEASE AND OPERATING AGREEMENT

RECOMMENDATION:

That City Council consent to the assignment of the lease and operating agreement for the driving range at the Pensacola International Airport from Summit Golf, Inc. to Flightline Golf, LLC. Further, that City Council consent to the amendment to the lease and operating agreement. Finally, that Council authorize the Mayor to take all actions necessary to execute the Consent Agreement and the Lease Amendment.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Pensacola International Airport has leased property since 1991 for the operation of a golf driving range located south of Summit Boulevard. The Driving Range contains approximately 10.6 acres of property and includes tee boxes, a range shop, customer parking, a chipping green, and a 30 foot high lights around the fenced open space. There is a wooded buffer area around the perimeter to shield the adjacent subdivisions from the operation.

The original twenty-five year lease for the Driving Range expired at the end of March 2016. A Request for Proposals was issued in January 2016 for a firm to continue operating the facility under a five-year lease, with one five year renewal option (at the sole discretion of the City). One proposal was received, being from Summit Golf, the then-current operator. Under the awarded agreement, Summit Golf was to provide services, at a minimum, Monday through Saturday, from 10am - 7pm, as weather permitted. Additionally, Summit Golf was to provide competent golf instruction for all ages and levels of play at a reasonable fee.

Flightline Golf, LLC has expressed an interest in acquiring the lease from Summit Golf. Flightline Golf, LLC would continue to operate the facility as a community golf driving range and practice area, but would modernize the facility to better support the Pensacola golf community. Proposed enhancements include the renovation and expansion of the existing range shop building, the construction of indoor instruction bays, the potential installation of a live golf shot tracking system to provide shot data and allow customers to engage in

virtual golf games, the installation of a limited number of covers over hitting spaces, and enhanced instruction. To further improve the overall customer experience, Flightline also intends to offer an increased variety of drinks and snacks, including beer and wine.

The current Agreement may be assigned from Summit Golf to Flightline Golf, LLC with the written consent of the City. Additionally, given the capital improvement that Flightline Golf proposes to make to the facility, Flightline Golf has requested an amendment to the lease to extend the term to provide them adequate time to amortize their investment. The current agreement provides for a lease term out to April 30, 2021, with a five-year renewal option at the discretion of the City. However, it did not impose any capital investment requirements on the current concessionaire. The proposed amendment would outline the type and amount of required capital investment, extend the lease to August 31, 2028, and place escalator clauses on the annual rental amount starting May 1, 2021.

PRIOR ACTION:

March 8, 1991 - City Council approved the original twenty-five year Commercial Ground Lease (Driving Range) between Summit Golf, Inc. and the City of Pensacola.

February 15, 1993 - City Council approved Amendment No. 1 to the Commercial Ground Lease (Driving Range) between Summit Golf, Inc. and the City of Pensacola.

February 18, 1997 - City Council approved Amendment No. 2 to the Commercial Ground Lease (Driving Range) between Summit Golf, Inc. and the City of Pensacola.

April 14, 2016 - City Council awarded the proposal to and authorized the Mayor to execute a Lease and Operating Agreement with Summit Golf, Inc. for driving range operator services at the Pensacola International Airport.

FUNDING:

N/A

FINANCIAL IMPACT:

The operator of the driving range is required to remit a fixed annual amount in monthly increments. The current amount received annually from Summit Golf is \$20,859.12. The fair market rental rate was based on an appraisal completed on December 7, 2015. Under the terms of the proposed amendment, rent would be increased each year starting May 1, 2021.

CITY ATTORNEY REVIEW: Yes

7/8/2018

STAFF CONTACT:

Eric W. Olson, City Administrator
Daniel E. Flynn, Airport Director

ATTACHMENTS:

- 1) Consent By Lessor
- 2) First Amendment to Lease and Operating Agreement, Flight Line Golf, LLC

PRESENTATION: No

CONSENT BY LESSOR

THE CITY OF PENSACOLA, as Lessor in the Lease and Operating Agreement between the City of Pensacola and Summit Golf, Inc. dated May 5, 2016, does hereby consent to the assignment of the Lease and Operating Agreement from Summit Golf, Inc. to Flightline Golf, LLC.

This Consent is given to solely satisfy any consent requirement contained in the original Lease and Operating Agreement, and shall in no way be construed as granting rights not contained in the Lease and Operating Agreement, or enlarging, altering, modifying or amending those rights contained in the Lease and Operating Agreement.

Executed this _____ day of _____, 20____.

ATTEST:

**City of Pensacola, Florida, a
Municipal Corporation**

By: _____
Ericka Burnett
City Clerk

By: _____
Ashton J. Hayward III
Mayor

Approved as to Content:

Legal in Form and Valid as Drawn:

Airport Director

City Attorney

FIRST AMENDMENT TO LEASE AND OPERATING AGREEMENT

THIS FIRST AMENDMENT TO LEASE AND OPERATING AGREEMENT ("this Amendment") is hereby made and entered into as of the ____ day of July, 2018, by and between **FLIGHTLINE GOLF LLC**, a Florida limited liability company ("Lessee"), and **CITY OF PENSACOLA**, a Florida municipal corporation ("City") in its capacity as owner and operator of **PENSACOLA INTERNATIONAL AIRPORT** ("the Airport"). City and Lessee may, from time to time, be referred to in this Amendment individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, City is the owner and operator of the Airport (as hereinafter defined); and

WHEREAS, City, as lessor, and Summit Golf, Inc., as lessee, entered into a certain "Lease and Operating Agreement between City of Pensacola and Summit Golf, Inc. at the Pensacola International Airport" dated the ____ day of _____, 2016 (the "Lease");

WHEREAS, effective as of the date of this Amendment, Summit Golf, Inc. assigned to Lessee all of its right, title, interest and leasehold estate in, to and under the Lease, and Lessee assumed the obligations of the lessee under the Lease;

WHEREAS, City and Lessee desire to amend the Lease as hereinafter provided;

NOW, THEREFORE, in consideration of the promises, covenants, terms, and conditions herein set forth, the Parties hereby agree as follows:

(1) Recitals. The foregoing recitals are true and correct and are hereby incorporated herein by reference.

(2) Leased Premises. Exhibit "C" to the Lease is hereby deleted in its entirety, and Exhibit "C" attached to this Amendment is hereby substituted in lieu thereof.

(3) Grant of Use. Article II of the Lease is hereby deleted in its entirety and the following is inserted in lieu thereof:

"Article II. GRANT OF USE.

City hereby grants to Lessee the right to use the Leased Premises to operate a public golf driving range and practice facility, and uses incidental thereto, including a range shop (with incidental sales of beer and wine (subject to Lessee's compliance with all applicable ordinances, statutes, rules and regulations pertaining thereto), non-alcoholic beverages, snacks and merchandise), a chipping and putting green, open outdoor tee boxes, covered outdoor tee boxes, indoor instruction bays, and offices. Lessee shall not use, or permit others to use, the Leased Premises for any use or purpose other than as expressly permitted by the preceding sentence."

(4) Term. Article III of the Lease is hereby deleted in its entirety and the following is inserted in lieu thereof:

"Article III. TERM.

The term of this Lease (the "Term") shall commence at 12:01 a.m. on May 1, 2016 (the "Commencement Date") and shall terminate at midnight on August 31, 2028, subject to earlier termination pursuant to the terms and conditions of this Lease"

(5) Rentals, Fees and Charges. The following paragraph is hereby added to Article IV of the Lease:

"During the following time periods, Lessee shall pay to City the indicated sums as rental for the Leased Premises:

<u>Time Period</u>	<u>Annual Rent</u>	<u>Monthly Rent</u>
05/01/2021-04/30/2022	\$19,731.60	\$1,644.30
05/01/2022-04/30/2023	\$20,027.57	\$1,668.96
05/01/2023-04/30/2024	\$20,327.99	\$1,694.00

05/01/2024-04/30/2025	\$20,632.91	\$1,719.41
05/01/2025-04/30/2026	\$20,942.40	\$1,745.20
05/01/2026-04/30/2027	\$21,256.54	\$1,771.38
05/01/2027-04/30/2028	\$21,575.39	\$1,797.95
05/01/2028-08/31/2028		\$1,824.92"

(6) Improvements. Article V of the Lease is hereby deleted in its entirety and the following is inserted in lieu thereof:

"ARTICLE V. IMPROVEMENTS.

A. General Requirements.

Lessee shall not construct, remove, demolish, alter, remodel, or renovate any building, structure, pavement or other improvements on the Leased Premises without the prior written approval of City, which approval may be given or withheld in City's reasonable discretion.

In the event that Lessee desires to alter, remodel or renovate any improvements on the Leased Premises, or to construct, remove, or demolish any improvements on the Leased Premises, it shall submit to the Airport Director plans and specifications for such work prepared by Florida-registered architects and engineers setting forth the work that Lessee desires to implement in sufficient detail as may be required by the Airport Director in order for City to determine whether or not the proposed work is in the best interest of the Airport and conforms to the requirements of this Lease. For purposes of this submittal and approval to the Airport Director, "sufficient detail" means up to but not exceeding the detail required by the City's Building Department, Airport Director shall review the plans and specifications, and provide approval or denial on a timely basis, but no later than twenty (20) days following receipt of submission and request by Lessee. Provided Lessee is given a reasonable cost estimate in advance of the City incurring out of pocket expenses related to its review of Lessee's request, Lessee shall reimburse City upon

demand for its out of pocket expenses incurred by City to review and act upon Lessee's request, which expenses may include without limitation the fees and expenses of architects, engineers, attorneys and other professionals. Furthermore, only upon City providing Lessee with a reasonable cost estimate of its actual out of pocket expenses it anticipates arising from such review shall the Lessee notify the City of its decision to move forward with the relevant request.

Lessee shall not initiate any such work until City, through both the Airport Director and the Building Inspections Department (or other City departments as may be applicable to the proposed work), has given written approval of Lessee's plans, specifications and construction time schedule. City, by giving its approval, assumes no liability or responsibility therefor or for any defects in such plans and specifications or for any defects in any work performed according to such plans and specifications. Further, City's approval of the plans and specifications pursuant to this Article V shall not relieve Lessee from its obligation to comply with all applicable permitting requirements, codes and ordinances adopted or enforced by City.

Prior to the initiation of any such work, Lessee shall procure any and all additional approvals of the plans and specifications for such work required by any federal, State of Florida, water management district, county or municipal authorities, agencies, officers, and departments having jurisdiction thereof, and shall obtain any and all requisite building and construction licenses, permits, and approvals. Lessee shall be solely responsible for obtaining and paying the costs of obtaining all required licenses, permits and approvals for such work.

City may, as a condition of its approval under this Article V, require Lessee to post payment and performance bonds or other security acceptable to City in its sole discretion as a conditions precedent to the commencement of any construction, removal, demolition, replacement, renovation or remodeling of any improvements on the Leased Premises.

Promptly upon receipt of City's written approval of said plans, specifications, and construction time schedule, Lessee shall proceed with construction of said improvements. Work shall not be performed at times other than shown on a construction time schedule approved in writing by the Airport Director.

Lessee shall insure that all construction shall be performed by appropriately licensed contractors and shall comply with applicable building code requirements and with applicable regulations promulgated by any federal, State of Florida, water management district, county, or municipal agency or department having jurisdiction thereof. Further, all work and improvements shall be performed and constructed in a good and workmanlike manner with high quality, new materials.

Lessee specifically agrees that it shall release, indemnify, defend, and hold City harmless from and against any and all claims, causes of action and liabilities, whether actual or potential, associated with any construction undertaken by Lessee.

The cost of all such renovations, construction, alterations, or improvements upon the Leased Premises shall be borne and paid for solely by Lessee.

Upon completion of all renovations, construction, alterations, or improvements, a conformed set of "as built" plans and specifications, certified by the appropriate design professional(s) and a Certificate of Occupancy, if required, shall be provided by Lessee to the Airport Director.

Lessee shall be responsible for assuring that all of the improvements, alterations and additions to the Leased Premises are constructed in accordance with applicable local, state and federal law. Lessee shall reimburse City for all costs and expenses, including attorney's fees, that City incurs:

1. as a result of the fact that the improvements, or alterations do not comply with local, federal law;
2. in defending against, settling or satisfying any claims that City is responsible for paying for improvements commissioned by Lessee hereunder; or
3. in defending against, settling or satisfying any mechanic's lien claims, asserted as a result of unpaid for improvements commissioned by Lessee hereunder.

Should Lessee construct improvements, alterations, or additions without fulfilling its obligations hereunder, Lessee shall remove said improvements, alterations, or additions if so directed by City, and shall do so at its own expense and within the time limits specified.

City shall, at any period during construction of Lessee's improvements, alterations, or additions, have the right to inspect any or all construction work, workmanship, material and installation involved in, or incidental to, the construction or installation of the improvements, alterations, or additions, for conformance with the applicable standards set forth in this Lease, provided that no such inspections shall be deemed to constitute consent to or approval of any such work.

Promptly upon completion of any improvements, alterations, or additions, Lessee shall submit to City a detailed, certified statement from Lessee, together with such additional certifications from the construction contractor(s), architect(s), and engineer(s) as City may request, specifying the total construction costs, both hard costs such as building contractor and material costs, and soft costs such as architect fees and other design costs, financing costs, bond costs, and letter of credit fees, but excluding debt service (collectively, the "Direct Costs").

No person or entity performing or providing labor, work, services or materials to or upon the Leased Premises by, through or at the request of Lessee shall be entitled to claim or assert any lien against the Leased Premises or any portion thereof. Lessee shall not suffer or permit any mechanics' or other liens to be filed against the fee of the Leased Premises, or against Lessee's leasehold interest in the Land, Facilities, buildings, or improvements thereon, by reason of any work, labor, services or materials supplied or claimed to have been supplied, to Lessee or to anyone holding the Leased Premises, or any part thereof, through or under Lessee.

If any such construction lien shall be recorded against the Leased Premises or any portion thereof, Lessee shall immediately cause the same to be removed or bonded against in accordance with applicable law.

B. Lessee's Obligation to Construct Improvements.

Lessee, at Lessee's sole cost and expense, intends to construct the following improvements, alterations and additions to the Leased Premises:

- (1) Replace, or renovate and refurbish to like-new condition, the interior and exterior of the existing range shop building on the Leased Premises;
- (2) Construct a state-of-the art indoor instruction bay with room for at least two hitting stations, to be used for supervised instruction, clinics and other special events;
- (3) Construct not less than ten (10) covered (but no sides) outdoor hitting bays; and
- (4) Construct new putting green with safety netting (if needed).

The improvements required by clauses (1) through (4) of this paragraph B shall be similar in concept to the examples attached hereto as Exhibit "D".

The Direct Costs of the foregoing improvements shall be not less than \$350,000.00. Lessee agrees to complete the improvements required by clauses (1) through (3) of this paragraph B no later than April 30, 2019, subject to Unavoidable Delays. Lessee agrees to install and complete the improvements required by clause (4) of this paragraph B during the summer of 2019 or, if conditions are not suitable for completion during the summer of 2019, during the summer of 2020, subject to Unavoidable Delays. For purposes herein, "Unavoidable Delays", shall mean any delay due to strikes, acts of God, fire, earthquake, floods, explosion, actions of the elements, other accidents or casualty, declared or undeclared war, terrorist acts, riots, mob violence, inability to procure or a general shortage of labor, equipment, facilities, energy, materials or supplies in the open market, failure of transportation, lockouts, tenant delays, actions of labor unions, condemnation, court orders, laws, rules, regulations or orders of Governmental Authorities, or other cause beyond the reasonable control

of Borrower; provided, however, "Unavoidable Delays" shall not include delays caused by Borrower's lack of or inability to procure monies to fulfill Borrower's commitments and obligations under this Amendment. If completion of improvements is unattainable because of Unavoidable Delays, Lessee agrees to work diligently towards its completion as soon as practicable.

For the avoidance of doubt, Lessee shall comply with all requirements of paragraph A above.

C. Optional Improvements by Lessee.

During the Term, Lessee, at its sole option and expense, may replace all or any part of the protective netting along the perimeters of the driving range and the associated poles; provided, however, that any increase in the height of such poles and netting above the currently existing height shall require the prior written approval of the Airport Director in his or her sole reasonable discretion and, in the Airport Director's sole reasonable discretion, the prior review of the Federal Aviation Administration ("FAA"). Any obstruction evaluation / airspace study or other investigation or study required by the Airport Director or the FAA as a condition of his or her approval shall be conducted by duly licensed professionals at the sole cost and expense of Lessee; provided, however, Lessee shall be given a written cost estimate for the cost of all services Airport Director requires for review and approval, prior to any cost being incurred so that Lessee may determine if it intends to continue with its request. The intent of this provision is to allow Lessee to retract any proposed improvement if the costs and expenses for such request and approval are going to outweigh the benefit of the netting and associated poles.

Lessee may install outdoor LED lighting on the driving range, provided that any change in lighting locations or directions are subject to the same approvals of Airport Director as the netting.

For the avoidance of doubt, Lessee shall comply with all requirements of paragraph A above.

D. Runway Protection Zone.

Notwithstanding any contrary provision in this lease, Lessee shall not construct any improvements, nor allow any present or future improvements to remain, in the Runway Protection Zone, as it now exists or may hereafter be extended or modified. If any present or future improvements constructed with City and Airport consent and approval are within the Runway Protection Zone, City, at its sole cost and expense, shall remove such improvements from that area then situated within the Runway Protection Zone, or, if City fails to remove such improvements within sixty (60) days after written demand from Lessee, reimburse Lessee for the cost of Lessee to remove such improvements from that area then situated within the Runway Protection Zone. City and Airport shall inform Lessee in writing as soon as practicable after they learn of any extensions or modifications to the Runway Protection Zone if it reasonably appears evident that the Runway Protection Zone is or will include current or planned improvements of Lessee. Furthermore, if the removal of any improvements is required by City or Airport due to such improvements being situated within the Runway Protection Zone, and such removal materially interferes with or affects Lessee's use of the Leased Premises, such determination to be in Lessee's sole reasonable discretion, then Lessee shall have the right to terminate this Lease within ninety (90) days after the actual date of such removal, and be relieved of all obligations hereunder."

(7) Maintenance, Repairs, Utilities and Cleanliness. The following sentence is hereby added to Article VI of the Lease: "During the Term, Lessee shall maintain the protective netting along the perimeters of the driving range in good condition and repair."

(8) Insurance. The following paragraphs are hereby added to Article XI of the Lease:

"Lessee and City understand and agree that the minimum limits of insurance herein required by this Article may become inadequate during the term of this Lease. Lessee agrees that it will increase such coverage to commercially reasonable levels required by City within ninety (90) days following the receipt of written notice from the Airport Director."

"During the Term, if Lessee is selling Beer or Wine, Lessee shall maintain liquor liability insurance in a commercially reasonable amount."

(9) Hold Harmless. The "HOLD HARMLESS" paragraph in Article XI, found on page 8 of the Lease, is hereby deleted in its entirety and the following inserted in lieu thereof:

"HOLD HARMLESS: Lessee, for itself and its successors and assigns, shall, and does hereby covenant and agree to, FULLY AND FOREVER RELEASE, INDEMNIFY, DEFEND, and HOLD HARMLESS City and its elected officials, employees, officers, directors, volunteers, and representatives, individually and collectively, from and against any and all costs, claims, liens, damages, losses, expenses, fees, fines, penalties, arbitration awards, regulatory actions, administrative actions, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including, but not limited to, personal or bodily injury, death, environmental remediation and damage, and property damage, made upon or suffered or incurred by City directly or indirectly arising out of, resulting from, or related to any breach or default by Lessee under this Lease or the activities, acts or omissions of Lessee, its successors or assigns under this Lease, or arising or occurring in, on, under or about the Leased Premises, including, but not limited to, any acts or omissions of Lessee, its successors or assigns, including any of its or their respective agents, officers, directors, representatives, employees, consultants, contractors or subcontractors, and their respective officers, agents, employees, directors, and representatives. The indemnity provided for in this Section shall not apply to any liability resulting from negligence of City, its officers, or employees in instances where such negligence causes personal injury, death, or property damage.

Lessee shall fully and forever release, hold harmless, defend, and indemnify City from all such costs, including, but not limited to, legal fees and expert fees arising from or as a result of Lessee's use of the Premises, even though a jury may find Lessee and City jointly liable; provided however, if City and Lessee are found to be jointly liable in any context or controversy, then each party shall be responsible for its own legal fees and expert fees. City shall, upon notice thereof, transmit to Lessee every

demand, notice, summons, or other process received in any claim or legal proceeding contemplated herein.

Nothing in this section shall be deemed a change or modification in any manner whatsoever of the method or conditions of preserving, asserting, or enforcing any claim or legal liability against City. This section shall in no way be construed as a waiver, in whole or in part, of City's sovereign immunity under the Constitution, statutes and case law of the State of Florida.

(10) Default and Remedies. Section B of Article XII of the Lease is hereby deleted in its entirety and the following inserted in lieu thereof:

"B. If Lessee defaults, City may at any time thereafter, with or without notice or demand (except as expressly specified in Section A above or elsewhere in this Lease), and without limiting City in the exercise of any right or remedy that City may have by reason of such default:

- (1) Terminate Lessee's right to possession of the Leased Premises by any lawful means, in which case this Lease shall terminate and Lessee shall immediately surrender possession of the Leased Premises to City. In such event City shall be entitled to recover from Lessee all damages incurred by City by reason of Lessee's default, including but not limited to the cost of recovering possession of the Leased Premises; expenses of re-letting, including necessary repairs of the Leased Premises required because of Lessee's breach of its maintenance and repair obligations under this Lease, reasonable attorney's fees and any real estate commission actually paid; and the worth at the time of award by the court having jurisdiction thereof of (i) the amount of unpaid rent and other unpaid amounts under this Lease which had been earned at the time of termination, (ii) the unpaid rent and other amounts under this Lease which would have been earned after termination until the time of award, and (iii) the amount of unpaid rent and other amounts under this Lease for the balance of the Term of this Lease. The worth at the time of award of the sums referred to in clauses (i) and (ii) above shall be computed by allowing interest from the due date at the greater of six percent (6%) per annum or the legal rate applicable to money judgments entered by the courts of the State of Florida. The worth at the time of award of the

amount referred to in clause (iii) above shall be computed by discounting such amount at a reasonable discount rate based upon all relevant circumstances existing at the time of the award.

- (2) Without terminating this Lease, enter and repossess the Leased Premises, remove Lessee's property and signs therefrom, and re-let the same for such rent and upon such terms as shall be satisfactory to City without such re-entry and repossession working a forfeiture of the rent and other amounts to be paid and the covenants to be performed by Lessee during the remaining Term. For the purpose of such re-letting, City shall be entitled to make any repairs to the Leased Premises that may be necessary because of Lessee's breach of its maintenance and repair obligations under this Lease, and City shall be entitled to recover from Lessee the cost of such repairs; the expenses of such re-letting; and the difference in value between the rent and other amounts which would be payable by Lessee hereunder for the remainder of the Term and the value of the rent and other amounts to be realized from such re-letting.
- (3) Maintain Lessee's right to possession, in which case this Lease shall continue in effect whether or not Lessee shall have abandoned the Leased Premises. In such event, City shall be entitled to enforce all of City's rights and remedies under this Lease, including the right to recover rent and other amounts as they becomes due hereunder.
- (4) Pursue any other remedy now or hereafter available to City at law or in equity under the laws or judicial decisions of the State of Florida."

(11) Lessee's Address for Notices. Lessee's address set forth in Article XIX is hereby deleted and the following is inserted in lieu thereof:

"All notices to Lessee shall be mailed to:

Flightline Golf LLC
Attn: Randall Wells
3112 Brittany Terrace
Pensacola, Florida 32504"

(12) Public Records. Article XXIII is hereby deleted in its entirety and the following inserted in lieu thereof:

"ARTICLE XXIII. PUBLIC RECORDS.

The Florida Public Records Law, as contained in Chapter 119, Florida Statutes, is very broad. As a result, any written communication created, sent or received by City will be made available to the public and media, upon request, unless a statutory exemption from such disclosure exists. Lessee shall comply with the Florida Public Records Law in effect from time to time if and to the extent that the Florida Public Records Law is applicable to Lessee. Notwithstanding any contrary provision in this Lease, any failure by Lessee to comply with the Florida Public Records Law, if and to the extent that it is applicable to Lessee, that continues for seven (7) days after written notice from City shall constitute an Event of Default by Lessee.

IF LESSEE HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO LESSEE'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS LEASE, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT: THE OFFICE OF CITY ATTORNEY, 222 WEST MAIN STREET, PENSACOLA, FLORIDA 32502; PUBLICRECORDS@CITYOFPENSACOLA.COM; (850) 435-1715."

(13) The following Articles are hereby added to the Lease:

"ARTICLE XXXV. SUBORDINATION AND RIGHT OF RECAPTURE.

(a) This Lease shall be subordinate to City's existing and future obligations and agreements with or to the federal government. Should the effect of such agreement with the United States be the taking of a material portion of the Leased Premises, or a substantial alteration or destruction of the commercial value of the leasehold interest granted herein, City shall not be held liable therefor but, in such event, Lessee, as its sole and exclusive remedy, may cancel this Lease upon thirty (30) days' written notice to City. Notwithstanding the foregoing, City agrees that, in the

event it becomes aware of any such proposed or pending agreement or taking, City shall endeavor in good faith to give reasonable notice thereof to Lessee and make reasonable efforts to minimize the adverse consequences to Lessee.

(b) This Lease shall be subject and subordinate to the provisions of City's Airport Revenue Bond Resolution Number 59-88 (as amended and supplemented) as it is today and as it may be amended from time to time in the future.

(c) City shall have the right to recapture any or all of the Leased Premises to the extent that such recapture is necessary for City's development, improvement, or maintenance of the Airport's runways and taxiways, for protection or enhancement of flight operations, or for other development in compliance with any current or future Airport Master Plan. In the event of any such recapture, Lessee and City shall execute an amendment to this Lease deleting the recaptured area from the Leased Premises and reflecting a corresponding adjustment to the Rent. If the taking of the recaptured area materially interferes with or affect Lessee's use of the Leased Premises, such determination to be in Lessee's sole reasonable discretion, then Lessee shall have the right to terminate this Lease within ninety (90) days after the actual date of recapture, and be relieved of all obligations hereunder.

ARTICLE XXXVI. AUTHORITY OF AIRPORT DIRECTOR.

The Charter of the City of Pensacola provides that the Mayor shall serve as City's Chief Executive Officer. Upon approval by the City Council of this Amendment, the Mayor shall be authorized and obligated to perform, discharge and enforce all of the obligations, rights and responsibilities of City which are created by, referenced or expressly or implicitly contained in the Lease as hereby amended. The Mayor may, in his or her discretion, enforce and perform the rights and obligations of City through such designees as he or she may select and identify, and until such notice to the contrary has been provided, the Mayor hereby designates the Airport Director as his designee, unless otherwise required by law.

ARTICLE XXXVII. LEASED PREMISES ACCEPTED AS IS.

LESSEE HEREBY ACKNOWLEDGES AND AGREES THAT CITY LEASES THE LEASED PREMISES TO LESSEE, AND LESSEE ACCEPTS THE LEASED PREMISES FROM CITY, "AS IS, WHERE IS AND WITH ALL FAULTS" WITHOUT ANY REPRESENTATION OR WARRANTY BY CITY, EXPRESS OR IMPLIED, WRITTEN OR ORAL, OF ANY KIND WHATSOEVER, EXCEPT AS EXPRESSLY SET FORTH IN THIS LEASE. LESSEE ACKNOWLEDGES THAT CITY HAS MADE NO REPRESENTATIONS OR WARRANTIES RELATING TO THE SUITABILITY OF THE LEASED PREMISES OR ANY PORTION THEREOF FOR ANY PARTICULAR USE OR PURPOSE (INCLUDING WITHOUT LIMITATION THE AUTHORIZED, PERMITTED AND REQUIRED USES SET FORTH IN THIS LEASE) AND THAT CITY SHALL HAVE NO OBLIGATION WHATSOEVER TO REPAIR, MAINTAIN, RENOVATE OR OTHERWISE INCUR ANY COST OR EXPENSE WITH RESPECT TO THE LEASED PREMISES OR ANY PORTION THEREOF EXCEPT AS EXPRESSLY SET FORTH IN THIS LEASE. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, CITY SHALL NOT BE LIABLE FOR ANY LATENT OR PATENT DEFECTS IN THE LEASED PREMISES OR ANY PART THEREOF, AND CITY SHALL NOT HAVE ANY LIABILITY OR RESPONSIBILITY TO LESSEE FOR ANY LOSS, DAMAGE OR EXPENSE INCURRED BY LESSEE OCCASIONED BY THE CONDITION OR CHARACTERISTICS OF THE LEASED PREMISES OR ANY PART THEREOF. FURTHER, CITY HEREBY EXPRESSLY DISCLAIMS ANY AND ALL EXPRESS AND IMPLIED WARRANTIES AS TO THE CONDITION OF THE LEASED PREMISES AND ALL PORTIONS THEREOF, INCLUDING WITHOUT LIMITATION ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR ANY PARTICULAR PURPOSE, HABITABILITY OR TENANTABILITY.

(14) Ratification. The Lease, as hereby amended, is hereby ratified and affirmed.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the day and year first above written.

CITY OF PENSACOLA

a Florida municipal corporation

By: _____

Ashton J. Hayward, III - Mayor

Date: _____

Attest:

City Clerk

Approved As To Content:

Daniel E. Flynn, Airport Director

Approved As To Form

By: _____
Lysia Bowling, City Attorney

FLIGHTLINE GOLF LLC

a Florida limited liability company

By: _____

James R. Wells, its Manager

Date: _____

Signed by City and Company in
the presence of:

Print Name: _____

Print Name: _____



NORTHWEST FLORIDA
ENGINEERING & SURVEYING, INC.
A PROFESSIONAL SERVICE ORGANIZATION



Exhibit A-1 of 2

PROJECT NO.: 10-7797-96
PREPARED FOR: CITY OF PENSACOLA/SUMMITGOLF, INC.
DATE: NOVEMBER 8, 1996

DESCRIPTION OF SUMMITGOLF, INC.: (AS PREPARED BY NORTHWEST FLORIDA ENGINEERING & SURVEYING, INC.)

BEGIN AT THE SOUTHWEST CORNER OF LOT 13, BLOCK 'B', PICKFORD SUBDIVISION, AS RECORDED IN PLAT BOOK 12 AT PAGE 69 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA; THENCE GO SOUTH 77 DEGREES 36 MINUTES 20 SECONDS EAST ALONG THE SOUTHERLY LINE OF THE AFORESAID PICKFORD SUBDIVISION A DISTANCE OF 194.99 FEET; THENCE GO SOUTH 28 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 682.34 FEET; THENCE GO SOUTH 50 DEGREES 15 MINUTES 18 SECONDS WEST A DISTANCE OF 302.39 FEET; THENCE GO NORTH 28 DEGREES 23 MINUTES 35 SECONDS WEST A DISTANCE OF 657.13 FEET; THENCE GO NORTH 53 DEGREES 07 MINUTES 04 SECONDS WEST A DISTANCE OF 130.01 FEET; THENCE GO NORTH 12 DEGREES 02 MINUTES 43 SECONDS EAST A DISTANCE OF 655.30 FEET; THENCE GO SOUTH 74 DEGREES 05 MINUTES 31 SECONDS EAST FOR A DISTANCE 100.34 FEET TO THE WESTERLY LINE OF THE AFORESAID PICKFORD SUBDIVISION; THENCE GO SOUTH 12 DEGREES 31 MINUTES 39 SECONDS WEST ALONG THE AFORESAID LINE OF THE AFORESAID PICKFORD SUBDIVISION A DISTANCE OF 442.90 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 29 WEST, ESCAMBIA COUNTY, FLORIDA, AND CONTAINS 6.738 ACRES.

AND ALSO:

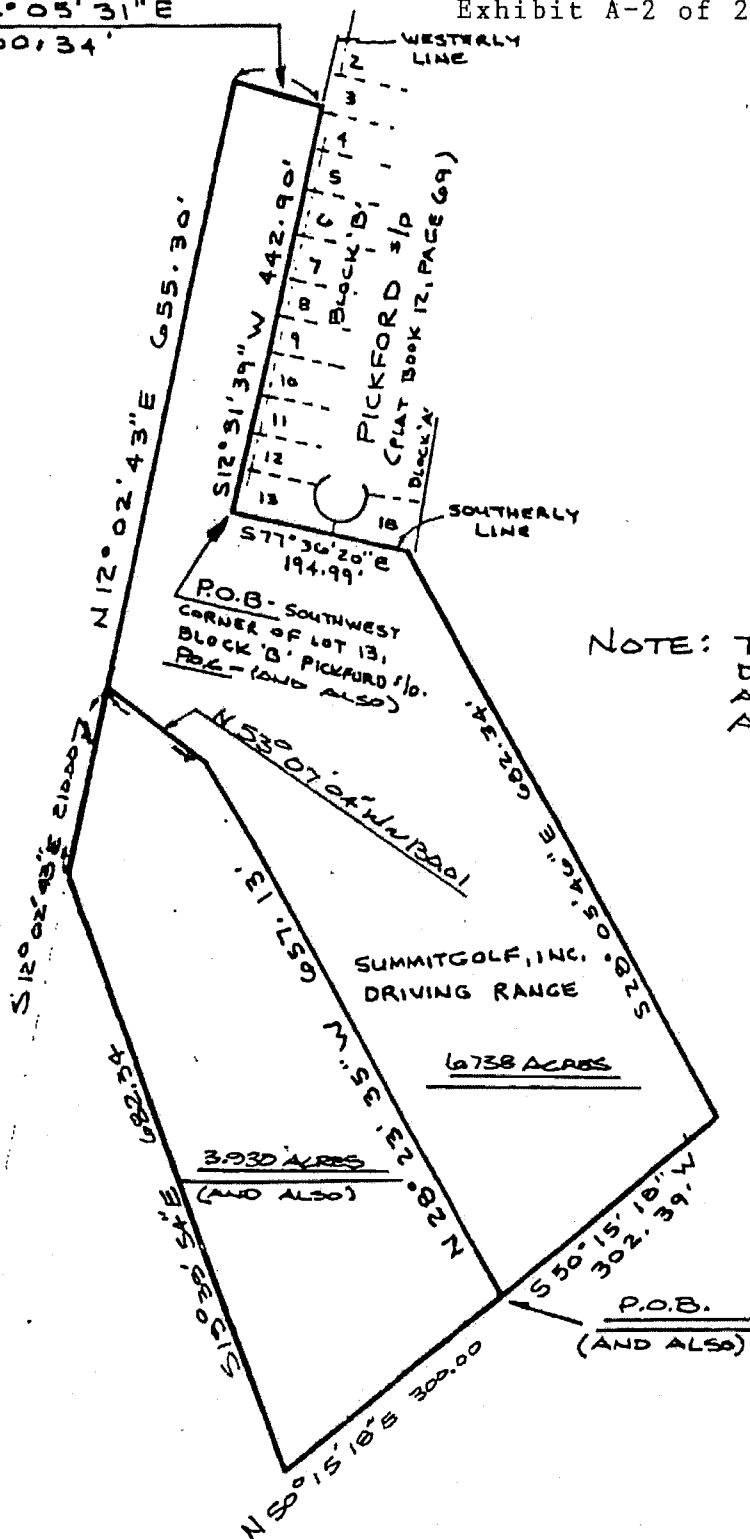
COMMENCE AT THE SOUTHWEST CORNER OF LOT 13 BLOCK B PICKFORD SUBDIVISION AS RECORDED IN PLAT BOOK 12 AT PAGE 69 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA; THENCE GO SOUTH 77 DEGREES 36 MINUTES 20 SECONDS EAST ALONG THE SOUTHERLY LINE OF THE AFORESAID PICKFORD SUBDIVISION A DISTANCE OF 194.99 FEET; THENCE GO SOUTH 28 DEGREES 05 MINUTES 46 SECONDS A DISTANCE 682.34 FEET; THENCE GO SOUTH 50 DEGREES 15 MINUTES 18 SECONDS WEST A DISTANCE OF 302.39 FEET TO THE POINT OF BEGINNING; THENCE GO NORTH 28 DEGREES 23 MINUTES 35 SECONDS WEST A DISTANCE OF 657.13 FEET; THENCE GO NORTH 53 DEGREES 07 MINUTES 04 SECONDS WEST A DISTANCE OF 130.01 FEET; THENCE GO SOUTH 12 DEGREES 02 MINUTES 43 SECONDS EAST A DISTANCE OF 210.00 FEET; THENCE GO SOUTH 19 DEGREES 39 MINUTES 54 SECONDS EAST A DISTANCE OF 682.34 FEET; THENCE GO NORTH 50 DEGREES 15 MINUTES 18 SECONDS EAST A DISTANCE OF 300.00 THE THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 29 WEST ESCAMBIA COUNTY, FLORIDA AND CONTAINS 3.930 ACRES.



SHEET 1 OF 2

S 74° 05' 31" E
100,34'

Exhibit A-2 of 2



NOTE: THIS DRAWING IS FOR
DESCRIPTION PURPOSES ONLY
AND IS NOT TO BE USED
AS A FIELD SURVEY.

SHEET 2 OF 2

NW

NORTHWEST FLORIDA ENGINEERING & SURVEYING, INC
1500 N. Palafox St., Pensacola, FL. 32501 904-432-1052
105 Willing Street, Milton, FL 32570 904-626-9270



Illustrative example of plans for new building



Street View Current Building



12/9/13

- = Potential New Netting (subject to approval)
- = New Building with instruction bay
- = Putting Green*
- = New Covered Hitting area* (No Walls)



* The design and placement of the putting green is subject to change to avoid the loss of space for driving range hitting spaces.





Memorandum

File #: 18-00247

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

CITY OF PENSACOLA FY 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN AND HOME INVESTMENT PARTNERSHIPS ACT (HOME) PROGRAM BUDGET AND ACTIVITY SUMMARY

RECOMMENDATION:

That City Council approve the FY 2018-2019 CDBG Annual Action Plan for the period October 1, 2018 through September 30, 2019, for submission to U. S. Department of Housing and Urban Development, and the City of Pensacola 2018-2019 CDBG and HOME Programs Proposed Budgets and Activities Summary. Further, that City Council authorize the Mayor to execute all documents relating to the programs' administration.

HEARING REQUIRED: No Hearing Required

SUMMARY:

As part of the U.S. Department of Housing and Urban Development's (HUD) Consolidated Plan process, the City of Pensacola Housing Division, in conjunction with other members of the Escambia Consortium, must prepare an Annual Action Plan each program year to submit to HUD for approval. The FY 2018-2019 Annual Action Plan covers the period October 1, 2018 through September 30, 2019. The Annual Action Plan identifies housing and community development activities and presents the proposed budget for the FY 2018-2019 CDBG funding request. The HOME program activities and budget are presented in the City of Pensacola 2018-2019 CDBG and HOME Programs Proposed Budgets and Activities Summary. The approved plan is due to HUD on or before August 15, 2018.

To initiate the 30 day public participation process for preparation of the 2018-2019 Annual Action Plan, a Public Notice was published in the Pensacola News Journal on March 5, 2018 and posted on the City's website. On March 20, 2018 a public meeting was held at the City of Pensacola Housing Division's office. An overview of the Escambia Pensacola Consortium, program funding, public participation process, proposed projects, and planning schedule were presented and discussed.

The proposed Escambia Consortium Annual Action Plan Summary was published in the Pensacola News Journal on May 19, 2018 and posted on the City's website allowing for a 30 day comment period. A public

hearing was held May 22, 2018 at the City of Pensacola Housing Division's office to receive input regarding the proposed activities and budgets. Comments were positive and supportive of the proposed activities and budgets.

PRIOR ACTION:

August 10, 2018 - City Council approved the FY 2017-2018 CDBG and HOME Annual Action Plan and budgets.

FUNDING:

	CDBG Program	HOME Program
Budget:	\$934,500	\$135,500
Actual:	\$736,416	\$166,719

FINANCIAL IMPACT:

The approved plan must be submitted to HUD on or before August 15, 2018 to remain in compliance with grant requirements and be eligible to receive the grant allocation.

CITY ATTORNEY REVIEW: Yes

6/25/2018

STAFF CONTACT:

Eric W. Olson, City Administrator
Marcie Whitaker, Housing Administrator

ATTACHMENTS:

- 1) City of Pensacola FY 2018-2019 CDBG Annual Action Plan
- 2) City of Pensacola FY 2018-2019 CDBG and HOME Programs Proposed Budgets and Activities Summary

PRESENTATION: No

COMMUNITY DEVELOPMENT BLOCK GRANT

2018 - 2019 ANNUAL ACTION PLAN

(October 1, 2018 - September 30, 2019)

CITY OF PENSACOLA:

Marcie Whitaker, Administrator

Housing Division

City of Pensacola

Pensacola, Florida 32521

Phone: (850)585-0350

Fax: (850)595-0113

Date: August 15, 2018

Executive Summary

AP-05 Executive Summary - 91.200(c), 91.220(b)

1. Introduction

The Annual Action Plan contains a description of resources to be allocated for programmatic activities to address affordable housing and community development needs for low/moderate income families within the jurisdiction for the period October 1, 2018 to September 30, 2019. As indicated throughout the plan, the limited resources of local non-profits and the private and public sector greatly impact the ability to address the unmet needs in the jurisdiction.

As a member of the Escambia Pensacola Consortium, the City works cooperatively with Escambia County to assist residents in attaining decent affordable housing, a suitable living environment, and expanded economic opportunities.

The Plan identifies key community partners that contribute their expertise and assistance to the local jurisdiction to address the needs identified herein.

2. Summarize the objectives and outcomes identified in the Plan

The major plan activities address the following needs: affordable housing opportunities for both renter and homeowners; community development needs within designated areas and eligible neighborhoods; needs to provide assistance for underserved populations; and opportunities and programs to support self-sufficiency. As evidenced throughout the plan, the need for affordable housing for extremely low, very low, and low/moderate income residents is a pressing issue for the jurisdiction. Housing needs are discussed in depth in Sections AP 20, AP 35, and AP 38.

Community development needs to support reinvestment in the City's redevelopment areas and associated business districts are discussed in Sections AP 20, AP 35, and AP 50. Concentrations of poverty are identified on the western and northwestern jurisdictional boundary between the City and Escambia County. Coordinated efforts will be pursued to provide enhancements to these areas through both public facility and public service activities with the goal of assisting these residents with attaining self-sufficiency.

3. Evaluation of past performance

Goals were assessed based upon an in depth review of the community's needs as presented in this plan. Specific activity selection was based upon an evaluation of the activity in meeting the needs of the community to address affordable housing and community development shortfalls. Support for the

housing rehabilitation program was based upon a review and evaluation of the decades of experience the City has in managing and implementing this program with over 1,000 homeowners having successfully completed participation. Based on input from the citizens, City staff, and elected representatives, improvements to public facilities were identified as activities needed to support reinvestment in designated redevelopment areas and income eligible neighborhoods throughout the jurisdiction. Public service activities supported in the plan continue to provide much needed assistance to underserved populations within the City including elderly and/or disabled and low/moderate income residents.

The activities presented in the plan will be reviewed annually to determine the viability and success in addressing the needs of low/moderate income residents within the jurisdiction. These activities will be revised to address the changing needs of the community, within funding limitation.

4. Summary of Citizen Participation Process and consultation process

Citizen participation was achieved through various methods. Multiple public meeting were held in relation to the development of the 2018 - 2019 Annual Action Plan. The City of Pensacola participated in conjunction with Escambia County in all meetings held within Escambia County. Upon receipt of the jurisdiction's allocation notice, the proposed plan summary was advertised for a 30 day comment period. Through the process, citizen comments were incorporated where appropriate. No comments were rejected.

A public meeting and public hearing were held March 20, 2018 and May 22, 2018, respectively, where input from community organizations, nonprofits, and citizens was solicited for preparation of the Annual Action Plan.

Local participation has been greatly expanded with the use of local government websites where access to all types of planning documents, budgets, compliance reports, and program implementation summaries are readily available for public review.

5. Summary of public comments

During the public meetings, service providers shared program information, discussed the unmet needs in the community, and the need for continued financial support. General group discussion occurred at the public hearing regarding development activity in the City's Belmont and Westside neighborhoods.

Attendees expressed support for the proposed projects.

6. Summary of comments or views not accepted and the reasons for not accepting them

No comments were rejected.

7. Summary

Activities presented in the Annual Action Plan are generally available to assist low/moderate income families within the jurisdiction by supporting development or rehabilitation of affordable housing, providing suitable living environments, and creating opportunities to achieve and or maintain self-sufficiency.

PR-05 Lead & Responsible Agencies - 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	PENSACOLA	Housing Division

Table 1 – Responsible Agencies

Narrative

The City of Pensacola Division of Housing serves as the administrator for the City's Community Development Block Grant (CDBG) allocation and is a member of the Escambia Pensacola Consortium.

Consolidated Plan Public Contact Information

City of Pensacola Division of Housing

420 W. Chase Street

P.O. Box 12910

Pensacola, FL 32521 - 0031

850 -858-0323

AP-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

Consultation of the plan began in March 2018 and was achieved through a variety of strategies, including public meetings and one on one meetings. Outreach was made to other City Departments and Divisions and Office of the Mayor in relation to the development of the 2018 - 2019 Annual Action Plan. Efforts were made to contact appropriate parties for input.

A public meeting and a public hearing were held in relation to the development of the 2018 - 2019 Annual Action Plan. Local service providers, nonprofits, and citizens, were in attendance at the public meetings. The City of Pensacola, as a member of the Escambia - Pensacola Consortium, participated in conjunction with Escambia County in all meetings held within Escambia County.

One public meeting was held March 20, 2018 where input from community organizations, nonprofits, and citizens was solicited for preparation of the 2018 - 2019 Annual Action Plan. A public hearing was held May 22, 2018 where the proposed Annual Action Plan was presented and public comment was solicited. The proposed plan activities and budgets was advertised for a 30 day public review and comment period. Through the process, citizen comments were incorporated where appropriate. No comments were rejected.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The Housing Administrator has ongoing discussions with the Executive Director of Area Housing Commission, the public housing agency for the jurisdiction, to determine how to meet the housing needs of the underserved residents in the community. As a member of the Consortium, the City supports the long standing relationships that have been developed with other governmental units, paid and unpaid volunteer based non-profit organizations, quasi-public entities, private interests, public and private employment and training agencies, the educational sector , and community interest groups to address the needs of the community. A cooperative approach is necessary to address the housing and community needs which greatly exceed the available resources.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Housing Administrator serves as a board member for Opening Doors Northwest Florida (formerly EscaRosa Coalition on the Homeless), which serves as the lead agency for the Continuum of Care (CoC). The Administrator routinely attends board and general homeless coalition meetings where the needs in

the community are presented and discussed. These discussions regularly lead to the development of programs which then are used to address the needs of this underserved population.

The Housing Administrator participated in planning meetings for the development of the CoC's Coordinated Entry System which was completed in December, 2017. The system establishes a framework for assessing and prioritizing the homeless individuals and families seeking assistance from the participating area service providers. The process includes a preliminary assessment, prioritization and placement on a by-name list based upon the acuity score, referral for housing, data management, and evaluation measures. The system offers a charted referral path for the individual to the area service providers.

In coordination with the VA, the Housing Division administers 189 HUD – VASH vouchers used to address housing needs of homeless veterans in the community. During October, 2017, the Housing Division submitted a Letter of Interest to HUD to receive an additional allocation of HUD - VASH vouchers which were subsequently awarded.

In October, 2017, the City allocated \$100,000 from the City's General Fund to the CoC lead agency in support of their "I Care" program which provides outreach and rapid rehousing opportunities for homeless families in the jurisdiction.

During the March 20, 2018 public meeting and May 22, 2018 public hearing, the Emergency Solution Grant funding for FY 2018 - 2019 was covered.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The community did not meet program threshold requirements necessary to receive these funds. The funds will be allocated to the state. Historically, the CoC has been successful in receiving ESG funds awarded through the state.

The City's Housing Administrator is a board member for the lead agency for the CoC and participates in discussions regarding allocation of funding; performance standards and evaluation outcomes; and the development of funding policies and procedures for the administration of HMIS.

2. Agencies, groups, organizations and others who participated in the process and consultations

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Area Housing Commission
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City Housing Administrator routinely consults with the Executive Director of the Area Housing Commission regarding housing needs in the community.
2	Agency/Group/Organization	AMR AT PENSACOLA, INC
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City participates in ongoing coordination with this agency to address the unmet needs of residents.
3	Agency/Group/Organization	COMM. EQUITY INVESTMENTS, INC
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City participates in ongoing coordination with this agency to address the unmet needs of residents.
4	Agency/Group/Organization	COUNCIL ON AGING OF WEST FLORIDA, INC.
	Agency/Group/Organization Type	Services-Elderly Persons

	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Representatives from Council on Aging attended the March and May public meetings. The City has a long standing partnership with this agency which provides services to a critical population in the community.
5	Agency/Group/Organization	Catholic Charities of Northwest Florida, Inc.
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Needs Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs – Veterans Homelessness Needs – Unaccompanied Youth Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City participates in ongoing coordination with this agency to address the unmet needs of residents.
6	Agency/Group/Organization	ESCAMBIA COUNTY
	Agency/Group/Organization Type	Other government – Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City participates as a member of the Escambia Pensacola Consortium with this organization to address the unmet needs of residents.
7	Agency/Group/Organization	Opening Doors Northwest Florida, Inc. (formerly EscaRosa Coalition on the Homeless, Inc.)
	Agency/Group/Organization Type	Housing Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City Housing Administrator serves on the Board and meets on a regular basis with representatives from Opening Doors to address unmet needs in the community.
8	Agency/Group/Organization	Loaves and Fishes Soup Kitchen, Inc.
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City participates in ongoing coordination with this agency to address the unmet needs of residents.

9	Agency/Group/Organization	Pensacola Habitat for Humanity
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City participates in ongoing coordination with this agency to address the unmet needs of residents.
10	Agency/Group/Organization	Waterfront Rescue Mission
	Agency/Group/Organization Type	Housing Services – Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City participates in ongoing coordination with this agency to address the unmet needs of residents.
11	Agency/Group/Organization	CIRCLE, INC
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A representative from Circle, Inc. serves on the Affordable Housing Advisory Committee and provides input to address unmet needs in the community.

12	Agency/Group/Organization	Community Action Program Committee, Inc.
	Agency/Group/Organization Type	Housing Services – Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A representative from Community Action Program Committee serves on the Affordable Housing Advisory Committee and provides input to address unmet needs in the community.
13	Agency/Group/Organization	Escambia County Housing Finance Authority
	Agency/Group/Organization Type	Housing Services – Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Representatives from the Escambia County Housing Finance Authority are routinely consulted to provide input to address the unmet needs in the community. These discussions resulted in the City and Authority entering into an interlocal agreement to support the development of affordable owner occupied housing within the jurisdiction.

Identify any Agency Types not consulted and provide rationale for not consulting

All interested parties were invited to attend the public meeting and public hearing.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Opening Doors Northwest Florida, Inc. (formerly EscaRosa Coalition on the Homeless)	As members of the Consortium ongoing coordination is accomplished and overlaps the goals.
Westside Community Redevelopment Plan	City CRA Board and Staff	Priority issues identified and addressed in this local plan as well as the Strategic Plan, including Housing, Public Services, and Public Facilities.
2010 Community Redevelopment Plan	City CRA Board and Staff	Priority issues identified and addressed in this local plan as well as the Strategic Plan, including Housing, Public Services, and Public Facilities.
Eastside Neighborhood Plan	City CRA Board and Staff	Priority issues identified and addressed in this local plan as well as the Strategic Plan, including Housing, Public Services, and Public Facilities.
Urban Infill and Redevelopment Plan	City CRA Board and Staff	Priority issues identified and addressed in this local plan as well as the Strategic Plan, including Housing, Public Services, and Public Facilities.

Table 3 - Other local / regional / federal planning efforts

Narrative

The Housing Division reviewed the above referenced plans in preparation of the Annual Action Plan.

The City of Pensacola closely coordinated with Escambia County in the preparation of the 2018-2019 Annual Action Plan as an adjacent unit of local government. In addition to community participation, input was also gathered from City Divisions, Departments, Office of the Mayor, and the Community Redevelopment Agency.

AP-12 Participation - 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

Citizen participation was achieved through various methods. Multiple public meetings were held in relation to the development of the 2018 - 2019 Annual Action Plan. The City of Pensacola participated in conjunction with Escambia County in all meetings held within Escambia County.

Upon receipt of the jurisdiction's allocation notice, the proposed plan summary was advertised for a 30 day comment period. Through the process, citizen comments were incorporated where appropriate. No comments were rejected.

A public meeting and public hearing were held March 20, 2018 and May 22, 2018, respectively, where input from community organizations, nonprofits, and citizens was solicited for preparation of the Annual Action Plan.

Local participation has been greatly expanded with the use of local government websites where access to all types of planning documents, budgets, compliance reports, and program implementation summaries are readily available for public review.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Newspaper Ad	Non-targeted /broad community	March 3, 2018 publication in Pensacola News Journal Escambia Consortium public planning process and dates of public meetings, including March 20, 2018 in Pensacola/Escambia County and March 15, 2018 in Santa Rosa County.	No comments received in response to the ad.	N/A	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Newspaper Ad	Non-targeted /broad community	May 19, 2018 publication in Pensacola News Journal of City of Pensacola and Escambia Consortium Proposed Annual Action Plan Summary and notification of the public hearing May 22, 2018.	No comments received in response to the ad.	N/A	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Public Meeting	Non-targeted/ broad community	On March 20, 2018 attendees representing citizens and service agencies participated in the public meeting. The meeting was held at the City of Pensacola Housing Office. Attendees were provided a summary of the planning process, purpose, historic overview of funded activities, and funding resources.	Service providers shared program information and discussed the unmet needs in the community.	No comments were rejected.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Internet Outreach	Non-targeted/broad community	City of Pensacola and Escambia Consortium Annual Action Plan notification of the public meeting was posted to the City's website calendar and Housing's webpage.	No comments were received.	N/A	http://cityofpensacola.com/129/Housing https://www.cityofpensacola.com/calendar.aspx

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
5	Public Hearing	Non-targeted/ broad community	On May 22, 2018 attendees representing elderly services, fair housing services, and the public attended the hearing. The hearing was held at the City of Pensacola Housing Office. The City of Pensacola and Escambia County 2018/2019 Proposed Annual Action Plans were presented for comment from the public.	General discussion regarding projects and budgets and development activity in the City's Belmont and Westside neighborhoods.	No comments were rejected.	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

Introduction

Community Development Block Grant (CDBG) resources will be utilized to accomplish long range local affordable housing and community development activities for the period October 1, 2018 through September 30, 2019. For Fiscal Year 2018 - 2019, funding will be used to support community development and public service activities within the City to include the following: Housing Rehabilitation for owner occupied single family structures; Public Facilities and Improvements to support neighborhood improvements in eligible areas within the jurisdiction; Public Services activities including funding to support Council on Aging of West Florida, Inc.'s nutritional service programs; Homebuyer and Foreclosure Prevention education and counseling; Temporary Relocation to support housing rehabilitation programs, and grant administration and program management.

Long term funding allocations will continue to be coordinated with Escambia County, the Consortium lead, to assure the maximum benefit within the community as a result of the limited resources made available to support eligible activities from all public, private, and non-profit resources.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public Federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	711,416	100,000	25,000	836,416	711,416	The funds will be used to support eligible activities for low moderate income residents and areas within the community.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

When eligible, CDBG funds will be used as leverage in conjunction with City general fund allocations, local option sales tax funds, tax increment financing allocations, and other grant resources to complete community development activities, address housing needs, and provide services to meet the needs of City residents.

State funds received as an allocation from Florida Housing Finance Corporation's State Housing Initiatives Partnership program are used by the Consortium as match for the HOME Investment Partnerships Program allocation.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

During FY 2017, the City entered into a sales agreement with a developer for the sale of a former school site encompassing a city block to support redevelopment in the Westside Community Redevelopment Area. The developer plans to construct up to 30 single family homes which will be made available to market rate and moderate income homebuyers. The City discounted the sales price for six of the lots to support the affordability component of the development.

In October, 2017, the City entered into an Interlocal Agreement with the Escambia County Housing Finance Authority to support development of affordable housing in the jurisdiction and increase homeownership opportunities. In support of the Authority's Urban Infill program, the City is making available City owned property for development of affordable infill owner occupied housing.

Discussion

The City, in its 2018-2019 Annual Action Plan and as a member of the Consortium, supports the Consortium's major plan priorities to include the following: rehabilitation of homeowner occupied substandard housing for families with incomes between 0-80% of the local median; promote new construction, homebuyer assistance, and acquisition/rehabilitation activities to support affordable homeownership for families with incomes primarily between 50-80% of median; expand below market rate and subsidized rental assistance for families with incomes between 0-50% of median through acquisition, rehabilitation and/or new construction of units; enhance the availability of rental assistance for very low income families; support development of housing for underserved populations in the community; support reinvestment in distressed neighborhoods; and undertake a variety of targeted public facilities and infrastructure, public service, and community development activities primarily for the benefit of lower income residents.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Housing Rehabilitation	2015	2019	Affordable Housing Non-Homeless Special Needs	Westside Redevelopment Area Eastside Redevelopment Area Urban Core Redevelopment Area Community Redevelopment Plan 2010 Income eligible Citywide	Housing	CDBG \$337,421	Homeowner Housing Rehabilitation: 15 Household Housing Units
2	Public Service: Council on Aging of West Florida,	2015	2019	Non-Homeless Special Needs	Income eligible Citywide	Public Service	CDBG: \$70,000	Public service activities for Low/Moderate Income Housing Benefit: 740 Households Assisted
3	Homebuyer and Foreclosure Prevention Counseling	2015	2019	Non-Homeless Special Needs	Income eligible Citywide	Public Service	CDBG \$36,712	Homelessness Prevention: 80 Persons Assisted
4	Public Facilities and Improvements	2017	2019	Non-Housing Community Development	Westside Redevelopment Area Eastside Redevelopment Area Urban Core Redevelopment Area Community Redevelopment Plan 2010 Income eligible Citywide	Public Facilities and Improvements	CDBG \$100,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 50 persons assisted

5	Temporary Relocation	2018	2019	Affordable Housing	Westside Redevelopment Area Eastside Redevelopment Area Urban Core Redevelopment Area Community Redevelopment Plan 2010 Income eligible Citywide	Housing Temporary Relocation	CDBG: \$25,000	Homeowner Housing Rehabilitated Benefit: 10 Household housing units
6	Grant Administration and Management	2015	2019	City wide eligibly where there is need.	Income eligible citywide	Housing Public Service Public Facilities and Improvements Removal of Slum and Blight Temporary Relocation	CDBG: \$142,283	Other:

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Housing Rehabilitation
	Goal Description	Provide assistance to low moderate income families to repair and rehabilitate owner occupied residences.
2	Goal Name	Public Service: Council on Aging of West Florida,
	Goal Description	Provide funds to support programs which provide nutritional services to elderly and/or disabled residents living within the jurisdiction.
3	Goal Name	Homebuyer and Foreclosure Prevention Counseling
	Goal Description	Provides group and individual counseling and educational opportunities regarding home buying and foreclosure prevention through the City's Homebuyer's Club and Foreclosure Prevention Program.
	Goal Name	Public Facilities and Improvements

4	Goal Description	Support neighborhood improvement projects within CDBG eligible neighborhoods. Project may include activities that address the removal of slum and blight; street rehabilitation/reconstruction including the installation of handicap curb cuts and related improvements; sidewalk construction; sanitary sewer and/or stormwater drainage improvements; park improvements; and street lighting.
5	Goal Name	Temporary Relocation
	Goal Description	Funds support temporary relocation for families whose dwelling units are being rehabilitated through the City's Housing Rehabilitation Program and HOME Reconstruction Program.
6	Goal Name	Grant Administration and Management
	Goal Description	Provide funding to ensure proper fiscal and programmatic management of the various activities undertaken with grant funds. Includes personnel services and operational expenses.

Table 7 – Goal Descriptions

Estimate the number of extremely low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

As indicated by HUD's Comprehensive Housing Affordability Strategy (CHAS) 2010-2014 ACS data, there are 22,060 households within the City. 59% of City residents are homeowners and 41% are renters. Of those households, 40% report incomes at or below 80% of area median. The American Community Survey (ACS) 5 Year Estimates from 2012-2016 data shows that 67% of the City's housing stock was built prior to 1980. Almost a third (27%) of low income City residents, households at or below 80% of area median income, has at least one of four housing problems associated with their dwelling. These older homes also present the additional challenge of lead based paint hazards. Much of the older housing stock is located in one of the City's designated redevelopment areas and has been identified as needing rehabilitation.

Within the City, single family detached housing comprises a majority (70%) of the housing stock, while complexes with 10 or more units comprises only 13%. Survey data indicates that 41% of renter households with income at or below 80% of area median are cost burdened. With 41% of the households residing in rental units and the lack of rental complexes, many families are being housed in older single family dwellings.

Due to the age of the housing stock and the need to maintain a supply of affordable housing for both rental and home ownership purposes, this plan supports the need for home ownership assistance, homeowner rehabilitation, and rental assistance programs. As presented in Table 6. Goal Summary, the City plans to assist 15 low income families through the residential rehabilitation program during the 2018 - 2019 plan year. The City, as a member of the Escambia-Pensacola Consortium, will continue to collaborate with the County to address affordable housing needs throughout the community.

The City administers the Section 8 Housing Choice Voucher program county-wide which provides extremely low (30% AMI) and very low (50% AMI) income residents with rental assistance. As a member of the Consortium and through State allocations the City has administered Tenant Based Rental Assistance (TBRA) programs. Most recently through a referral from the lead agency for the CoC, TBRA funding received from the FHFC was used to implement a housing first model for families experiencing homelessness. In coordination with the VA, the City administers 189 HUD-VASH vouchers.

AP-35 Projects - 91.420, 91.220(d)

Introduction

Community Development Block Grant (CDBG) resources will be utilized to accomplish long range local affordable housing and community development activities for the period October 1, 2018 to September 30, 2019. The funding will be used to support community development and public service activities within the City to include the following: Housing Rehabilitation for owner occupied single family structures; Public Service activities including funding to support Council on Aging of West Florida, Inc.'s nutritional service programs; Homebuyer and Foreclosure Prevention education and counseling; Public Facilities and Improvements to support revitalizations of distressed neighborhoods; Temporary Relocation to support housing rehabilitation programs; and grant administration and program management.

Long term funding allocations will continue to be coordinated with Escambia County, the Consortium lead, to assure the maximum benefit within the community as a result of the limited resources made available to support eligible activities from all public, private, and non-profit resources.

#	Project Name
1	Housing Rehabilitation
2	Public Service: Council on Ageing of West Florida, Inc.
3	Homebuyer and Foreclosure Prevention Counseling
4	Public Facilities and Improvements
5	Temporary Relocation
6	Grant Administration and Management

Table 8 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

To support reinvestment in the City and its many varied neighborhoods including the urban core and adjoining neighborhoods and other income qualifying areas, housing rehabilitation and revitalization of distressed neighborhoods will continue to be a priority.

The primary obstacle in meeting underserved needs is the lack of sufficient private and public funding. The City will continue to partner with other jurisdictions and support agencies to address the jurisdiction's needs and leverage resources.

AP-38 Project Summary

Project Summary Information

1	Project Name	Housing Rehabilitation
	Target Area	Westside Redevelopment Plan Eastside Redevelopment Plan Urban Core Redevelopment Area Community Redevelopment Plan 2010 Income eligible jurisdiction wide
	Goals Supported	Housing Rehabilitation
	Needs Addressed	Housing
	Funding	CDBG:\$462,421
	Description	Funds provide for the City's Housing Rehabilitation Program and related activities.
	Target Date	9/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	Estimate to assist between 15 households with incomes at or below 80% of area median located throughout the jurisdiction.
	Location Description	Jurisdiction wide.
	Planned Activities	Funds to rehabilitate owner-occupied houses; to provide for structural modification the removal of architectural barriers to accommodate the needs of persons with disabilities; to provide for the federally mandated evaluation and control of lead based paint hazards for projects with a house constructed prior to 1978; and to provide for administrative costs of these programs and other housing related rehabilitation/repair activities. Further \$25,000 from pre FY2015 funds will be allocated to this activity.
2	Project Name	Public Services: Council on Aging of West Florida, Inc.
	Target Area	Income eligible jurisdiction wide
	Goals Supported	Public Service: Council on Aging of West Florida, Inc.
	Needs Addressed	Public Service
	Funding	CDBG: \$70,000

	Description	Provides direct services by delivering hot meals to elderly and disabled residents through the COA's Meals on Wheels and Senior Dining Site programs within the jurisdiction. These services would otherwise not be available. Funding provides 1:10 leverage for other critical state and federal funding.
	Target Date	9/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	Activity will benefit 740 elderly or disabled residents in the community.
	Location Description	Jurisdiction wide.
	Planned Activities	Funds will provide nutritional services to approximately 740 elderly or disabled residents in the jurisdiction through the Meals on Wheels and Senior Dining Site programs.
3	Project Name	Homebuyer and Foreclosure Prevention Counseling
	Target Area	Income eligible jurisdiction wide.
	Goals Supported	Homebuyer and Foreclosure Prevention Counseling
	Needs Addressed	Public Service
	Funding	CDBG: \$36,712
	Description	Provides group and individual counseling and educational opportunities regarding home buying and foreclosure prevention through the City's Homebuyer's Club and Foreclosure Prevention Program.
	Target Date	9/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	80 households assisted.
	Location Description	Eligible residents Jurisdiction wide.
	Planned Activities	Pre-purchase homeownership counseling, education, guidance, and support. Assist City residents with a goal of owning their own home and provide foreclosure prevention guidance, education, assistance in an effort to assist residents avoid foreclosure and retain homeownership. The program provides opportunities for individual and group counseling.

4	Project Name	Public Facilities and Improvements Removal of Slum and Blight
	Target Area	Westside Redevelopment Plan Eastside Redevelopment Plan Urban Core Redevelopment Area Community Redevelopment Plan 2010 Income eligible area jurisdiction wide
	Goals Supported	Public Facilities and Improvements
	Needs Addressed	Public Facilities and Improvements
	Funding	CDBG: \$100,000
	Description	Funds provided to support neighborhood improvement projects within CDBG eligible neighborhoods. Project may include activities that address the removal of slum and blight; street rehabilitation/reconstruction including the installation of handicap curb cuts and related improvements; sidewalk construction; sanitary sewer and/or stormwater drainage improvements; park improvements; and street lighting.
	Target Date	9/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	Benefit 50 low moderate income families Approximately, 40% of the residents in the jurisdiction earn income at 80% or less of AMI.
	Location Description	Jurisdiction wide.
	Planned Activities	Funds will support neighborhood improvement projects within eligible neighborhoods jurisdiction wide.
5	Project Name	Temporary Relocation
	Target Area	Westside Redevelopment Plan Eastside Redevelopment Plan Urban Core Redevelopment Area Community Redevelopment Plan 2010 Income eligible jurisdiction wide
	Goals Supported	Housing Rehabilitation Temporary Relocation
	Needs Addressed	Housing
	Funding	CDBG: \$25,000
	Description	Provides temporary relocation for families whose dwellings are being rehabilitated through the jurisdiction's rehabilitation programs.

	Target Date	9/30/2019
6	Project Name	Grant Administration
	Target Area	Income eligible jurisdiction wide
	Goals Supported	Grant Administration and Management
	Needs Addressed	Housing Public Service Public Facilities and Improvements Temporary Relocation
	Funding	CDBG: \$142,283
	Description	Provide funding to ensure proper fiscal and programmatic management of the various activities undertaken with grant funds. Includes personnel services and operational expenses.
	Target Date	9/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	Provides funding for staff support needed for grant administration.
	Location Description	Jurisdiction wide.
	Planned Activities	Funds to administer the program to include personnel services and operating expenses.

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

With the exception of one census tract (Census Tract 6), concentrations of minority families are found along the western boundary of the jurisdiction. Census tract 6 is located in the downtown urban area of the City. Many of these same census tracts have a poverty rate exceeding 30%.

Geographic Distribution

Target Area	Percentage of Funds
Westside Redevelopment Plan	
Eastside Redevelopment Plan	
Urban Core Redevelopment Area	
Community Redevelopment Plan 2010	
Income eligible jurisdiction wide	100

Table 9 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The majority of assistance available under this plan will be targeted toward low income households across the jurisdiction. The need for housing rehabilitation is identified as a strategy in the redevelopment plans. Due to the age of the housing stock within the downtown area and in the adjoining neighborhoods, households with multiple housing problems are scattered throughout these areas. While there may not be a concentration of units in any one area of the City, units requiring some form of repair or rehabilitation can be identified in most neighborhoods throughout the City. Coupled with activities to support public facilities and infrastructure improvements in eligible areas, housing rehabilitation supports the goal of community redevelopment jurisdiction wide. Public Services, are planned to assist income eligible residents with homeownership and foreclosure prevention counseling and nutritional services for elderly and special needs residents provided by Council on Aging of West Florida, Inc. throughout the jurisdiction.

Discussion

While a specific geographic area is not prioritized within this plan, the City has identified several neighborhoods and associated commercial corridors in need of revitalization to include the Urban Core, Eastside, and Westside neighborhoods. To support, enhance, and leverage ongoing revitalization efforts in those areas, the City's Annual Action Plan allocates resources to these designated areas. Additionally, resources will be used to support eligible activities in income eligible areas of the City predominantly located on the northern and western jurisdictional boundary between Escambia County and the City. It

is anticipated that activities may be completed in cooperation with Escambia County since numerous County community redevelopment areas adjoin the City's boundary to the west and northwest.

It should be noted that needs in the identified areas far outpace the available and projected funding resources.

AP-75 Barriers to affordable housing -91.420, 91.220(j)

Introduction

The Affordable Housing Advisory Committee, whose members are appointed by both jurisdictions, reviews public policy for barriers to affordable housing on a triannual basis. The next scheduled review will occur in December, 2018.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

There are no planned actions at this time to remove any public barriers.

Discussion

As part of the triannual review conducted by the Affordable Housing Advisory Committee during December, 2015, public policy barriers were reviewed and recommendations were made to City Council. City Council adopted the Affordable Housing Incentive Plan Review Report December 9, 2015. No new policy changes were recommended by the committee.

AP-85 Other Actions - 91.420, 91.220(k)

Introduction

The City proposes to undertake projects and activities identified in this plan to address the needs of low/moderate income residents within the jurisdiction. This will be accomplished through continued cooperation with the Consortium lead agency to leverage the limited resources necessary to provide affordable housing, support suitable living environments, and provide economic opportunities throughout the jurisdiction.

Actions planned to address obstacles to meeting underserved needs

The primary obstacle in meeting underserved needs is the lack of sufficient private and public funding. The City will continue to partner with other jurisdictions and agencies to address the jurisdiction's needs and leverage resources. To support reinvestment in the City and its many varied neighborhoods including the urban core and adjoining neighborhoods and other income qualifying areas, revitalization of distressed neighborhoods will be a priority through a host of projects that have been proposed within the associated redevelopment plans for these neighborhoods and will be supported through this plan where eligible.

Actions planned to foster and maintain affordable housing

The level of housing need and associated housing problems is inverse to family income. Housing rehabilitation will continue to be of primary importance to sustain homeownership, preserve existing affordable housing inventory, and assure families are living in suitable conditions. The intent of leveraging the limited available funds is to meet the needs of the community as a whole. The City will continue to coordinate the preservation and development of affordable housing with Escambia County, the Consortium lead, and other area partners such as the Escambia County Housing Finance Authority.

Actions planned to reduce lead-based paint hazards

The continued support of housing rehabilitation projects where lead based paint hazards are addressed will continue to reduce the presence of this hazard to area residents. Section 8 Housing Choice Voucher holders are encouraged to look for units in good repair which also diminishes the potential for exposure to lead based paint hazards. Much of the older housing stock in the City was impacted and subsequently demolished or renovated after the 2004 and 2005 storm seasons, which while in the case of losing units negatively impacted the availability of affordable housing, it also eliminated and/or addressed conditions in the older housing stock which would have presented lead-based paint hazards.

Actions planned to reduce the number of poverty-level families

The plan supports programs which provide residents with tools to help themselves improve their financial stability and should assist in reducing poverty level families. They will be served with new job opportunities and an enhanced quality of life. Credit and housing counseling, financial literacy and

homeowner education for prospective homebuyers are programs that are currently in place. These programs offer residents a “step up” out of poverty as well as build wealth and skills so that residents can remove themselves from the debt cycle that plagues many low income families.

Actions planned to develop institutional structure

The organizations identified in the plan reflect a strong community commitment to addressing the unmet needs of low/moderate income families and the underserved population in the area. Both the volunteer and paid staff provide a valuable resource for the community. The limited financial resources available do not come close to meeting the multitude of housing and community development needs identified in the plan. The City will continue to coordinate efforts through area partners, the Consortium, and the CoC to identify opportunities to leverage funding from both the public and private sectors to expand the capacity of available resources and service delivery models.

Actions planned to enhance coordination between public and private housing and social service agencies

The City will continue to engage in community discussions which are leading to the development of outcome based goals promoting long term solutions. The local agencies tasked with providing social services continue to be underfunded and struggle to meet the growing demand for services and assistance. The City will continue to coordinate efforts through the Consortium and the CoC to identify opportunities to leverage funding from both the public and private sectors to expand the capacity of available resources and service delivery models. The City, as a member of the Consortium, supports the continued delivery of training and technical assistance for local not for profits and other interested agencies to assist with developing capacity in these agencies.

Discussion

The intent is to leverage the limited available funds to meet the needs of the community as a whole. The City plans to continue the work of the past through the new planning period. Uncertain federal funding levels do not support bold new actions especially since the current programs are effective for the whole community. Continued coordination and any newly identified opportunities to address needs will be incorporated within future annual plans, when eligible and affordable.

Program Specific Requirements

AP-90 Program Specific Requirements - 91.420, 91.220(l)(1,2,4)

Introduction

The City generates approximately \$100,000 in program income annually from the Housing Rehabilitation activity.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed
100,000

2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan
0

3. The amount of surplus funds from urban renewal settlements
0

4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.
0

5. The amount of income from float-funded activities

Total Program Income

0

Total Program Income:

100,000

Other CDBG Requirements

1. The amount of urgent need activities

0

2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.

70.00%

Discussion

Historically, the City generates approximately \$100,000 in program income from the Housing Rehabilitation activity. These funds are receipted into IDIS and reallocated to support additional housing rehabilitation projects under this activity. Currently the jurisdiction does not make use of Section 108 loan funding, urban renewal settlement funding, funds returned to the line of credit, and/or income from float funded activities. The jurisdiction plans to continue using program income to enhance current funding levels under the Housing Rehabilitation activity to address unmet needs of low/moderate income families for affordable housing by sustaining and upgrading the existing housing stock within the community.

**Community Development Block Grant
2018-2019 Annual Action Plan**

City of Pensacola Reference Material

Comprehensive Housing Affordability Strategy ("CHAS") data

Summary Level: City

Created on: April 3, 2018

Data for: Pensacola city, Florida

Year Selected: 2010-2014 ACS

Income Distribution Overview	Owner	Renter	Total	
Household Income less-than or= 30% HAMFI	1,005	1,835	2,840	
Household Income >30% to less-than or= 50% HAMFI	1,035	1,340	2,375	
Household Income >50% to less-than or= 80% HAMFI	1,645	2,045	3,690	
Household Income >80% to less-than or=100% HAMFI	1,350	795	2,145	
Household Income >100% HAMFI	8,095	2,920	11,015	
Total	13,125	8,935	22,060	
Housing Problems Overview 1	Owner	Renter	Total	
Household has at least 1 of 4 Housing Problems	3,265	4,285	7,550	
Household has none of 4 Housing Problems	9,785	4,410	14,195	
Cost burden not available, no other problems	80	240	320	
Total	13,125	8,935	22,060	
Severe Housing Problems Overview 2	Owner	Renter	Total	
Household has at least 1 of 4 Severe Housing Problems	1,535	1,960	3,495	
Household has none of 4 Severe Housing Problems	11,515	6,735	18,250	
Cost burden not available, no other problems	80	240	320	
Total	13,125	8,935	22,060	
Housing Cost Burden Overview 3	Owner	Renter	Total	
Cost Burden less-than or= 30%	9,850	4,495	14,345	
Cost Burden >30% to less-than or= 50%	1,755	2,370	4,125	
Cost Burden >50%	1,430	1,764	3,194	
Cost Burden not available	80	295	375	
Total	13,125	8,935	22,060	
Income by Housing Problems (Owners and Renters)	Household has at least 1 of 4 Housing Problems	Household has none of 4 Housing Problems	Cost Burden not available, no other housing problem	Total
Household Income less-than or= 30% HAMFI	2,200	320	320	2,840
Household Income >30% to less-than or= 50% HAMFI	1,785	590	0	2,375
Household Income >50% to less-than or= 80% HAMFI	1,970	1,715	0	3,690
Household Income >80% to less-than or= 100% HAMFI	640	1,505	0	2,145
Household Income >100% HAMFI	945	10,060	0	11,015
Total	7,550	14,195	320	22,060
Income by Housing Problems (Renters only)	Household has at least 1 of 4 Housing Problems	Household has none of 4 Housing Problems	Cost Burden not available, no other housing problem	Total
Household Income less-than or= 30% HAMFI	1,335	260	240	1,835
Household Income >30% to less-than or= 50% HAMFI	1,120	220	0	1,340
Household Income >50% to less-than or= 80% HAMFI	1,380	665	0	2,045
Household Income >80% to less-than or= 100% HAMFI	200	595	0	795
Household Income >100% HAMFI	245	2,670	0	2,920
Total	4,285	4,410	240	8,935
Income by Housing Problems (Owners only)	Household has at least 1 of 4 Housing Problems	Household has none of 4 Housing Problems	Cost Burden not available, no other housing problem	Total
Household Income less-than or= 30% HAMFI	865	60	80	1,005
Household Income >30% to less-than or= 50% HAMFI	665	370	0	1,035
Household Income >50% to less-than or= 80% HAMFI	590	1,050	0	1,645
Household Income >80% to less-than or= 100% HAMFI	440	910	0	1,350
Household Income >100% HAMFI	700	7,390	0	8,095
Total	3,265	9,785	80	13,125
Income by Cost Burden (Owners and Renters)	Cost burden > 30%	Cost burden > 50%	Total	
Household Income less-than or= 30% HAMFI	2,140	1,780	2,845	
Household Income >30% to less-than or= 50% HAMFI	1,770	940	2,375	

Household Income >50% to less-than or= 80% HAMFI	1,930	235	3,685	
Household Income >80% to less-than or= 100% HAMFI	590	165	2,145	
Household Income >100% HAMFI	900	80	11,010	
Total	7,330	3,200	22,060	
Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total	
Household Income less-than or= 30% HAMFI	1,275	1,080	1,835	
Household Income >30% to less-than or= 50% HAMFI	1,105	610	1,340	
Household Income >50% to less-than or= 80% HAMFI	1,340	45	2,045	
Household Income >80% to less-than or= 100% HAMFI	195	25	795	
Household Income >100% HAMFI	219	4	2,920	
Total	4,134	1,764	8,935	
Income by Cost Burden (Owners only)	Cost burden > 30%	Cost burden > 50%	Total	
Household Income less-than or= 30% HAMFI	865	700	1,005	
Household Income >30% to less-than or= 50% HAMFI	665	330	1,035	
Household Income >50% to less-than or= 80% HAMFI	590	190	1,645	
Household Income >80% to less-than or= 100% HAMFI	385	135	1,350	
Household Income >100% HAMFI	680	75	8,095	
Total	3,185	1,430	13,125	

1. The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%.
2. The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 50%.
3. Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.

S2504

PHYSICAL HOUSING CHARACTERISTICS FOR OCCUPIED HOUSING UNITS

2012-2016 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Tell us what you think. Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Subject	Pensacola city, Florida				
	Occupied housing units		Owner-occupied housing units		Renter-occupied housing units
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Occupied housing units	21,890	+/-622	12,484	+/-568	9,406
UNITS IN STRUCTURE					
1, detached	70.1%	+/-1.7	93.1%	+/-1.2	39.7%
1, attached	2.4%	+/-0.6	2.6%	+/-0.7	2.3%
2 apartments	4.3%	+/-1.0	0.6%	+/-0.5	9.2%
3 or 4 apartments	5.2%	+/-0.9	0.5%	+/-0.3	11.3%
5 to 9 apartments	5.2%	+/-1.1	1.1%	+/-0.6	10.5%
10 or more apartments	12.4%	+/-1.3	1.7%	+/-0.7	26.6%
Mobile home or other type of housing	0.4%	+/-0.2	0.4%	+/-0.3	0.4%
YEAR STRUCTURE BUILT					
2014 or later	0.1%	+/-0.1	0.2%	+/-0.2	0.0%
2010 to 2013	1.3%	+/-0.4	1.2%	+/-0.5	1.3%
2000 to 2009	6.9%	+/-1.0	6.7%	+/-1.3	7.2%
1980 to 1999	25.1%	+/-1.7	23.3%	+/-2.0	27.4%
1960 to 1979	32.8%	+/-1.9	30.7%	+/-2.5	35.6%
1940 to 1959	23.0%	+/-1.4	26.1%	+/-1.7	18.9%
1939 or earlier	10.9%	+/-1.0	11.8%	+/-1.4	9.7%
ROOMS					
1 room	1.5%	+/-0.6	0.2%	+/-0.2	3.2%
2 or 3 rooms	11.0%	+/-1.2	1.4%	+/-0.5	23.9%
4 or 5 rooms	36.3%	+/-1.8	25.9%	+/-2.2	50.1%
6 or 7 rooms	33.7%	+/-1.9	44.3%	+/-2.6	19.6%
8 or more rooms	17.5%	+/-1.4	28.2%	+/-2.3	3.3%
BEDROOMS					
No bedroom	1.5%	+/-0.6	0.2%	+/-0.2	3.2%
1 bedroom	11.1%	+/-1.3	1.3%	+/-0.6	24.2%
2 or 3 bedrooms	70.9%	+/-1.8	72.6%	+/-1.9	68.8%

Subject	Pensacola city, Florida				
	Occupied housing units		Owner-occupied housing units		Renter-occupied housing units
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
4 or more bedrooms	16.5%	+/-1.3	26.0%	+/-1.9	3.9%
COMPLETE FACILITIES					
With complete plumbing facilities	99.9%	+/-0.1	99.9%	+/-0.1	99.9%
With complete kitchen facilities	99.4%	+/-0.4	99.9%	+/-0.2	98.7%
VEHICLES AVAILABLE					
No vehicle available	8.4%	+/-1.0	3.5%	+/-0.9	14.9%
1 vehicle available	43.0%	+/-2.2	36.5%	+/-2.6	51.5%
2 vehicles available	36.4%	+/-2.1	41.5%	+/-2.8	29.5%
3 or more vehicles available	12.3%	+/-1.4	18.5%	+/-1.9	4.0%
TELEPHONE SERVICE AVAILABLE					
With telephone service	97.6%	+/-0.7	98.8%	+/-0.7	96.0%
HOUSE HEATING FUEL					
Utility gas	26.8%	+/-1.8	33.3%	+/-2.5	18.1%
Bottled, tank, or LP gas	0.7%	+/-0.3	0.4%	+/-0.3	1.1%
Electricity	72.2%	+/-1.7	66.1%	+/-2.5	80.1%
Fuel oil, kerosene, etc.	0.0%	+/-0.1	0.0%	+/-0.3	0.1%
Coal or coke	0.0%	+/-0.2	0.0%	+/-0.3	0.0%
All other fuels	0.0%	+/-0.1	0.0%	+/-0.1	0.0%
No fuel used	0.3%	+/-0.2	0.1%	+/-0.1	0.6%

Subject	Pensacola city, Florida
	Renter-occupied housing units
	Margin of Error
Occupied housing units	+/-524
UNITS IN STRUCTURE	
1, detached	+/-3.2
1, attached	+/-1.1
2 apartments	+/-2.0
3 or 4 apartments	+/-2.0
5 to 9 apartments	+/-2.5
10 or more apartments	+/-3.1
Mobile home or other type of housing	+/-0.3
YEAR STRUCTURE BUILT	
2014 or later	+/-0.4
2010 to 2013	+/-0.7
2000 to 2009	+/-1.6
1980 to 1999	+/-3.0
1960 to 1979	+/-3.7
1940 to 1959	+/-2.7
1939 or earlier	+/-1.9
ROOMS	
1 room	+/-1.4
2 or 3 rooms	+/-2.9
4 or 5 rooms	+/-3.4
6 or 7 rooms	+/-3.0
8 or more rooms	+/-1.1
BEDROOMS	
No bedroom	+/-1.4
1 bedroom	+/-3.0
2 or 3 bedrooms	+/-3.6
4 or more bedrooms	+/-1.5
COMPLETE FACILITIES	
With complete plumbing facilities	+/-0.1
With complete kitchen facilities	+/-0.9
VEHICLES AVAILABLE	
No vehicle available	+/-2.1
1 vehicle available	+/-4.1
2 vehicles available	+/-3.4
3 or more vehicles available	+/-1.8
TELEPHONE SERVICE AVAILABLE	
With telephone service	+/-1.4
HOUSE HEATING FUEL	
Utility gas	+/-2.7
Bottled, tank, or LP gas	+/-0.7
Electricity	+/-2.7
Fuel oil, kerosene, etc.	+/-0.1
Coal or coke	+/-0.4
All other fuels	+/-0.4
No fuel used	+/-0.4

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of

error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

Telephone service data are not available for certain geographic areas due to problems with data collection of this question that occurred in 2015 and 2016. Both ACS 1-year and ACS 5-year files were affected. It may take several years in the ACS 5-year files until the estimates are available for the geographic areas affected.

While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

Escambia Consortium FY 2018-2019 Annual Action Plan

Citizen Participation

Meeting Advertisements

Meeting Minutes

Meredith Reeves
ESC CO COMMISSIONERS/LEGALS
NEIGHBORHOOD ENTERPRISE DIVISION
221 PALAFOX PLACE, SUITE 200
PENSACOLA FL 32502

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida
County of Escambia:

Before the undersigned authority personally appeared Brittini Pendington, who on oath says that he or she is a Legal Advertising Representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC NOTICE The Escamb

as published in said newspaper in the issue(s) of:

03/05/18

Affiant further says that the said Pensacola News Journal is a newspaper in said Escambia County, Florida and that the said newspaper has heretofore been continuously published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 9th of March 2018, by Brittini Pendington who is personally known to me

Brittini L. Pendington
Affiant

Mark Dee Kent
Mark Dee Kent
Notary Public for the State of Florida
My Commission expires October 27, 2019

Publication Cost: \$268.02
Ad No: 0002769542
Customer No: PNJ-26745500

PUBLIC NOTICE

The Escambia Consortium, comprised of Escambia County, the City of Pensacola, and Santa Rosa, is initiating the public participation process that will facilitate the preparation of the 2018 Community Development Plan for the period October 1, 2018 - September 30, 2019. This process tool for the community by identifying or updating existing conditions in the Consortium's mission to housing and community development needs, goals and objectives.

The Consortium's 2018/19 Annual Plan for Housing and Community Development will identify 1 and community development priorities, and target strategies to address priorities established Consortium Consolidated Plan which will be implemented during the next Federal Fiscal Year. When complete, will denote the Escambia Consortium's action plan for the utilization of resource FY 2018 Community Development Block Grant, FY 2018 HOME Investment Partnerships Act, FY 2 Grant, and other HUD programs designed to address housing and community development needs.

TWO PUBLIC HEARINGS are being sponsored by the Consortium to afford citizens the opportunity recommendations regarding assisted housing, housing related needs/priorities, supportive housing community development needs within the Consortium. The TWO public hearings concerning Annual Plan will be held at 5:30 P.M. on Tuesday, March 20, 2018, at the Pensacola Housing Office West Chase Street, Pensacola, Florida; and at 9:00 A.M. on Thursday, March 15, 2018 in the Services Building, Media Room, 6051 Old Bagdad Highway, Milton, Florida.

In accordance with the Americans with Disabilities Act, any person needing accommodations to a pursuant to the Americans with Disabilities Act, should contact 858-0350 (City) or 595-4947 (County) in advance of the event in order to allow time to provide the requested services.

In addition to direct input provided during the public hearings, written comments or input regarding priorities will be accepted through April 6, 2018, and may be submitted to: Escambia Consortium, Suite 200, Pensacola, Florida 32523 or via NED@myescambia.com. For further information, call 595-0022 (Escambia County), Marcie Whitaker at 858-0323 (City of Pensacola), or Erin Mallick (County).

Jeff Bergosh, Chair
Escambia County
Board of County Commissioners
Legal No. 2769542 IT

Ashton J. Hayward, III
Mayor
City of Pensacola

Robert A. *
Santa Rosa
Board of C
March 5, 2018

MARK DEE KENT
Notary Public - State of Florida
Comm. Expires October 27, 2019
Comm. No. FF 931266

Affidavits Requested:

Meredith Reeves
ESC CO COMMISSIONERS/LEGALS
NEIGHBORHOOD ENTERPRISE DIVISION
221 PALAFOX PLACE, SUITE 200
PENSACOLA FL 32502

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida
County of Escambia;

Before the undersigned authority personally appeared **Brittini Lynne Pennington**, who on oath says that he or she is a Legal Advertising Representative of the **Pensacola News Journal**, a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC NOTICE ESCAMBIA CO

as published in said newspaper in the issue(s) of:

06/19/18

Affiant further says that the said **Pensacola News Journal** is a newspaper in said Escambia County, Florida and that the said newspaper has heretofore been continuously published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 21th of May 2018, by Brittini Lynne Pennington who is personally known to me

Affiant

Mark Dee Kent

Notary Public for the State of Florida

My Commission expires October 27, 2019

Publication Cost: \$1,715.70

Ad No: 0002930293

Customer No: PNJ-26745500

4E SATURDAY, MAY 19, 2018 PENSACOLA NEWS JOURNAL

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PUBLIC NOTICE
ESCAMBIA CONSORTIUM CONSOLIDATED PLAN SUMMARY

The Escambia Consortium, comprised of Escambia County, the City of Pensacola, Santa Rosa County, and Milton, Florida, have granted the 2018/2019 Annual Housing and Community Development Plan for the period October 1, 2018, through September 30, 2019. The draft Annual Plan denotes key agencies and individuals participating in the planning process and identifies the Consortium's 2018/2019 Annual Action Plan for the utilization of Community Development Block Grant (CDBG), HOME Investment Partnerships Act (HOME), Public Housing Grant Programs, and other HUD programs designed to address housing and community development needs. The major priorities include rehabilitation of rental and homeowner occupied substandard housing units for families with incomes between 0-80% of the area median income; new construction, homebuyer assistance, and acquisition/rehabilitation activities in support of the provision of affordable housing for families with incomes primarily between 50-80% of median; expansion of below market rate and subsidized rental assistance for families with incomes between 0-50% of median; through acquisition, rehabilitation and/or construction; support of activities leading to the development of housing for persons with special needs; supportive services addressing the special needs of the elderly, handicapped, and homeless or near homeless; redevelopment activities within designated areas of blight and blighted, and targeted community development public facilities and improvement priorities. Activities are generally available to assist eligible lower income persons in varying capacities and financial levels throughout the respective jurisdictions to the extent that such availability is not limited by Federal or State Regulations and/or financial resources. The draft 2018 Annual Action Plan is available for public review at the following Pensacola and Milton locations between the hours of 8:00 A.M. - 4:00 P.M., Monday through Friday:

Escambia County
Neighborhood Enterprise Division
Suite 200
221 Palafox Place
Pensacola, Florida

City of Pensacola
Housing Office
420 West Chase Street
Pensacola, Florida
(Closed on Fridays)

Housing Programs Office
Santa Rosa County Public Services Complex

MARK DEE KENT
Notary Public - State of Florida
Comm. Expires October 27, 2019
Comm. No. 17951266

Minutes of Public Meeting
City of Pensacola and Escambia County
Escambia Consortium FY2018-2019 Annual Plan
Minutes of Public Hearing
March 20, 2018

A public hearing was held March 20, 2018 at 5:30 p.m., at the City of Pensacola Housing Office, 420 W. Chase Street, Pensacola, Florida.

Staff members present: Marcie Whitaker, City of Pensacola Housing Office (PHO); Ursula Jackson, PHO; Meredith Reeves, Division Manager, Neighborhood Enterprise Division, Neighborhood and Human Services Department

Citizens present: Bob Rogers, Waterfront Rescue Mission; Percy Goodman, CEII; Christine Kelly-Fausel, Legal Services of North Florida; John Clark, Council on Aging of NWFL; Anthony Sawyer, 90 Works; John Johnson, ECOH; Dianna Moore, ECOH.

1. **WELCOME AND INTRODUCTION:** Marcie Whitaker introduced herself and Meredith Reeves. Marcie Whitaker explained the purpose of the public meeting was to provide information and receive public input regarding the needs of the community for development of the Escambia Consortium FY2018-2019 Annual Action Plan.
2. **OVERVIEW OF ANNUAL PLAN:** Marcie Whitaker explained that the Escambia Consortium is comprised of Escambia County, the City of Pensacola, and Santa Rosa County. She explained that the Five Year Plan summarizes long range goals for local affordable housing and community development needs. The Five Year plan encompasses years 2015-2019.
3. **OVERVIEW OF CDBG, HOME, AND ESG PROGRAMS:** Meredith Reeves informed attendees at this time financial resources for the next fiscal year had not been determined. In addition, Meredith Reeves informed attendees of a reduction in funding for the Consortium and referred them to a handout listing Grant Funding amounts dating back to 1988. She provided an overview of the ESG and HOME programs.
4. **REVIEW OF PUBLIC PARTICIPATION SCHEDULE AND PLAN(S) PROCESS:** Marcie Whitaker reviewed the Public Participation and Annual Plan Schedule for the remainder of the plan process (handout provided).
5. **PUBLIC COMMENTS AND QUESTIONS:** John Johnson, ECOH, provided information on most recent Point in Time count and expressed the need for a shared database for agencies that assist the same clientele. In addition John Johnson provided information on the services ECOH provides to the public within Escambia County. John Clark, Council on Aging of NWFL, provided an overview on the services provided by Council on Aging of NWFL within Escambia County.

With no further questions or comments, the meeting adjourned at 6:45 p.m.

Handouts:

Community Development Block Program Overview
HOME Investment Partnerships Act Program Overview
Emergency Solutions Grants Program Overview
Escambia County Community Development Block Program Annual Funding Levels
Escambia County HOME Investment Partnerships Act Program Annual Funding Levels
Escambia County Emergency Solutions Grant Program Annual Funding Levels
City of Pensacola Community Development Block Grant and HOME Investment Partnerships Act Budget and Activities Summary
City of Pensacola Consolidated Goals Summary
Public Participation Schedule Escambia Consortium FY 2018-2019 Annual Plan

**Minutes of Public Hearing
City of Pensacola and Escambia County
Escambia Consortium FY2018-2019 Annual Plan
Minutes of Public Hearing**

May 22, 2018

A public hearing was held May 22, 2018 at 5:30 p.m., at the City of Pensacola Housing Office, 420 W. Chase Street, Pensacola, Florida.

Staff members present: Marcie Whitaker, City of Pensacola Housing Division; Meredith Reeves, Division Manager, Neighborhood Enterprise Division, Neighborhood and Human Services Department

Citizens present: James Gulley, Westside Community Redevelopment Agency (WSCRA); John Clark, Council on Aging of West Florida, and Rebecca Hale, Escambia Pensacola Human Relations Commission.

1. **WELCOME AND INTRODUCTION:** Marcie Whitaker introduced herself and Meredith Reeves. Marcie Whitaker explained the purpose of the public hearing was to review and discuss the proposed projects for Escambia Consortium FY2018-2019 Annual Action Plan.
2. **OVERVIEW OF ANNUAL PLAN:** Meredith Reeves and Marcie Whitaker explained the Annual Action Plan contains detailed projections concerning programmatic activities for the next fiscal year.
3. **DISCUSS PROPOSED PROJECTS AND FUNDING:** Meredith Reeves and Marcie Whitaker presented an overview of the proposed activities and funding levels as presented in the public notice printed in the May 19, 2018 Pensacola News Journal. Meredith Reeves noted that the county did not meet threshold requirements necessary to receive the Emergency Solutions Grant. The funds will be allocated to the State. Meredith Reeves indicated the funding for the CDBG and HOME programs had increased slightly this year, but future program funding was uncertain.
4. **REVIEW OF PUBLIC PARTICIPATION SCHEDULE AND PLAN(S) PROCESS:** Meredith Reeves reviewed the Public Participation and Annual Plan Schedule for the remainder of the plan process noting that comments would be accepted until June 20, 2018.
5. **PUBLIC COMMENTS AND QUESTIONS:** John Clark asked about the status of the proposed rental property inspection and landlord registration program. Marcie Whitaker noted that Councilwoman Cannada-Wynn was working with the City Attorney to develop a program and would be seeking stakeholder input. A group general discussion followed regarding development activity in the Belmont and Westside neighborhoods.

With no further questions or comments, the meeting adjourned at 6:10 p.m.

Handouts:

Public Notice Escambia Consortium Consolidated Plan Summary published in the PNJ May 19, 2018
Community Development Block Program Funding Summary
HOME Investment Partnerships Program Funding Summary

**CITY OF PENSACOLA
FY 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROPOSED BUDGET AND ACTIVITY SUMMARY**

FUNDING

HOUSING REHABILITATION:

Housing Rehabilitation Loan/Grant Programs

\$337,421*

Funds to repair and/or rehabilitate owner-occupied houses; to provide for structural modifications and the removal of architectural barriers to accommodate the needs of persons with disabilities; to provide for the federally mandated evaluation and control of lead based paint hazards for projects with a house constructed prior to 1978; and to provide for administrative costs of this program and other related housing rehabilitation/repair activities. Funding will provide for the rehabilitation/repair of 15-20 owner occupied housing units. The program is available to low and moderate income persons occupying their homestead residence within the corporate limits of the City of Pensacola.

*All program income from housing rehabilitation loans will be used to rehabilitate and/or repair homeowner occupied units for low and moderate income families located within the corporate limits of the City of Pensacola (estimated program income is \$100,000). Further, \$25,000 from Pre FY2015 grant funds will be allocated to the activity.

Temporary Relocation

\$25,000

Funds will provide temporary relocation for families whose dwelling units are being rehabilitated via the City's Housing Rehabilitation Programs, which includes the HOME Reconstruction Program. This is a requirement under the Uniform Act.

PUBLIC FACILITIES and IMPROVEMENTS:

Neighborhood Improvement Projects

\$100,000

Funds to support neighborhood improvement projects within CDBG eligible neighborhoods. Projects may include activities that address the removal of slum and blighted conditions associated with vacant or abandoned properties; street rehabilitation/reconstruction including the installation of handicap curb cuts and related improvements; sidewalk construction; sanitary sewer and/or stormwater drainage improvements; park improvements; and street lighting.

PUBLIC SERVICES:

Council on Aging of West Florida, Inc. (COA)

\$70,000

Funds will provide approximately 16,000 meals through the Senior Dining Sites and Meals on Wheels Programs to low and moderate income elderly, disabled, and/or handicapped residents residing within the City limits which otherwise would not be available. The Meals on Wheels program delivers nutritionally balanced meals to homebound, functionally impaired adults. The Senior Dining Sites Program provides nutritional meals to eligible adult recipients at five sites located within the City and also an element of socialization and recreation. The five sites are the Fricker Resource Center, E. S. Cobb Resource Center, Bayview Senior Resource Center, Westminster Village, and Gull Point Resource

Center. These funds provide direct services. CDBG funds received from the City are utilized by COA as 1:10 leverage for other critical federal and state funding for which COA would most likely be unable to apply.

Homebuyer and Foreclosure Prevention Education and Counseling **\$36,712**

Pre-purchase homeownership counseling, education, guidance and support for lower income (80% or below of area median income) residents with a goal of owning their own home (Homebuyer's Club). Foreclosure prevention guidance, education and assistance is provided in an effort to assist Pensacola residents avoid foreclosure and retain ownership of their homes. Individual counseling opportunities are provided under both programs.

PROGRAM PLANNING AND ADMINISTRATION:

General Grant Administration/Management **\$142,283**

Funds to administer the City's CDBG Program which includes personnel services and operating expenses.

TOTAL FY 2018-2019 CDBG PROPOSED BUDGET **\$ 711,416**

FY 2018-2019 CDBG Grant Allocation	\$ 711,416
Pre FY 2015 CDBG Grant Funds	\$ <u>25,000</u>

TOTAL CDBG FUNDS AVAILABLE **\$ 736,416**

CITY OF PENSACOLA

FY2018-2019

**HOME INVESTMENT PARTNERSHIPS ACT (HOME) PROGRAM
PROPOSED BUDGETS AND ACTIVITIES**

FUNDING

**SUBSTANTIAL HOUSING:
REHABILITATION/RECONSTRUCTION** **\$143,930**

Provide assistance for low/moderate income families through a combination of grants and loans secured by mortgages on the subject property for the substantial rehabilitation or reconstruction of approximately 2-3 severely substandard homeowner occupied housing units.

Administration/Management (City) **\$22,789**

Provide for the oversight, management, monitoring and coordination of financial and general administration of the City's HOME Reconstruction Program.

TOTAL HOME FUNDS AVAILABLE **\$ 166,719**



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00250

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Gerald Wingate

SUBJECT:

APPOINTMENTS - ZONING BOARD OF ADJUSTMENT

RECOMMENDATION:

That City Council appoint two (2) individuals that are residents or property owners of the City to the Zoning Board of Adjustments for a term of three (3) years, expiring July 14, 2021.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The subject board reviews and grants or denies applications for variances, waivers and special exceptions to the Land Development Code. The board also hears and decides appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the Land Development Code.

The following have been nominated or are incumbents who wish to serve another term:

Nominee

Nominated by

Steven Sebold
Troy Stepherson

Johnson
Incumbent

PRIOR ACTION:

City Council appoints members to the Zoning Board of Adjustment on an annual basis.

FUNDING:

Budget: N/A

Actual: N/A

FINANCIAL IMPACT:

None.

STAFF CONTACT:

Ericka L. Burnett, City Clerk

ATTACHMENTS:

- 1) Member List
- 2) Nomination Steven Sebold
- 3) Application of Interest - Steven Sebold
- 4) Application of Interest - Troy Stepherson
- 5) Ballot

PRESENTATION: No

Zoning Board of Adjustment

Name	Profession	Appointed By	No. of Terms	Year	Exp Date	First Appointed	Term Length	Comments
Boudreaux, Patrick	VP for CHCS Svcs., Inc.	Council	2	2018	7/14/2018	10/9/2008	3	
Del Gallo, David	Contractor/Developer	Council	2	2018	7/14/2019	1/28/2010	3	
Guilday, Michael	Business	Council	0	2018	7/14/2018	11/12/2016	3	
Loneragan, Christopher	Business Owner	Council	0	2018	7/14/2020	11/14/2013	3	
Shelley, Steven M.	Business owner	Council	0	2018	7/14/2019	11/17/2016	3	
Stepherson, Troy	Office & Mkting Mgr	Council	0	2018	7/14/2018	7/13/2017	3	
Taylor, Clayton	Public Defender	Council	2	2018	7/14/2020	3/25/2010	3	
White, Boyce T.	Business	Council	0	2018	7/14/2020	7/17/2014	3	
Williams, Robby	Project Manager/Constr	Council	1	2018	7/14/2019	7/17/2014	3	

Term Length: THREE YEAR TERMS

NINE (9) MEMBERS APPOINTED BY THE CITY COUNCIL. NO MEMBER SHALL BE AN ELECTED OFFICIAL OR EMPLOYEE OF THE CITY. MEMBERS MUST BE RESIDENTS OR PROPERTY OWNERS OF THE CITY OF PENSACOLA.

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Larry B. Johnson, do nominate Steven Sebold
(Nominee)

918 E DeSoto Street Pensacola, FL 32501 850-529-5175
(Home Address) (Phone)

(Business Address) (Phone)

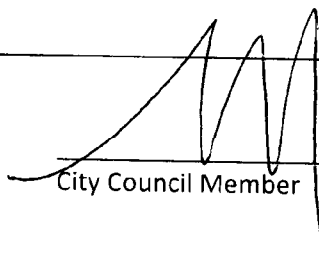
steven.sebold@adoorproperties.com City Resident: YES NO
(Email Address) Property Owner within the City: YES NO

for appointment by the City Council for the position of:

MEMBER
ZONING BOARD OF ADJUSTMENT

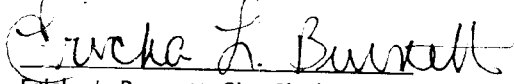
Provide a brief description of nominee's qualifications:

See attached application of interest



City Council Member

I hereby certify that the above
nomination was submitted to my
office within the time limitations
prescribed by the Rules and
Procedures of Council.


Ericka L. Burnett, City Clerk

Ericka Burnett

From: noreply@civicplus.com
Sent: Friday, June 22, 2018 4:35 PM
To: Ericka Burnett; Robyn Tice
Subject: Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

Application for Boards, Authorities, and Commissions - City Council Appointment

This application will be utilized in considering you for appointment to a City Council board, authority, or commission. Pursuant to Florida Statutes, Chapter 119, all information provided on or with this form becomes a public record and is subject to disclosure, unless otherwise exempted by law.

Completed applications will be kept on file for a period of one (1) year from the date received in the Office of the City Clerk.

It is necessary to contact a member of Council to obtain a nomination in order to be placed on the ballot for consideration. Please go to cityofpensacola.com/council for Council Member contact information. If you have any questions, contact the City Clerk's Office.

(Section Break)

Personal Information

Name	Steven Sebold
------	---------------

Home Address	918 E DeSoto Street Pensacola, FL 32501
--------------	---

Business Address	Field not completed.
------------------	----------------------

To which address do you prefer we send correspondence regarding this application?	Field not completed.
---	----------------------

Preferred Contact Phone Number(s)	850-529-5175
-----------------------------------	--------------

Email Address	steven.sebold@adoorproperties.com
---------------	--

Upload Resume (optional)	Field not completed.
--------------------------	----------------------

(Section Break)

Details

Are you a City resident?	Yes
If yes, which district?	1
If yes, how long have you been a City resident?	12 years
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	Zoning Board of Adjustment
Please list the reasons for your interest in this position:	As someone who works in the development field, it is important that we continue with the progress that has been made over past years, while considering potential exceptions to help growth, expansion, and the development of our city.
Do you currently serve on a board?	No
If yes, which board(s)?	<i>Field not completed.</i>
Do you currently hold a public office?	No
If so, what office?	<i>Field not completed.</i>
Would you be willing to resign your current office for the appointment you now seek?	N/A

(Section Break)

Diversity

In order to encourage diversity in selections of members of government committees, the following information is required by Florida Statute 760.80 for some committees.

Gender	Male
Race	Caucasian
Physically Disabled	No

(Section Break)

Acknowledgement of
Terms

I accept these terms.

Email not displaying correctly? [View it in your browser.](#)

Ericka Burnett

From: noreply@civicplus.com
Sent: Wednesday, June 27, 2018 11:16 AM
To: Ericka Burnett; Robyn Tice
Subject: Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

Application for Boards, Authorities, and Commissions - City Council Appointment

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(Section Break)

Personal Information

Name TROY STEPHERSON

Home Address 306 W CHASE ST., PENSACOLA, FL 32502

Business Address 503 E GOVERNMENT ST., PENSACOLA, FL 32502

To which address do you prefer we send correspondence regarding this application? Business

Preferred Contact Phone Number(s) 8507484152

Email Address TROY@GUNTHERPROPERTIES.COM

Upload Resume (optional) *Field not completed.*

(Section Break)

Details

Are you a City resident?	Yes
If yes, which district?	7
If yes, how long have you been a City resident?	Field not completed.
Do you own property within the City limits?	No
Are you a registered voter in the city?	Yes
Board(s) of interest:	ZONING BOARD OF ADJUSTMENTS
Please list the reasons for your interest in this position:	PUBLIC SERVICE
Do you currently serve on a board?	Yes
If yes, which board(s)?	Field not completed.
Do you currently hold a public office?	No
If so, what office?	Field not completed.
Would you be willing to resign your current office for the appointment you now seek?	N/A

(Section Break)

Diversity

In order to encourage diversity in selections of members of government committees, the following information is required by Florida Statute 760.80 for some committees.

Gender	Field not completed.
Race	Field not completed.
Physically Disabled	Field not completed.

(Section Break)

Acknowledgement of
Terms

I accept these terms.

Email not displaying correctly? [View it in your browser.](#)

Ballot – Zoning Board of Adjustment

July 19, 2018

Term expiring July 14, 2021

_____ Steven Sebold

_____ Troy Stepherson

Vote for Two

Signed: _____
Council Member



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00248

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

RE-APPOINTMENT TO THE DOWNTOWN IMPROVEMENT BOARD (DIB)

RECOMMENDATION:

That the City Council affirm the Mayor's re-appointment of John Peacock to the Downtown Improvement Board (DIB) for a term of three years expiring June 30, 2021.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Downtown Improvement Board (DIB) is a quasi-governmental, not-for-profit agency created in 1972 for the purpose of physically, economically and socially revitalizing downtown Pensacola. The DIB coordinates the marketing and promotion of the 44 block central business core of downtown Pensacola.

The DIB was created by a Special Act of the Florida Legislature Section 72.662 and is to be composed of five (5) members appointed by the Mayor and confirmed by the City Council. Members must be owners of real estate within the downtown area, subject to ad valorem taxation, or a lessee thereof required by lease to pay taxes. No voting member may be a City or County officer or employee.

PRIOR ACTION:

June 18, 2015 - City Council affirmed the Mayor's re-appointment of John Peacock to the Downtown Improvement Board as a member for a term to expire June 30, 2018.

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

6/26/2018

STAFF CONTACT:

Eric W. Olson, City Administrator

ATTACHMENTS:

- 1) Mayoral Letter Reappointing John Peacock to DIB

PRESENTATION: No



ASHTON J. HAYWARD
MAYOR

June 21, 2018

Mr. John Peacock
107 S. Baylen Street
Pensacola, Florida 32502

Dear Mr. Peacock,

It is a pleasure to advise you of your reappointment to the City of Pensacola Downtown Improvement Board. This appointment begins on July 1, 2018 and expires on June 30, 2021. Should you have any questions or desire to discuss this appointment, please do not hesitate to contact me at 435-1624.

Also please be advised, as a member of the Board you are subject to Florida's Public Records law and Sunshine Law, as well as the City of Pensacola Code of Ethics.

Thank you for your willingness to serve the citizens of our community in this capacity. I look forward to working with you. Congratulations on your reappointment.

Sincerely,

A handwritten signature in black ink, appearing to read "Ashton J. Hayward".

Ashton J. Hayward
Mayor



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00256

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

AWARD OF CONTRACT TO AE NEW, JR., INC. FOR INVITATION TO BID (ITB) #18-022 BAYVIEW SENIOR CENTER REPAIRS AND RENOVATIONS

RECOMMENDATION:

That City Council award a contract to AE New, Jr., Inc. for Bayview Senior Center Repairs and Renovations for \$252,000.00 plus a 10% contingency of \$25,200.00 for a total amount of \$277,200.00. Further, that City Council authorize the Mayor to execute all contracts, related documents, and take all related actions necessary to complete the project.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The project consists of repairs and renovations to restrooms and offices, and new paint and floor coverings within the entire building. The six firms responded that to the ITB were:

AE New, Jr., Inc.	Empire Builders Group, Inc.
Joy Gordon Construction, LLC	Larry Hall Construction, Inc.
Birkshire Johnstone, LLC	GSI Construction Corp., Inc.

AE New, Jr., Inc. was the lowest responsible bidder.

In order to provide cost savings, the City will directly purchase the replacement Chiller System and the contractor will provide the installation as part of the contract.

PRIOR ACTION:

None

FUNDING:

Budget:

\$ 200,000	Local Option Sales Tax Series IV
<u>147,204</u>	Local Option Sales Tax Penny for Progress
<u>\$ 347,204</u>	

Actual:

\$ 252,000	Construction Contract
25,200	10% Project Contingency
32,575	A&E Services
34,395	Purchase of Chiller (ODP)
<u>3,034</u>	Miscellaneous
<u>\$ 347,204</u>	

FINANCIAL IMPACT:

Funding in the amount of \$200,000 for the Bayview Senior Center in the Local Option Sales Tax Series IV Plan was originally planned for FY 2019. However, due to the need to address the issues sooner, the funds were appropriated in FY 2018 on the Unencumbered Carryover Resolution (Res #17-76) approved by City Council in November, 2017. The balances remaining in the Penny for Progress Plan have been carried forward on supplemental budget resolutions each year to fund the project.

CITY ATTORNEY REVIEW: Yes

7/10/2018

STAFF CONTACT:

Eric W. Olson, City Administrator
Brian Cooper, Parks and Recreation Director
Richard Barker, Jr., Chief Financial Officer

ATTACHMENTS:

- 1) Bid No. 18-022 Tabulation of Bids
- 2) Bid No. 18-022 Vendor Reference List

PRESENTATION: No

TABULATION OF BIDS

BID NO: 18-022

TITLE: BAYVIEW SENIOR CENTER REPAIRS AND RENOVATIONS

OPENING DATE: June 26, 2018	A.E. NEW, JR.,	JOY GORDON	BIRKSHIRE	EMPIRE	LARRY HALL	GSI
OPENING TIME: 2:30 P.M.	INC.	CONSTRUCTION,	JOHNSTONE,	BUILDERS	CONSTRUCTION,	CONSTRUCTION
		LLC	LLC	GROUP, INC.	INC.	CORP., INC.
DEPARTMENT: Parks & Recreation	Pensacola, FL	Cantonment, FL	Pensacola, FL	Pensacola, FL	Pace, FL	Pace, FL
Base Bid	\$252,000.00	\$258,055.00	\$259,000.00	\$271,300.00	\$334,000.00	\$358,000.00
M/WBE Participation Goal: 5%	5.1%	15.5%	0%	0%	0%	5.5%
If M/WBE goal not met, then GFE: 70 pts	n/a	n/a	0 pts	0 pts	0 pts	n/a
Attended Prebid	Yes	Yes	Yes	Yes	Yes	Yes

Opening Date: 06/26/18

Bid No.: 18-022

**FINAL VENDOR REFERENCE LIST
BAYVIEW SENIOR CENTER REPAIRS & RENOVATIONS
PARKS & RECREATION**

Vendor	Name	Address	City	St	Zip Code	SMWBE
004632	A E NEW JR INC	460 VAN PELT LANE	PENSACOLA	FL	32505	
067544	AFFORDABLE CONCRETE & CONSTRUCTION LLC	4089 E JOHNSON AVE	PENSACOLA	FL	32515	Y
068969	ALEXANDER CARL SELMON DBA ACSIII	5443 BYRON ST APT C	MILTON	FL	32570	
068495	ANDALA ENTERPRISES INC	641 BAYOU BOULEVARD	PENSACOLA	FL	32503	
036997	BELLVIEW SITE CONTRACTORS INC	3300 GODWIN LANE	PENSACOLA	FL	32526	Y
073772	BIGGS CONSTRUCTION COMPANY INC	PO BOX 1552	PENSACOLA	FL	32591	
063759	BILL MCBRIDE CONSTRUCTION LLC	320 WEST LLOYD STREET	PENSACOLA	FL	32501	Y
053457	BIRKSHIRE JOHNSTONE LLC	507 E FAIRFIELD DR	PENSACOLA	FL	32503	Y
065013	BKW INC	5615 DUVAL STREET	PENSACOLA	FL	32503	Y
070527	BLOWERS, BENJAMIN DBA INNOVIS USA LLC	5540 LEESWAY BLVD	PENSACOLA	FL	32504	
067318	BLUE WATER CONSTRUCTION & LANDSCAPING INC	8863 N EIGHT MILE CREEK ROAD	PENSACOLA	FL	32534	Y
065158	BOSS LADY CONCRETE CO LLC	5801 CLEARWATER AVENUE	PENSACOLA	FL	32505	Y
041503	BROWN, AMOS P JR DBA P BROWN BUILDERS LLC	4231 CHERRY LAUREL DRIVE	PENSACOLA	FL	32504	Y
029295	CARPET CREATIONS OF FLORIDA INC	3305 N "S" STREET	PENSACOLA	FL	32505	Y
042045	CHIVERS CONSTRUCTION INC	1795 WEST DETROIT BLVD	PENSACOLA	FL	32534	Y
032358	CONSTRUCTION SERVICES OF PENSACOLA DBA BAUGHN RENOVATIONS	2105 NORTH "S" ST	PENSACOLA	FL	32505	Y
036146	CRONIN CONSTRUCTION INC	99 S ALCANIZ ST SUITE A	PENSACOLA	FL	32502	Y
070475	CRUZ, SHAWN C DBA COASTAL PROPERTY PREPARATION LLC	5700 ALMAX COURT	PENSACOLA	FL	32506	
033554	D K E MARINE SERVICES	P O BOX 2395	PENSACOLA	FL	32513	Y
070603	D+B BUILDERS	670 MOLINO ROAD	MOLINO	FL	32577	
062631	DOMINGUEZ DESIGN BUILD INC	4340 DEVEREUX DRIVE	PENSACOLA	FL	32504	Y
048528	EMPIRE BUILDERS GROUP INC	3217 TALLSHIP LANE	PENSACOLA	FL	32526	Y
072705	EVAN CHASE CONSTRUCTION INC	2991 SOUTH HIGHWAY 29	CANTONMENT	FL	32533	Y
050495	GB GREEN CONSTRUCTION MANAGEMENT & CONSULTING INC	303 MAN'O'WAR CIRCLE	CANTONMENT	FL	32533	Y
062339	GQS ENTERPRISE LLC	833 HORSEMAN'S PATH	CANTONMENT	FL	32533	Y
058714	GREG ALLEN CONSTRUCTION INC	5006 PERSIMMON HOLLOW ROAD	MILTON	FL	32583	Y
063457	GSI CONSTRUCTION CORP INC	2993 WALLACE LAKE ROAD	PACE	FL	32571	Y
000591	GULF ATLANTIC CONSTRUCTORS INC	650 WEST OAKFIELD RD	PENSACOLA	FL	32503	Y
034504	GULF COAST AFRICAN AMERICAN CHAMBER OF COMMERCE	PO BOX 17844	PENSACOLA	FL	32522	
018636	GULF COAST BUILDING CONTRACTORS INC	1010 N 12TH AVE	PENSACOLA	FL	32501-	Y
069565	GULF COAST INDUSTRIAL CONSTRUCTION LLC	12196 HWY 89	JAY	FL	32565	Y
070385	HANTO & CLARKE GENERAL CONTRACTORS LLC	1401 EAST BELMONT STREET	PENSACOLA	FL	32501-	
048956	HERBERTS HOME & BUSINESS MAINTENANCE LLC	1713 LEPLY ROAD	PENSACOLA	FL	32534	Y
044789	HOWARD YOUNG FLOORING INC	4430 AVALON BLVD	MILTON	FL	32583	Y
002923	HUEY'S WORKS	1206 N "W" STREET	PENSACOLA	FL	32505	Y
049240	J MILLER CONSTRUCTION INC	8900 WARING RD	PENSACOLA	FL	32534	Y
053163	J2 ENGINEERING INC	2101 WEST GARDEN STREET	PENSACOLA	FL	32502	
061665	JOY GORDON CONSTRUCTION LLC	1957 MEANDER CIRCLE	CANTONMENT	FL	32533	Y
050649	L A SYPERT JOHNSTON JR DBA LA BUILDERS LLC	8520 MERGER RD	PENSACOLA	FL	32514	Y
010677	LARRY HALL CONSTRUCTION INC	P O BOX 2408	PACE	FL	32571	Y
068161	LEA, DOUGLAS C DBA L&L CONSTRUCTION SERVICES LLC	9655 SOUTH TRACE ROAD	MILTON	FL	32583	Y
058801	M & H CONSTRUCTION SERVICES INC	1161 W 9 1/2 MILE RD	PENSACOLA	FL	32534	Y
043580	MASTER-TEC FLOORS INC	3832 W NAVY BLVD	PENSACOLA	FL	32507	Y
039951	MATTAIR CONSTRUCTION CO INC	57 S COYLE ST	PENSACOLA	FL	32502	Y
062549	MCCORMICK, FRANK DBA MCCORMICK CONSTRUCTION & MANAGEMENT LLC	1153 LIONSGATE LANE	GULF BREEZE	FL	32563	
057267	MCKNIGHT, CHARLES SEAN DBA SEAN MCKNIGHT & SONS PROF SRVCS LLC	4200 LANGLEY AVENUE	PENSACOLA	FL	32504	Y
031023	MILLIGAN FORD UNLIMITED INC	3160 TUNNEL ROAD	PACE	FL	32571	Y

Opening Date: 06/26/18

Bid No.: 18-022

**FINAL VENDOR REFERENCE LIST
BAYVIEW SENIOR CENTER REPAIRS & RENOVATIONS
PARKS & RECREATION**

Vendor	Name	Address	City	St	Zip Code	SMWBE
060998	MIXON, ALBERT DBA QUALITY SHEETROCK & PAINTG CONTRACTOR LLC	116 SOUTH DONELSON STREET	PENSACOLA	FL	32502	Y
066334	MULTIMEDIA HOLDINGS CORP DBA PENSACOLA NEWS JOURNAL	2 NORTH PALAFOX ST	PENSACOLA	FL	32502	
049009	PARRIS CONSTRUCTION CO LLC	P O BOX 6338	PENSACOLA	FL	32503	Y
058953	PARSCO LLC	714 NORTH DEVILLIERS STREET	PENSACOLA	FL	32501	Y
060344	PENSACOLA BAY AREA CHAMBER OF COMMERCE DBA GREATER PENSACOLA CHAMBER	117 W GARDEN ST	PENSACOLA	FL	32502	
055889	PERDIDO HOME TILE CO LLC	11180 LILLIAN HIGHWAY	PENSACOLA	FL	32506	Y
073174	PERRITT, CHRIS LLC	5340 BRIGHT MEADOWS ROAD	MILTON	FL	32570	Y
004675	PHOENIX COATINGS INC	900 INDUSTRIAL COURT	PENSACOLA	FL	32505	Y
064219	POE, JAMIN DBA P3 CONSTRUCTION & ENERGY SOLUTIONS LLC	321 N DEVILLIERS ST STE 208	PENSACOLA	FL	32501	
066152	PRINCIPLE PROPERTIES INC	3773 HIGHWAY 87 S	NAVARRE BEACH	FL	32566	Y
068488	PRO CONSTRUCTION LLC DBA COMPLETE DKI	511 WYNNEHURST STREET	PENSACOLA	FL	32503	Y
051133	PUGH, KEVIN D DBA KEVIN D PUGH SITE & DOZER WORKS LLC	5731 STEWART ROAD	WALNUT HILL	FL	32568	Y
049671	RADFORD & NIX CONSTRUCTION LLC	7014 PINE FOREST ROAD	PENSACOLA	FL	32526	Y
071623	REYCO CONTRACTING SOLUTIONS LLC	2172 W NINE MILE RD STE 198	PENSACOLA	FL	32534	Y
068599	RICH, RYAN K DBA LEGENDS PROFESSIONAL CLEANING SERVICES LLC	2478 REDFORD DRIVE	CANTONMENT	FL	32533	Y
005573	ROBERTSON CURTIS INC	P O BOX 10794	PENSACOLA	FL	32524	Y
055499	ROCKWELL CORPORATION	3309 LINGER COURT	PENSACOLA	FL	32526	Y
046042	ROYALTY LLC DBA ROYALTY MANAGEMENT LLC	1765 E NINE MILE ROAD #1-104	PENSACOLA	FL	32514	Y
058753	SAILWIND CONSTRUCTION INC	7 GILMORE DRIVE	GULF BREEZE	FL	32561	Y
035108	SOUTHEASTERN CONSTRUCTION INC	504 WEST INTENDENCIA STREET	PENSACOLA	FL	32502	Y
057076	SUNRISE CONTRACTING SERVICES INC	1509 JOHN CARROLL DRIVE	PENSACOLA	FL	32504	Y
004537	T CHAVIS CONSTRUCTION CO	1411 ARIOLA DRIVE	PENSACOLA	FL	32561	Y
019561	TEDDER, DAVID DBA DAVID TEDDER PAINTING	9439 ABB PITTMAN RD	MILTON	FL	32570-	Y
028060	THE GREEN SIMMONS COMPANY INC	3407 NORTH W STREET	PENSACOLA	FL	32505-	Y
030430	TOMPKINS PAINTING INC	3516 N. "S" ST	PENSACOLA	FL	32505	Y
073229	TRACY SIMON DBA TOUCHED BY TRACY PAINTING & DESIGNS LLC	1662 HOLLOW POINT DRIVE	CANTONMENT	FL	32533	Y
024977	TRAMMELL CONSTRUCTION CO INC	9425 WANDA DR	PENSACOLA	FL	32514	Y
030317	W P R INC	4175 BRIARGLEN RD	MILTON	FL	32583	Y
041432	WATERS GENERAL CONTRACTORS INC	10070 SCENIC HWY	PENSACOLA	FL	32514	Y
051237	WATSON, ALFRED D ALFRED WATSON CONSTRUCTION LLC	4007 NORTH "W" STREET	PENSACOLA	FL	32505	Y
044856	WOLFE CONSTRUCTION	40 W NINE MILE ROAD #2 SUITE 212	PENSACOLA	FL	32534	Y
069212	YERKES SOUTH INC	634 LAKEWOOD RD	PENSACOLA	FL	32507	Y

Vendors: 79



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00259

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

AWARD OF BID #18-017 - BROWNFIELDS CLEANUP OF SUBMERGED LANDS FOR THE CITY OF PENSACOLA

RECOMMENDATION:

That City Council award a contract for Brownsfield Cleanup of Submerged Land for the City of Pensacola to H.G. Harders & Son, Inc. of Panama City, Florida, the lowest and most responsible bidder with a base bid of \$394,552, calculated at a daily rate of \$11,796 for a 18 days, plus mobilization of \$40,672 with a not to exceed cost of \$253,000 for piling debris removal in Pensacola Bay south of Community Maritime Park, contingent upon receipt of all required permits. Further, that City Council authorize the Mayor to execute the contract and take all action necessary to complete the project.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The subject property at the 300 Block of West Main Street, Pensacola, Florida consists of a 35-acre submerged parcel adjacent to the south side of the Community Maritime Park. According to historical records, the commercial and industrial piers were constructed of coal-tar creosote-treated pilings around the turn of the 20th century. The piers fell out of use as the Port of Pensacola to the east was improved and expanded. Historical 1940 and 1955 aerial photographs show four pier structures extending from land into Pensacola Bay. In 1966, the piers were destroyed by fire and aerial photographs dated 1974 show no remaining piers. Currently, many pilings are broken off below the water surface creating potential navigation hazards and dock reuse potential.

On June 8, 2018, the City received bids to solicitation for piling removal. Contractors were requested to furnish labor and material costs to perform work required for removal of steel and creosote pilings and associated debris from the submerged parcel. The work consists of extraction and removal of approximately 22 steel "H" beam pilings, 50 vertical wood creosote pilings, and approximately 3,000 cubic yards of creosote pilings and other associated debris from former collapsed commercial piers, and transport of the pilings and debris to the Port of Pensacola for off-loading.

In accordance with the bid specifications, the pricing information was structured such that a daily rate could be computed based on the bid price submitted by respondents. In the case of the H.G. Harder & Sons, Inc., its bid

was lowest in total and on the computed daily rate. The company will be allowed to work on the job site until the available funds for the project of \$253,000 are expended, which is estimated at 18 days.

PRIOR ACTION:

October 12, 2017 - City Council authorized the acceptance of the U.S. Environmental Protection Agency Grant Agreement in the amount of \$200,000 to clean up hazardous substances and petroleum contaminants in city-owned submerged lands to the south of Community Maritime Park.

December 14, 2017 - City Council authorized the Mayor to take all actions necessary related to the finalization and execution of West Florida Regional Planning Council's grant agreement as a sub-grantee in the amount of \$250,000 to remove hazardous substances and petroleum contaminants in city-owned submerged lands to the south of Community Maritime Park.

FUNDING:

Budget:	\$200,000	EPA Grant Award (First Award)
	40,000	City of Pensacola In-Kind Grant Matching Funds (20%)
	<u>250,000</u>	WFRPC Sub-Grant Award (Second Award)
	<u>\$490,000</u>	Total

Actual:	\$212,328	Base Bid @ Daily Rate of \$11,796 for 18 days
	<u>40,672</u>	Base Bid Mobilization
	<u>\$253,000</u>	Sub-Total
	\$162,872	Grant Administration Consultant
	30,000	Cleanup Implementation - Stevedoring (Estimate)
	40,000	City of Pensacola In-Kind Match - Staff Time
	<u>4,128</u>	Miscellaneous Costs
	<u>\$490,000</u>	Total

FINANCIAL IMPACT:

US Environmental Protection Agency grant funding in the amount of \$200,000 has been appropriated for this project. The City's is required to provide 20% grant matching funds. The grant allows the City to utilize in-kind contributions toward the required 20% match. The City's \$40,000 portion will come from staff time spent on the project. An additional \$250,000 grant from the West Florida Regional Planning Council is also available for this project. Additionally, Florida Department of Environmental Protection contractors are providing hazardous debris removal through their Site Specific Activities (SSA) Program. Once debris is removed from submerged land and off-loaded at the Port of Pensacola, SSA contractors will remove pilings to a certified landfill for disposal.

CITY ATTORNEY REVIEW: Yes

7/8/2018

STAFF CONTACT:

Eric W. Olson, City Administrator
Keith Wilkins, Assistant City Administrator
Rebecca Ferguson, Economic Policy Coordinator

ATTACHMENTS:

- 1) Bid Tabulation Bid No. 18-017
- 2) Final Vendor Reference List Bid No. 18-017

PRESENTATION: No

TABULATION OF BIDS

BID NO: 18-017

TITLE: BROWNFIELDS CLEANUP OF SUBMERGED LANDS FOR THE CITY OF PENSACOLA

OPENING DATE: June 8, 2018 OPENING TIME: 10:00 A.M.	H. G. HARDERS & SON, INC.	DKE MARINE SERVICES, INC.
DEPARTMENT: Economic Development	Panama City, FL	Pensacola, FL
Total Cost	\$394,552.00	\$463,437.50
Attended Prebid	Yes	Yes

Bid No. 18-017
BROWNFIELDS CLEANUP OF SUBMERGED LANDS
FOR THE CITY OF PENSACOLA

H G Harders & Son, Inc.

A.	B.	C.	D.	E.	F.
Item	Description	Unit Rate	Est. Qty	Unit	Total
4.1	Mobilization/Demobilization (includes applicable permits)	\$ 1.00	1	Lump Sum	\$ 40,672.00
4.2	Turbidity Control Curtain	\$ 740.00	30	per day	\$ 22,200.00
4.3	Piling and debris removal	\$ 6,948.00	30	per day	\$ 208,440.00
4.4	Dive Crew	\$ 3,983.00	30	per day	\$ 119,490.00
4.5	Boat and operator for monitoring by PPM	\$ 125.00	30	per day	\$ 3,750.00
TOTAL COST					\$ 394,552.00

DKE Marine Services, Inc.

A.	B.	C.	D.	E.	F.
Item	Description	Unit Rate	Est. Qty	Unit	Total
4.1	Mobilization/Demobilization (includes applicable permits)	\$ 1.00	1	Lump Sum	\$ 12,500.00
4.2	Turbidity Control Curtain	\$ 750.00	30	per day	\$ 22,500.00
4.3	Piling and debris removal	\$ 8,581.25	30	per day	\$ 257,437.50
4.4	Dive Crew	\$ 5,250.00	30	per day	\$ 157,500.00
4.5	Boat and operator for monitoring by PPM	\$ 450.00	30	per day	\$ 13,500.00
TOTAL COST					\$ 463,437.50

Opening Date: 00/00/18

Bid No.: 18-017

FINAL VENDOR REFERENCE LIST
BROWNFIELDS CLEANUP OF SUBMERGED LANDS FOR THE CITY OF PENSACOLA
ECONOMIC DEVELOPMENT

Vendor	Name	Address	City	St	Zip Code	SMWBE
044957	ALL SEASONS CONSTRUCTION LLC	6161 BLUE ANGEL PARKWAY	PENSACOLA	FL	32526	
068495	ANDALA ENTERPRISES INC	641 BAYOU BOULEVARD	PENSACOLA	FL	32503	
071765	ATLAS BUILDERS GROUP	4366 AVALON BLVD	MILTON	FL	32583	
069786	BEAR GENERAL CONTRACTORS LLC	2803 E CERVANTES ST STE C	PENSACOLA	FL	32503	
053457	BIRKSHIRE JOHNSTONE LLC	11 CLARINDA LANE	PENSACOLA	FL	32505	Y
070527	BLOWERS, BENJAMIN DBA INNOVIS USA LLC	5540 LEESWAY BLVD	PENSACOLA	FL	32504	
74023	BLUE DIVING & SALVAGE LLC	4585 GOLDEN AVENUE	MOBILE	AL	36619	
067318	BLUE WATER CONSTRUCTION & LANDSCAPING INC	8863 N EIGHT MILE CREEK ROAD	PENSACOLA	FL	32534	Y
042045	CHIVERS CONSTRUCTION INC	1795 WEST DETROIT BLVD	PENSACOLA	FL	32534	Y
044571	CHRISTOPHER'S MARINE CONTRACTI	1774 SUNNY OAK STREET	GULF BREEZE	FL	32563	
057454	COASTAL PILE DRIVING INC	2201 VALLEY ESCONDIDO DRIVE	PENSACOLA	FL	32526	
024722	COASTAL REEF BUILDERS INC	40 AUDUSSON AVENUE	PENSACOLA	FL	32507	Y
071766	CONSTRUCTION MGMT ADVISORS LLC	4547 LASSASSIER	PENSACOLA	FL	32504	
036146	CRONIN CONSTRUCTION INC	99 S ALCANIZ ST SUITE A	PENSACOLA	FL	32502	Y
033554	D K E MARINE SERVICES	P O BOX 2395	PENSACOLA	FL	32513	Y
007055	DAVIS MARINE CONSTRUCTION INC	8160 ASHLAND AVENUE	PENSACOLA	FL	32534	Y
032692	DECKS N SUCH MARINE INC	PO BOX 327	FT WALTON BEACH	FL	32549	
030632	DEEP & WIDE DREDGING INC	PO BOX 5458	NAVARRE	FL	32566	
032038	EVANS CONTRACTING INC	400 NEAL ROAD	CANTONMENT	FL	32533	
74024	EXND DIVING & MARINE SERVICES LLC	113 BAILEY DR SUITE 4	NICEVILLE	FL	32578	
050495	GB GREEN CONSTRUCTION MGMT & CONSULTING INC	303 MAN'O'WAR CIRCLE	CANTONMENT	FL	32533	Y
053862	GFD CONSTRUCTION INC	8771 ASHLAND AVE	PENSACOLA	FL	32514	
74025	GREYSTONE INDUSTRIES LLC	5880 PLANTATION WOODS DR	THEODORE	AL	36582	
34504	GULF COAST AFRICAN AMERICAN CHAMBER OF COMMERCE	PO BOX 17844	PENSACOLA	FL	32522	
018636	GULF COAST BUILDING CONTRACTORS INC	1010 N 12TH AVE	PENSACOLA	FL	32501	Y
016100	H G HARDERS & SON INC	5521 EAST HIGHWAY 98	PANAMA CITY	FL	32404	
052866	HEWES & COMPANY LLC	390 SELINA ST	PENSACOLA	FL	32503	Y
056716	HOWELL, KENNETH C, JR DBA KEN JR CONSTRUCTION LLC	1102 WEBSTER DRIVE	PENSACOLA	FL	32505	
053163	J2 ENGINEERING INC	2101 WEST GARDEN STREET	PENSACOLA	FL	32502	
002026	JACK MOORE & CO INC	P O BOX 37010	PENSACOLA	FL	32526	
053161	JONBUILT INC	PO BOX 5482	NAVARRE BEACH	FL	32566	
043857	KBI CONSTRUCTION CO INC	9214 WARING RD	PENSACOLA	FL	32534	
032824	KENNETH HORNE & ASSOCIATES	7201 NORTH 9TH AVENUE SUITE 6	PENSACOLA	FL	32504	Y
068161	LEA, DOUGLAS C DBA L&L CONSTRUCTION SERVICES LLC	9655 SOUTH TRACE ROAD	MILTON	FL	32583	Y
039164	LOFTIS MARINE DIVISION INC	7150 CLEARWOOD ROAD	PENSACOLA	FL	32526	Y
045203	MOORE, STEVEN T DBA MC GROUP LLC	605-A EAST GOVERNMENT STREET	PENSACOLA	FL	32502	
66334	MULTIMEDIA HOLDINGS CORP DBA PENSACOLA NEWS JOURNAL	2 NORTH PALAFOX ST	PENSACOLA	FL	32502	
016210	NORD, STEVE DBA SEA HORSE GENERAL CONTRACTORS INC	4238 GULF BREEZE PKWY	GULF BREEZE	FL	32563	Y
049113	O'DANIEL MARINE CONSTRUCTION INC	1165 SUNSET LANE	GULF BREEZE	FL	32563	
030951	PAV'R CONSTRUCTION INC	P O BOX1293	GULF BREEZE	FL	32562	
003956	PENSA CONCRETE CONSTR CO INC	P O BOX 2787	PENSACOLA	FL	32513	
60344	PENSACOLA BAY AREA CHAMBER OF COMMERCE DBA GREATER PENSACOLA CHAMBER	117 W GARDEN ST	PENSACOLA	FL	32502	
067916	PENSACOLA MARINE CONSTRUCTION INC	2207 LIBERTY LOOP ROAD	CANTONMENT	FL	32533	Y
073174	PERRITT, CHRIST LLC	5340 BRIGHT MEADOWS ROAD	MILTON	FL	32570	Y
049671	RADFORD & NIX CONSTRUCTION LLC	7014 PINE FOREST ROAD	PENSACOLA	FL	32526	Y
055499	ROCKWELL CORPORATION	3309 LINGER COURT	PENSACOLA	FL	32526	Y
057937	ROPER & ROPER GEN CNTRCTRS LLC	5042 SKYLARK COURT	PENSACOLA	FL	32505	

Opening Date: 00/00/18

Bid No.: 18-017

**FINAL VENDOR REFERENCE LIST
BROWNFIELDS CLEANUP OF SUBMERGED LANDS FOR THE CITY OF PENSACOLA
ECONOMIC DEVELOPMENT**

Vendor	Name	Address	City	St	Zip Code	SMWBE
056451	S E CLINE CONSTRUCTION INC	18 UTILITY DRIVE	PALM COAST	FL	32137	
058753	SAILWIND CONSTRUCTION INC	7 GILMORE DRIVE	GULF BREEZE	FL	32561	Y
044550	SEA COAST & COMPANY	P O BOX 1422	GULF BREEZE	FL	32562	
024992	SNELLGROVE CONSTRUCTION INC	P O BOX 34340	PENSACOLA	FL	32507	
028060	THE GREEN SIMMONS COMPANY INC	3407 NORTH W STREET	PENSACOLA	FL	32505	Y
033913	UNITY ENTERPRISES INC	506 W BELMONT STREET	PENSACOLA	FL	32501	
027461	VISION CONSTRUCTION ENT INC (SEAGLADE PROPERTIES INC)	P O BOX 9604	PENSACOLA	FL	32513	Y
030317	W P R INC	4175 BRIARGLEN RD	MILTON	FL	32583	Y

Vendors: 55



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00261

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

AWARD OF CONTRACTS RFP #18-012 THREE (3) YEAR PREPOSITION CONTRACT FOR DISASTER DEBRIS MANAGEMENT SERVICES

RECOMMENDATION:

That City Council approve the ranking of the selection committee for RFP #18-012 "Three (3) Year Prepositioned Contract for Disaster Debris Management Services," with D & J Enterprises, Inc. of Auburn, Alabama submitting the best proposal. Further, that Council award the primary contract for the disaster debris management services to D & J Enterprises Inc., and that secondary contracts be awarded to Crowder Gulf Joint Venture, Inc. and Phillips & Jordan, Inc. in the event D & J Enterprises is unable to perform the required services or in the event circumstances require more than one firm to adequately respond to a disaster. Finally, that City Council authorize the Mayor to execute a contract with each named firm and take all related actions necessary to respond to any disaster or emergency.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The City issued a Request for Proposals (RFP) for a three year contract for disaster debris management services. The purpose of the RFP is to have a firm available and under contract should a disaster such as a hurricane or flood require extensive collection and removal of storm debris. The RFP was issued so that a selection committee could evaluate and rank the proposals based on the 1) experience and ability of the firm; 2) operational plan; 3) previous experience; 4) financial capability of the firm; 5) MBE/SBE/WBE certification; and 6) project cost (based on required component services and estimated quantities for a sample storm event). The City received proposals from eight firms.

A selection committee was formed to evaluate the proposals. The committee members were Doug Resmondo, Acting Director of Sanitation Services and Fleet Management for the City of Pensacola; Laura Picklap, Accounting Services Manager for the City of Pensacola; and Jim Howes, Programs Division Manager for Escambia County Waste Services Department. The members reviewed the proposals, and based on scoring criteria, the proposals of the firms were ranked in the following order:

- 1) D & J Enterprises, Inc.

- 2) CrowderGulf Joint Venture, Inc.
- 3) Phillips & Jordan, Inc.
- 4) DRC Emergency Services, LLC
- 5) TFR Enterprises, Inc.
- 6) Bergeron Emergency Services, Inc.
- 7) Wood Resource Recovery, LLC
- 8) Roads, Inc. of NWF

It is the recommendation of the committee and City staff that a primary contract be awarded to D & J Enterprises Inc., and secondary contracts be awarded to CrowderGulf Joint Venture, Inc. and Phillips & Jordan, Inc. This will allow the City greater flexibility in times of disasters to bring in additional assistance, should it be necessary. In accordance with the terms of the RFP, the contracts will be for a period of three years, with an option to renew for an additional three years under the same terms and conditions, upon agreement by both parties.

PRIOR ACTION:

None.

FUNDING:

N/A

FINANCIAL IMPACT:

A notice to proceed under these contracts would only be issued in the event of a substantial disaster at which time the City could anticipate some level of FEMA and State funding for the removal of storm debris

CITY ATTORNEY REVIEW: Yes

7/8/2018

STAFF CONTACT:

Eric W. Olson, City Administrator

Doug Resmondo, Acting Director of Sanitation Services and Fleet Management

ATTACHMENTS:

- 1) Selection Committee Scoring Matrix
- 2) RFP Pricing Tab
- 3) Final Vendor Reference List

PRESENTATION: No

RFP NO. 18-012

Three (3) Year Prepositioned Contract for Disaster Debris Management Services

Selection Committee Meeting (06/21/18)

Written Submittals Evaluation

FIRMS <i>Raw Score</i>	Laura Picklap	Doug Resmondo	Jim Howes	TOTAL SCORE	RANK
D&J Enterprises, Inc.	87	92	91	270	1
CrowderGulf Joint Venture, Inc.	90	93	86	269	2
Phillips & Jordan, Inc.	83	90	90	263	3
DRC Emergency Services, LLC	89	86	83	258	4
TFR Enterprises, Inc.	88	90	78	256	5
Bergeron Emergency Services, Inc.	84	78	77	239	6
Wood Resource Recovery, LLC	64	54	69	187	7
Roads, Inc. of NWF	50	48	64	162	8

Motion: Laura Picklap motioned to select the top three firms

Second: Jim Howes

Vote: unanimous hand vote

TABULATION OF PROPOSALS

RFP NO: 18-012

TITLE: THREE (3) YEAR PREPOSITIONED CONTRACT FOR DISASTER DEBRIS MANAGEMENT SERVICES

OPENING DATE: April 24, 2018

OPENING TIME: 2:30 p.M.

DEPARTMENT: Sanitation

TFR
ENTERPRISES,
INC.
Leander, TX

D & J
ENTERPRISES,
INC.
Auburn, AL

DRC
EMERGENCY
SERVICES, LLC
Mobile, AL

CROWDERGULF
JOINT VENTURE,
INC.
Theodore, AL

BRIEF DESCRIPTION				
Item I - Vegetative Debris Removal	\$12,125,000.00	\$12,300,000.00	\$12,075,000.00	\$12,505,000.00
Item II - Mixed Debris Removal	\$1,048,750.00	\$820,000.00	\$990,000.00	\$970,000.00
Item III - Management of the DDMS and Debris Processing	\$4,600,000.00	\$4,425,000.00	\$5,110,000.00	\$5,195,000.00
Item IV - 'Haul-out of Residual Waste	\$5,690,000.00	\$6,700,000.00	\$8,400,000.00	\$8,340,000.00
GRAND TOTAL	\$23,463,750.00	\$24,245,000.00	\$26,575,000.00	\$27,010,000.00

TABULATION OF PROPOSALS

RFP NO: 18-012

TITLE: THREE (3) YEAR PREPOSITIONED CONTRACT FOR DISASTER DEBRIS MANAGEMENT SERVICES

OPENING DATE: April 24, 2018

OPENING TIME: 2:30 p.M.

BERGERON
EMERGENCY
SERVICES, INC.

Fort Lauderdale, FL

WOOD
RESOURCE
RECOVERY, LLC

Gainesville, FL

PHILLIPS &
JORDAN, INC.

Knoxville, TN

ROADS, INC.
OF NWFCantonment, FL

DEPARTMENT: Sanitation

BRIEF DESCRIPTION

Item I - Vegetative Debris Removal

\$15,750,000.00

\$17,750,000.00

\$15,425,000.00

\$16,180,000.00

Item II - Mixed Debris Removal

\$1,343,750.00

\$1,240,000.00

\$1,058,750.00

\$1,400,000.00

Item III - Management of the DDMS and Debris Processing

\$5,725,000.00

\$4,975,000.00

\$7,750,000.00

\$6,900,000.00

Item IV - 'Haul-out of Residual Waste

\$9,700,000.00

\$9,640,000.00

\$12,100,000.00

\$19,860,000.00

GRAND TOTAL

\$32,518,750.00

\$33,605,000.00

\$36,333,750.00

\$44,340,000.00

Opening Date: 04/24/18

Bid No.: 18-012

FINAL VENDOR REFERENCE LIST
THREE (3) YEAR PREPOSITIONED CONTRACT FOR DISASTER DEBRIS MANAGEMENT SERVICES
SANITATION

Vendor	Name	Address	City	St	Zip Code	SMWBE
053982	4D ENVIRONMENTAL CONSULTANTS LLC	8916 SCENIC HILLS DRIVE	PENSACOLA	FL	32514	Y
057088	ADJUSTERS INTERNATIONAL	126 BUSINESS PARK DRIVE	UTICA	NY	13502	
063144	AEROSTAR SES LLC	213 SOUTH BAYLEN ST	PENSACOLA	FL	32502	
068495	ANDALA ENTERPRISES INC	641 BAYOU BOULEVARD	PENSACOLA	FL	32503	
043121	ASPLUNDH ENVIRONMENTAL SERVICES INC	217 FAIRHOPE AVE	FAIRHOPE	AL	36532	
047874	ATC GROUP SERVICES INC DBA ATC ASSOCIATES INC	130 S GERONIMO ST STE 6	MIRAMAR BCH	FL	32550	
046757	ATL DISASTER RECOVERY INC	PO BOX 1387	BOYNTON BCH	FL	33425	
046757	ATL DISASTER RECOVERY INC	PO BOX 1387	BOYNTON BCH	FL	33425	
040204	BARKSDALE & ASSOCIATES INC	105 SOUTH G ST	PENSACOLA	FL	32502	
047610	BECK DISASTER RECOVERY INC (SAIC)	800 N MAGNOLIA AVE STE 400	ORLANDO	FL	32803	
063461	BELFOR USA GROUP	132 EAST I-65 SERVICE RD NORTH	MOBILE	AL	36607	
044727	BERGERON EMERGENCY SERVICES INC	19612 SW 69TH PLACE	FT LAUDERDALE	FL	33332	
050729	BEVERWYCK SOUTH INC DBA PAUL DAVIS RESTORATION OF P'COLA-FWB	101 E BRAINERD ST STE A	PENSACOLA	FL	32501	
068491	BROOKS ENVIRONMENTAL SOLUTIONS LLC	129 CEDAR HAMMOCK LANE	PANAMA CITY BCH	FL	32407	
060627	CAHABA DISASTER	4619 SPRINGHILL AVE	MOBILE	AL	36695	
034093	CAMERON-COLE LLC	5777 CENTRAL AVE STE #200	BOULDER	CO	80301	
054263	CASON ENVIRONMENTAL & DEMOLITION SERVICES LLC	9929 BEAVER RIDGE TRAIL	TALLAHASSEE	FL	32312	
052168	CBS ENTERPRISES INC DBA SERVICEMASTER CLEAN	203 WESTSIDE COURT	LAGRANGE	GA	30240	
029923	CERES ENVIRONMENTAL SERVICES INC	1613 FOXWORTH RD	BONIFAY	FL	32425	
059757	CLEANING & RESTORATION SERVICES OF THE GULF COAST LLC DBA RAINBW INTL	9011 NORTH DAVIS HIGHWAY	PENSACOLA	FL	32514	
049087	COMMONWEALTH CONTRACTING SERVICES	555 NE 15TH ST STE 215	MIAMI	FL	33132	
032358	CONSTRUCTION SERVICES OF PENSACOLA DBA BAUGHN RENOVATIONS	2105 NORTH "S" ST	PENSACOLA	FL	32505	Y
032452	CROSS ENVIRONMENTAL SERVICES INC	P O BOX 1299	CRYSTAL SPRINGS	FL	33524	
043085	CROWDER GULF JOINT VENTURE INC	5435 BUSINESS PKWY	THEODORE	AL	36582	
022543	D & J ENTERPRISES INC	3495 LEE RD 10	AUBURN	AL	36830	
057581	DB CONSTRUCTION LLC DBA GLOBAL RESTORATION SERVICES	3960 WEST NAVY BLVD STE 41	PENSACOLA	FL	32507	
068056	DEWBERRY ENGINEERS INC	8401 ARLINGTON BOULEVARD	FAIRFAX	VA	22031	
056610	DISASTERS STRATEGIES & IDEAS GROUP LLC	P O BOX 12333	TALLAHASSEE	FL	32317	
029673	DRC INC	740 MUSEUM DRIVE	MOBILE	AL	36608	
059555	EAGER BEAVER PROFESSIONAL TREE CARE LLC	5205 GULF BREEZE PKWY	GULF BREEZE	FL	32563	Y
039345	EMERGENCY & DISASTER MANAGEMENT INC	5959 W CENTURY BLVD STE#700	LOS ANGELES	CA	90045	
056466	ENVIROCARE INC	82178 CHENEL RD	FOLSOM	LA	70437	
049657	G BROCK ENTERPRISES INC DBA BROCK BUILDERS	7136 MARTIN RD	MILTON	FL	32570	
063463	GEOSYNTEC CONSULTANTS INC	316 SOUTH BAYLEN ST STE 201	PENSACOLA	FL	32502	
057089	GRD SOLUTIONS LLC	36739 STATE RD 5 STE 207 BOX 6	DADE CITY	FL	33525	
034504	GULF COAST AFRICAN AMERICAN CHAMBER OF COMMERCE	PO BOX 17844	PENSACOLA	FL	32522	
042399	J B COXWELL CONTRACTING INC	6741 LLOYD RD WEST	JACKSONVILLE	FL	32254	
046666	J J SOSA & ASSOCIATES INC	6911 PISTOL RANGE RD # 101A	TAMPA	FL	33626	
068078	J M DIAMOND TIMBER AND CONSERVATION INC	3916 THORNBERRY RD	JAY	FL	32565	Y
053163	J2 ENGINEERING INC	2101 WEST GARDEN ST	PENSACOLA	FL	32502	
032040	JIMMIE CROWDER EXCAVATING	901 GEDDIE RD	TALLAHASSEE	FL	32301	
051430	LOWE MAINTENANCE INC	3798 WILLARD NORRIS RD	PACE	FL	32571	
060511	LVI SERVICES & ITS SUBSIDIARIES	31500 HAYMAN ST	HAYWARD	CA	94544	
058801	M & H CONSTRUCTION SERVICES INC	1161 W 9 1/2 MILE RD	PENSACOLA	FL	32534	Y
066334	MULTIMEDIA HOLDINGS CORP DBA PENSACOLA NEWS JOURNAL	2 NORTH PALAFOX ST	PENSACOLA	FL	32502	
071317	NATHAN ASSOCIATES INC	1777 NORTH KENT ST STE 1400	ARLINGTON	VA	22209	
056596	OBRIEN'S RSPONSE MANAGEMENT INC	2200 ELLER DRIVE	FT LAUDERDALE	FL	33316	
044725	OMNI PINNACLE	90 GLEN COURT	PEARL RIVER	LA	70452	

Opening Date: 04/24/18

Bid No.: 18-012

**FINAL VENDOR REFERENCE LIST
THREE (3) YEAR PREPOSITIONED CONTRACT FOR DISASTER DEBRIS MANAGEMENT SERVICES
SANITATION**

Vendor	Name	Address	City	St	Zip Code	SMWBE
002720	PANHANDLE GRADING & PAVING INC	P O BOX 3717	PENSACOLA	FL	32516	
057235	PARADISE SERVICES LLC	P O BOX2710	ORANGE BCH	AL	36561	
060344	PENSACOLA BAY AREA CHAMBER OF COMMERCE DBA GREATER PENSACOLA CHAMBER	117 W GARDEN ST	PENSACOLA	FL	32502	
033922	PHILLIPS & JORDAN	41 N JEFFERSON STE 401	PENSACOLA	FL	32502	
034230	PPM CONSULTANTS INC	1600 LAMY LANE	MONROE	LA	71201	
068488	PRO CONSTRUCTION LLC DBA COMPLETE DKI	511 WYNNEHURST ST	PENSACOLA	FL	32503	Y
054029	RACZAK CONTRACTING INC	10365 HOOD RD SOUTH STE 202	JACKSONVILLE	FL	32257	
051061	REBOL-BATTLE & ASSOCIATES LLC	2301 NORTH 9TH AVE STE 3	PENSACOLA	FL	32503	Y
031881	ROADS INC OF NWF	106 STONE BLVD	CANTONMENT	FL	32533	
063580	SHARON R MCBRIDE RESTORATION LLC DBA SERVPRO OF NORTH PENSACOLA	698 EAST HEINBERG ST	PENSACOLA	FL	32502	
061305	STATEWIDE TUB GRINDING INC	PO BOX 2689	AOPKA	FL	32704	
051398	SUMMIT ENVIRONMENTAL SERVICES LLC	2950 LANGLEY AVE	PENSACOLA	FL	32504	
059898	TAG GRINDING SERVICES INC	1113 HORSESHOE BEND RD	DADEVILLE	AL	36853	
026223	TBE GROUP INC DBA CARDNO TBE	380 PARK PLACE BLVD STE 300	CLEARWATER	FL	33759	
057619	TERRACON CONSULTANTS INC	P O BOX 959673	ST LOUIS	MO	63195	
059181	TETRA TECH INC	1558 VILLAGE SQUARE RD STE 2	TALLAHASSEE	FL	32309	
032613	TFR ENTERPRISES INC	601 LEANDER DRIVE	LEANDER	TX	78641	
067717	U S ENVIRONMENTAL SERVICES LLC	15109 HEATHROW FOREST PKWY STE 150	HOUSTON	TX	77032	
053988	UNIFIED RECOVERY GROUP LLC	263 THIRD ST FIFTH FLOOR	BATON ROUGE	LA	70801	
060839	WILLIAMS & ASSOCIATES PA	250 BEAUVOIR RD STE 1B	BILOXI	MS	39531	
056890	WITT GROUP HOLDINGS LLC	1501 M ST NW STE 500	WASHINGTON	DC	20005	
044717	WOOD RESOURCE RECOVERY INC	1901 NW 67TH PLACE STE G	GAINESVILLE	FL	32653	
069460	WORC LLC	7528 REXFORD ST	NAVARRE	FL	32566	

Vendors: 71



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00267

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

APPOINTMENT OF DIRECTOR OF SANITATION SERVICES/FLEET MANAGEMENT

RECOMMENDATION:

That City Council consent to the appointment of Dennis Fleming as Director of Sanitation Services/Fleet Management.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The City Charter requires that City Council consent to the appointment of the head of each department by an affirmative vote of a majority of City Council Members.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

7/9/2018

STAFF CONTACT:

Eric W. Olson, City Administrator

ATTACHMENTS:

- 1) Resume for Dennis Fleming dated June 2018

PRESENTATION: No

Dennis C. Fleming

July 2, 2018

Executive Management

Operations – Strategic Planning – Human Resources – Fiscal Management

Highly accomplished and effective manager with thirty years of experience in both public and private service. Results oriented decisive leader with proven success with strategic thinking and problem solving. Proven track record for employee development, customer relations, program development and fiscal responsibility. Extensive experience in operations management. Ability to thrive in dynamic and fluid environments while remaining focused and productive. Diplomatic and tactful with professionals and non-professionals at all levels.

Core Competencies

- | | |
|----------------------------|-----------------------------|
| • Visionary Leadership | • Mentoring and Coaching |
| • Operations Management | • Accomplished Spokesperson |
| • Budget Planning | • Human Relations |
| • Budget Administration | • Decision Making |
| • Critical Thinking | • Project Management |
| • Strategic Planning | • Customer Service |
| • Environmental Compliance | • Safety Performance |

Professional Experience

January 1985 – May 1990

Waste Management of North America Inc., Oak Brook, Ill

Operations Manager – Managed solid waste collections for 20,000 commercial, industrial and residential Accounts in Northern Virginia. Supervised staff of 80 collections employees and 6 supervisory staff. Full responsibility of human relations, customer relations, productivity, profitability, safety performance and budget administration.

District Safety Manager – Administered corporate safety policy for 20+ waste hauling and landfill companies in Maine to Virginia. Compiled and analyzed loss control statistics, administered and settled claims, conducted safety inspections and audits, made presentations to corporate executives. Facilitated supervisory training to mid-level managers for human resource development.

Division Safety Manager – Implemented safety and training program for Teamsters Union 639 of 100+ employees in District of Columbia trash hauling company. Duties included hiring, training, accident investigation, safety inspections, compiled and analyzed risk management statistics.

May 1991 – Present

Charles County Commissioners, La Plata, MD

Division Chief, Environmental Services/Vehicle Maintenance – Prepare and administer 8 million dollar budget for a variety of solid waste and environmental programs while managing a staff of 80 employees in a variety of disciplines. Project management

for large CIP projects including landfill construction and closure. Operate integrated solid waste program including Subtitle D Municipal Landfill, large scale composting facility, curbside recycling and drop off centers. Maintain compliance with environmental regulatory agencies including Maryland Department of the Environment and the Environmental Protection Regional Agency. Instrumental in writing planning documents including Solid Waste Plan, Safety Manual and Tri County Solid Waste Assessment. Implemented state of the art Vehicle Maintenance and Inventory Control with automated tracking system. Administer storm water management permits for County owned facilities. Liaison between constituents and private industry. Conduct public relations with presentations to civic groups, public and civic organizations. Interact with elected officials and administer policy as directed. Prepare, negotiate and administer waste hauling and disposal agreements.

Education

Associates Degree – Business Management – Community College of Allegheny County – Pittsburgh, PA – 1984

Bachelors Degree – Management Studies – University of Maryland University College – Adelphi, MD – 2010

Professional Affiliation

Past President – Coastal Conservation Association Southern Maryland Chapter

President – Mason Springs Conservancy

Commissioner – Potomac River Fisheries Commission

Solid Waste Association of North America (SWANA) MOLO/Manager of Recycling Operations, Certified

United States Coast Guard Captain



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00182

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

PUBLIC HEARING: PROPOSED AMENDMENT TO LAND DEVELOPMENT CODE SECTION 12-2-10 (C)(4)(b) HISTORIC AND PRESERVATION LAND USE DISTRICT ; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

RECOMMENDATION:

That City Council conduct the second of two required public hearings on July 19, 2018 to consider the proposed amendment to the Land Development Code Section 12-2-10 (C)(4)(b) Historic and Preservation Land Use District; Old East Hill Preservation Zoning District; Uses Permitted; OEHC-1, Neighborhood Commercial District.

HEARING REQUIRED: Public

SUMMARY:

The City has received a request from Dr. Laura Hall of East Hill Animal Hospital for an amendment to the Land Development Code Section 12-2-10(C)(4)(b) Historic and Preservation Land Use District Old East Hill Preservation Zoning District; Uses Permitted; OEHC-1 Neighborhood Commercial District. More specifically, Dr. Hall is requesting that the use of animal hospitals, veterinary clinics and pet resorts no longer require Conditional Use Permit approved and instead become a permitted use by right. In addition, Dr. Hall is requesting that this use be permitted with the stipulation that kennels must be fully enclosed, outside runs are not permitted but exercise areas are permitted. Dr. Hall recently appeared before the Special Magistrate for a code violation of having exercise areas in the OEHC-1 zoning district. The Special Magistrate gave Dr. Hall one year to resolve the issue. Dr. Hall is requesting this amendment in order to bring her property at 805 E. Gadsden Street into compliance.

On April 10, 2018, the Planning Board recommended approval of this amendment by a 4-1 vote with the stipulation that outside exercise areas must be supervised and limited to five (5) or fewer animals at one time.

City Council conducted the first of two required public hearings on June 14, 2018. The second public hearing for this item is scheduled to be held on July 19, 2018.

PRIOR ACTION:

June 14, 2018 - City Council conducted the first of two required public hearings

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

4/25/2018

STAFF CONTACT:

Eric W. Olson, City Administrator

Sherry H. Morris, Planning Services Administrator

ATTACHMENTS:

- 1) Applicant's Request, LDC Amendment 12-2-10, Dr. Laura Hall
- 2) Map of Impacted Commercial Districts in Old East Hill
- 3) Correspondence from Citizens, LDC Amendment 12-2-10, Dr. Laura Hall
- 4) Ruling from Code Enforcement Authority, 805 E. Gadsden Street, Dr. Laura Hall
- 5) April 10, 2018 Planning Board Minutes
- 6) Proposed Ordinance

PRESENTATION: Yes

Brandi Deese

From: Laura Hall <laura@drhall.us>
Sent: Friday, March 09, 2018 3:02 PM
To: Brandi Deese; Sherry Morris
Subject: OEHC1 Language change

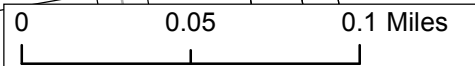
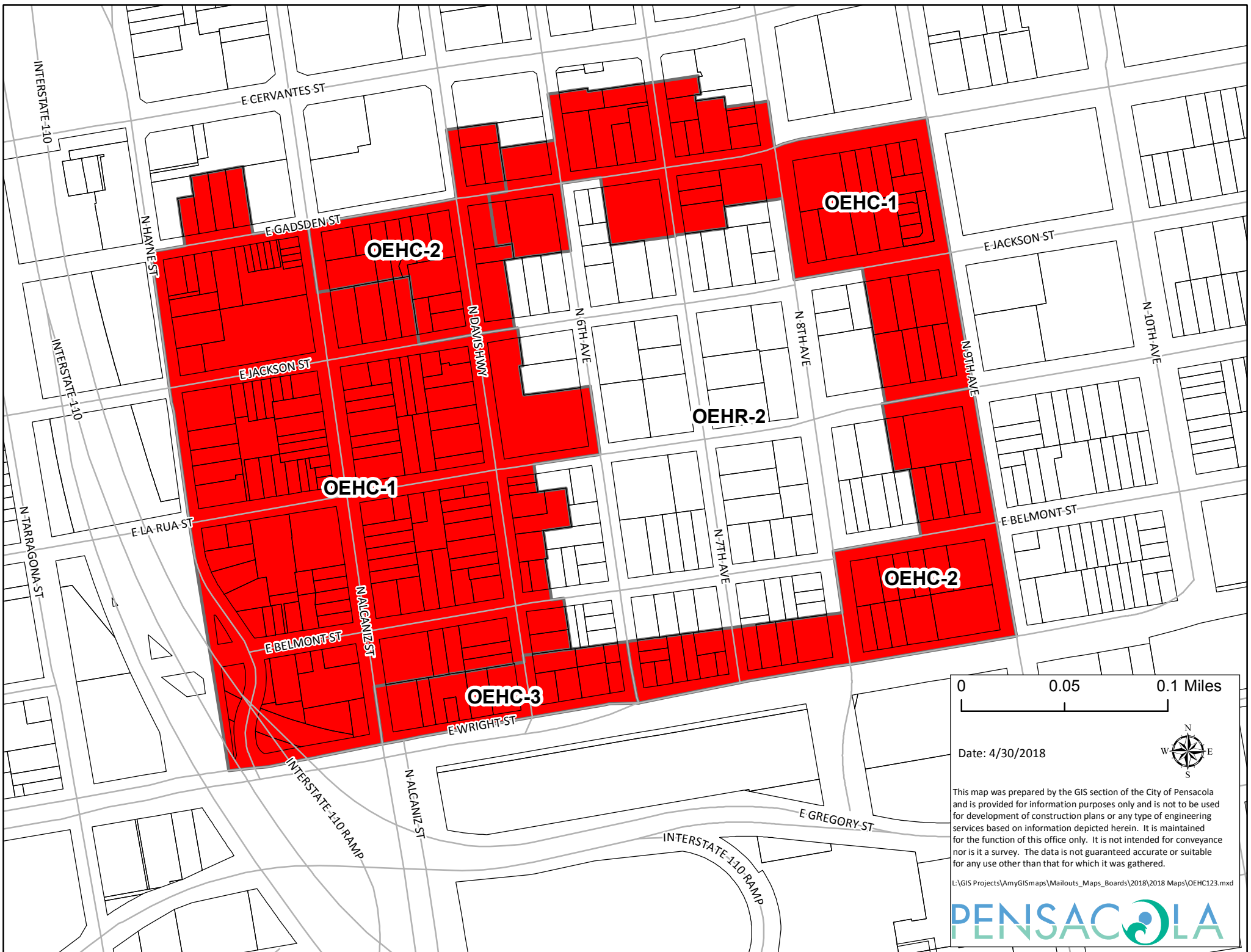
Afternoon,

I am requesting an amendment to land development code section 12-2-10 historic and preservation land use district. More specifically, section C, Old East Hill Preservation Zoning District, #4 Uses Permitted OEHC-1 section b: change permitted uses to: animal hospitals, veterinary clinics, pet resorts and with fully enclosed kennels, with no outside runs, exercise areas are permitted.

#6 Conditional uses permitted animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas be removed from the code.

Thanks for your time in advance,

Dr. Laura Hall
East Hill Animal Hospital
805 E Gadsden St. 32501
850-437-9932



Date: 4/30/2018



This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

L:\GIS Projects\AmyGISmaps\Mailouts_Maps_Boards\2018\2018 Maps\OEHC123.mxd



Brandi Deese

From: president@historicnorthhill.com
Sent: Friday, March 30, 2018 10:24 PM
To: Brandi Deese
Cc: christianwagley@gmail.com; nicholsmelanie2@gmail.com
Subject: Planning Board Item - Request to consider Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District
Attachments: City_Council_Minutes_November_20_2008.pdf; Section_12_2_54_Animal_Hospitals_businesses_that_board_animals.docx; Section_12_2_32_Buffer_Yards.docx; Section_12_2_8_Commercial_Land_Use_District.docx

Brandi,

I hope this finds you doing well.

Our Board saw on the agenda that an amendment to the Historic & Preservation Land Use District, Section 12-2-10 was being proposed and reviewed the application and past history on the change in great detail.

It appears that the applicant has changed the wording of what is currently in Section 12-2-10 in their request, (added two words for a new land use not previously approved, or defined in the Land Development Code, "Pet Resort", and deleted the word "or". That one word "or" changes it from the current reading of "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs OR exercise areas" to now adding Pet Resorts AND exercise areas as an allowed Conditional Use..

I think that it would be very helpful if the Public and the Board:
have a copy of what the existing Section 12-2-10 says on the subject, the background for the change in 2008, and where such a use that is being requested is currently allowed in the rest of the City (C-3 Zoning District) and that perhaps more clarification could be added to the Staff Memorandum. As it is now, the Board and Public don't know that the applicant is trying to put a C-3 type use in a C-1 Zoning District. This is a MAJOR change in the 12-2-10.

Here is the section of OEHC-1 from Section 12-2-10

(b) OEHC-1, neighborhood commercial district.

1. Any use permitted in the OEHR-2 district.
2. Child care facilities subject to regulations in section 12-2-58.
3. Nursing homes, rest homes, convalescent homes.
4. Parking lots.
5. The following uses, retail only, with no outside storage or work permitted, except as provided herein:
 - a. Food and drugstore.
 - b. Personal service shops.
 - c. Clothing and fabric stores.
 - d. Home furnishing, hardware and appliance stores.
 - e. Craft and specialty shops.
 - f. Banks.
 - g. Bakeries.
 - h. Secondhand stores.
 - i. Floral shops.

j. Martial arts studios.

k. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this paragraph, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed twenty (20) percent of the total area of the main building.

l. Restaurants.

m. Mortuary and funeral parlors.

n. Pet shops with all uses inside the principal building.

o. Printing firms.

p. Business schools.

q. Upholstery shops.

{6. Conditional uses permitted. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.}

This is the exact same language that is in the Municipal Code for the same use in C-1 districts throughout the City. Our Board does not have an issue if the applicant makes this a permitted versus conditional use, however, we take issue to the addition of "Pet Resort" (not in the LDC and the removal of the word or which would allow outside exercise areas.

Previous to November 2008, Animal hospitals and veterinary clinics were NOT allowed in the OEH Zoning Districts. This same applicant, Dr.

Hall, petitioned to have them added in 2008 and was approved on the condition that there would be no outside runs or exercise areas.

It was very controversial and there was much concern about noise to adjacent residential property owners and Dr. Hall is on record saying that there would be no outside exercise areas. Sherry Morris is on record throughout the Council Hearing insisting that there would not be any outside runs or exercise areas. I have attached the minutes from the City Council meeting from November 17, 2008 which voted to approve the conditional use of animal hospitals and veterinary clinics with no outside runs or exercise areas. The minutes also contain numerous concerns by adjacent property owners.

Many of the residents concerns have materialized according to the Code Enforcement Complaint and Violation. I think that the Board and the Public should have a copy of the minutes from that CEB Meeting since it's referenced in your memorandum.

Has notice been mailed to the adjacent property owners about this new proposal before the Planning Board?

I would recommend that the Planning Board look in the Municipal Code to see where the facility the applicant would like to run would be allowed to occur. It is only allowed to occur in the C-3 Zoning District which is by no means comparable to the OEHC-1 District where this change would be made.

Dr. Hall is currently operating a Pet Resort with outside exercise areas that meets with the City's Municipal Code in the C-3 Zoning District near Hayne Street. (Not within the boundaries of Old East Hill governed by the ARB). The applicant's request to bring C-3 uses within the Preservation District is not compatible.

C-3, commercial zoning district (wholesale and limited industry)

(a) Any use permitted in the C-2 district. (Animal Hospitals and Vet Clinics with NO outside kennels, runs, or exercise allowed in C-2) but you can't have outside exercise areas until section (b) below in C-3

Outside storage and work shall be permitted for those uses and the following uses, but shall be screened by an opaque fence or wall at least eight (8) feet high at installation. Vegetation shall also be used as a screen and shall provide seventy-five (75) percent opacity.

The vegetative screen shall be located on the exterior of the required fence.

(b) Outside kennels, runs or exercise areas for animals subject to regulations in section 12-2-54

Section 12-2-54 is titled, Animal Hospitals, veterinary clinics, commercial kennels and businesses that board animals and contains minimum setbacks of 100 feet to a residence and must contain a buffer yard as described in Section 12-2-32 Buffer Yard.

There is no survey or diagram of the site in the application to see how close the clinic and outside exercise area would be to adjacent properties.

As you will see from the attached minutes and Memorandum from Thaddeus Cohen, Community Development Director and also signed by Sherry Morris, Planning Services Administrator, "The majority of those who responded were opposed to the proposed request" in 2008.

Now, additional changes are being proposed which will intensify the use on this property and the noise which could impair the quiet enjoyment of adjacent properties.

The North Hill Preservation Association Inc. does NOT support this change to the Historic and Preservation Land Use District. We strongly feel that such a change would negatively impact the families who make Old East Hill their home and who like us, have very small lots which are close together. Furthermore, such a change establishes a legal precedent which could be used to add this use to all the other Districts governed by Section 12-2-10.

In closing, the words of Robyn Tice to the City Council in November 2008 say it best, "Codes aren't written for one individual's benefit, they are to be to the benefit of the citizens/neighborhood as a whole".

Thank you for your consideration,

Melanie Nichols, President
North Hill Preservation Association, Inc.

Brandi Deese

From: Christian Wagley <christianwagley@gmail.com>
Sent: Tuesday, April 10, 2018 11:42 AM
To: Brandi Deese
Subject: Old East Hill

Hello Brandi:

In response to my email to our Old East Hill Property Owner's Association email list regarding the proposed change to the LDC regarding outdoor exercise areas at pet resorts and vet clinics in Old East Hill, I received the following:

Lou Courtney

to me

Christian, can you please forward this letter to our Old East Hill mailing list? I think it would be good to get it out sooner rather than later. Also I would like Melanie Nichols contact information if you have it. Thanks

I am a resident of Old East Hill and am concerned about the issue described below. Our next neighborhood meeting is **this coming Monday, April 9th**, at Mount Lily Church a few blocks away at 619 East Gadsden in the community center next to the church. Meeting begins at **6:30pm**. We will be holding board member elections that night also, so if you are property owner, please come vote! (you do not need to be an owner to attend meetings and voice concerns)

The East Hill Veterinary Clinic and Pet Resort Too on the corner of Gadsden and 8th Avenue is applying to CHANGE our neighborhood CODE. This is a dramatic change that will affect our entire district. **This vet clinic has been in violation since adding their outdoor run and exercise areas**, which they have been advertising on their website www.Pensacolapetresorttoo.com ('they go outside 5 times a day'). When this vet came into our area they were granted a Conditional Use permit. This type of permit is granted because the city thinks there may be unforeseen problems that arise and that might not be compatible. On their original permit application they clearly state there would be **'NO outdoor runs or exercise areas'**. At the time, it was explained that the boarding of pets was already established several blocks away at Pensacola Pet Resort on Hayne street and they would not board animals at the Gadsden location. This vet understood yet completely disregarded code restrictions. I anticipate they intend to expand their business in our area. Although we are a mixed use neighborhood, meaning that we allow for businesses with different restrictions in different areas, allowing this code change will impact us all negatively, both now and in the future. Speaking with several people who have been in planning and code enforcement for many years, they said that there are always unintended, negative, consequences after a code change even 8, 9, 10 years later. As a neighborhood, we should have voiced concerns when the vet went to the magistrate a month or 2 ago to address their code violation. Unfortunately, it was not publicized and no-one showed up to speak against it.

WE STILL HAVE A CHANCE TO PREVENT THIS CODE CHANGE: We can attend the **Tuesday, April 10th CITY PLANNING BOARD MEETING** at 2:00 pm at City Hall in the Mason Conference room, 222 West Main Street. **SHOWING UP IN PERSON MAKES A DIFFERENCE. You can also write in ahead of time to Brandi Deese at Bdeese@cityofpensacola.com BOTH before April 10th and before May 10th**

*****IT IS ALSO IMPORTANT to SHOW UP** for the Thursday, **May 10th CITY COUNCIL MEETING** at 5:30pm at City Hall, where a decision will be made after hearing comments from the audience.

copyeditor@michaelkenneydesign.com

to me

Hello Christian,

Takes some study to understand this. (For example, on the map of Old East Hill, there's OEHC and OEHR and I'm not sure of the meaning of C and R.) I doubt any ruling would affect us; it's those folks who live close to the clinic who ought to have a sayso. But one more thing: What are the ramifications for the whole neighborhood in the future? When Dr. Hall petitioned to get a zoning change so she could open the clinic, I saw it as continued encroachment by businesses such that in the future they could be right next door. That might be far away, but the encroachment process itself might cause grief, little by little.

Or course, most of what I just said is my imagination.

By the by, do you happen to know what's going to be done with that empty lot across the street from Bill and Nanette's?

Hope to see you Monday,

Jerry

Christian,

Thank you for this information.

I may not be at the meeting so here is my position.

I am strongly against changing OEHC-1, which equates to about half the neighborhood, to allow **animal hospitals, veterinary clinics, and pet resorts with fully enclosed kennels and no outside runs; outdoor exercise areas are permitted** by right. *The placement of a new Animal Facility with an outside exercise area in a primarily residential area should not be allowable by right. This should be a conditional use and the neighbors should have say as it could affect their enjoyment of their own home.*

I personally have no issue with Dr Halls current facility but I also don't live close to it.

It seems her specific issue is what should be addressed, not code for an entire area (OEHC-1). And her issue should be addressed with input from her neighbors near by who are potentially affected by this. (Maybe they have no issue with the facility as it is and could work with her and the city to come up with a variance. I don't know)

Sincerely,

Mark Casson

Brandi Deese

From: Amber Hoverson <amberlynnie1@gmail.com>
Sent: Tuesday, April 10, 2018 11:39 AM
To: Brandi Deese
Subject: Section 12-2-10

Brandi,

My name is Amber Hoverson and I live at 706 E Jackson Street in Old East Hill preservation district. I am writing in regards to the amendment to the Historic and Preservation Land Use District, Section 12-2-10 that is being proposed

My husband and I moved to our home in Old East Hill in 2010 so we were not here when the original code was changed in 2008 to allow for veterinary clinics. My understanding is that many of the homeowners were not in favor of the code changing because they were concerned about noise, overcrowding, parking, the structure's design complementing the neighborhood's integrity, and lastly changing the precedence in which our neighborhood's codes were originally designed and created for.

Here are my observations of East Hill Veterinary Clinic and Pet Resort Too for the past few years: I live a block away from the clinic.

1. The structure is very much in keeping with the integrity of our neighborhood. I think the owner/designers did an excellent job adhering to, even elevating the way remodels and new construction should be treated in our historic preservation district.
2. Having a vet and groomer in the neighborhood is convenient. I've been able to walk my pet to get groomed instead of stressing it out by driving. My In-Laws have also taken advantage of boarding their dog at the Pet Resort when visiting from out of town.
3. Parking can be a problem. The street gets congested and there have been several instances where I've had to stop driving on 8th avenue for someone pulling out of the parking lot that either couldn't see me or wasn't paying attention.
4. Noise from the barking dogs is a problem. Both my husband and I are home all day and the noise can be distracting and annoying. It seems that the barking noise has become more bothersome within the last 6 months.

Here are my concerns about the current proposal to amend section 12-2-10 further:

1. I don't think that any codes should be changed for an individual business. Codes are written for a reason and changing them should benefit the entire neighborhood, not just an individual/business. Also, if changing a code is easy to do current codes lose their authority and people are less likely to comply with them to begin with. This equates to more code violations in general and people doing what they want because they can.

2. We are a mixed use neighborhood so there is commercial zoning throughout the area. The proposed change could hypothetically allow for a veterinary clinic or animal hospital with dogs barking throughout the day to open anywhere within the neighborhood with commercial zoning. Which means hypothetically we could have barking dogs scattered around our entire neighborhood instead of concentrated in one area. Noise pollution lowers home values and quality of life.
3. As someone who has had to go to the ARB several times to get approval for our own home's renovations I can speak to strict guidelines that are in place. The majority of structures in our neighborhood are people's homes. It seems grossly unfair to me that homeowners are held to such strict standards for the exterior renovation of our homes but a business (someone who makes money here) can violate a code (which is a law and not merely a guideline as in the case of the ARB), have a year to come into compliance with the code, and has the option of changing the code so that the business can continue to do what it has always done. Also consider that homeowner's guidelines set in place by the ARB only influence what we see. The proposed code change affects what we hear. A person can make a choice to ignore something they find ugly in the neighborhood, but noise pollution cannot simply be ignored, even from the interior of a home.

I congratulate East Hill Veterinary Clinic and Pet Resort Too on its business success, however as the saying goes, there is a time and place for everything. The place for the part of her business that includes outdoor runs or exercise areas is not Old East Hill. This is a place that is primarily made up of charming old houses and a scattering of small businesses that are either unobtrusive or adding to the charm. We live in a very special place and it is exciting to see the growth that our community has experienced. Allowing a business to change the code to suit its needs does not set us up for success. The needs of the community need to be put before anything. We will survive without a pet resort in the neighborhood but we will not survive if we are known as the noisy neighborhood with the barking dogs because we are the only C1 zoning area that allows for C3 noise.

Sincerely,

Amber Hoverson

Brandi Deese

From: Charles Voltz <voltzpj@yahoo.com>
Sent: Thursday, April 05, 2018 8:06 PM
To: Brandi Deese
Subject: Proposed LDC Amendment for Old East Hill Preservation District

My address is 603 N. 8th Avenue. This puts me across from East Hill Animal Hospital on the same block. I am writing to voice my strenuous objections to Ms. Hall's proposed changes to the land development code for a neighborhood in which she chose to place a business, with full knowledge of what the limitations to that business would be.

Ms. Hall has been in violation of the code for quite some time now. Her casual disregard for the people who have property, children, investments, and long-term regard for the neighborhood is obscene. I have been subjected to hour after hour of 8-10 dogs barking in an enclosure behind her business, IN VIOLATION OF THE CODE. Countless times, I have witnessed her clientele using our neighborhood as a repository for their dogs' feces, IN VIOLATION OF THE LAW. Nearly every day of the week, she and her employees use the City's grass easement (between the sidewalk and 8th Avenue) as a parking lot, IN VIOLATION OF THE LAW.

I remember distinctly when Ms. Hall showed up years ago with a lot of promises and assurances. In truth, she has been a very poor neighbor, and this beautiful piece of historic Pensacola is dirtier, louder, trashier, and more congested for Ms. Hall having been here. We take care of this place because it is our home. Clearly she does not feel the same responsibility.

The Code was not written for or against Ms. Hall, so there is no compelling reason to amend it for Ms. Hall. She knew what the Code said when she located here, and she chose to violate it over and over and over. Now she wants the Planning Board, whom she has pointedly ignored, to change the Code solely for her benefit? For her to even make this request, after what she has done to our street, is outrageous.

I would prefer Ms. Hall pack up her business and move it to a location in which the Land Development Code suits her goals. Otherwise, I fully expect the City of Pensacola to reject this ridiculous request, and then get serious about enforcing the existing regulations to bring this business into compliance. Thank you.

Sincerely, Charles Voltz and Dr. Stacey Rimmerman

Brandi Deese

From: Lou Courtney <loumitchell@loumitchell.com>
Sent: Monday, April 09, 2018 8:12 AM
To: Brandi Deese
Subject: East Hill Vet Clinic

Having been a resident of Old East Hill for over 20 years, I am adamantly opposed to the request for code change by the East Hill Veterinary Clinic and Pet Resort Too. This vet clinic has been in violation since adding their outdoor run and exercise areas. When this vet came into our area they were granted a Conditional Use permit. This type of permit is granted because the city thinks there may be unforeseen problems that arise and that might not be compatible. On their original permit application they clearly state there would be '**NO outdoor runs or exercise areas**'. At the time, it was explained that the boarding of pets was already established several blocks away at Pensacola Pet Resort on Hayne street and they would not board animals at the Gadsden location. **This vet understood yet completely disregarded code restrictions.** As their business has grown, the number of barking dogs has increased and gotten louder. I work at home and am often outside. Even though I am a block away, the noise is very loud and obnoxious and, as their website advertises, it occurs when **they take the dogs out '5 TIMES A DAY'**. I am asking the planning board to SAY NO to this request and to enforce the existing code. I am disappointed they have been given a YEAR to come into compliance.

City Code was created to protect the majority of the citizens, not for special interest groups. We are a small, HISTORIC PRESERVATION neighborhood. Our quality of life is diminished by this NOISE POLLUTION.

I anticipate they are attempting to change this code because they intend to expand this business in our district. If they need to expand their business they should find an area more compatible with their needs. Although we are a mixed use neighborhood, meaning that we allow for businesses with different restrictions in different areas, allowing this code change will impact our ENTIRE DISTRICT negatively, both now and in the future. Speaking with several people who have been in planning and code enforcement for many years, they said that there are always **unintended, negative, consequences after a code change even 8, 9, 10 years later.**
Lou Mitchell Courtney
523 N 8th avenue

Brandi Deese

From: theresa finkbeiner <coyotemoonherbcompany@cox.net>
Sent: Sunday, April 08, 2018 7:19 PM
To: Brandi Deese
Subject: 805 E. Gadsden St code ordinance

Dear Ms. Deese,

i became aware of an ordinance that Laura Hall wants to remove from the Code at 805 East Gadsden St.

This is not a good move. As a Licensed Massage Therapist and renter at Innerpeace 815 E. Gadsden, the dog barking noise will be unavoidable. I give massage throughout the day along with 3 other therapists and we are not happy to hear of a dog run and kennels outside. This is a residential area too and the noise can be unnerving.

I hope you will consider the people on the whole block on Gadsden St and around the corner.

No one wants to listen to dogs barking all day and night. Please do not remove the code ordinance for this area.

When she bought here, she knew the deal and has broken the code already. Can you please put an end to it right now!!

Thank you for your consideration, I am not able to attend the meeting on this topic .

Theresa Finkbeiner 437 9192

Brandi Deese

From: Lou Courtney <loumitchell@loumitchell.com>
Sent: Tuesday, April 10, 2018 10:53 AM
To: Brandi Deese
Subject: Vet code change letter vote

I have been a home owner in Old East Hill for over 20 years. I am opposed to the code changes proposed by Dr. Laura Hall regarding East Hill Veterinary Hospital/ Pet Resort. I already hear loud nuisance barking off and on throughout each day. She was granted **conditional use** and has not abided by the original code which was written as a condition for allowing her business into the neighborhood. Why is the city even considering changing a land use code for one business when it will affect all residents negatively and open up unforeseen complications years down the road? I am OPPOSED to these changes.

Michael Courtney
523 N 8th avenue

Brandi Deese

From: Laura Dean <laurad@portofinoisland.com>
Sent: Friday, April 06, 2018 3:01 PM
To: Brandi Deese
Subject: East Hill Vet

Planning and Zoning board:
Attention Brandi Deese

This letter is to serve as a statement that my home is directly behind Dr. Laura Hall's businesses. My back yard shares a fence with the pet resort yard. I have never had any issue with her business, employees, customers or clients. I have had no noise, odor or parking concerns. Nor have any of the residents living in my home.

I am in favor of any code change that will allow her to continue to conduct her business with the intended use that the city allowed in 2008. She has conducted herself in a professional manner and has been a pleasant addition to the neighborhood.

Sincerely,

Ken Norris 804 East Jackson

Show quoted text

Brandi Deese

From: Laura Hall <laura@drhall.us>
Sent: Monday, April 09, 2018 10:53 AM
To: D. Brandon Cobb; Brandi Deese
Subject: Re: neighbor favor!

thanks!

On Mon, Apr 9, 2018 at 10:51 AM, D. Brandon Cobb <dbrandoncobb@gmail.com> wrote:

Laura Hall, DVM
East Hill Animal Hospital
805 East Gadsden Street
Pensacola, Florida 32501

Good morning, Laura. Please forward the following letter to whomever you deem necessary.

April 9, 2018

RE: East Hill Animal Hospital

To whom it may concern:

I, D. Brandon Cobb, am the property owner at 811 East Gadsden Street, the property directly next to East Hill Animal Hospital. This property has been mine or in my family since before East Hill Animal Hospital came to be our neighbors. It is my understanding that there have been some complaints about the clinic and the animals there.

While I do not currently reside full time in the building (as I am staying with my great aunt who has had a stroke and help manage her care), I am there periodically and have a working knowledge of the neighborhood. In addition, we had a tenant in the property for over twelve years. I am listing these facts so that you will have an idea of our involvement with our neighbors.

East Hill Animal Hospital has never given me or my tenant any reason to raise a complaint. They have been good and considerate neighbors even taking the extra effort and asking if I minded them using the parking in front of my home rather than just telling their employees or customers to park there. As I am not there, I have had no issue with them using the property which is, after all, part of the public right of way along Gadsden street.

East Hill Animal Hospital has added to our diverse neighborhood and done so while keeping the charming look of Old East Hill in mind. I count them as an asset to our community.

On a personal note, it is extremely convenient to walk next door when I have any veterinary need.

If you have any further questions, I can be reached by phone at 850.748.2200, by email at dbrandoncobb@gmail.com, or by U.S. Mail at 811 East Gadsden Street, Pensacola, Florida 32501.

Cordially,
D. Brandon Cobb

On Fri, Apr 6, 2018 at 1:45 PM, Laura Hall <laura@drhall.us> wrote:

----- Forwarded message -----
From: **Laura Hall** <laura@drhall.us>
Date: Fri, Apr 6, 2018 at 1:44 PM
Subject: neighbor favor!
To: cobb@gmail.com

I have an annoying, waste of time, situation I was hoping you could help me with. :)

I have never had any sort of complaint or issue with the city with any of my 3 businesses but in the recent months my staff has been legally "on street" parking so an anonymous neighbor made a complaint and became frustrated when she was told the parking was legal so she started snooping around for something else to complain about. So, she told the code enforcement officer that she heard dogs barking and followed the barking onto my property and saw 14 dogs in the yard. Not true, not ever!! She then took the time to watch my video on my website "Pensacola Pet Resort, too" and it does say that we allow the "play time is offered next" and "afternoon playtime before dinner" and "offered 5 leash free outings a day 365 days a year". "In 1 of 3 clean shaded and spacious exercise yards" .. all true. **Never unattended always in the fence, always under direct control.**

She then looked up the code and saw my conditional use in OEHC-1 that said " animal hospitals or Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas." The distinction was a distinction with C3 in which outdoor runs are allowed- see pics attached below. Very sadly, after a lengthy explanation, (see letter also attached) Code Enforcement turfed the issue saying that they could not make that distinction or interpretation and that I had to go before a magistrate which is next Tuesday. (Needless to say once I found out the parking was a concern of a neighbor I asked my staff to stop doing it that problem is solved.) I asked code enforcement to have the lady come talk to me and she refused and wanted to remain anonymous- probably because she lied and trespassed!

I went to the magistrate for a proposed code violation and he could not rule on the interpretation so gave me a year to get the wording changed so there is no concern in the future, he was very nice. The city is behind the change as I have always complied with the intended use, but as always there are some crazy neighbors opposing any change even though it is no change from my original use, just a clarification about the language.

I would love it if as a direct neighbor to my business you would write a letter saying something like you have never had noise or odor complaints or congestion or any issues at all that this business has in fact improved the lot etc etc.

I can write something for you to copy and paste into your email?
Thanks, the meeting is Tuesday with planning and zoning!

Have a good day! Bet it is beautiful in NC- you in the mountains?

Dr. Laura

I sent this to president of local association:

"1) pet resorts were already allowed-- I did not have any changes with the code for that, all uses were to be indoors such as boarding, grooming, exchange of pets and products etc. and they are, the dogs go out to potty and play shortly less than 5-10 mins at a time and always attended. I have no formal or informal complaint of noise at all since 2010 when I opened my doors or of dog droppings, odors, traffic or anything. It's just the recent on street parking that lead to all of this.

2) the term 'outdoor exercise areas' in the conditional use is what all the fuss is about--- how is that interpreted? It was interpreted in 2008 by planning and zoning and city council to mean no outdoor runs or exercise areas in which the dogs are housed outside overnight and where the dogs have access via a dog door to go in and out at free will. Never are my patients left unattended. Never, it is always like you saw it 1 or 2 staff members 1 or 2 dogs, at times like on my video at PensacolaPetResort, too you will see we do have groups that go out together: we have old dog play, young dog play, rowdy dog play etc and all of these dogs are under 40#-- never unattended never barking always playing or pottying! they are done playing in 5- 10 mins and we let them back inside, in the summer heat it is even less and we have indoor playtime. (so let's call it a potty yard and a play yard not an exercise yard)

I realize that it was our mistake in 2008 for not giving more detail in the code, that is why we are correcting it now. All it takes is 1 person to challenge the black and white of the law. Even though her claims were false and in my opinion she not only lied but she trespassed. I am a rule follower and have improved the area and I am passionate about my career, my family and my employees and the East Hill Neighborhood which I have been a part of since 2002!! I would be happy to give anyone a tour as I did you."

BEFORE THE CODE ENFORCEMENT AUTHORITY
OF THE CITY OF PENSACOLA, FLORIDA

THE CITY OF PENSACOLA,
a Florida municipal corporation,
by its Code Enforcement Office (436-5500)
Petitioner,

vs.

LAURA TONETTI HALL, DVM, PA,
Respondent(s).

Case # 18-129

CODE VIOLATION ORDER AND SUBSEQUENT AMENDMENTS

The Special Magistrate Judge having heard and considered sworn testimony and other evidence presented in this matter on February 6, 2018, after due notice to the respondent(s), makes the following findings of fact and conclusions of law:

A. FINDINGS OF FACT:

1. The respondent(s) own(s) and/or is (are) in possession of the real property located at 805 East Gadsden Street, Pensacola, Escambia County, Florida, legally described as:

LTS 1 2 3 BLK 84 NEW CITY TRACT OR 6228 P 236 CA 67 TAX ACCT. #140569000.

2. The following described condition exists on the property: there are dogs running and exercising outside this facility which has a conditional use permit which prohibits same and the condition constitutes an apparent violation of the conditional use permit.

3. The date this condition was first observed was December 5, 2017; re-inspection made on February 6, 2018, confirmed the condition still existed on that date.

4. The respondent(s) received notice by:
X the posting of a notice on the property and at City Hall for ten (10) days beginning
_ certified mail, return receipt requested,

on January 19, 2018, that the condition constitutes a violation of the Code of the City of Pensacola, Florida, and that a public quasi-judicial hearing thereon would be held before the Special Magistrate Judge beginning at 3:00 p.m. on February 6, 2018, at which hearing the respondent(s) did appear and testify at length.

B. CONCLUSIONS OF LAW:

1. The respondent(s) and the property are in violation of Section(s):

12-2-10 (C)(4)(b)6 & 5(n) of the Code of the City of Pensacola, Florida.
of the Florida Building Code.
of the Standard Housing Code.
of the International Property Maintenance Code.

2. The City prevailed in prosecuting this case before the Special Magistrate Judge. If the City has already incurred costs to date in attempting to abate this violation and has requested that they be determined at this time, the Special Magistrate Judge finds the City's costs to be \$ _____. [If the City has not as yet requested that its costs to date, if any, be determined at this time and/or if it later incurs costs to abate this violation, those total costs shall be administratively entered in this blank: \$ _____.]

3. The aforesaid violation(s) or the condition causing the violation(s) does (do) not present a serious threat to the public health, safety, or welfare and/but the violation(s) or the condition causing the violation(s) is (are) not irreparable or irreversible in nature.

C. ORDER:

Based on the above and foregoing findings and conclusions, it is hereby

ORDERED that:

1. **The respondent(s) must correct the apparent violation(s) before February 5, 2019, by discontinuing allowing animals to run and exercise outside the pet shop/vet clinic. Immediately after this work has been completed, the respondent(s) must call the City Code Enforcement Office at (850) 436-5500 to schedule a re-inspection of the property to confirm that it has been done to code and/or completed.**

2. In the event this order is not complied with before the above compliance date, as early as at the **City Code Enforcement Authority Meeting and Hearings scheduled to take place beginning at 3:00 P.M. (Central Time) on Tuesday, February 5, 2019, or at any such meeting and hearings thereafter,** without further hearing or notice to the respondent(s), : **A FINE MAY BE ASSESSED AGAINST EACH RESPONDENT AND THE ABOVE-DESCRIBED PROPERTY IN AN AMOUNT UP TO AND INCLUDING TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$250.00) PER DAY for that day and each and every day thereafter any violation continues to exist; and, without further hearing or notice to the respondent(s), A LIEN MAY BE IMPOSED AGAINST ANY AND ALL REAL AND PERSONAL PROPERTY OWNED BY THE RESPONDENT(S) WHICH IS NOT LEGALLY PROTECTED FROM ENCUMBERANCE AND LEVY; AND THE COSTS INCURRED BY THE CITY IN SUCCESSFULLY PROSECUTING THIS CASE MAY BE ASSESSED AGAINST THE RESPONDENT(S).**

3. It is the responsibility of the respondent(s) to contact the above-named City Office prosecuting this case to arrange for re-inspection of the property to verify compliance **AS SOON AS IT IS ACHIEVED.**

4. If the violation(s) is (are) corrected and, thereafter, a City Code Enforcement Officer finds that a repeat violation has occurred, a fine in the amount of up to and including Five Hundred and no/100 Dollars (\$500.00) per day may be assessed against the respondent(s) for each day the repeat violation is found to have occurred by the City Code Enforcement Officer and for each and every day thereafter the repeat violation continues to exist.

5. Pursuant to Sections 162.07 and 162.09, Florida Statutes, without further hearing or notice to the respondent(s), the original or a certified copy of this and/or any subsequent Special Magistrate Judge's order may be recorded in the public records of Escambia County, Florida, and, once recorded, CONSTITUTES NOTICE TO AND MAKES THE FINDINGS OF THIS ORDER BINDING on the respondent(s) and any subsequent purchasers of the property, and any successors in interest or assigns of the respondent(s).

6. Jurisdiction of this matter and the parties is retained to enter such further orders as may be appropriate and necessary.

7. Any aggrieved party hereto, including the City, may appeal this order to the Circuit Court of Escambia County, Florida, within thirty (30) days of the entry of this order.

ENTERED on February 8, 2018, at Pensacola, Florida.

PENSACOLA CODE ENFORCEMENT AUTHORITY

Louis F. Ray, Jr.
(Signature of Special Magistrate Judge)

Louis F. Ray, Jr.
(Printed Name of Special Magistrate Judge)

STATE OF FLORIDA
COUNTY OF ESCAMBIA

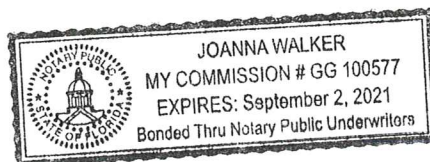
The execution of the foregoing order was acknowledged before me on February 8, 2018, by Louis F. Ray, Jr., as Special Magistrate Judge for the City of Pensacola, Florida, who is personally known to me and who did take an oath.

This original order was prepared by
and ATTESTED to by:

Joanna Walker
Florida Notary Public &
Administrative Officer of the
Code Enforcement Authority of the
City of Pensacola, Florida
Post Office Box 12910
Pensacola, FL 32521-0001
(850) 436-5500

Joanna Walker
(Signature of Notary and Administrative Officer)

Joanna Walker
(Printed Name of Notary & Admin. Officer)





PLANNING SERVICES

THE UPSIDE of FLORIDA

MINUTES OF THE PLANNING BOARD

April 10, 2018

MEMBERS PRESENT: Chairman Paul Ritz, Nathan Monk, Nina Campbell, Kurt Larson, Jared Moore

MEMBERS ABSENT: Danny Grundhoefer

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner, Steve Richards, Code Enforcement Officer, Rusty Wells, Assistant City Attorney, Lysia Bowling, City Attorney

OTHERS PRESENT: Barbara Chapman, Laura T. Hall, Amber Hoverson, Lou Courtney, Steven Shelley, Damian Zimmerman, Bruce Partington, John Myslak, Betty Bowlin Hinote, Don Kraher, Council Executive,

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from March 13, 2018
- New Business:
 1. Request for License to Use Right-of-Way – Intendencia Street - Southtowne
 2. Consider Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:00 pm with a quorum present.

Approval of Meeting Minutes

Mr. Larson made a motion to approve the March 13, 2018 minutes, seconded by Mr. Monk, and it carried unanimously.

New Business

Request for License to Use Right-of-Way – Intendencia Street - Southtowne

Daily Convo is requesting approval for a License to Use for improvements within the Intendencia Street right-of-way in connection with the Southtowne Development. This request is unique in that the project will provide a large amount of improvements within the right-of-way of Intendencia and the perimeter of the development, however, the property owner will assume maintenance for these improvements. This will be agreed upon in the form of a modified License to Use agreement between Daily Convo and the City. This request has been routed through the various City departments and utility providers with those comments provided.

Bruce Partington presented to the Board and stated the project presented today was the final piece of the development.

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

222 West Main Street Pensacola, FL 32502 / T: 850.435.1670 / F: 850.595.1143/www.cityofpensacola.com

He explained he had negotiated at length with the City Attorney for the License to Use (LTU) which will comply with all city requirements. Daily Convo would bear 100 percent of the construction and ongoing maintenance. He indicated the project would be aesthetically consistent with the existing structures.

Chairman Ritz appreciated the work placed into the overall project with the level of quality, concern for citizens, and addressing the environment. He also appreciated the use of the right-of-way for bettering the entire development and believed this would be a better treatment of the roadway than the city could execute without private dollars. The size of the development showed the level of commitment over the span of time. **Mr. Larson made a motion to approve, seconded by Ms. Campbell.** Mr. Larson pointed out he liked the public-private partnership and wanted to take the opportunity to try this LTU in a different manner. Ms. Campbell noted the utility comments, and Ms. Deese advised the project had oversight through the Engineering Department. Mr. Monk wanted to state a no conflict of interest since at the inception of Southtowne, he was an employee of Studer Properties, however, none of this discussion was going on at that time. Chairman Ritz advised since Mr. Monk was not in play for any financial gain, no conflict of interest would exist. **The motion then carried unanimously.**

Consider Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District

The City has received a request from Dr. Laura Hall of East Hill Animal Hospital for an amendment to Land Development Code Section 12-2-10 Historic & Preservation Land Use District. More specifically, Dr. Hall is requesting that the use of animal hospitals, veterinary clinics and pet resorts (with fully enclosed kennels, with no outside runs, exercise areas are permitted) no longer require Conditional Use Permit approval and instead become a permitted use by right. Dr. Hall recently appeared before the Special Magistrate for a code violation of having exercise areas in the OEHC-1 zoning district. The Special Magistrate gave Dr. Hall one year to resolve the issue. Dr. Hall is requesting this amendment in order to bring her property into compliance.

In reviewing the Code Violation form, Chairman Ritz note the violation involved dogs running outside of the building which was not allowed. Ms. Deese advised a Conditional Use Permit would no longer be necessary, and it would become a permitted use by right. Chairman Ritz pointed out even though it was for one piece of property, if we keep changing the Code, the neighborhood could lose some of its character. One of the issues was encroachment and movement of commercial businesses within the residential neighborhood. But on the positive side, customers appreciated Dr. Hall's services and the convenience of having her clinic at this location. The change to the Code would become area-wide and not just for one property. Mr. Monk wanted to clarify that this change would allow for exterior exercise areas for pets in the clinic or the resort during business hours. Chairman Ritz advised there were no time limitations. Ms. Deese confirmed that since the ordinance does not define that, another use could come in by right without a Conditional Use Permit, and there would not be any ability to add those stipulations; they could operate at any hour, however, they would still operate under the noise ordinance.

Dr. Hall stated she had been in the OEHPD since 2007. She explained she put the outdoor exercise area provision in herself and had operated since 2007 with no formal complaints. Her pet resort was given the same rights as pet shops. She explained she attended the neighborhood association meeting and understood their concerns with businesses, future expansions, and parking. She explained all noise ordinances would still be intact, and this change in the Code would simply allow her to continue the business the City had allowed. She indicated the Magistrate from the Code Enforcement hearing advised her to change the Code so a violation would not happen again.

Ms. Campbell confirmed that the business had improved the neighborhood while maintaining the architectural integrity and spirit of that area. Chairman Ritz had not noticed a parking issue. In full disclosure, Ms. Campbell explained that Dr. Hall was her veterinarian, and her pets had stayed at the pet resort; she had not been overwhelmed with noise on the inside or outside. She stated when addressing these issues, certain areas of the community want to be self-sufficient as a sub community, and if that was the case, it might be appropriate for a pet resort to go in; Dr. Hall did bring a lot of business into the area.

Lou Courtney agreed Dr. Hall had a great reputation and was a great businesswoman. She explained a lot of the neighbors were opposed to the business when it was originally permitted because of the barking. Ms. Courtney lives one block away and observed the animals go outside five times a day, and the noise gets loud during the summer and during holidays. She indicated she worked from home in a studio and had followed the noise to observe 20 dogs within the exercise area with an attendant present. However, she was unable to address the attendant because of the noise. She applauded the doctor for the integrity of the architecture, but noise pollution was a serious issue. She also pointed out the doctor could sell the clinic, and the next owner might not be as conscientious. She also explained they do not like changes that hurt property values, aesthetic values, or quality of life. She explained there were no neighbors immediately adjacent to the doctor; one was being used for storage and the two behind were vacant. Joshua Gleaton appeared before the Board and stated he works from home does hear the dogs barking and it is a noticeable background noise. He did appreciate what the doctor's business had brought to the neighborhood but was concerned the Code change would allow for the continuation and the addition to what he sees as an existing problem. He felt changes to the Code should benefit the community and not just a few people. He stated Dr. Hall had indicated she was involved with the original language, and he was concerned with the result of changing the Code when someone is found in violation, and he did not see the benefit being for the neighborhood but for only one business.

Steven Shelley advised he had been an East Hill resident for 50 years, and even though the business was not in East Hill, he wanted to comment that when she was with Sacred Heart, she was well respected and loved. He was amazed in driving up to the facility how little noise was heard. He stated her business is exactly what the community was looking for.

Amber Hoverson, President of the OEHPA, was at the meeting and as a neighborhood, they were opposed to the Code change. She explained they were not opposed to change but were concerned with the noise and that some other business could come in and not be as mindful of the neighborhood. Also, as a homeowner of a contributing structure, she felt it was not fair when a homeowner in this district is required to go before the ARB and comply with their guidelines. However, this is a law that is being considered; she expressed you can avoid ugly but you cannot avoid noise, and many of the older homes are not insulated.

Betty Bowlin Hinote with Innerpeace Massage Therapies behind the McDonald's stated she had heard barking during therapy sessions, and they would lose business if the noise continued during treatments. She explained patients do sleep during therapy sessions, and the business maintains a quite atmosphere. She further stated the Code was set up to protect the interest of owners, their property values, and safety. She stated she had been at this location for 17 years and felt her property might lose value if the Code is changed. She had visited the pet resort on Hayne Street, and it was absolutely too loud, and if the Code is changed to include any hour, this noise would also be outside. One of her therapists left a note to her to make sure this does not happen since there will be barking dogs while the therapies are in session. Mr. Monk asked how long she had been in business, and she stated they had been operating there 17 years. She was not sure how much business she had already lost. With the Code change and having the dogs outside along with the possibility of a growing business, the problem might get worse. Mr. Monk asked if any customer left an appointment because of the barking dogs. Ms. Hinote explained they could not know if a person did not return because their session was disturbed. She further explained the Code protects against many issues, but she could not provide any solid facts supporting loss of income since this would be speculative. She did emphasize with a change in the Code, the situation would likely get worse.

Chairman Ritz stated as he reflected back from 2008, the noise issue was of concern. At that time, many Old East Hill residents were concerned with the noise; there were no outside exercise runs at that time. As of today, some of those members still do not embrace the idea of outdoor exercise runs, which have been consistent from then to now. He explained the idea of a Conditional Use allows for

checks and balances to occur should situations change. Changing the Code affects the entire area, and if another veterinarian should choose to come in, they could put in an outside run a block away. He advised one of the reasons for the Conditional Use being granted at that time was that a lack of outside runs would prevent a noise issue. He said he tended to think on the side of the neighborhood who opposed it in light of the way it came before the Board the first time. Mr. Monk emphasized the historic nature of East Hill and the Van Gogh Coffee Shop where the youth populated; the 309 house was a safe place for train hoppers and both were a part of the history of this community. It was constantly shut down because of noise complaints. His opinion was if you want quiet, don't live in the city which includes traffic, movement, and noise.

Ms. Campbell questioned how long this area had been business and residential, and Ms. Deese advised since its inception in the late 90s. Dr. Hall pointed out nothing would change since the dogs had already been entering an exercise yard. The exercise yard simply means they go out and exercise and come back in. Ms. Campbell indicated aside from the most recent complaint, the doctor had no other complaints and thought that was an interesting observation; it seemed the problem was not with the dog resort or the veterinarian but the noise level. She questioned if anyone had come up with a build-out for sounds. Dr. Hall stated she had investigated other resorts in the city which are all C-1, but they were not in a historic neighborhood, and when she went to change the Code in 2008, they placed the language in there. She advised at that time, parking was the main concern. She also explained as a property owner, she would be using outside cameras to protect her interests and confirm activity documenting the number of dogs.

Chairman Ritz clarified a Code violation was issued which stated "There are dogs running and exercising outside this facility which has a Conditional Use Permit which prohibits same and the condition constitutes an apparent violation of the Conditional Use Permit." Ms. Deese verified the Code violation was because there were dogs outside. She explained there was a video on the website showing how many times animals go outside into the exercise areas which was the specific Code violation. Dr. Hall explained exercise areas were where dogs were left unattended, which was not the case in her exercise areas. Mr. Moore asked if the change was approved, would it allow dogs to be left unattended. Ms. Deese referred to Dr. Hall's request for fully enclosed kennels with no outside runs and exercise areas are permitted. She explained there are scenarios where there are no outside runs, but the animals could go outside unsupervised, which was not Dr. Hall's intent. Mr. Monk asked if the Board had the authority to limit the number of animals allowed within a square footage. Ms. Deese advised the Board could include in the recommendation to City Council added conditions amending Dr. Hall's request. She clarified that the amendment takes it out of a Conditional Use Permit and makes it a standalone by right use. Chairman Ritz emphasized Conditional Use historically was used as a check and balance. Ms. Deese pointed out limiting the number of animals would be a challenge to enforce. Dr. Hall emphasized she wanted to operate her business as the City gave her permission to ten years ago.

Ms. Campbell asked if the amendment did not go forward and the doctor had one year to satisfy this issue, how would that impact her business. Dr. Hall advised she would not operate a boarding facility where the animals could not go outside. For clarification, Ms. Deese stated during the discussions with Code Enforcement, they felt it would be unreasonable to think that a medical facility for animals could not allow the dogs to go out and relieve themselves, but when the evidence was compiled along with the website video with the five times a day, it clearly was more than relieving themselves. Dr. Hall advised she wished she had clarified "no exercise yards where animals are left unattended" on her original plans. Ms. Campbell advised it would be a terrible loss for this portion of Pensacola to lose Dr. Hall, and asked could there be some sort of buildout for the exercise pad. Dr. Hall explained they incorporated vegetation and astro turf as well as 9' fencing.

Mr. Monk pointed out with the evolution of cities and small towns, we were going to see more small

businesses in isolated parts of the community so people do not have to drive great distances for these services. He personally did not want to live in a community where his children were playing the backyard and someone would call in a complaint on them or his dogs. More small business were going to creep into historic neighborhoods, and this natural evolution is where we're going as a community; There will be some discomfort, but that is the reality of living in a city.

Mr. Larson asked Dr. Hall if she was going to solve the problem before the Board involving multiple dogs, supervised or unsupervised, because he was not comfortable with just saying "exercise areas." Dr. Hall advised she liked the term "no exercise areas where dogs are left unattended." She explained they had play groups with 6 to 8 dogs maximum, and if they were loud, they returned to the inside. However, she was fine with whatever the Board approved. **Mr. Monk made a motion to support with an edit that it read "allows animal hospitals, veterinary clinics and pet resorts within the district by right with fully enclosed kennels, no unsupervised outside runs or exercise areas permitted with a limitation of 5 animals in the area."** The motion was seconded by Mr. Larson. For clarification, Mr. Larson stated with this change, a Conditional Use Permit would no longer be required in C-1. Ms. Deese explained this amendment was specifically for 12-2-10 Old East Hill Preservation District; C-1 still has the language which does not permit exercise areas, and you would be opening up to the entire city if you modified C-1. This is specific to Old East Hill, taking out the Conditional Use Permit requirement. **Ms. Deese clarified Dr. Hall's proposal stated "with no outside runs." Was the Board meaning "no unsupervised outside runs" and thus allow "outside runs" or add "unsupervised" to the exercise areas, and Mr. Monk verified adding "unsupervised" to the exercise areas only. The amendment was accepted by Mr. Larson. For further clarification Mr. Moore stated in OEHPD exercise areas would be allowed, but the language would state they would go out in groups of 5 or fewer supervised. There were no outside runs and the amendment was by right with no Conditional Use. The motion then carried 4 to 1 with Mr. Moore dissenting.** Ms. Deese reminded the audience that this amendment was a recommendation which would proceed to the City Council on May 10, 2018 at 5:30 pm.

Open Forum – None

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 3:34 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brandi C. Deese', with a long horizontal line extending to the right.

Brandi C. Deese
Secretary to the Board

PROPOSED
ORDINANCE NO. _____

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-2-10(C)(4)(b) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE HISTORIC AND PRESERVATION LAND USE DISTRICT; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, two public hearings were held on June 14, 2018 and July 19, 2018 concerning the following proposed amendment to the Land Development Code; NOW

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Chapter 12-2-10 of the Code of the City of Pensacola, Florida, is hereby amended as follows:

(C) Old East Hill preservation zoning districts. OEHR-2, OEHC-1, OEHC-2 and OEHC-3.

(1) Purpose. The Old East Hill preservation zoning districts are established to preserve the existing residential and commercial development pattern and distinctive architectural character of the structures within the district. The regulations are intended to preserve, through the restoration of existing buildings and construction of compatible new buildings, the scale of the existing structures and the diversity of original architectural styles.

(2) Character of the district. The Old East Hill neighborhood was developed over a fifty-year period, from 1870 to the 1920's. The architecture of the district is primarily vernacular, but there are also a few properties which display influences of the major architectural styles of the time, such as Craftsman, Mission and Queen Anne styles.

(3) Boundaries and zoning classifications. The boundaries of the Old East Hill preservation district shall be identified as per a map and legal description, and the zoning classifications of properties within the district shall be identified as per a map, filed in the office of the city clerk.

(4) Uses permitted.

- (a) OEHR-2, residential/office district.
1. Single-family detached dwellings.
 2. Single-family attached (townhouse or quadraplex type construction) and detached zero-lot-line dwellings. Development must comply with the minimum standards established for the R-ZL zoning district in section 12-2-5(A) (5).
 3. Two-family attached dwellings (duplex).
 4. Multiple-family attached dwellings (three or more dwelling units).
 5. Community residential homes licensed by the Florida Department of Health and Rehabilitative Services with seven (7) to fourteen (14) residents providing that it is not to be located within one thousand two hundred (1,200) feet of another such home in a multi-family district, and that the home is not within five hundred (500) feet of a single-family zoning district. If it is proposed to be within one thousand two hundred (1,200) feet of another such home in a multi-family district and/or within five hundred (500) feet of a single family zoning district it shall be permitted with city council approval after public notification of property owners in a five hundred-foot radius
 6. Home occupations subject to regulations in section 12-2-10(A) (3) (a) 4.
 7. Bed and breakfast subject to regulations in section 12-2-55.
 8. Boarding and lodging houses.
 9. Office buildings.
 10. Studios.
 11. Municipally owned or operated parks or playgrounds.
 12. Public schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-2-65.
 13. Libraries, community centers and buildings used exclusively by the federal, state, regional, county and

city government for public purposes subject to regulations in section 12-2-61.

14. Churches, Sunday school buildings and parish houses subject to regulations in section 12-2-57.
15. Minor structures for the following utilities: unoccupied gas, water and sewer substations or pumpstations, electrical substations and telephone substations subject to regulations in section 12-2-59.
16. Accessory structures, buildings and uses customarily incidental to the above uses subject to regulations in section 12-2-31, except that the following shall apply:
 - a. Accessory structures shall not exceed one-story in height for a maximum height of twenty-five (25) feet in order for the accessory structure to match the style, roof pitch, or other design features of the main residential structure.
 - b. The wall of an accessory structure shall not be located any closer than six (6) feet to the wall of the main residential structure.
17. Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(b) OEHC-1, neighborhood commercial district.

1. Any use permitted in the OEHR-2 district.
2. Child care facilities subject to regulations in section 12-2-58.
3. Nursing homes, rest homes, convalescent homes.
4. Parking lots.
5. The following uses, retail only, with no outside storage or work permitted, except as provided herein:
 - a. Food and drugstore.
 - b. Personal service shops.
 - c. Clothing and fabric stores.

- d. Home furnishing, hardware and appliance stores.
- e. Craft and specialty shops.
- f. Banks.
- g. Bakeries.
- h. Secondhand stores.
- i. Floral shops.
- j. Martial arts studios.
- k. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this paragraph, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed twenty (20) percent of the total area of the main building.
- l. Restaurants.
- m. Mortuary and funeral parlors.
- n. Pet shops with all uses inside the principal building.
- o. Printing firms.
- p. Business schools.
- q. Upholstery shops.
- r. Animal hospitals, veterinary clinics, pet resorts with fully enclosed kennels, no outside runs. Outside exercise areas permitted only if supervised and limited to five (5) or fewer animals.
- ~~6. Conditional uses permitted. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.~~

(c) OEHC-2, retail commercial district.

- 1. Any use permitted in the OEHC-1 district.
- 2. Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
- 3. Hospitals, clinics.
- 4. Private clubs and lodges, except those operated as commercial enterprises.
- 5. Electric motor repair and rebuilding.
- 6. Appliance repair shop.

7. Garages for the repair and overhauling of automobiles.
 8. Sign shop.
 9. Photo shop.
 10. Plumbing and electrical shop.
 11. Pest extermination services.
- (d) OEHC-3, commercial district.
1. Any use permitted in the OEHC-2 district.
 2. Dive shop.
 3. Fitness center.
 4. Theater, except for drive-in.
 5. Taverns, lounges, nightclubs, cocktail bars.
- (5) Procedure for review of plans.
- (a) Plan submission. Every application for a building permit to erect, construct, demolish, renovate or alter an exterior of a building or sign, located or to be located in the Old East Hill Preservation District, shall be accompanied with plans as necessary to describe the scope of the proposed work pursuant to paragraph 12-2-10(A)(4)(c) to (e).
- (b) Review and approval. All such plans shall be subject to review and approval by the architectural review board established in section 12-13-3. The board shall adopt written rules and procedures for abbreviated review for minor repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review by the entire board, provided, however, such abbreviated review process shall require review by the staff of West Florida Historic Preservation, Inc. If agreement cannot be reached as it pertains to such request for abbreviated review by the board designee and West Florida Historic Preservation, Inc. staff, then the matter will be referred to the entire board for a decision.
- (c) Decisions.
1. General consideration. The board shall consider plans for existing buildings based on their classification as contributing, non-contributing or modern infill as depicted on the map entitled "Old East Hill Preservation District" adopted herein, and shall review these plans based on regulations described herein for each of

these building classifications. In their review of plans for both existing buildings and new construction, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof; materials and textures; plot plans or site layout, including features such as walls, walks, terraces, off-street paved areas, plantings, accessory buildings, signs and other appurtenances; and relation of the building to immediate surroundings and to the district in which it is located or to be located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and exterior site work, and is not restricted to those exteriors visible from a public street or place. The board shall consider requests for design materials, alterations or additions, construction methods or any other elements regulated herein, which do not meet the regulations as established in this subsection, when documentary proof in the form of photographs, property surveys, indication of structural foundations, drawings, descriptive essays and similar evidence can be provided. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction standards such as are controlled by this chapter and chapter 7-13.

2. Rules governing decisions. Before approving the plans for any proposed building located or to be located in a district, the board shall find:
 - a. In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building.
 - b. In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, impair the architectural or historic value of buildings on adjacent sites or in the immediate vicinity. No

plans for new building will be approved if that building will be injurious to the general visual character of the district in which it is to be located considering visual compatibility standards such as height, proportion, shape, scale, style and materials.

3. No provision of this section shall be interpreted to prevent the restoration or reconstruction of any historic building or feature (as listed by West Florida Historic Preservation, Inc.) in its original style, dimensions or position on its original structural foundation.
4. No provision of this section shall be interpreted to require a property owner to make modifications, repairs or improvements to property when the owner does not otherwise intend to make any modifications, repairs or improvements to the property, unless required by chapter 7-13.

- (6) Regulations and guidelines for any development within the Old East Hill preservation district. These regulations and guidelines are intended to address the design and construction of elements common to any development within the Old East Hill preservation district which requires review and approval by the architectural review board. Regulations and guidelines which relate specifically to new construction and/or structural rehabilitation and repair to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established in paragraphs (6) through (8) below.

- (a) Off-street parking. Design of, and paving materials for, parking lots, spaces and driveways shall be subject to approval of the architectural review board. For all parking lots, a solid wall, fence or compact hedge not less than three (3) feet high shall be erected along the lot line(s) when automobiles or parking lots are visible from the street or from an adjacent residential lot.

1. OEHR-2 district. All non-residential development shall comply with off-street parking requirements established in chapter 12-3.
2. OEHC-1, OEHC-2 and OEHC-3 districts. All non-residential development shall comply with off-street parking requirements established in

chapter 12-3. The required parking may be provided off-site by the owner/developer as specified in section 12-3-1(D).

- (b) Landscaping. Landscape area requirements and landscape requirements for parking lots within the OEHR-2, OEHC-1 and OEHC-2 districts shall comply with regulations established in section 12-6-3 for the R-2, C-1 and C-2 zoning districts.
- (c) Signs. Refer to sections 12-4-2 and 12-4-3 for general sign standards and criteria and for a description of sign area calculations. The location, design and materials of all accessory signs, historical markers and other signs of general public interest shall be subject to the review and approval of the architectural review board. Only the following signs shall be permitted in the Old East Hill preservation district:
 - 1. Temporary accessory signs.
 - a. One non-illuminated sign advertising the sale, lease or rental of the lot or building, said sign not exceeding six (6) square feet of area.
 - b. One non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work, and displayed only during such time as the actual construction work is in progress.
 - 2. Permanent accessory signs.
 - a. North 9th Avenue, Wright Street, Alcaniz Street and Davis Street. For churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including office and retail buildings) or historic sites serving as identification and/or bulletin boards, one freestanding or projecting sign and one attached wall sign or combination of wall signs placed on the front or one side of the building not to exceed fifty (50) square feet in area. The signs may be painted on the building, mounted to the face of the wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. Signs projecting from a building or extending over public

property shall maintain a clear height of nine (9) feet, six (6) inches above the public property and shall not exceed a height of twelve (12) feet. Freestanding signs shall not exceed a height of twelve (12) feet.

- b. All other streets in the district. One sign per lot per street frontage for churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including office and retail buildings) or historic sites serving as identification and/or bulletin boards not to exceed twelve (12) square feet in area and eight (8) feet in height, provided, however that signs projecting from a building or extending over public property shall maintain a clear height of nine (9) feet six (6) inches above the public property and shall not exceed a height of twelve (12) feet six (6) inches. The sign may be mounted to the face of the wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. The sign may be illuminated provided that the source of light is not visible beyond the property line of the lot on which the sign is located.
 - c. One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three (3) square feet and shall be attached to the dwelling. This section shall be applicable to occupants and home occupations.
 - d. Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the board.
- (d) Fences. All developments in the Old East Hill preservation zoning districts shall comply with fence regulations as established in section 12-2-40. Fences are subject to approval by the architectural review board. Approved materials will include but not necessarily be limited to wood, brick, stone or wrought iron. No concrete block or barbed-wire fences

will be permitted. Chain-link fences shall be permitted in side and rear yard only.

- (e) Additional regulations. In addition to the regulations established above in subsections 12-2-10(C)(6)(a) through (d), any permitted use within the Old East Hill preservation district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4 of this Code.
- (7) Restoration, rehabilitation, alterations or additions to existing contributing structures in the Old East Hill preservation district. The document entitled "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," published by the United States Department of Interior in 1983, shall form the basis for rehabilitation of existing contributing buildings. The proper building elements should be used in combinations which are appropriate for use together on the same building. Documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc. shall be approved only if circumstances unique to each project are found to warrant such variances. The regulations established in paragraph (6), relating to streetscape elements, shall apply to contributing structures. Regulations established in Table 12-2.10 shall apply to alterations and additions to contributing structures.
- (8) Renovation, alterations and additions to non-contributing and modern infill structures within the Old East Hill preservation district. Many of the existing structures within the district do not meet the criteria established for contributing structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. The regulations established in paragraph (6), relating to streetscape elements, shall apply to non-contributing and modern infill structures. Regulations established in Table 12-2.10 shall apply to alterations and additions to existing non-contributing structures. In review of these structures the board may make recommendations as to the use of particular building elements which will improve both the appearance of the

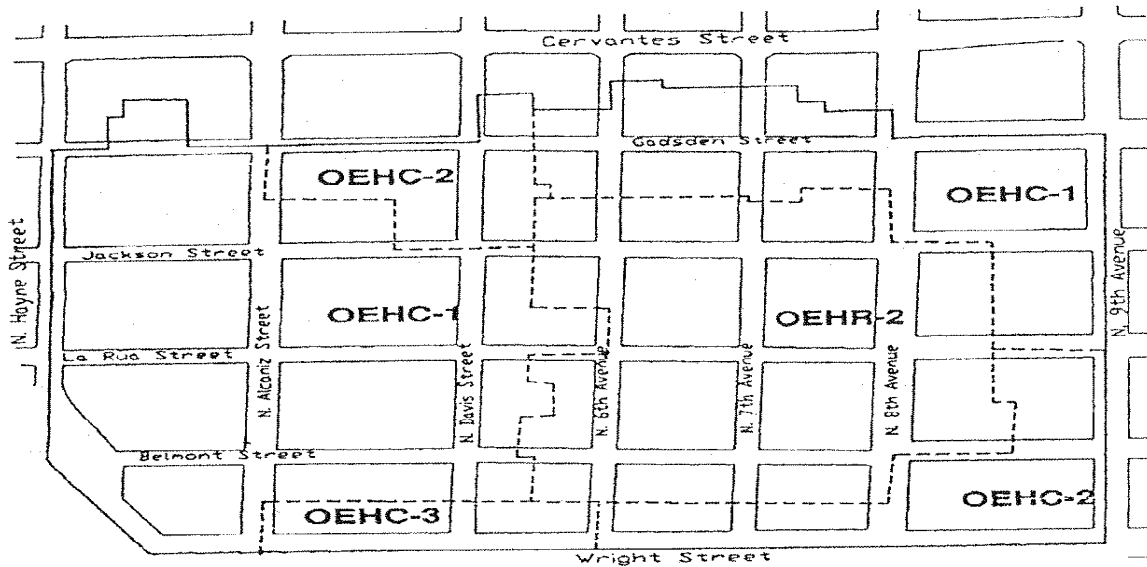
individual structure, its relationship with surrounding structures and the overall district character.

- (9) Regulations for new construction in the Old East Hill preservation district. New construction shall be built in a manner which is complementary to the overall character of the district in height, proportion, shape, scale, style and building materials. The regulations established in paragraph (6), relating to streetscape elements, shall apply to new construction. Table 12-2.10 describes height, area and yard requirements for new construction in the Old East Hill preservation district.
- (10) Demolition of structures within the Old East Hill preservation district. The demolition provisions established in section 12-2-10(A)(9) to (11), applicable to contributing and non-contributing structures within the Historic District, shall apply in the preservation district.

TABLE 12-2.10

REGULATIONS FOR OLD EAST HILL PRESERVATION ZONING DISTRICTS

Standards	OEHR-2	OEHC-1	OEHC-2	OEHC-3
Minimum Yard Requirement (Minimum Building Setbacks)				
Front Yard Side Yard Rear Yard	*15 feet 5 feet 15 feet	There shall be a 5' side yard setback, but no front or rear yard setbacks, unless this chapter requires a larger yard or buffer yard.		None
Minimum Lot Area For Residential Uses				
Single-family Detached Residential Duplex Residential Multi-family Residential	3,500 s.f. 5,000 s.f. 9,000 s.f.	None		
Minimum Lot Width at Street Row Line	30 feet	None		
Minimum Lot Width at Building Setback Line	30 feet	None		
Maximum Lot Coverage	N/A	The maximum combined area of all principal and accessory buildings shall not exceed 50% of the square footage of the lot.		None
Maximum Building Height (except as provided in section 12-2-39)	Residential buildings shall not exceed two (2) stories in height, with a usable attic. No building shall exceed thirty-five (35) feet in height, except that three (3) feet may be added to the height of the building for each foot the building is set back from the building setback or property lines to a maximum height of 45' with approval of the architectural review board.			
Minimum Floor Area For Multi-Family Developments	600 square feet per dwelling unit			
* Front yard depths in the Old East Hill preservation zoning district shall not be less than the average depths of all of the front yards facing the street on the block, up to the minimum yard requirement; in case there are no other dwellings, the front yard depth shall be no less than the footage noted.				



Old East Hill Preservation District

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida

County of Escambia:

++-----

Before the undersigned authority personally appeared **Steve Dulaney** who, on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

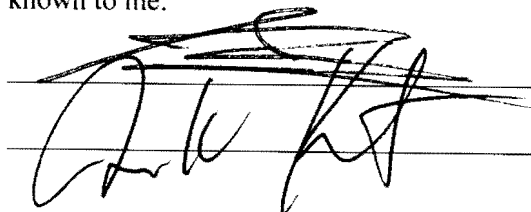
NOTICE OF PUBLIC HEARING

Was published in said newspaper in the issue(s) of:

April 30, 2018

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **30th** day of **APRIL, 2018**, by **Steve Dulaney**, who is personally known to me.



Affiant

Notary Public

NOTICE OF PUBLIC HEARING

On **Thursday, May 10, 2018** at 5:30 p.m. in the Council Chambers of City Hall, 222 West Main Street, the Pensacola City Council will conduct quasi-judicial hearings and public hearings to consider the following:

- **PUBLIC HEARING - Request to Amend the Land Development Code - Section 12-2-10 - Historic and Preservation Land Use District - Request to Allow Animal Hospitals, Veterinary Clinics and Pet Resorts as a Permitted Use in the Old East Hill Commercial Districts.**

You are not required to respond or take any action regarding this notice; but if you wish to speak before the City Council on this subject, you are invited to be present at the scheduled hearing.

If any person decides to appeal any decision made with respect to any matter considered at this meeting, such person will need a record of the proceedings, and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

For additional information on this matter, please call Planning Services at (850) 435-1670.

By direction of the City Council,

Ericka L. Burnett
City Clerk

Robyn Tice

From: Brandi Deese
Sent: Monday, May 7, 2018 1:42 PM
To: Ericka Burnett; Robyn Tice
Subject: Fwd: City Council Item Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District
Attachments: information-packet-full.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Amber Hoverson" <amber.hoverson@oldeasthill.com>
To: "Brandi Deese" <bdeese@cityofpensacola.com>, "Leslie Statler" <LStatler@cityofpensacola.com>
Subject: Fwd: City Council Item Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District

Hi ladies,
I wanted to forward this message to you so you're aware of what I sent over to the councilmen/women. Hopefully it's clear and informative enough.

Happy Monday:)

----- Forwarded message -----

From: Amber Hoverson <amber.hoverson@oldeasthill.com>
Date: Mon, May 7, 2018 at 1:32 PM
Subject: City Council Item Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District
To: dkraher@cityofpensacola.com, gwingate@cityofpensacola.com, smyers@cityofpensacola.com, ljohnson@cityofpensacola.com, bspencer@cityofpensacola.com, aterhaar@cityofpensacola.com, pcwu@cityofpensacola.com, jcanada-wynn@cityofpensacola.com

To: Pensacola City Council
To: Don Kraher, Council Executive
Re: City Council Item Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District

Dear Pensacola City Council Members,
My name is Amber Hoverson and I am the President of Old East Hill Property Owners Association.
East Hill Animal Hospital/Pensacola Pet Resort Too is requesting a City Code change that would allow exercise areas in OEHC-1 zoning. While outdoor exercise areas are

allowed in C-3 (light industrial) areas of Pensacola, no such zoning is permitted in our historic districts or any other C-1 zone of the city.

Currently, this Old East Hill business is operating under a Conditional Use Permit granted in 2008 in which the owner agreed not to have outdoor exercise areas. Neighbors in 2008 expressed their concern that outdoor areas would create a noise nuisance that would negatively impact the enjoyment of their property. This fear has become a reality.

In 2008 the code was written to protect our neighborhood by preventing this business from overreaching or impacting our area negatively. The proposed code change will diminish the protection we have while giving more privileges to a business that is already overstepping and in violation of the original agreement.

After hearing from over 50 residents who live and own property in our neighborhood, our Board voted unanimously in opposition of the code change to Section 12-2-10 proposed by the Planning and Zoning Board on April 10, 2018.

We are very concerned as a neighborhood that our voice will not be heard. Even though we are pet friendly and supportive of our small business, we cannot support *this* code change, which would allow inappropriate business operation in our preservation district.

Please vote No on the Proposed Amendment to Land Development Code Section 12-2-10(C)(4)(B) Historic and Preservation Land Use District; Old East Hill Preservation Zoning District: Uses Permitted; OEHC-1 neighborhood Commercial District.

Attached is a packet of information that contains a high level overview of background/current information in regards to the issue, 17 messages from 20 property owners expressing their concerns about the code change, and 6 comments copied from [a petition started at change.org](#).

https://www.change.org/p/pensacola-city-council-keep-the-power-with-the-people-a23539f5-a173-46d3-b20e-ce60adea225e?recruiter=874303628&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition

In addition to the online petition started 2 days ago we also have collected over 50 signatures from residents who live/own property in Old East Hill.

Thank you for your careful consideration of our concern.

Sincerely,

Amber Hoverson

OEHPOA President

Like us on Facebook!

<http://www.facebook.com/Old.East.Hill>

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Amber Hoverson

OEHPOA President

Like us on Facebook!

<http://www.facebook.com/Old.East.Hill>

Dear Pensacola City Council Members:

Please vote NO on the "PROPOSED AMENDMENT TO LAND DEVELOPMENT CODE SECTION 12-2-10 (C)(4)(B) HISTORIC AND PRESERVATION LAND USE DISTRICT; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT."

What's Going On?

A business in our neighborhood is trying to get City Code changed for the second time in 10 years to support its business needs. The proposed code change would currently only benefit the business, for everyone else it causes harm. A code change opens up our neighborhood for future issues. For example, if a business in our district can change a code now to benefit itself then any future business can use "they did it why can't we" approach to bend the rules to suit its needs. This is unacceptable and very scary.

Currently the businesses at 805 E Gadsden (East Hill Animal Hospital and Pensacola Pet Resort Too) are in violation of City Code 12-2-10(C)(4)(b)6&5(n).

The code allows:

- **Pet shops with all uses inside the principal building**
- **Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas**

The businesses at 805 E Gadsden are in violation of the above codes because there are 3 outdoor areas that dogs use multiple times a day. At the businesses' website <https://pensacolapetresorttoo.com/> you can see a video (You Tube PPR TOO-FINAL) that shows dogs going out multiple times a day as a key selling point. See transcript attached. The violations exist in that all uses **are not** in the principal building and there is **clearly an exercise area**. While Old East Hill Property Owner's Association appreciates the quality of care being given to these animals (who wouldn't want their pets to get this level of attention?!), it does not appreciate disregard for City Code in our district and for the quality of life of its neighbors.

Code Enforcement found East Hill Animal Hospital and Pensacola Pet Resort Too in violation of both codes on February 6, 2018. As a result, they were given until 2/5/19 to "correct the violations by discontinuing allowing animals to run and exercise outside the pet shop/vet clinic". **Instead of removing the option for animals to run and exercise outside the pet shop/vet clinic, the business owner has proposed an amendment to change the code.** Furthermore, the proposed code change not only allows the businesses to continue as before, but allows any NEW BUSINESS to open with no input from the neighborhood. While changing the code would ensure that there is no disruption in business operation at 805 E Gadsden, it poses a major problem for residents who oppose current noise levels and have addressed their concerns to Code Enforcement and City Planning. Again, City Code has already changed once for this business to operate within our district in 2008.

In 2008 these businesses were allowed to move into our neighborhood despite substantial concern and protest from the residents of Old East Hill. Pensacola Pet Resort Too was allowed to open without any input from residents because it was determined that the resort would be **acting upon the same rules as a pet shop**. The Animal Hospital was allowed after getting an amendment to the Land Development Code for OEHC-1, whose regulations specifically excluded veterinary hospitals and clinics. Despite letters and residents speaking out against these businesses at City Hall our voice was not heard and/or understood. Many people in the neighborhood voiced concerns about noise, parking, congestion and

the building's design. Ten years later most people can agree that the building is a welcome addition to overall aesthetics. **However our association has heard complaints from residents about: East Hill Vet customers leaving dog excrement in the yards, sidewalks or green areas surrounding the business, cars parking on the street in front of homes that people live in adjacent to the business, and dogs barking incessantly (more than 5 minutes).** We are an active property owner's association in one of the City's three historic **preservation** neighborhoods and our input must be taken into account. At the City Council Meeting Thursday May 10th we will be requesting that East Hill Vet Clinic/Pensacola Pet Resort Too operate within the original permit granted in 2008.

Summary of Concerns from over 50 residents in Old East Hill

- The business is currently operating under a Conditional Use Permit but is asking for "Permitted Use by Right". Permitted use by right means that the neighborhood loses an additional layer of protection from the City.
- The City or Planning can put restrictions on the operation of a business with a Conditional Use Permit. Without it, this business or any new one can potentially expand without limitations.
- Old East Hill has clearly established historic preservation guidelines that have been disregarded. If this business is granted Right of Use and its Conditional Use permit is removed our concerns as a neighborhood will be much harder to act upon. Currently our option in dealing with unwanted aspects of the business is by filing an affidavit under oath with a witness who lives at a different address; putting the workload on the resident, not the business owner. An affidavit must be notarized by the resident.
- If the code change is approved, anyone can open a C-3 type business in a C-1 area in two thirds of our district. In looking at a city map from 2014 there were 72 homes in the residential area and 162 in all other zones (234 total). Roughly 70% of our neighborhood will be *directly* impacted by this code change. Imagine unwanted businesses scattered around all of Old East Hill permitted by right. If this code change goes through that could happen to our neighborhood or yours.
- A change like this establishes a legal precedent which could be used to add unwanted use to North Hill and Seville.
- This business' specific issue needs to be addressed, not a code change for an entire area.
- This code change affects surrounding businesses, why should one business' needs be put before another's?
- Why should the code be changed to benefit one? It should be changed to benefit the entire neighborhood.

WE BELIEVE THIS CHANGE WILL HAVE A DRAMATIC AND NEGATIVE AFFECT ON OUR NEIGHBORHOOD AND PROPERTY VALUES, AND WOULD GREATLY APPRECIATE YOUR SUPPORT AND HELP

PPR TOO-FINAL Transcript

This is a transcript of the PPR TOO-FINAL clip found at <https://youtu.be/-Ys1i6DgGwU> advertising services that place it in clear violation of current code 12-2-10.

Welcome to Pensacola Pet Resort Too, the first and only pet resort in the Pensacola area that caters to your furry family members 40 pounds and under. We are conveniently located in the Old East Hill Historic District at 805 e Gadsden Street, 1 block south of Cervantes street. Owned, operated and supervised by the doctors at East Hill Animal Hospital, our primary goal is the health and happiness of our feline and canine guests. Therefore, each guest is given a complimentary wellness exam by one of our staff members to ensure that your pet is disease and parasite free. If any problems are noted, our doctors will be happy to attend to your guest's medical needs. If requested our guests will then be checked into one of our spacious suites that mimic your home environment. They will have plenty of room to stretch out and relax or play. We also offer traditional boarding as well as some dogs feel more comfortable in these spaces.

Your pet's day will begin with a 7a wake up walk followed by breakfast and tidying up of their suite. We feed Hills prescription diet ID to our guests for their optimum digestive health during their stay.

Playtime is offered next either inside or out followed by lunchtime snacks, and then another walk outside.

After a lunchtime rest another walk is given, followed by afternoon playtime before dinner.

After dinner the dogs are given 2 more walks before being tucked in for the evening.

All dogs are offered 5 leash free outings a day 365 days a year in one of 3 clean shaded and spacious exercise yards. We adhere to a strict schedule to ensure that all of your pet's needs are taken care of and any changes or problems will be noted by our staff and reported accordingly.

Doggy dare care is offered and enjoyed by many dogs that make lasting friends with other guests and with our staff members. This is a great way to help our puppy guests with socialization and potty training as well as helping our adolescent guests in preventing boredom and increasing exercise. Older guests enjoy the companionship at our doggy day care.

Our amazing staff gets to know your pet and assigns an appropriate playgroup for exercise and interaction during their visit. **Playtime is offered in doggy day care (video shows dogs playing outside) as well as to our overnight guests if requested.**

Our feline guests will enjoy a dog free zone with multi-level cat condos which provide viewing access to our feline play area. In this area the cats can climb, play or just sunbathe in the picture window.

Optional amenities are offered to all of our canine and feline guests such as extra walks and playtimes, cuddles, massages, and bathing and grooming that can add to your pet's experience at Pensacola Pet Resort Too. Our amazing pet resort staff has joined 22 experienced and very talented groomers. They treat each of their grooming clients with kindness, patience, and perfection and can accommodate dogs and cats of any size shape or breed Monday thru Friday. They offer traditional grooming as well as creative grooming for those special or just plain fun occasions. Give us a call at 438 dogs or 438-3467 or visit our website at pensacolapetresorttoo.com for more information.

ALL THE DETAILS

Our neighborhood has its own preservation zoning districts: OEHR-2 (residential) OEHC-1, OEHC-2, and OEHC-3.

Old East Hill preservation zoning districts are established to preserve the existing residential and commercial development pattern and distinctive architectural character of the structures within the district. The regulations are intended to preserve, through the restoration of existing buildings and construction of compatible new buildings, the scale of the existing structures and the diversity of original architectural styles.

Currently, only C-3 section B allows for outside kennels, runs, exercise areas for animals subject to regulations in section s 12-2-54.

Section 12-2-12

Review of Land Development Code OEHC-1 changes and proposed changes

2008 Section 12-2-10 (C) (4) original code

OEHC-2 allows for hospitals and clinics (except for animal hospitals and clinics)

2008 code amendment proposal to add:

“Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas” to the permitted uses allowed in the Old East Hill Commercial District (OEHC-1)

Background: at the time 805 E Gadsden Street was zoned OEHC-1. The regulations which govern development in OEH district allow hospitals and clinics in OEHC-2 District, with the specific exclusion of animal hospitals and clinics.

Pet shops with all uses inside the principal building were allowed in OEHC-1 in 2008.

2008 code change and Current Code for OEHC-1

Conditional uses permitted. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas

2018 proposed code change:

Animal hospitals, veterinary clinics, and pet resorts with fully enclosed kennels and no outside runs; outdoor exercise areas are permitted by right

2018 proposed code change modifications from Planning Board:

Outside exercise areas would be permitted as long as they are supervised and limited to 5 animals at one time. Conditional Use Permit requirements would be eliminated.

Current City Code Violation City Code 12-210(C)(4)(b)6&5(n)

(C) Old East Hill preservation zoning districts. OEHR-2, OEHC-1, OEHC-2 and OEHC-3

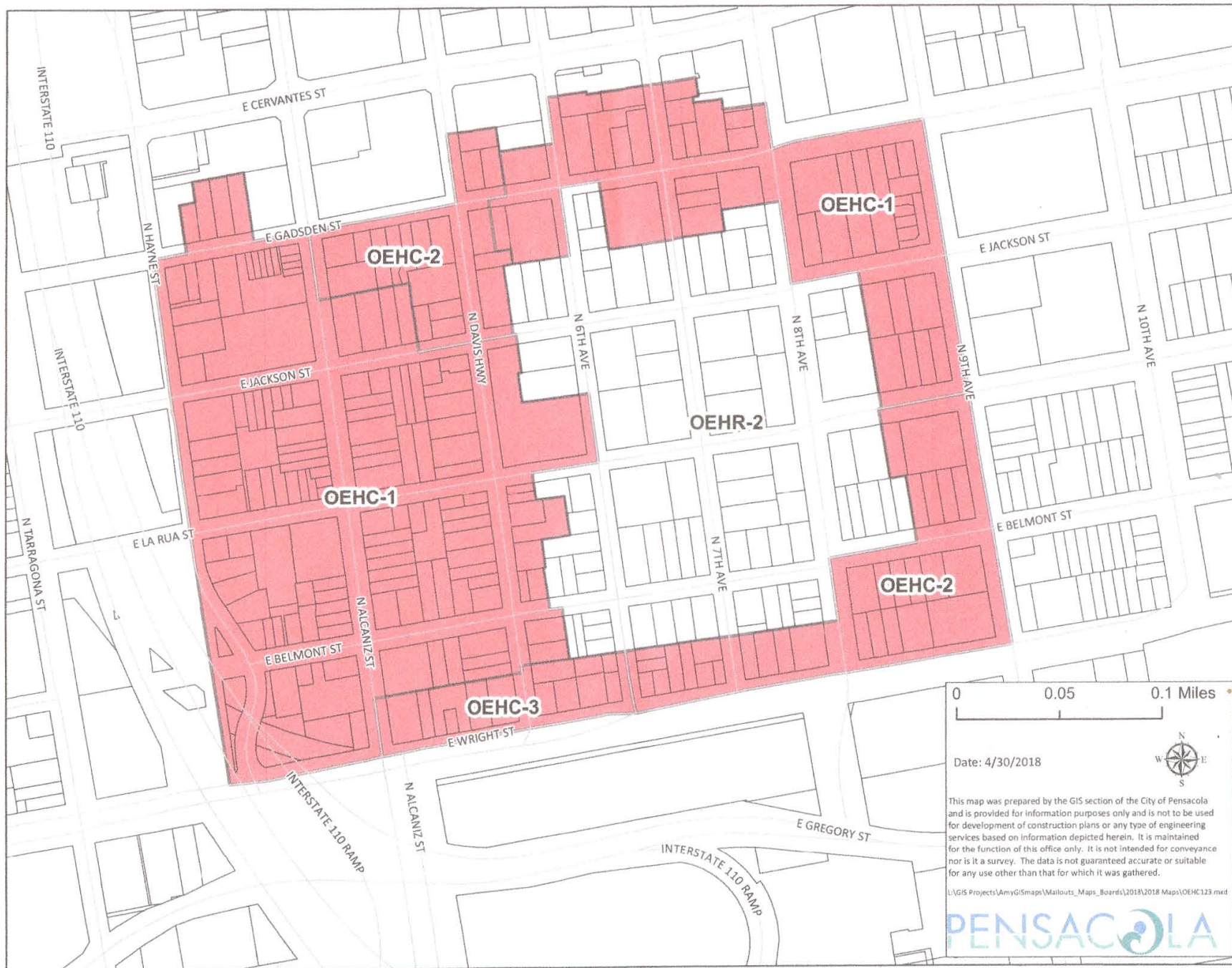
(4) Uses permitted.

(b) OEHC-1, neighborhood commercial district.

6. Conditional uses permitted. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.

5. The following uses, retail only, with no outside storage or work permitted, except as provided herein:

n. Pet shops with all uses inside the principal building.



May 2, 2018

To: Pensacola City Council

To: Amber Hoverson, President of Old East Hill Property Owners Association

Re: Proposed changes to operating guidelines of 805 East Gadsden Street.

As homeowners at 616 East Belmont street, we feel that future changes to the current operating guidelines as proposed at 805 East Gadsden would be a detriment in regulating future business opportunities within this historic district.

We purchased our dilapidated bungalow in 2013, a residence that had aesthetic code violations and liens with the full intent to restore it to its former 1900 glory. Five years and many months of hard work later; our former drug infested residence is fully renovated. As residents we had to follow strict aesthetic and material use rules as written and made no attempts to revise the current guidelines to suit our needs; even though in many cases it would have been a big money saver. We knew the rules going in.

We made this commitment after evaluating the neighborhood and future growth opportunities as we feel this part of Pensacola is the new 'Hot Spot'. This trend will only continue on this path as many new homes are being built and renovated following strict guidelines for use, materials and aesthetics already in place AND followed by all current and new residents and businesses coming in. Revisions to benefit one entity only will serve as a bad precedent for any future tenant of Old East Hill. Though we appreciate the value of the local business and it's aesthetic appeal within the district, no resident wants to deal with the noise/cleanliness issues associated with it's current business practices which are clearly a violation of it's operating codes; a code which was understood when this process began.

Please add our names to this list of NO revision to the current code.

Sincerely,

Mario Roberts

Jeff Elbert

My name is Lou Mitchell Courtney. My husband & I have lovingly and painstakingly invested time, sweat, and money into restoring our historic home over the past 20 years. We have helped to build trust and community with neighbors in our tiny neck of the woods, Old East Hill. How many of you desire to live next to this facility?

Dr. Hall was given special permission to open Pensacola Pet Resort Too under the analogy to it being a PET SHOP with all uses inside the principle building. In 2008 she requested an amendment to the LDC to allow a veterinary clinic in OEHC-1, whose regulations specifically excluded veterinary hospitals and clinics. Dr. Hall stated in that City Council meeting 'My vet will have completely enclosed areas for sick and surgical animals so there won't be a noise issue.' Dr. Hall operates a clinic, a hospital and grooming facility, and she operates a boarding facility with outdoor areas: it is an EXPENSIVE KENNEL, which is not permitted in our area. The business tax license for her other business (PPR) at 300 Gadsden describes it as a kennel. It is properly zoned for that there. The PPR Too business at 805 Gadsden is described as Pet services/grooming. WHAT IS THE BENEFIT TO THE COMMUNITY IN ALLOWING A **C-3** business to operate in a **C-1** area?

A Conditional Use permit is an added layer of protection that allows for problems to be addressed: we are here today because there IS a problem. On their original permit application it clearly stated there would be '**no outdoor runs or exercise areas**'. Their website states they take the dogs out '5 times a day' . They do this 365 days a year, in 1 of their 3 outdoor runs. I remember from our neighborhood meeting in 2008 Dr. Hall said that the boarding of animals would be at the 300 Gadsden location and grooming and veterinary services would be at the 805 location . Was she boarding dogs at PPR Too to begin with or did the demand for boarding outgrow her space at 300 Gadsden? She should be retroactively fined for the length of time she has been in violation. Recently, when asked to share the current number of dogs there on an average Spring weekday, Dr. Hall responded: 25 during weekdays, 45 on weekends. If the dogs go out 5 (or more) times a day for 20 minutes at a time, then 45 dogs are each outside longer than an hour and a half each day. The barking is noticeably louder in summer months through December, when people vacation.

If the code is changed from Conditional to Right of Use, that means they can expand into our area even further without notifying residents or getting their input and that decision is IRREVERSIBLE. She has intentions to expand. **This will affect our property values adversely.** It would intensify incompatible uses which will result in a nuisance lawsuit and a lot of bad PR. The City can't control any aspect of the operation of her business so they can't protect residents from bad practices. There can be 200 barking dogs there and neighbors cannot complain, except under the city noise ordinance which is vague and ineffective. Nearly half of Old East Hill is zoned HC-1 which means new dog boarding facilities could open up throughout the neighborhood without input from residents.

Let me point out that 3 supporting letters are from adjacent property owners who do not live in their house and 2 have been unoccupied for at least 3 years and the other one burned 1.5 years ago after having housed people with bad drug problems. These people stand to potentially benefit financially (because they are adjacent) if or when Dr. Hall buys their property to expand her business.

City Code was created to protect the majority of the citizens, not for the financial interest of one. We are a small, historic preservation neighborhood with 300 homes. Our quality of life is diminished by this business. There are always **unintended, negative, consequences after a code change even 8, 9, 10 years later.**

I am opposed to this requested code change by the East Hill Veterinary Clinic and Pet Resort Too.

Lou Mitchell Courtney
523 N 8th avenue

May 6, 2018

City of Pensacola,
Council Members

Dear Council Members,

This letter is to show my concern on the proposed change of Land Development Code OEHC-1 in the Old East Hill Historic District.

I recently moved into this area from out of state and chose it because of its rich history, beauty and dedication to preserving the structures that make Old East Hill unique. Our community is going through some very positive changes due to the fact that caring people have been committing their time and money to various projects to keep it going in the right direction.

I feel that making the proposed change to allow animal hospitals, veterinary clinics, and pet resorts to have outdoor exercise areas "by right" is not going to help our residents, only the person (s) owning said type of business.

I do believe in entrepreneurialism and economic growth, but if a long standing code has to be changed in order for one business to operate, who is to say next week another business won't be asking for a code change so that they will gain from it.

I ask the council that they might think more about this change and not allow it to pass through, so that our area will not have problems in the future regarding other land use issues.

Sincerely,



Sally Rausa

Christian,

Thank you for this information.

I may not be at the meeting so here is my position.

I am strongly against changing OEHC-1, which equates to about half the neighborhood, to allow **animal hospitals, veterinary clinics, and pet resorts with fully enclosed kennels and no outside runs; outdoor exercise areas are permitted** by right. The placement of a new Animal Facility with an outside exercise area in a primarily residential area should not be allowable by right. This should be a conditional use and the neighbors should have say as it could affect their enjoyment of their own home.

I personally have no issue with Dr Halls current facility but I also don't live close to it.

It seems her specific issue is what should be addressed, not code for an entire area (OEHC-1). And her issue should be addressed with input from her neighbors near by who are potentially affected by this. (Maybe they have no issue with the facility as it is and could work with her and the city to come up with a variance. I don't know)

Sincerely,

Mark Casson

Morning Amber.

Thank you for the info packet. I am opposed to letting Dr. Hall institute the change to existing code. I have various reasons but most importantly is the fact that **I feel one person should not be allowed to dismantle the rules/regulations** myself and neighbors have had to adhere to for many many years.

I've personally saved several homes from being torn down in our area and still own 2 properties in the affected area. I've had to bear the expense of doing renovations according to the existing law and feel that we as a community should not allow the change due to what appears to be economic reasons. While it's very nice that Dr. Hall is successful: **other businesses in the same position are forced to move to areas that can accommodate them.** I've been in the neighborhood for 43 years and have seen many positive changes; I truly feel this is a request to accommodate one individual and in doing so it would adversely affect not only our neighborhood but All of Pensacola with this zoning.

Thank you. Beverly Elliott

To Amber Hoverson (Pres. of OEHPOA),
Brandi Deese (City of Pensacola),
Planning Board Members,
& City Council Members,

My name is Susan Agnew, resident with my husband and two children, who have lived in our home at 810 East La Rua Street for the past 20 years. This neighborhood has changed for the better while I have resided here and raised my two children. The community is quaint, friendly, giving and open to changes that enhance the community, while also growing with businesses moving into the area and mostly working to be a part of this community.

I am concerned that the code enforcement violation by East Hill Animal Hospital/Pensacola Pet Resort Too, at 805 E Gadsden, is being handled in the wrong manner for the betterment of our neighborhood, now and moving forward, and for all the Neighbors living here. Our neighborhood association has met and overwhelmingly voted to not change present code 12-2-10 in April 2018 at our association meeting.

There was a violation to the present code 12-2-10; there is a proposal to have the code changed by the person/business that violated it. *This is like letting the Fox who broke into the Hen House getting to design the new Hen House and all security around it. I do not believe it is correct to change the present code to circumvent the code violation that has taken place on February 6, 2018 by East Hill Animal Hospital /Pensacola Pet Resort Too.* **I am AGAINST** the code change presented by East Hill Animal Hospital/Pensacola Pet Resort Too. The code should stay as is, and the CONDITIONAL USE PERMIT with FULLY ENCLOSED KENNELS and NO OUTSIDE RUNS or EXERCISE AREAS should stay enforced.

Thank you for allowing my voice to be heard and for handling this in a timely manner.

Susan C. Agnew

810 East La Rua St.
Pensacola, FL 32501
susandanagnew@cox.net
850.470.9014
850.572.1721

Barbara D'Amico
Shaib AlAgily
307 East Gadsden
Pensacola, Florida 32501

To: Amber Hoverson
OEHPOA President

Dear Ms. Hoverson:

We write to voice our agreement with the position of OEHPOA; we do not support the code change.

As we live on the corner of Haynes and Gadsden, we struggle in particular in our area to maintain a residential environment. We do not wish to encourage more businesses and or their expansion in our neighborhood. My husband and I strongly believe that any change in the code would allow other businesses as well to ask for expansion of their businesses. In particular we question why we are allowing this change for one business that has requested a change that will have an impact for all who live in residential areas in our city.

We believe Pensacola like so many other cities struggles with housing for all. We lack in particular in Pensacola affordable housing. Our small corner of old historical East Hill has a larger population of minorities. We wish to keep our neighborhood diverse and affordable; we do not wish to see businesses expand and push affordable housing out simply because those companies have the financial means and political power to expand and push agendas that serve only those businesses.

I strongly urge the City Council not to grant a single taxpayer an exception that will have long-term consequences for all residents of our city not just historical old East Hill.

Thank you,

Barbara D'Amico mobile: 972 897 7951

Shaib Agily mobile: 972 533 6252

Danny Agnew
810 East La Rua St
Pensacola, FL. 32501
susandanagnew@cox.net
850.470.9014 or 850.572.1299

To Whom It May Concern:

As a resident on the OEHPOA community, I would like to state my opinion on the proposed change in code of 12-2-10 by East Hill Animal Hospital/Pensacola Pet Resort Too.

My understanding is the code was violated in February of 2018. There is a proposed change of the code in order to circumvent the enforcement of the violation. I **oppose** changing the present code. The business should be required to adhere to the code that was written and approved in 2008 that allowed it to enter the neighborhood originally.

The code, as currently written, was put in place to protect the neighborhood, and prevent **this** business from overreaching, or impacting the neighborhood environment negatively. The proposed code, from East Hill Animal Hospital/ Pensacola Pet Resort, puts that in jeopardy and only seeks to weaken the protection that was sought originally.

Sincerely,

Danny Agnew

I currently reside in the neighborhood that places me across the street from East Hill Animal Hospital. I am writing to voice my obvious objections to Ms. Hall's proposed changes to the land development code for a neighborhood in which she chose to place a business.

Ms. Hall has been in violation of the code for quite some time now. She has a transparent uncaring regard for the people who have property, children, investments, and long-term regard for the neighborhood. I have been subjected to hour after hour of 8-10 dogs barking in an enclosure behind her business, IN VIOLATION OF THE CODE. Countless times, I have witnessed her clientele using our neighborhood as a repository for their dogs' feces, IN VIOLATION OF THE LAW. Nearly every day of the week, she and her employees use the City's grass easement (between the sidewalk and 8th Avenue) as a parking lot, IN VIOLATION OF THE LAW.

I remember distinctly when Ms. Hall showed up years ago with a lot of promises and assurances. In truth, she has been a very poor neighbor, and this beautiful piece of historic Pensacola is dirtier, louder, trashier, and more congested for Ms. Hall having been here. We take care of this place because it is our home. Clearly, she takes no responsibility.

The Code was not written for or against our current business owners in the area, so there is no compelling reason to amend it for Ms. Hall. She knew what the Code said when she located here, and she chose to violate it over and over again. Now she wants the Planning Board, whom she has pointedly ignored, to change the Code solely for her benefit? For her to even make this request, after what she has done to our street, is obscene.

I would prefer Ms. Hall pack up her business and move it to a location in which the Land Development Code suits her goals. Otherwise, I fully expect the City of Pensacola to reject this request, and then get serious about enforcing the existing regulations to bring this business into compliance.

Sincerely,
Dr. Stacey Rimmerman

My name is Michael Courtney and I live a block from this business. We have poured time, sweat and money into our home in Old East Hill for over 20 years. Our home is our investment in preserving the past, maintaining the present, and insuring for the future. That is in jeopardy: we stopped recent plans for renovations until we see what the City decides on this issue. Will it protect the people's rights and their property values by enforcing the existing code or will it side with this C-3 business that is located in a C-1 zone? How many of you would choose to live next door to this business? Dr. Hall said she is planning to buy adjacent properties. Behind her there are 2 run down contributing houses on 3 lots which will give her the ability to board 3 times as many dogs. Right now residents have concerns about contaminated storm water runoff. Is each poo picked up diligently right after they go? How much salt accumulates into the soil and groundwater every time a dog marks their territory or urinates? She says on an average Spring weekend she houses 45 dogs. An average dog produces 3/4 pounds of poop a day. That's 33.6 pounds a day and that's a lot of poop. How many dogs board during summer and the fall holidays? Buying those lots would allow 135 dogs to board on an average Spring weekend.

In 2008 Laura Hall petitioned the city to open her business here, even though our clearly established historic preservation guidelines did not allow that type of business and there was opposition from residents and concerns about parking and excessive barking. In the November 2008 City Council meeting Dr. Hall and Sherri Morris promised there would be no outdoor exercise areas. Despite the code at the time and concern of residents, City Council disregarded both and granted her a conditional use permit with the restriction that there be no outdoor exercise areas. She agreed to these restrictions then she broke them. Now, 10 years later and concerns have grown into problems. In addition to being a clinic and a hospital, it is a fancy kennel (a place where people leave their dogs while they are away) with 3 outdoor areas. Now this business wants to expand without conditions or restraint, by trying to change the code, and the conditional permit to a right of use permit. What other OEHC-3 businesses could sneak in to our C-1 & C-2 areas under this code change?

2 properties adjacent to this business have been unoccupied over 3 years & are not well kept. Another one burned 1.5 years ago & is sitting there. Several other nearby properties have a hard time keeping renters-perhaps this business is contributing to the beginning of urban blight. Other areas of our small neighborhood are thriving.

The city should take pride in and protect their few historic preservation districts by adhering to the regulations already in place, not changing to a code that will adversely affect much of Pensacola for the financial benefit of one individual.

Michael Courtney
523 N 8th avenue

Brandi Deese

From: theresa finkbeiner <coyotemoonherbcompany@cox.net>
Sent: Sunday, April 08, 2018 7:19 PM
To: Brandi Deese
Subject: 805 E. Gadsden St code ordinance

Dear Ms. Deese,

i became aware of an ordinance that Laura Hall wants to remove from the Code at 805 East Gadsden St.

This is not a good move. As a Licensed Massage Therapist and renter at Innerpeace 815 E. Gadsden,

the dog barking noise will be unavoidable. I give massage throughout the day along with 3 other therapists

and we are not happy to hear of a dog run and kennels outside. This is a residential area too and the noise can be unnerving.

I hope you will consider the people on the whole block on Gadsden St and around the corner.

No one wants to listen to dogs barking all day and night. Please do not remove the code ordinance for this area.

When she bought here, she knew the deal and has broken the code already. Can you please put an end to it right now!!

Thank you for your consideration, I am not able to attend the meeting on this topic .

Theresa Finkbeiner 437 9192

My address is 603 N. 8th Avenue. This puts me across from East Hill Animal Hospital on the same block. I am writing to voice my strenuous objections to Ms. Hall's proposed changes to the land development code for a neighborhood in which she chose to place a business, with full knowledge of what the limitations to that business would be.

Ms. Hall has been in violation of the code for quite some time now. Her casual disregard for the people who have property, children, investments, and long-term regard for the neighborhood is obscene. I have been subjected to hour after hour of 8-10 dogs barking in an enclosure behind her business, IN VIOLATION OF THE CODE. Countless times, I have witnessed her clientele using our neighborhood as a repository for their dogs' feces, IN VIOLATION OF THE LAW. Nearly every day of the week, she and her employees use the City's grass easement (between the sidewalk and 8th Avenue) as a parking lot, IN VIOLATION OF THE LAW.

I remember distinctly when Ms. Hall showed up years ago with a lot of promises and assurances. In truth, she has been a very poor neighbor, and this beautiful piece of historic Pensacola is dirtier, louder, trashier, and more congested for Ms. Hall having been here. We take care of this place because it is our home. Clearly she does not feel the same responsibility.

The Code was not written for or against Ms. Hall, so there is no compelling reason to amend it for Ms. Hall. She knew what the Code said when she located here, and she chose to violate it over and over and over. Now she wants the Planning Board, whom she has pointedly ignored, to change the Code solely for her benefit? For her to even make this request, after what she has done to our street, is outrageous.

I would prefer Ms. Hall pack up her business and move it to a location in which the Land Development Code suits her goals. Otherwise, I fully expect the City of Pensacola to reject this ridiculous request, and then get serious about enforcing the existing regulations to bring this business into compliance. Thank you.

Sincerely, Charles Voltz

What are the ramifications for the whole neighborhood in the future? When Dr. Hall petitioned to get a zoning change so she could open the clinic I saw it as continued encroachment by businesses such that in the future they could be right next door. That might be far away but the encroachment process itself might cause grief, little by little.

I am against the code change because I see it as an intrusion of business establishments into a historical Pensacola neighborhood. Old East Hill is not very large, and businesses already border much of the area—all along Cervantes Street, Ninth Avenue, and Wright Street (were these businesses grandfathered in?). Our quiet little neighborhood is inexorably being squeezed closer together. I'll sign the petition against code change.

Cheers,

Jerry Gill

Amber,

It looks like Dr. Hall is going to get her way, no matter what the residents of Old East Hill want. What about talking to the owners of Maria's seafood.....They might get involved if they knew that dogs would be barking during their lunch and dinner service, once they open the new restaurant.

My personal complaint is that OEH is being encroached upon and is getting smaller and smaller as a residential area. So sad.

Diana

To the Planning and Zoning Board April 10, 2018

My name is Amber Hoverson and I live at 706 E Jackson Street in Old East Hill preservation district. I am writing in regards to the amendment to the Historic and Preservation Land Use District, Section 12-2-10 that is being proposed

Here are my concerns about the current proposal to amend section 12-2-10 further:

1. I don't think that any codes should be changed for an individual business. Codes are written for a reason and changing them should benefit the entire neighborhood, not just an individual/business. Also, if changing a code is easy to do current codes lose their authority and people are less likely to comply with them to begin with. This equates to more code violations in general and people doing what they want because they can.
2. We are a mixed use neighborhood so there is commercial zoning throughout the area. The proposed change could hypothetically allow for a veterinary clinic or animal hospital with dogs barking throughout the day to open anywhere within the neighborhood with commercial zoning. Which means hypothetically we could have barking dogs scattered around our entire neighborhood instead of concentrated in one area. Noise pollution lowers home values and quality of life.
3. As someone who has had to go to the ARB several times to get approval for our own home's renovations I can speak to strict guidelines that are in place. The majority of structures in our neighborhood are people's homes. It seems grossly unfair to me that homeowners are held to such strict standards for the exterior renovation of our homes but a business (someone who makes money here) can violate a code (which is a law and not merely a guideline as in the case of the ARB), have a year to come into compliance with the code, and has the option of changing the code so that the business can continue to do what it has always done. Also consider that homeowner's guidelines set in place by the ARB only influence what we see. The proposed code change affects what we hear. A person can make a choice to ignore something they find ugly in the neighborhood, but noise pollution cannot simply be ignored, even from the interior of a home.

I congratulate East Hill Veterinary Clinic and Pet Resort Too on its business success; however, there is a time and place for everything. The place for the part of this business that includes outdoor runs or exercise areas is not Old East Hill. This is a place that is primarily made up of charming old houses and a scattering of small businesses that are either unobtrusive or adding to the charm. We live in a very special place and it is exciting to see the growth that our community has experienced. Allowing a business to change the code to suit its needs does not set us up for success. The needs of the community need to be put before anything. We will survive without a pet resort in the neighborhood but we will not survive if we are known as the noisy neighborhood with the barking dogs because we are the only C1 zoning area that allows for C3 noise.

Sincerely,

Amber Hoverson

Re: Businesses at 805 E. Gadsden ST presently
in Violation of City Code 12-2-10(c)(4)(b) 6.5(n)

As owners of a residence and business in the 800 blk
of E. Jackson St. we are directly impacted + we are
profusely Opposed to the current request for code
change requested by East Hill Pet Resort and
Pensacola Pet Resort too.

- (a) It benefits only them;
- (b) It will ADVERSELY impact not only our property
values, but the values of homes within a two to
Three block area. We can't even sit on a deck or
enjoy our back yards without incessant barking
interrupting conversations;
- (c) The business has allowed for no on-site parking
to sustain employees nor customers, As the rest
of commercial businesses have had to do;
- (d) Most importantly the proposed code change would
allow the requesting businesses to continue
as before without adhering to Notice of Violation
and allow New Businesses to open with no
regard for the right to a peaceful + quiet
home environment and input by those whom
it diversely effects or might potentially impact

We are in total and complete support of the
Petition Submitted by Amber Hoverson on behalf
of Homeowners in old East Hill Preservation District

*

Residence: 820 E. Jackson
(2 backyards away
from open dog runs)

Business: Jackson Hill Antiques
819 E. Jackson

Maria Hanell (MARIA HANELL)
Patricia McGrath (Patricia McGrath)
Joint Owners 820 E. Jackson ST
819 E. Jackson ST

Brandi Deese

From: president@historicnorthhill.com
Sent: Friday, March 30, 2018 10:24 PM
To: Brandi Deese
Cc: christianwagley@gmail.com; nicholsmelanie2@gmail.com
Subject: Planning Board Item - Request to consider Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District
Attachments: City_Council_Minutes_November_20_2008.pdf; Section_12_2_54_Animal_Hospitals_businesses_that_board_animals.docx; Section_12_2_32_Buffer_Yards.docx; Section_12_2_8_Commercial_Land_Use_District.docx

Brandi,

I hope this finds you doing well.

Our Board saw on the agenda that an amendment to the Historic & Preservation Land Use District, Section 12-2-10 was being proposed and reviewed the application and past history on the change in great detail.

It appears that the applicant has changed the wording of what is currently in Section 12-2-10 in their request, (added two words for a new land use not previously approved, or defined in the Land Development Code, "Pet Resort", and deleted the word "or". That one word "or" changes it from the current reading of "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs OR exercise areas" to now adding Pet Resorts AND exercise areas as an allowed Conditional Use..

I think that it would be very helpful if the Public and the Board:

have a copy of what the existing Section 12-2-10 says on the subject, the background for the change in 2008, and where such a use that is being requested is currently allowed in the rest of the City (C-3 Zoning District) and that perhaps more clarification could be added to the Staff Memorandum. As it is now, the Board and Public don't know that the applicant is trying to put a C-3 type use in a C-1 Zoning District. This is a MAJOR change in the 12-2-10.

Here is the section of OEHC-1 from Section 12-2-10

(b) OEHC-1, neighborhood commercial district.

1. Any use permitted in the OEHR-2 district.
2. Child care facilities subject to regulations in section 12-2-58.
3. Nursing homes, rest homes, convalescent homes.
4. Parking lots.
5. The following uses, retail only, with no outside storage or work permitted, except as provided herein:
 - a. Food and drugstore.
 - b. Personal service shops.
 - c. Clothing and fabric stores.
 - d. Home furnishing, hardware and appliance stores.
 - e. Craft and specialty shops.
 - f. Banks.
 - g. Bakeries.
 - h. Secondhand stores.
 - i. Floral shops.

j. Martial arts studios.

k. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this paragraph, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed twenty (20) percent of the total area of the main building.

l. Restaurants.

m. Mortuary and funeral parlors.

n. Pet shops with all uses inside the principal building.

o. Printing firms.

p. Business schools.

q. Upholstery shops.

{6. Conditional uses permitted. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.}

This is the exact same language that is in the Municipal Code for the same use in C-1 districts throughout the City. Our Board does not have an issue if the applicant makes this a permitted versus conditional use, however, we take issue to the addition of "Pet Resort" (not in the LDC and the removal of the word or which would allow outside exercise areas.

Previous to November 2008, Animal hospitals and veterinary clinics were NOT allowed in the OEH Zoning Districts. This same applicant, Dr.

Hall, petitioned to have them added in 2008 and was approved on the condition that there would be no outside runs or exercise areas.

It was very controversial and there was much concern about noise to adjacent residential property owners and Dr. Hall is on record saying that there would be no outside exercise areas. Sherry Morris is on record throughout the Council Hearing insisting that there would not be any outside runs or exercise areas. I have attached the minutes from the City Council meeting from November 17, 2008 which voted to approve the conditional use of animal hospitals and veterinary clinics with no outside runs or exercise areas. The minutes also contain numerous concerns by adjacent property owners.

Many of the residents concerns have materialized according to the Code Enforcement Complaint and Violation. I think that the Board and the Public should have a copy of the minutes from that CEB Meeting since it's referenced in your memorandum.

Has notice been mailed to the adjacent property owners about this new proposal before the Planning Board?

I would recommend that the Planning Board look in the Municipal Code to see where the facility the applicant would like to run would be allowed to occur. It is only allowed to occur in the C-3 Zoning District which is by no means comparable to the OEHC-1 District where this change would be made.

Dr. Hall is currently operating a Pet Resort with outside exercise areas that meets with the City's Municipal Code in the C-3 Zoning District near Hayne Street. (Not within the boundaries of Old East Hill governed by the ARB). The applicant's request to bring C-3 uses within the Preservation District is not compatible.

C-3, commercial zoning district (wholesale and limited industry)

(a) Any use permitted in the C-2 district. (Animal Hospitals and Vet Clinics with NO outside kennels, runs, or exercise allowed in C-2) but you can't have outside exercise areas until section (b) below in C-3

Outside storage and work shall be permitted for those uses and the following uses, but shall be screened by an opaque fence or wall at least eight (8) feet high at installation. Vegetation shall also be used as a screen and shall provide seventy-five (75) percent opacity.

The vegetative screen shall be located on the exterior of the required fence.

(b) Outside kennels, runs or exercise areas for animals subject to regulations in section 12-2-54

Section 12-2-54 is titled, Animal Hospitals, veterinary clinics, commercial kennels and businesses that board animals and contains minimum setbacks of 100 feet to a residence and must contain a buffer yard as described in Section 12-2-32 Buffer Yard.

There is no survey or diagram of the site in the application to see how close the clinic and outside exercise area would be to adjacent properties.

As you will see from the attached minutes and Memorandum from Thaddeus Cohen, Community Development Director and also signed by Sherry Morris, Planning Services Administrator, "The majority of those who responded were opposed to the proposed request" in 2008.

Now, additional changes are being proposed which will intensify the use on this property and the noise which could impair the quiet enjoyment of adjacent properties.

The North Hill Preservation Association Inc. does NOT support this change to the Historic and Preservation Land Use District. We strongly feel that such a change would negatively impact the families who make Old East Hill their home and who like us, have very small lots which are close together. Furthermore, such a change establishes a legal precedent which could be used to add this use to all the other Districts governed by Section 12-2-10.

In closing, the words of Robyn Tice to the City Council in November 2008 say it best, "Codes aren't written for one individual's benefit, they are to be to the benefit of the citizens/neighborhood as a whole".

Thank you for your consideration,

Melanie Nichols, President
North Hill Preservation Association, Inc.



Betty Wilson

5 hours ago

REASON FOR SIGNING

Zoning is tricky and should not be changed to help one business or individual.



Share Tweet



simone sandifer

6 hours ago

REASON FOR SIGNING

Although I support local business I do agree once zoning changes one way it's hard to stop and go back



Share Tweet



Michael Courtney

4 hours ago

IMPOSSIBLE to go back.



Cameron Northup

21 hours ago

REASON FOR SIGNING

I want to support east hill and I live in new east hill





Kari Traud

22 hours ago ago

REASON FOR SIGNING

This type of zoning should not be allowed in old historic neighborhoods due to houses being close together. Please do not rezone this area! Or any old neighborhood as its not fair to the residents! Thank you!



Share Tweet



Bianca Villegas

23 hours ago ago

REASON FOR SIGNING

I'm a resident of North Hill and believe that these sorts of businesses should exist in the north of Pensacola where there is land to accommodate for their needs. Noise ordinance alone should not allow this type of business to exist within our neighborhoods in this part of Pensacola.



Share Tweet



Teresa Hill

24 hours ago ago

REASON FOR SIGNING

I love old east hill. We are counting on you, our leaders, to ensure that preserving diversity and character is your top priority for our downtown core. Vote no on this zoning change, as it will open up the wrong kind of development for this historic neighborhood. #keeppensacolaunique



Share Tweet

Robyn Tice

From: Brandi Deese
Sent: Monday, May 7, 2018 9:53 AM
To: Don Kraher
Cc: Robyn Tice; Ericka Burnett; Sherry Morris
Subject: FW: Code change proposal 12-2-10 for EOHCO 2018
Attachments: Danny Agnew OEHCO Letter.doc; Susan AGnew OEHEO Letter.doc

Please see attached letters of opposition for the LDC Amendment to Section 12-2-10 proposed by Dr. Laura Hall. Thanks.

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: susandanagnew@cox.net [mailto:susandanagnew@cox.net]
Sent: Monday, May 07, 2018 9:41 AM
To: susandanagnew@cox.net
Subject: Code change proposal 12-2-10 for EOHCO 2018

I have attached letters for the meeting that is pertaining to the proposed code changes for Old East Hill Community for 2018.

Thank you for allowing our voices to be heard.

~Susan and Danny Agnew



FREE Animations for your email

Click Here!

To Amber Hoverson (Pres. of OEHCO),
Brandi Deese (City of Pensacola),
Planning Board Members,
& City Council Members,

My name is Susan Agnew, resident with my husband and two children, who have lived in our home at 810 East La Rua Street for the past 20 years as of this October. This neighborhood has changed for the better while I have resided here and raised my two children. The community is quant, friendly, giving and open to changes that enhance the community, while also growing with businesses moving into the area and mostly working to be a part of this community.

I am concerned that the code enforcement violation by East Hill Animal Hospital/Pensacola Pet Resort Too, at 805 E Gadsden, is being handled in the wrong manner for the betterment of our neighborhood, now and moving forward, and for all the Neighbors living here. Our neighborhood association has met and overwhelmingly voted to not change present code 12-2-10 in April 2018 at our association meeting.

There was a violation to the present code 12-2-10; there is a proposal to have the code changed by the person/business that violated it. *This is like letting the Fox who broke into the Hen House getting to design the new Hen House and all security around it. I do not believe it is correct to change the present code to circumvent the code violation that has taken place on February 6, 2018 by East Hill Animal Hospital /Pensacola Pet Resort Too. I am AGAINST* the code change presented by East Hill Animal Hospital/Pensacola Pet Resort Too. The code should stay as is, and the CONDITIONAL USE PERMIT with FULLY ENCLOSED KENNELS and NO OUTSIDE RUNS or EXERCISE AREAS should stay enforced.

Thank you for allowing my voice to be heard and for handling this in a timely manner.

Susan C. Agnew

810 East La Rua St.
Pensacola, FL 32501
susandanagnew@cox.net
850.470.9014
850.572.1721

Danny Agnew
810 East La Rua St
Pensacola, FL. 32501
susandanagnew@cox.net
850.470.9014 or 850.572.1299

To Whom It May Concern:

As a resident on the OEHCO community, I would like to state my opinion on the proposed change in code of 12-2-10 by East Hill Animal Hospital/Pensacola Pet Resort Too.

My understanding is the code was violated in February of 2018. There is a proposed change of the code in order to circumvent the enforcement of the violation. I **oppose** changing the present code. The business should be required to adhere to the code that was written and approved in 2008 that allowed it to enter the neighborhood originally.

The code, as currently written, was put in place to protect the neighborhood, and prevent **this** business from overreaching, or impacting the neighborhood environment negatively. The proposed code, from East Hill Animal Hospital/ Pensacola Pet Resort, puts that in jeopardy and only seeks to weaken the protection that was sought originally.

Sincerely,

Ericka Burnett

From: Brandi Deese
Sent: Monday, June 11, 2018 11:20 AM
To: Robyn Tice; Ericka Burnett
Cc: Don Kraher; Sherry Morris
Subject: FW: OEH updated information for City Council Meeting
Attachments: All Letters.pdf; OEH petition signatures.pdf; change-org comments and signatures.pdf; EMead re OEHC-1 zoning.pdf

Please find attached information from Old East Hill Property Owners' Association in regards to Dr. Laura Hall's request for an LDC Amendment. Thanks.

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: Amber Hoverson [mailto:amber.hoverson@oldeasthill.com]
Sent: Monday, June 11, 2018 10:56 AM
To: Brandi Deese ; Leslie Statler
Subject: OEH updated information for City Council Meeting

Good Morning ladies!

Attached is additional information pertaining to the OEH proposed code change. You should have:

- *Additional letters plus the original letters written. There are 21 letters total from 25 people. 13 of these people are business owners that either operate in or outside of OEH, and 3 are members of OEHPOA Board.
- *112 Petition signatures (82 addresses) from people who own property, live, work, or own a business in our neighborhood (the exception is Melanie Nichols who I've included since she is the President of another Historical Preservation District).
- *19 comments and 267 Petition signatures from the Change.org petition
- *A letter from the lawyer representing us

I'm working on another document right now and will send out as soon as I have it completed. Thank you for all that you do.

-- Sincerely,

Amber Hoverson
OEHPOA President
[Like us on Facebook!](#)
oldeasthill.com

Re: Rejection of Zoning Amendment in OEHC-1

Dear City Council Members,

Please vote “No” on proposed Land Development Code Amendment 12-2-10.

I have owned my house in Old East Hill since 1990 and was an original member of the founding Old East Hill Property Owners Association (OEHPOA). I have maintained involvement in Old East Hill and am currently the Vice President of the Board (since 2015). I have continued my involvement in Old East Hill because I believe in this organization and the role it plays in ensuring our district remains protected from those who may threaten the integrity of our neighborhood.

The reasons I believe this code change would be damaging to our neighborhood are:

1. The code change is not for the good of the whole neighborhood. It benefits only one person/business.
2. There has been no claim of hardship by the businesses to justify changing the code. This business was found in violation of a code and instead of coming into compliance it is seeking to change the code.
3. Old East Hill Property Owners Association has held three meetings featuring this topic and 90% of attending residents are against this change. The neighborhood's wishes must be taken into consideration for a code change that affects the entire district.
4. Dr. Hall has stated repetitively at our meetings that she “needs to expand”. Without the protection of the Conditional Use this expansion could go unchecked throughout our business.
5. If the code change is approved our neighborhood will be the only place in the City that allows for outdoor exercise areas. Our 30 square blocks could easily be over-run with businesses that house animals thus deterring the diversity (in businesses and residents) which makes us unique.

Please reject the request to change the Code in Old East Hill.

Sincerely,
Stephen Hayes
OEHPOA Vice President

317 N. Davis Hwy

Pensacola, FL 32501

May 24, 2018

Pensacola City Council

Dear Council:

This letter is in support of no change in the code in Old East Hill that would allow outdoor areas for animals. We are a spa business that would suffer greatly if there were any excess noise.

Thank you for support.

Charlotte Field

Skin Couture



Amber Hoverson <amber.hoverson@oldeasthill.com>

Fw: Letter From Betty Hinote To Council

1 message

Betty Hinote <innerpeace815@prodigy.net>

Mon, May 28, 2018 at 6:44 PM

Reply-To: Betty Hinote <innerpeace815@prodigy.net>

To: "amber.hoverson@oldeasthill.com" <amber.hoverson@oldeasthill.com>

On Monday, May 28, 2018 6:41 PM, Betty Hinote <innerpeace815@prodigy.net> wrote:

Ms Myers,

I attended the city planning board meeting on April 10th at 2pm.

My office is at 815 E Gadsden St. We are 5 massage therapists and 1 Esthetician. We are concerned that if Dr Hill succeeds in changing the current code which she has violated fully knowing the limitations she promised to abide by, (for up to 10 yrs), what will she then do in disregard to the new limitations and residents surrounding her boarding facility? Dogs can bark continuously whether supervised or not. They are more disruptive than an occasional car noise in passing. I feel for her animals, but she chose our neighborhood for her business and she knew the agreed upon limitations that should stand. She is responsible for any noise and cleanup from the dogs whether they are inside or being walked. Being outside in groups encourages them to get excited and to be loud. The noise is louder and travels further outside bothering neighbors whether they have formally complained in the past or not. Changing the code would be a reward for her violations which is an injustice.

Thank you for your time,

Sincerely, Betty Bowlin-Hinote LMT

PENSACOLA CITY COUNCIL,

VITAL SIGNS MOVED INTO ITS CURRENT LOCATION IN 1984.

EVEN THOUGH CITY CODE ALLOWED BOTH OUTSIDE WORK AND OUTSIDE VEHICLE STORAGE AT THAT TIME ,CONCERN WAS EXPRESSED THAT VITAL SIGNS WOULD EXPAND TO HAVE BUCKET TRUCKS.THERE WAS A QUESTION HOW THIS EXPANSION WOULD IMPACT THE IMMEDIATE SURROUNDING RESIDENCES.

EVEN THOUGH IT WAS LEGALLY ALLOWED, VITAL SIGNS AGREED TO NOT EXPAND TO INCLUDE PARKING OF BUCKET TRUCKS. THIS WAS DONE SOLELY IN DEFERENCE TO THE IMPACT IT WOULD HAVE ON THE NEIGHBORHOOD AND AT THE EXPENSE OF VITAL SIGNS.

LATER VITAL SIGNS WAS INFORMED THAT THE CODE HAD CHANGED FOR THE AREA AND BECOME MORE RESTRICTIVE. OUTSIDE WORK OF ANY KIND WOULD NOT BE ALLOWED FOR ANY BUSINESS. VITAL SIGNS WAS HOWEVER “GRANDFATHERED IN.”

THIRTY-FOUR YEARS LATER VITAL SIGNS PARKS NO BUCKET TRUCKS OR LARGE TRAILERS ON THEIR PROPERTY. THE COMPANY IS SENSITIVE TO THE SURROUNDING NEIGHBORHOOD.

THANK YOU,
CHIP AND KARYN SPIRSON
OWNERS OF VITAL SIGN

Jerry Gill
604 E. La Rua Street
Pensacola, FL 32501

June 8, 2018

Amber Hoverson, President
Old East Hill Property Owners Association

Hello Amber,

I read in the PNJ that a Taco Bell might be built in East Hill on the corner of Cervantes Street and Twelfth Avenue — the location of a boarded-up Circle K. The site is small. I drove by and noticed that, toward the east, a couple of old houses were hunkered down in the green biomass. They would have to be removed to give Taco Bell enough space for the building itself, parking, and maybe a drive-thru. With just a little research, I found that the houses could be a hundred years old.

Okay, so that's East Hill, not Old East Hill, but it's an example of how residential houses are being replaced by businesses. In Old East Hill, Maria's Seafood Market acquired the old house between the market and Seventh Avenue, razed it, and the property is now becoming a parking lot to accommodate the market's expansion — as a restaurant — that's extending west along Cervantes. The restaurant will stop right across the street from a new, robust Circle K.

I'm writing to express my opinion that the city code in question should remain as is. I was against the original variance that allowed the veterinary clinic and pet care business to be located there, realizing that our old neighborhood is in danger of being replaced by more businesses. I'm not against business. I like business. We need businesses. But this small parcel is, after all, the Old East Hill Historic Preservation District.

A lot of the older houses near the center of the district aren't safe, either. We have a Bed and Breakfast. Say that a big corporation, like Taco Bell, wants your property. They work the politics. They offer big money.

Tempting.

Historic Pensacola, anyone? Up for sale.

Sincerely,

Jerry Gill

To the City Council of Pensacola:

Since the Old East Hill Preservation area is the smallest and the oldest in Pensacola, we, the residents feel it should be kept intact as far as possible, excluding businesses in the interior and allowed only on the periphery. We are asking that no codes allow interior business. We are subtly being encroached upon, leaving us open to the complete destruction of our small community.

Please consider that this is a cherished neighborhood, a very special place in the city, and should not be wiped out by greed.

**Diana Barnes
604 East La Rua Street
May 24, 2018**



Re: Businesses at 805 E. Gadsden St
Presently in violation of
City Code 12-2-10(c)(4)(b) 6 & 5(n.)

My residence is 820 E. Jackson St, in the same
block of Jackson as 805 E. Gadsden St, but my
house backs up to that block of Gadsden St.

I am in full support of the petition submitted
on behalf of residents of Old East Hill Preservation
District by our President, Amber Hoverson.

The NOISE LEVEL of outdoor barking dogs, a
number at one time, several times a day, disturbs
my entitlement to a peaceful morning and
evening and will affect my resale value.

When people buy in a historic district they are,
or should be, aware of rights and restrictions
imposed on ALL property owners, and especially
property use by businesses, and especially
blatantly doing what they please and
trying to change the City Code for their own
financial gain,

Thank You

Patricia S. McGloth
5-20-18

Re: Rejection of Zoning Amendment in OEHC-1

Dear City Council Members,

Please vote “No” on proposed Land Development Code Amendment 12-2-10.

My name is Michael Courtney and I live approximately a half block south of this business. You could say I’m within ‘barking’ distance. My wife and I bought our home 21 years ago. We have spent a lot of time and money restoring this 135 year old beauty- it was ready for demolition when we bought it.

Our neighborhood is small. Even though the center is residential and the outer perimeter commercial, there are approximately 162 homes in the commercial areas. Mingled among residences we have compatible businesses including, but not limited to, a hair salon, massage therapy, antique, bridal, and other specialty stores.

In 2008 Laura Hall requested the City change our zoning ordinances to allow her vet clinic and hospital to operate here. This request was granted even though our clearly established historical preservation guidelines did not allow for that type of business *in addition to* a majority opposition from residents.

The permit application says the businesses would not have outdoor runs or outdoor exercise areas or outdoor kennels. Council granted this business a Conditional Use permit under the condition there were no outdoor exercise areas, runs or kennels. This business has been in violation since at least 2013 by having (and actively advertising the fact that they have) outdoor areas for animals to play. This business has disregarded not only the residents’ concerns but City Council and City Code, despite specific guidelines.

I ask that these businesses be required to operate under the restrictions of their original permit while keeping this a Conditional Use.

There has already been a problem with barking dogs disturbing nearby neighbors and businesses.

In closing, I would like to reiterate that, because of the close proximity of residences to businesses, it is especially important to adhere to existing code to prevent incompatible use conflict.

Thank you,
Michael Courtney

Re: Rejection of Zoning Amendment in OEHC-1

Dear City Council Members,

Please vote “No” on proposed Land Development Code Amendment 12-2-10.

My name is Lou Mitchell Courtney. I am Secretary of the Board of Old East Hill Property Owners Association. My husband & I have invested time, sweat, and money restoring our historic home over the past 20 years. We have built trust and community with neighbors in our tiny neck of the woods, Old East Hill. How many of you desire to live next door to this facility?

Pensacola Pet Resort Too was originally permitted due to Pet Shop equivalence, which requires all uses to be inside the principle building. In 2008 the business requested an amendment to the LDC to allow a vet clinic and hospital in OEHC-1, whose regulations specifically excluded veterinary hospitals and clinics. Dr. Hall stated in the 2008 City Council meeting **‘My vet will have completely enclosed areas for sick and surgical animals so there won’t be a noise issue.’** Dr. Hall operates a clinic, a hospital and grooming facility and she operates AN EXPENSIVE KENNEL with outdoor areas for dogs to play.

A Conditional Use permit allows for problems to be addressed if they arise: we are here today because there *is* a problem. The original permit application clearly stated there would be *‘no outdoor runs or exercise areas’*. Since 2013 they have used dogs going outside as a major selling point in their web video. Their website says they take the dogs out “5 times a day, 365 days a year, in 1 of 3 outdoor runs”. At a neighborhood meeting in 2008 Dr. Hall said boarding would happen at the 300 Gadsden location, grooming and vet services at 805 E Gadsden. At an OEHPOA meeting this April she said that on average there are 25 dogs there during weekdays, 45 on weekends. If they go out 5 times a day for 20 minutes, then 45 dogs are each outside longer than an hour and a half each day. Barking is noticeably louder in summer through December, when people vacation.

Though over half of our district is zoned OEHC-1 & 2, there are mostly homes in these areas. We should respect our zoning guidelines, which serve to protect these residents and the compatible businesses already there.

If the Conditional Permit changes to Right of Use; this business can expand into our area further without notifying residents, the City cannot place limitations on the business, and the action is irreversible. Loss of Conditional Use would silence the voice of the people. Dog boarding facilities could open up throughout our neighborhood and other preservation districts in the city, without input from residents. There could be 200 barking dogs and neighbors could not complain, except under the city noise ordinance which is vague and ineffective.

Let me point out that 3 supporting letters are from adjacent property owners who stand to benefit financially if Dr. Hall buys their property to expand her business. Two have been unoccupied for at least 3 years, another burned November 2016.

City Code was created to protect the majority of citizens, not for the financial interest of one. We are a small, historic preservation neighborhood with 300 homes. Our quality of life and property values are diminished by this business.

Sincerely,
Lou Courtney
OEHPOA Secretary of the Board

To: City Council Members
Re: Old East Hill Code Proposed Change

In regards to the proposed code change to Old East Hill Preservation District (OEHC-1), I would like to state my vehement opposition to this change. Let me be clear:

This is an unnecessary and dangerous code change request that should be flatly DENIED.

Pensacola Pet Resort Too is requesting a change that **would make it wholly incompatible with a nearby residential district**, let alone a historic preservation district. Any business with outside animals should be required to have reasonable distance and vegetative boundaries, as well as tightly regulated environmental controls. While it is not known what environmental controls Ms. Hall has in place, **it would be impossible for her to maintain reasonable distance and vegetative controls given the close proximity to the neighborhood.**

Ms. Hall is seeking to expand the functions of her current Pet Resort business to include inappropriate uses near a residential area.

Ms. Hall was given license to operate *East Hill Animal Hospital* with a Conditional Use Permit with the clear understanding that there would be no outside kennels or exercise areas. In other words, **no animals outside**. Ms. Hall agreed to these terms in 2008 when the Conditional Use Permit was issued. *Pensacola Pet Resort Too* was allowed to operate under the pet store code caveat which states “all uses inside the principal building”.

Ms. Hall has claimed it is unreasonable to expect that animals would never go outside. In her 2008 speech to City Council, Ms. Hall clearly stated all activities would be indoors so that noise would not be a problem. If all activities could be contained indoors in 2008, why is it now necessary to have them outside? If Ms. Hall insists that outdoor exercise areas are needed for her pet resort, then her pet resort must find a more appropriate location.

Ms. Hall claims our problems lie with ambiguity within the current code regarding the phrase “outdoor exercise areas”. She insists it actually means “outdoor exercise areas where animals are unattended”. **This is nothing more than an attempt to redefine terms to suit one’s own interests.** Outdoor exercise areas means just that, exercise areas that are outdoors and allow noise propagation and possibly animal pollution into the surrounding areas. **A business with animals outside attended or not, does not belong in near a residential area.**

Please summarily deny this requested code change.

Regards,

Joshua Gleaton
706 East Jackson St

May 2, 2018

To: Pensacola City Council

To: Amber Hoverson, President of Old East Hill Property Owners Association

Re: Proposed changes to operating guidelines of 805 East Gadsden Street.

As homeowners at 616 East Belmont street, we feel that future changes to the current operating guidelines as proposed at 805 East Gadsden would be a detriment in regulating future business opportunities within this historic district.

We purchased our dilapidated bungalow in 2013, a residence that had aesthetic code violations and liens with the full intent to restore it to its former 1900 glory. Five years and many months of hard work later; our former drug infested residence is fully renovated. As residents we had to follow strict aesthetic and material use rules as written and made no attempts to revise the current guidelines to suit our needs; even though in many cases it would have been a big money saver. We knew the rules going in.

We made this commitment after evaluating the neighborhood and future growth opportunities as we feel this part of Pensacola is the new 'Hot Spot'. This trend will only continue on this path as many new homes are being built and renovated following strict guidelines for use, materials and aesthetics already in place AND followed by all current and new residents and businesses coming in. Revisions to benefit one entity only will serve as a bad precedent for any future tenant of Old East Hill. Though we appreciate the value of the local business and it's aesthetic appeal within the district, no resident wants to deal with the noise/cleanliness issues associated with it's current business practices which are clearly a violation of it's operating codes; a code which was understood when this process began.

Please add our names to this list of NO revision to the current code.

Sincerely,

Mario Roberts

Jeff Elbert

SALLY RAUSA

May 6, 2018

City of Pensacola,
Council Members

Dear Council Members,

This letter is to show my concern on the proposed change of Land Development Code OEHC-1 in the Old East Hill Historic District.

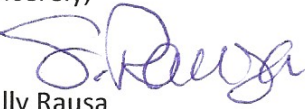
I recently moved into this area from out of state and chose it because of its rich history, beauty and dedication to preserving the structures that make Old East Hill unique. Our community is going through some very positive changes due to the fact that caring people have been committing their time and money to various projects to keep it going in the right direction.

I feel that making the proposed change to allow animal hospitals, veterinary clinics, and pet resorts to have outdoor exercise areas "by right" is not going to help our residents, only the person (s) owning said type of business.

I do believe in entrepreneurialism and economic growth, but if a long standing code has to be changed in order for one business to operate, who is to say next week another business won't be asking for a code change so that they will gain from it.

I ask the council that they might think more about this change and not allow it to pass through, so that our area will not have problems in the future regarding other land use issues.

Sincerely,



Sally Rausa

170506pensacitycouncil.doc

Christian,

Thank you for this information.

I may not be at the meeting so here is my position.

I am strongly against changing OEHC-1, which equates to about half the neighborhood, to allow **animal hospitals, veterinary clinics, and pet resorts with fully enclosed kennels and no outside runs; outdoor exercise areas are permitted** by right. The placement of a new Animal Facility with an outside exercise area in a primarily residential area should not be allowable by right. This should be a conditional use and the neighbors should have say as it could affect their enjoyment of their own home.

I personally have no issue with Dr Halls current facility but I also don't live close to it.

It seems her specific issue is what should be addressed, not code for an entire area (OEHC-1). And her issue should be addressed with input from her neighbors near by who are potentially affected by this. (Maybe they have no issue with the facility as it is and could work with her and the city to come up with a variance. I don't know)

Sincerely,

Mark Casson

Morning Amber.

Thank you for the info packet. I am opposed to letting Dr. Hall institute the change to existing code. I have various reasons but most importantly is the fact that **I feel one person should not be allowed to dismantle the rules/regulations** myself and neighbors have had to adhere to for many many years.

I've personally saved several homes from being torn down in our area and still own 2 properties in the affected area. I've had to bear the expense of doing renovations according to the existing law and feel that we as a community should not allow the change due to what appears to be economic reasons. While it's very nice that Dr. Hall is successful: **other businesses in the same position are forced to move to areas that can accommodate them.** I've been in the neighborhood for 43 years and have seen many positive changes; I truly feel this is a request to accommodate one individual and in doing so it would adversely affect not only our neighborhood but All of Pensacola with this zoning.

Thank you. Beverly Elliott

To Amber Hoverson (Pres. of OEHPOA),
Brandi Deese (City of Pensacola),
Planning Board Members,
& City Council Members,

My name is Susan Agnew, resident with my husband and two children, who have lived in our home at 810 East La Rua Street for the past 20 years. This neighborhood has changed for the better while I have resided here and raised my two children. The community is quaint, friendly, giving and open to changes that enhance the community, while also growing with businesses moving into the area and mostly working to be a part of this community.

I am concerned that the code enforcement violation by East Hill Animal Hospital/Pensacola Pet Resort Too, at 805 E Gadsden, is being handled in the wrong manner for the betterment of our neighborhood, now and moving forward, and for all the Neighbors living here. Our neighborhood association has met and overwhelmingly voted to not change present code 12-2-10 in April 2018 at our association meeting.

There was a violation to the present code 12-2-10; there is a proposal to have the code changed by the person/business that violated it. *This is like letting the Fox who broke into the Hen House getting to design the new Hen House and all security around it. I do not believe it is correct to change the present code to circumvent the code violation that has taken place on February 6, 2018 by East Hill Animal Hospital /Pensacola Pet Resort Too.* **I am AGAINST** the code change presented by East Hill Animal Hospital/Pensacola Pet Resort Too. The code should stay as is, and the CONDITIONAL USE PERMIT with FULLY ENCLOSED KENNELS and NO OUTSIDE RUNS or EXERCISE AREAS should stay enforced.

Thank you for allowing my voice to be heard and for handling this in a timely manner.

Susan C. Agnew

810 East La Rua St.
Pensacola, FL 32501
susandanagnew@cox.net
850.470.9014
850.572.1721

Barbara D'Amico
Shaib AlAgily
307 East Gadsden
Pensacola, Florida 32501

To: Amber Hoverson
OEHPOA President

Dear Ms. Hoverson:

We write to voice our agreement with the position of OEHPOA; we do not support the code change.

As we live on the corner of Haynes and Gadsden, we struggle in particular in our area to maintain a residential environment. We do not wish to encourage more businesses and or their expansion in our neighborhood. My husband and I strongly believe that any change in the code would allow other businesses as well to ask for expansion of their businesses. In particular we question why we are allowing this change for one business that has requested a change that will have an impact for all who live in residential areas in our city.

We believe Pensacola like so many other cities struggles with housing for all. We lack in particular in Pensacola affordable housing. Our small corner of old historical East Hill has a larger population of minorities. We wish to keep our neighborhood diverse and affordable; we do not wish to see businesses expand and push affordable housing out simply because those companies have the financial means and political power to expand and push agendas that serve only those businesses.

I strongly urge the City Council not to grant a single taxpayer an exception that will have long-term consequences for all residents of our city not just historical old East Hill.

Thank you,

Barbara D'Amico mobile: 972 897 7951

Shaib Agily mobile: 972 533 6252

Danny Agnew
810 East La Rua St
Pensacola, FL. 32501
susandanagnew@cox.net
850.470.9014 or 850.572.1299

To Whom It May Concern:

As a resident on the OEHPOA community, I would like to state my opinion on the proposed change in code of 12-2-10 by East Hill Animal Hospital/Pensacola Pet Resort Too.

My understanding is the code was violated in February of 2018. There is a proposed change of the code in order to circumvent the enforcement of the violation. I **oppose** changing the present code. The business should be required to adhere to the code that was written and approved in 2008 that allowed it to enter the neighborhood originally.

The code, as currently written, was put in place to protect the neighborhood, and prevent **this** business from overreaching, or impacting the neighborhood environment negatively. The proposed code, from East Hill Animal Hospital/ Pensacola Pet Resort, puts that in jeopardy and only seeks to weaken the protection that was sought originally.

Sincerely,

Danny Agnew

I currently reside in the neighborhood that places me across the street from East Hill Animal Hospital. I am writing to voice my obvious objections to Ms. Hall's proposed changes to the land development code for a neighborhood in which she chose to place a business.

Ms. Hall has been in violation of the code for quite some time now. She has a transparent uncaring regard for the people who have property, children, investments, and long-term regard for the neighborhood. I have been subjected to hour after hour of 8-10 dogs barking in an enclosure behind her business, IN VIOLATION OF THE CODE. Countless times, I have witnessed her clientele using our neighborhood as a repository for their dogs' feces, IN VIOLATION OF THE LAW. Nearly every day of the week, she and her employees use the City's grass easement (between the sidewalk and 8th Avenue) as a parking lot, IN VIOLATION OF THE LAW.

I remember distinctly when Ms. Hall showed up years ago with a lot of promises and assurances. In truth, she has been a very poor neighbor, and this beautiful piece of historic Pensacola is dirtier, louder, trashier, and more congested for Ms. Hall having been here. We take care of this place because it is our home. Clearly, she takes no responsibility.

The Code was not written for or against our current business owners in the area, so there is no compelling reason to amend it for Ms. Hall. She knew what the Code said when she located here, and she chose to violate it over and over again. Now she wants the Planning Board, whom she has pointedly ignored, to change the Code solely for her benefit? For her to even make this request, after what she has done to our street, is obscene.

I would prefer Ms. Hall pack up her business and move it to a location in which the Land Development Code suits her goals. Otherwise, I fully expect the City of Pensacola to reject this request, and then get serious about enforcing the existing regulations to bring this business into compliance.

Sincerely,
Dr. Stacey Rimmerman

Brandi Deese

From: theresa finkbeiner <coyotemoonherbcompany@cox.net>
Sent: Sunday, April 08, 2018 7:19 PM
To: Brandi Deese
Subject: 805 E. Gadsden St code ordinance

Dear Ms. Deese,

i became aware of an ordinance that Laura Hall wants to remove from the Code at 805 East Gadsden St.

This is not a good move. As a Licensed Massage Therapist and renter at Innerpeace 815 E. Gadsden, the dog barking noise will be unavoidable. I give massage throughout the day along with 3 other therapists and we are not happy to hear of a dog run and kennels outside. This is a residential area too and the noise can be unnerving.

I hope you will consider the people on the whole block on Gadsden St and around the corner.

No one wants to listen to dogs barking all day and night. Please do not remove the code ordinance for this area.

When she bought here, she knew the deal and has broken the code already. Can you please put an end to it right now!!

Thank you for your consideration, I am not able to attend the meeting on this topic .

Theresa Finkbeiner 437 9192

My address is 603 N. 8th Avenue. This puts me across from East Hill Animal Hospital on the same block. I am writing to voice my strenuous objections to Ms. Hall's proposed changes to the land development code for a neighborhood in which she chose to place a business, with full knowledge of what the limitations to that business would be.

Ms. Hall has been in violation of the code for quite some time now. Her casual disregard for the people who have property, children, investments, and long-term regard for the neighborhood is obscene. I have been subjected to hour after hour of 8-10 dogs barking in an enclosure behind her business, IN VIOLATION OF THE CODE. Countless times, I have witnessed her clientele using our neighborhood as a repository for their dogs' feces, IN VIOLATION OF THE LAW. Nearly every day of the week, she and her employees use the City's grass easement (between the sidewalk and 8th Avenue) as a parking lot, IN VIOLATION OF THE LAW.

I remember distinctly when Ms. Hall showed up years ago with a lot of promises and assurances. In truth, she has been a very poor neighbor, and this beautiful piece of historic Pensacola is dirtier, louder, trashier, and more congested for Ms. Hall having been here. We take care of this place because it is our home. Clearly she does not feel the same responsibility.

The Code was not written for or against Ms. Hall, so there is no compelling reason to amend it for Ms. Hall. She knew what the Code said when she located here, and she chose to violate it over and over and over. Now she wants the Planning Board, whom she has pointedly ignored, to change the Code solely for her benefit? For her to even make this request, after what she has done to our street, is outrageous.

I would prefer Ms. Hall pack up her business and move it to a location in which the Land Development Code suits her goals. Otherwise, I fully expect the City of Pensacola to reject this ridiculous request, and then get serious about enforcing the existing regulations to bring this business into compliance. Thank you.

Sincerely, Charles Voltz

To the Planning and Zoning Board April 10, 2018

My name is Amber Hoverson and I live at 706 E Jackson Street in Old East Hill preservation district. I am writing in regards to the amendment to the Historic and Preservation Land Use District, Section 12-2-10 that is being proposed

Here are my concerns about the current proposal to amend section 12-2-10 further:

1. I don't think that any codes should be changed for an individual business. Codes are written for a reason and changing them should benefit the entire neighborhood, not just an individual/business. Also, if changing a code is easy to do current codes lose their authority and people are less likely to comply with them to begin with. This equates to more code violations in general and people doing what they want because they can.
2. We are a mixed use neighborhood so there is commercial zoning throughout the area. The proposed change could hypothetically allow for a veterinary clinic or animal hospital with dogs barking throughout the day to open anywhere within the neighborhood with commercial zoning. Which means hypothetically we could have barking dogs scattered around our entire neighborhood instead of concentrated in one area. Noise pollution lowers home values and quality of life.
3. As someone who has had to go to the ARB several times to get approval for our own home's renovations I can speak to strict guidelines that are in place. The majority of structures in our neighborhood are people's homes. It seems grossly unfair to me that homeowners are held to such strict standards for the exterior renovation of our homes but a business (someone who makes money here) can violate a code (which is a law and not merely a guideline as in the case of the ARB), have a year to come into compliance with the code, and has the option of changing the code so that the business can continue to do what it has always done. Also consider that homeowner's guidelines set in place by the ARB only influence what we see. The proposed code change affects what we hear. A person can make a choice to ignore something they find ugly in the neighborhood, but noise pollution cannot simply be ignored, even from the interior of a home.

I congratulate East Hill Veterinary Clinic and Pet Resort Too on its business success; however, there is a time and place for everything. The place for the part of this business that includes outdoor runs or exercise areas is not Old East Hill. This is a place that is primarily made up of charming old houses and a scattering of small businesses that are either unobtrusive or adding to the charm. We live in a very special place and it is exciting to see the growth that our community has experienced. Allowing a business to change the code to suit its needs does not set us up for success. The needs of the community need to be put before anything. We will survive without a pet resort in the neighborhood but we will not survive if we are known as the noisy neighborhood with the barking dogs because we are the only C1 zoning area that allows for C3 noise.

Sincerely,

Amber Hoverson

Re: Businesses at 805 E. Gadsden ST presently
in Violation of City Code 12-2-10(c)(4)(b) 6.5(n)

As owners of a residence and business in the 800 blk
of E. Jackson St. we are directly impacted + we are
profusely Opposed to the current request for code
change requested by East Hill Pet Resort and
Pensacola Pet Resort too.

- (a) It benefits only them;
- (b) It will ADVERSELY impact not only our property
values, but the values of homes within a two to
Three block area. We can't even sit on a deck or
enjoy our back yards without incessant barking
interrupting conversations;
- (c) The business has allowed for no on-site parking
to sustain employees nor customers, As the rest
of commercial businesses have had to do;
- (d) Most importantly the proposed code change would
allow the requesting businesses to continue
as before without adhering to Notice of Violation
and allow New Businesses to open with no
regard for the right to a peaceful + quiet
home environment and input by those whom
it diversely effects or might potentially impact

We are in total and complete support of the

Petition Submitted by Amber Hoverson on behalf
of Homeowners in Old East Hill Preservation District

(*)

Residence: 820 E. Jackson
(2 backyards away
from open dog runs)

Business: Jackson Hill Antiques
819 E. Jackson

Maria Hanell (MARIA HANELL)
Patricia McGrath (Patricia McGrath)
Joint Owners 820 E. Jackson ST
819 E. Jackson ST

Brandi Deese

From: president@historicnorthhill.com
Sent: Friday, March 30, 2018 10:24 PM
To: Brandi Deese
Cc: christianwagley@gmail.com; nicholsmelanie2@gmail.com
Subject: Planning Board Item - Request to consider Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District
Attachments: City_Council_Minutes_November_20_2008.pdf; Section_12_2_54_Animal_Hospitals_businesses_that_board_animals.docx; Section_12_2_32_Buffer_Yards.docx; Section_12_2_8_Commercial_Land_Use_District.docx

Brandi,

I hope this finds you doing well.

Our Board saw on the agenda that an amendment to the Historic & Preservation Land Use District, Section 12-2-10 was being proposed and reviewed the application and past history on the change in great detail.

It appears that the applicant has changed the wording of what is currently in Section 12-2-10 in their request, (added two words for a new land use not previously approved, or defined in the Land Development Code, "Pet Resort", and deleted the word "or". That one word "or" changes it from the current reading of "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs OR exercise areas" to now adding Pet Resorts AND exercise areas as an allowed Conditional Use..

I think that it would be very helpful if the Public and the Board:
have a copy of what the existing Section 12-2-10 says on the subject, the background for the change in 2008, and where such a use that is being requested is currently allowed in the rest of the City (C-3 Zoning District) and that perhaps more clarification could be added to the Staff Memorandum. As it is now, the Board and Public don't know that the applicant is trying to put a C-3 type use in a C-1 Zoning District. This is a MAJOR change in the 12-2-10.

Here is the section of OEHC-1 from Section 12-2-10

(b) OEHC-1, neighborhood commercial district.

1. Any use permitted in the OEHR-2 district.
2. Child care facilities subject to regulations in section 12-2-58.
3. Nursing homes, rest homes, convalescent homes.
4. Parking lots.
5. The following uses, retail only, with no outside storage or work permitted, except as provided herein:
 - a. Food and drugstore.
 - b. Personal service shops.
 - c. Clothing and fabric stores.
 - d. Home furnishing, hardware and appliance stores.
 - e. Craft and specialty shops.
 - f. Banks.
 - g. Bakeries.
 - h. Secondhand stores.
 - i. Floral shops.

j. Martial arts studios.

k. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this paragraph, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed twenty (20) percent of the total area of the main building.

l. Restaurants.

m. Mortuary and funeral parlors.

n. Pet shops with all uses inside the principal building.

o. Printing firms.

p. Business schools.

q. Upholstery shops.

{6. Conditional uses permitted. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.}

This is the exact same language that is in the Municipal Code for the same use in C-1 districts throughout the City. Our Board does not have an issue if the applicant makes this a permitted versus conditional use, however, we take issue to the addition of "Pet Resort" (not in the LDC and the removal of the word or which would allow outside exercise areas.

Previous to November 2008, Animal hospitals and veterinary clinics were NOT allowed in the OEH Zoning Districts. This same applicant, Dr.

Hall, petitioned to have them added in 2008 and was approved on the condition that there would be no outside runs or exercise areas.

It was very controversial and there was much concern about noise to adjacent residential property owners and Dr. Hall is on record saying that there would be no outside exercise areas. Sherry Morris is on record throughout the Council Hearing insisting that there would not be any outside runs or exercise areas. I have attached the minutes from the City Council meeting from November 17, 2008 which voted to approve the conditional use of animal hospitals and veterinary clinics with no outside runs or exercise areas. The minutes also contain numerous concerns by adjacent property owners.

Many of the residents concerns have materialized according to the Code Enforcement Complaint and Violation. I think that the Board and the Public should have a copy of the minutes from that CEB Meeting since it's referenced in your memorandum.

Has notice been mailed to the adjacent property owners about this new proposal before the Planning Board?

I would recommend that the Planning Board look in the Municipal Code to see where the facility the applicant would like to run would be allowed to occur. It is only allowed to occur in the C-3 Zoning District which is by no means comparable to the OEHC-1 District where this change would be made.

Dr. Hall is currently operating a Pet Resort with outside exercise areas that meets with the City's Municipal Code in the C-3 Zoning District near Hayne Street. (Not within the boundaries of Old East Hill governed by the ARB). The applicant's request to bring C-3 uses within the Preservation District is not compatible.

C-3, commercial zoning district (wholesale and limited industry)

(a) Any use permitted in the C-2 district. (Animal Hospitals and Vet Clinics with NO outside kennels, runs, or exercise allowed in C-2) but you can't have outside exercise areas until section (b) below in C-3

Outside storage and work shall be permitted for those uses and the following uses, but shall be screened by an opaque fence or wall at least eight (8) feet high at installation. Vegetation shall also be used as a screen and shall provide seventy-five (75) percent opacity.

The vegetative screen shall be located on the exterior of the required fence.

(b) Outside kennels, runs or exercise areas for animals subject to regulations in section 12-2-54

Section 12-2-54 is titled, Animal Hospitals, veterinary clinics, commercial kennels and businesses that board animals and contains minimum setbacks of 100 feet to a residence and must contain a buffer yard as described in Section 12-2-32 Buffer Yard.

There is no survey or diagram of the site in the application to see how close the clinic and outside exercise area would be to adjacent properties.

As you will see from the attached minutes and Memorandum from Thaddeus Cohen, Community Development Director and also signed by Sherry Morris, Planning Services Administrator, "The majority of those who responded were opposed to the proposed request" in 2008.

Now, additional changes are being proposed which will intensify the use on this property and the noise which could impair the quiet enjoyment of adjacent properties.

The North Hill Preservation Association Inc. does NOT support this change to the Historic and Preservation Land Use District. We strongly feel that such a change would negatively impact the families who make Old East Hill their home and who like us, have very small lots which are close together. Furthermore, such a change establishes a legal precedent which could be used to add this use to all the other Districts governed by Section 12-2-10.

In closing, the words of Robyn Tice to the City Council in November 2008 say it best, "Codes aren't written for one individual's benefit, they are to be to the benefit of the citizens/neighborhood as a whole".

Thank you for your consideration,

Melanie Nichols, President
North Hill Preservation Association, Inc.

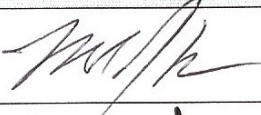
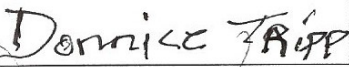
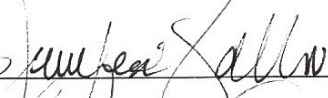
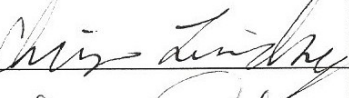
The businesses at 805 E Gadsden have proposed to change City Code to allow outdoor exercise areas for veterinary clinics, animal hospitals and pet resorts while eliminating the Conditional Use Permit. Old East Hill Property Owner's Association requests to keep the current code as is.

I, _____ want Pensacola Pet Resort Too and East Hill Animal Hospital to operate within the original permit that does not have outdoor exercise areas.

DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
05/02/2018	jeffrey elbert	<i>jeffrey elbert</i>	616 E. Belmont	jeff@IslandStyleFlorida.com
05/02/2018	Mario Roberts	<i>Mario Roberts</i>	616 East Belmont St.	mario@islandstyleflorida.com
05/06/2018	James Harris	<i>James Harris</i>	609 8th Ave	rojo350z@gmail.com
5/9/18	Jessica Stark	<i>Jessica Stark</i>	704 E Jackson St	jessielouvierecox.net
05/03/2018	Charlotte Field	<i>Charlotte Field</i>	317 N Davis Hwy	charlotte7755@gmail.com
05/03/2018	Paula Ghessi	<i>Paula Ghessi</i>	611 N 8th Ave	paolap@cox.net
5/9/18	Russell Stark	<i>Russell Stark</i>	704 E Jackson St	rlstark33@hotmail.com
05/03/2018	patricia mc grath	<i>patricia mc grath</i>	820 E Jackson st.	antiques4you@cox.net
5/17/18	Subrinia Jordan	<i>Subrinia Jordan</i>	501 N Davis Hwy	Pensaco
5/17/18	Tia Wallace Walker	<i>Tia Wallace Walker</i>	501 N Davis Hwy	tia wallace walker@gmail.com

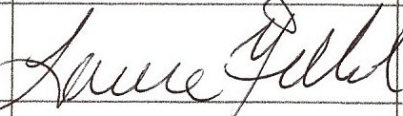
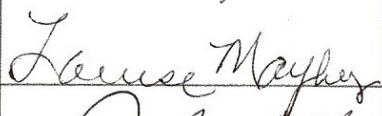
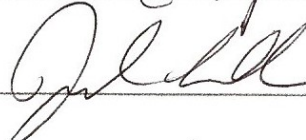
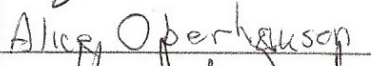
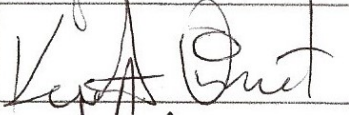
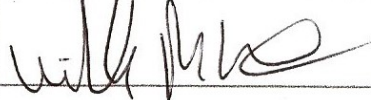
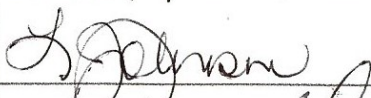
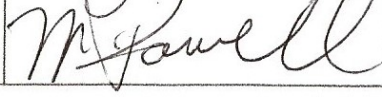
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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5-4-18	Mark Casson		612 E LaRue	mjcasson22@gmail.com
5.4.18	RICHARD Godwin		614 E LA RUE	¹⁹⁴⁵ RD GODWIN 1945 @me.com
5/4/18	Andrew Baggett		515 N. 7th Ave	abaggett290@gmail.com
5/4/18	Stephen Izzi		8010 N. 9th Ave	sjizzi05@yahoo.com
5/4/18	Josh Glecton		706 E Jackson	joshua.glecton@gmail.com
	Donnicc Tripp		318 E Belmont	
5/17/18	Jennifer Gallen		314 N. Alcaniz	jennifergallen918@gmail.com
5/17/18	Cathy Long		314 N. Alcaniz	
	Chris Lindsey		508 North Alcaniz St	
5/17/18	Wanda Robinson		510 N Alcaniz	Wanda.Lindsey@att.net

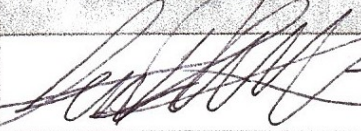
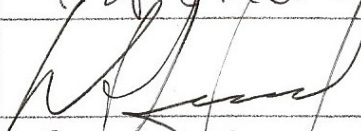
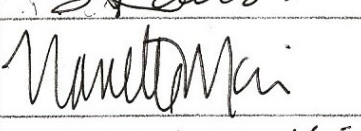
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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5/2/18	STEVE IRBY		719 E Belmont St	
5/3/18	Lawrence Fields		800 E Belmont	
5/3/18	Louise Mayberry		416 N 7th Ave	
5/3/18	Josh Oberhausen		715 E La Rue St	
5/3/18	Alice Oberhausen		715 E La Rue	
3 May 18	S.A. Vincent		608 E. Belmont	
5/3/18	K.A. Vincent		408 N. 7th Ave.	
5/3/18	William Martin		600 E Belmont St.	
5-3-18	Lisa Johnson		401 ^{NO. 10th Ave} EB	dolphin40 pms@yahoo.com
3 MAY 18	Mike Powell		327 7th ave	MTPowell50@gmail

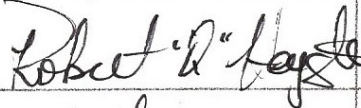
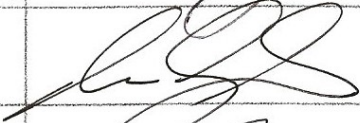
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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5/5/18	Steven Stack		601 E. Belmont 601 E. Belmont	N/A
5/5/18	Pauline P. Stack	PSP Stack	601 E. Belmont	N/A
5/5/18	WILHELM HANSEN		101 W. Lloyd St	N/A
5/5/18	CHAD MICHAEL EYER		511 E LA RUA ST.	eyer@eyer.us
5/5/18	Ali NG Ricard	Ali NG Ricard	580 N 8th Ave	N/A
5/6/18	JANE CARPENTER		522A N 7th Ave	N/A
5/6/18	MICHAEL CARPENTER		522A N 7th Ave	N/A
5.6.18	SALLY RAUSA		512 N. 7th Ave	SAMRIZIS@ yahoo.com
5.6.18	Nanette Morin	Nanette Morin	512 E. Gadsden St.	nmorin369@yahoo.com
5.6.18	John W. Griffin	John W. Griffin	512 E Gadsden St	N/A

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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5/19/18	Edwin Torres		805 E Belmont St	etorres718@gmail.com
5/19/18	ROBERT "Q" HAYSLETT		711 N 8th Ave #15	QHAYSLETT@ATT.NET
5/20/18	Rebecca Whites		801 North (B. A.) Avenue	+reccolor.chemist@gmail.com
	C. WARD		611 N 8th	
5/20/18	LAWRENCE W OBERHAUSEN		715 E. Larua	
5/20/18	Damian Zimmerman		611 N. 8th Ave.	damian1zimmerman@gmail.com
5/22/2018	Ian Gilroy		601 E Gadsden St	
5/29/2018	E. MATHSON		B- 801 N 9th Ave R- 1207 E. Belmont	MATHSON@BALSAMIC.NET
5-29-18	Matt Behnke		B- 801 N 9th Ave R- 1017 E. Larua St	slucemattic@hotmail
6-04-18	James R Tice		514 North Holmes St	J

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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5-5-2018	MARY Cunningham	Mary L Cunningham	550 N 8th ave	
5-5-2018	Tyree Richardson	Tyree Richardson	550 N 8th ave	
5-12-2018	PEGGY ENSLOW	Peggy Enslow	708 E Gadsden St	petenprop@yahoo.com
5-16-2018	Charles Stauffer	Charles Stauffer	517 N 7th Ave	charles.stauffer@ongroup.com
5-16-2018	Kristen Warren	Kristen Warren	607 E GARLAND ST	KristenRealty@gmail.com
5-16-2018	Ryan Overdyke	Ryan Overdyke	611 E. Belmont	RyanOverdyke@gmail.com
5-17-2018	John N. Schumacher II	John N. Schumacher II	520 N 6th Ave	N/A
5-17-2018	DIANE DIXON	Diane Dixon	415 E. 2nd	dd2450@aol.com
5-17-2018	Diane Dixon	Diane Dixon	414 n. alcanize	
5-17-2018	Diane Dixon	Diane Dixon	416 n. alcanize	

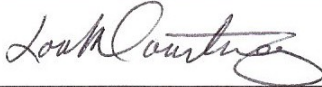
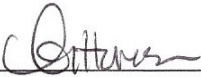
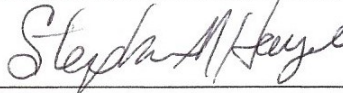
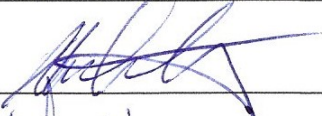
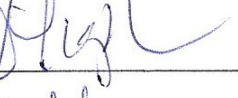
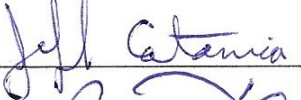
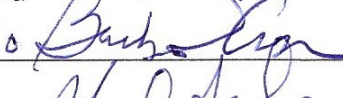
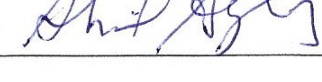
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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
May 3, 2018	MARIA HARRIS	Maria Harris	819 E Jackson St 820 E Jackson St	Antiques 4you@cox.net
MAY 3, 2018	KARYN SPIRSON	Karyn Spirson	EAST JACKSON	Kspirson@cox.net
MAY 3 2018	CHRIS SPIRSON	Chris Spirson		vltg/signsbychp@gmail.com
5/3/18	Stacey Rimmerman	Stacey Rimmerman	803 N. 8th Ave. Pensacola, FL	Stacey.Rimmerman@gaia.com
5/3/18	Charles Voltz	Charles Voltz	603 N 8th Pensacola FL 32501	voltzpic@yahoo.com
5/3/18	Patricia F White	Patricia F White	601 East Gadsden Pensacola FL	
5/3/18	Nellie E Gladney	Nellie Gladney	620 N. 6th Ave Pensacola, Fla 32501	
5/5/18	Rose Cooper	Rose Cooper	610 N. 6th Ave Pensacola, FL 32501	
5/5/18	Gary Cooper	Gary Cooper	" "	
5/5/18	Mary Williams	Mary Williams	525 6th Ave	

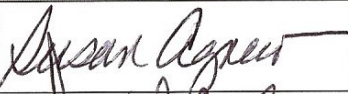
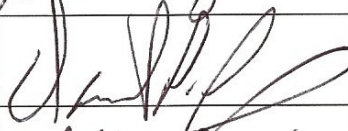
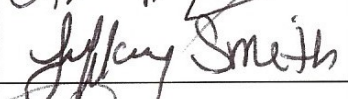
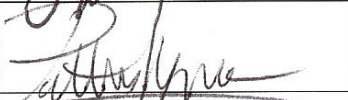
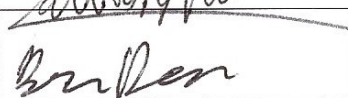
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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5/1/18	Lou M. Courtney		523 N 8th ave	
5/1/18	Amber Haverson		706 E Jackson St.	amberlymnie@gmail.com
5/1/18	Stephen Hayes		700 C. Belmont St	shayesnall@aol.com
5/1/18	Kimberly Casson		612 E. La Rue St.	ktcasson@frontiernet.net
5-2-2018	BEV Elliott		706 E, La Rue 600 E, Jackson	belliott2@aol.net
5-3-18	Michael Courtney		523 8th Ave N.	mcscuff676@gmail
5-3/18	Debris Pugh		304 E Gadsden	d.Pugh44@yahoo.com
5/3/18	Jeff CATANIA		314 E. Gadsden	jgcatania77@gmail
5/4/18	Barbara D'Amico		307 E Gadsden	bardamico@gmail
5/4/18	Shaib Alagily		307 E Gadsden	shaib17@gmail.com

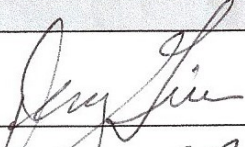
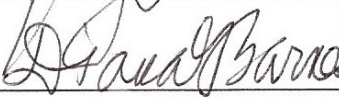
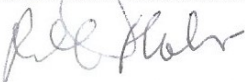
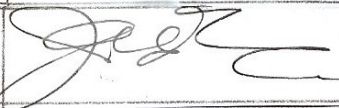
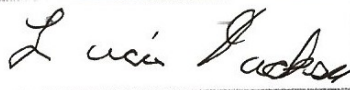
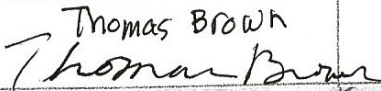
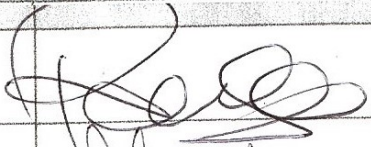
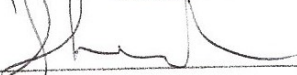
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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5/1/2018	Susan Agnew		810 E. La Rue St. Pensacola, FL 32504	Susandanaagnew@cox.net.
5/1/2018	Daniel Agnew		810 E. La Rue St.	d.agnew @ Jani co - inc.com
5/24/18	Tiffany Smith		824 E. La Rue St.	trb00024@hotmail.com
6/4/18	Patton Agnew		810 E. La Rue St.	Pattonagnew@gmail.com
6-4-18	Brandon Peininger		(college address) 99th University pkwy	bdeininger@unf.edu
6-4-18	Celia Agnew	Celia Agnew	810 E. La Rue St 32504	Susandanaagnew@cox.net
6-4-18	Alba Ahearn	via phone converts.	822 E. La Rue St.	AlbaAhearn@cloud.com
6-4-18	Matthew Ahearn	via phone "	822 E. La Rue St.	MatthewAhearn@ahernconstruction.com
6-4-18	Luke Ahearn	via phone "	822 E. La Rue St.	luke-lahearn@ahernconstruction.com
6-4-18	Jacob Ahearn	via phone "	822 E. La Rue St.	Jacob-Jacobahearn@hotmail.com
6-4-18	Michael Ahearn	via phone "	822 E. La Rue St.	

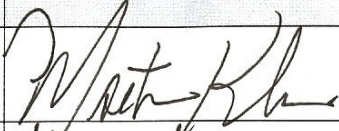
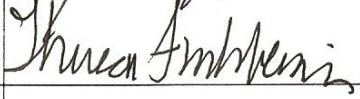
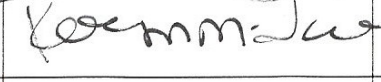
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I, Jerry Gill want Pensacola Pet Resort Too and East Hill Animal Hospital to operate within the original permit that does not have outdoor exercise areas.

DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
May 3, 2018	Jerry Gill		604 East Gadsden St Pensacola, FL 32501	capetownmichaelkerry.com
May 3, 2018	DIANA		6004 E. Gadsden	laruahouse@cox.net
May 3, 2018	Sharon Arabski		816 East Jackson	arabski.sharon@gmail.com
May 3, 2018	Ben Horston		409 E. Lamar	
May 19, 2018	James E. Rigsbee		581 N. 9th Ave	rigsbee@live.com
5-16-18	Lucie Jackson		415 N. 6th Ave	
5-16-18	Thomas Brown		415 N. 6th Ave	
5-3-2018	Randy Hamilton		601 N DAVIS ST.	randy@hamiltonartagency.com
5-3-2018	Sharon Hamilton		Learn Dancer St	11 11

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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
5/07/18	MARTIN KLEIN		815 E. GADSDEN ST. office	martytheresa@cox.net
5/07/18	Theresa Funkbeiner		815 E. Gadsden St. office	coyotemoonherbcompany@cox.net
5/07/18	Betty Bowlin-Hinote		815 E Gadsden St.	Innerpeace815@prodigy.net
5/17/18	JAMES LAWRENCE		815 E. Gadsden St	LAWR 1121 @Gmail.com
5/16/18	Gabrielle McLaughlin		610 E. Jackson St	GabbimcLaughlin@gmail.com GabbimcLaughlin@...
5/16/18	Laura Schumacher		5201 6th Ave	not yet
6-6-18	ROBYN TICE		514 N. HAYES ST.	ticerobyn983@gmail.com

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DATE	PRINT NAME	SIGNATURE	ADDRESS	EMAIL
05/03/2018	Jorge Pelaez	<i>Jorge Pelaez</i>	4620 Avenida Marina	jpelaez@cox.net
05/03/2018	Myles B. Sampson, Jr.	<i>Myles B. Sampson, Jr.</i>	813 E. Jackson St.	myles_eta@att.net
<i>5-17-18</i>	<i>PAUL EMMANUEL</i>	<i>Paul Emmanuel</i>	<i>410 E. Beacon St</i>	<i>paulemanuel@5stop.gecomail.com</i>
<i>5/17/18</i>	<i>Sally Castle</i>	<i>Sally Castle</i>	<i>503 N. Alcan</i>	<i>sallycastle@comcast.net</i>
05/03/2018	Aros E. Barnes	<i>Aros E. Barnes</i>	518 E. Jackson St.	aebarnespainter@gmail.com
05/02/2018	Melanie Nichols	<i>Melanie Nichols</i>	14 E. Gonzalez St.	mel303@aol.com

gecomail

Comments

Name	Location	Date	Comment
Teresa Hill	Pensacola, FL	2018-05-06	I love old east hill. We are counting on you, our leaders, to ensure that preserving diversity and character is your top priority for our downtown core. Vote no on this zoning change, as it will open up the wrong kind of development for this historic neighborhood. #keeppensacolaunique
Bianca Villegas	Pensacola, FL	2018-05-06	I'm a resident of North Hill and believe that these sorts of businesses should exist in the north of Pensacola where there is land to accommodate for their needs. Noise ordinance alone should not allow this type of business to exist within our neighborhoods in this part of Pensacola.
Kari Traud	Atlanta, GA	2018-05-06	This type of zoning should not be allowed in old historic neighborhoods due to houses being close together. Please do not rezone this area! Or any old neighborhood as its not fair to the residents! Thank you!
Cameron Northup	Pensacola, FL	2018-05-06	I want to support east hill and I live in new east hill
simone sandifer	PENSACOLA, FL	2018-05-06	Although I support local business I do agree once zoning changes one way it's hard to stop and go back
Betty Wilson	Pensacola, FL	2018-05-06	Zoning is tricky and should not be changed to help one business or individual.
Michael Courtney	Pensacola, FL	2018-05-06	IMPOSSIBLE to go back.
Wendy Louie	Pensacola, FL	2018-05-07	If the code change does not benefit other businesses in the area, I do not support their GREED. If East Hill Vet/ Pet Resort wants to expand, or break the sanctity of the historical guidelines, then they should just move all together. It seems this business doesn't value the uniqueness of East Hill.
Marcella Manning	Miami, FL	2018-05-07	I care about East Hill and don't want to see the neighborhood lose its beauty and historic character.
karyn spirson	Pensacola, VA	2018-05-07	Karyn Spirson
Patricia Macks	McDavid, FL	2018-05-07	Relatives will be impacted
treme Gray	milton, FL	2018-05-07	Stop businesses from moving into the historic areas
Catherine Bridges	Pensacola, US	2018-05-08	I am signing because the powers that be....take down these old home and anything historical to put in a cookie cutter box. What makes this city charming is partly the diversity of the old homes in the area. Historic Preservation does mean to preserve after all. verb (used with object), preserved, preserving.1.to keep alive or in existence; make lasting;to preserve our liberties as free citizens.2.to keep safe from harm or injury; protect or spare.3.to keep up; maintain;to preserve historical monuments.4.to keep possession of; retain:

Name	Location	Date	Comment
Alexandra da Costa	Paramaribo, Suriname	2018-05-10	Because I'm pro historic preservation in the whole World!
Diana Barnes	Pensacola, FL	2018-05-12	Our small residential area in Old East Hill is shrinking. Let's preserve what we have left.
Karen Malone	Pensacola, FL	2018-05-12	Karen malone
Brigette Heye	Pensacola, FL	2018-05-13	We should not change a city code to accommodate violators of said code. That's not how city codes work, right?
Laura Keeble	Pensacola, FL	2018-05-14	I also feel the city code should not be changed. I would like historical east hill Pensacola's east hill should be preserved. There is a lot of beauty and history to that area, that should be preserved. I would also like to know who is responsible for making north of Texar, North hill and not East hill ? All this time I felt I was in East hill...
Ed Wonders	Pensacola, US	2018-05-18	Ed Wonders
Lee Anne Winchester	Pensacola, FL	2018-05-20	I would highly recommend the Pensacola City Counsel to VOTE NO on this zoning change. Tourism dollars count! Historic neighborhoods count!- Florida Tax Watch reports that tourism is our state's number one competitive advantage. Pensacola is cited as one of the top sites for cultural tourism. - Destination 2020 statistics provide adequate data to support that "travelers are increasingly seeking "new" destinations that offer "unique local flavor"."- Historic Districts are key to defining Pensacola.- Businesses are attractive in Commercial Zoned areas, not residential.- Encroachment of businesses within the designated Historic Residential Districts represents a failure to preserve these valuable resources.- Revitalization of Business Districts have given ample opportunity for business owners to locate and operate within their designated zones; thus no need for businesses to locate or expand inappropriately within a historic residential area.Protect the valuable historic resources that Pensacola has
Janet DeMay	Pinson, AL	2018-05-25	One of my best friends lives in this area. It is important to him and that makes it important to me. My friend makes informed decisions. No doubt he has studied all sides before making this one.
Stephanie Sierke	Trussville, AL	2018-05-27	My friends Todd and Tom deserve a peaceful home inside and out.

Signatures

Name	Location	Date
Amber Hoverson	US	2018-05-05
Michael Courtney	Pensacola, FL	2018-05-05
Jenifer Vincent	Pensacola, FL	2018-05-05
lou courtney	Pensacola, FL	2018-05-05
Melanie Nichols	Pensacola, FL	2018-05-05
Michael Courtney	Pensacola, FL	2018-05-05
Bonnie Smith	Pensacola, FL	2018-05-05
Nicole Endacott	Pensacola, FL	2018-05-05
Carlos Villegas	Pensacola, FL	2018-05-06
Carrie Webster	Pensacola, FL	2018-05-06
James Whaley	Pensacola, FL	2018-05-06
Leslie Vilardi	Pensacola, FL	2018-05-06
jeannine van reeth	Pensacola, FL	2018-05-06
Patrick Hayes	Pensacola, FL	2018-05-06
Sara Beard	Pensacola, FL	2018-05-06
PAT MCGRATH	Pensacola, FL	2018-05-06
Stephen Hayes	Pensacola, FL	2018-05-06
Jeff Dearth	Pensacola, FL	2018-05-06
Audrey Tucker	Pensacola, FL	2018-05-06
Teresa Hill	Pensacola, FL	2018-05-06

Name	Location	Date
Edna Rawlingd	Pensacola, FL	2018-05-06
Bianca Villegas	Pensacola, FL	2018-05-06
Nancy Wolfe	New York, NY	2018-05-06
Bob Cronemeyer	Pensacola, FL	2018-05-06
Kari Traud	Atlanta, GA	2018-05-06
Joshua Gleaton	Pensacola, FL	2018-05-06
Jill Prafke	Pensacola, FL	2018-05-06
Tom Clark	Trussville, AL	2018-05-06
Robin Jones	Pensacola, FL	2018-05-06
Dawn Grissett	Pensacola, FL	2018-05-06
Beth Hoverson	Winnett, MT	2018-05-06
Cameron Northup	Pensacola, FL	2018-05-06
Julia Hoeschler	Pensacola, FL	2018-05-06
CHRISTIAN Sanchez	US	2018-05-06
Sandi Aden	US	2018-05-06
Connie Acevedo	Pensacola, FL	2018-05-06
Masheighla Fuscella	Pensacola, FL	2018-05-06
Debbie Mallett	Vidor, TX	2018-05-06
Carolyn Prime	Pensacola, FL	2018-05-06
Capt. Denny Turnbull	Gulf Breeze, FL	2018-05-06
sonja valliere	Pensacola, FL	2018-05-06
Nancy LaNasa	Pensacola, FL	2018-05-06

Name	Location	Date
Mary Pierce	Pensacola, FL	2018-05-06
Jessie Stark	Pensacola, FL	2018-05-06
Colleen Eastburn	Gulf Breeze, FL	2018-05-06
Noah Davis	Milton, FL	2018-05-06
Jim Patrick	Gulf Breeze, FL	2018-05-06
Genevieve Fortner	Pensacola, FL	2018-05-06
Stan Albright	Pensacola, FL	2018-05-06
Joel Dittenber	Pensacola, FL	2018-05-06
Alianna Gilmartin	Pensacola, FL	2018-05-06
Nina Mazur	Pensacola, FL	2018-05-06
Rebecca Clancy	Milton, FL	2018-05-06
Stephen Embry	Pensacola, FL	2018-05-06
Patrick Borthwick	Gulf Breeze, FL	2018-05-06
Patton Agnew	Pensacola, FL	2018-05-06
Rebecca Timmons	New Orleans, LA	2018-05-06
Melissa Stone	Vidor, TX	2018-05-06
Myles Sampson	Pensacola, FL	2018-05-06
catherie landers	Virginia Beach, VA	2018-05-06
Mary Samaras	Pensacola Beach, FL	2018-05-06
Ann Hill	Pensacola, FL	2018-05-06
Ronald Slay	Pensacola, FL	2018-05-06
Carl Wood	Pensacola, FL	2018-05-06

Name	Location	Date
simone sandifer	PENSACOLA, FL	2018-05-06
Whitney Baker	Pensacola, FL	2018-05-06
Erin Kadan	Pensacola, FL	2018-05-06
Frances Michaels	Pensacola, FL	2018-05-06
Pat Frantz	Pensacola, FL	2018-05-06
Cyndi Reichenbach	Pensacola, FL	2018-05-06
Betty Wilson	Pensacola, FL	2018-05-06
Tim Moore	Pensacola, FL	2018-05-06
Lori Menke	Gulf Breeze, FL	2018-05-06
Inga Greenwell	Pensacola, FL	2018-05-06
Angi Mentzer	Milton, FL	2018-05-06
Jorge Peláez	Pensacola, FL	2018-05-06
Katina Harper	Pensacola, FL	2018-05-07
Hannah McLeaish	Pensacola, FL	2018-05-07
Mary Eddins	Pensacola, FL	2018-05-07
Theresa Finkbeiner	Pensacola, FL	2018-05-07
Wendy Louie	Pensacola, FL	2018-05-07
Jennifer Morgan	Pensacola, FL	2018-05-07
Marianne McGee	Pensacola, FL	2018-05-07
Robert Kiser	Pensacola, FL	2018-05-07
Gerald Omega	US	2018-05-07
Elisa Giraudo	Buenos Aires, Argentina	2018-05-07

Name	Location	Date
Randall Jones	Pensacola, FL	2018-05-07
Brian Webster	Penscola, FL	2018-05-07
Russell Stark	Pensacola, FL	2018-05-07
Marcella Manning	Miami, FL	2018-05-07
Tony Stark	Pensacola, FL	2018-05-07
Valerie Sotere	US	2018-05-07
Sally Rausa	Pensacola, FL	2018-05-07
Mary Carroll	Pensacola, FL	2018-05-07
Daniel Agnew	Pensacola, FL	2018-05-07
karyn spirson	Pensacola, VA	2018-05-07
Jacqueline Rogers	Cantonment, FL	2018-05-07
joshua pearl	US	2018-05-07
Kim Wolfersperger	Pensacola, FL	2018-05-07
Thomas Erick	US	2018-05-07
Melissa Albright	Pensacola, FL	2018-05-07
Amanda Glickman	Pensacola, FL	2018-05-07
Diana Keenan	Pensacola, FL	2018-05-07
Ann Robinson	Milton, FL	2018-05-07
Steve Campbell	Pensacola, FL	2018-05-07
Barbara Albrecht	Pensacola, FL	2018-05-07
Patricia Macks	McDavid, FL	2018-05-07
Cecile Hines	Pensacola, FL	2018-05-07

Name	Location	Date
Megan Livingston	US	2018-05-07
MIke M.	New York, NY	2018-05-07
Donna Ball	Gulf Breeze, FL	2018-05-07
nicole ellis	Gulf Breeze, FL	2018-05-07
Katie Fish	Gulf Breeze, FL	2018-05-07
Jeff Glickman	Pensacola, FL	2018-05-07
Brenda J Lay	Pensacola, FL	2018-05-07
treme Gray	milton, FL	2018-05-07
Freddie Burch	Norcross, GA	2018-05-07
MARIO ARGENTE	Spain	2018-05-07
Richard Ainsworth	US	2018-05-07
Julian Fernandez	US	2018-05-07
Linda Jones	Pensacola, FL	2018-05-07
Susan Haines	Pensacola, FL	2018-05-07
Ellen Fortinberry	Pensacola, FL	2018-05-07
Alice Beall	Oviedo, FL	2018-05-07
Virginia Millsap	Pensacola, FL	2018-05-08
Tiffany Stanley	US	2018-05-08
Shepard Davis	US	2018-05-08
Janis Mills	Pensacola, FL	2018-05-08
Dianne b Hepler	South Carolina	2018-05-08
Allie Smith	US	2018-05-08

Name	Location	Date
Dae Patel	Pensacola, FL	2018-05-08
Gregiry Leech	Milton, FL	2018-05-08
Melinda Giron	Milton, FL	2018-05-08
John Wisti	US	2018-05-08
Lerissa Rowe	Pensacola, FL	2018-05-08
Catherine Bridges	Pensacola, US	2018-05-08
Jimmie Piersall	US	2018-05-08
Gary Alves	Destin, FL	2018-05-08
Venkat Paruchuri	US	2018-05-08
RIkki Baumgardner	US	2018-05-08
Valerie Aune	Pensacola, FL	2018-05-08
Cody Mauch	US	2018-05-08
Lara McKnight	Pensacola, FL	2018-05-08
Eve Carey	Gulf Breeze, FL	2018-05-08
Dan Pretto	Pensacola, CA	2018-05-08
Won Choi	US	2018-05-08
Lisa Mead	Pensacola, FL	2018-05-08
Tommy Birch	US	2018-05-08
Aleta Bilodeau	US	2018-05-08
Regina Rosecrans	US	2018-05-08
Liz Casey	US	2018-05-08
Jerry Gill	Pensacola, FL	2018-05-08

Name	Location	Date
Jennifer Baston	Pensacola, FL	2018-05-08
Lisa alexander	Pensacola, FL	2018-05-08
maurice malone	Bailey, MS	2018-05-08
Ethan Miller	US	2018-05-08
Shelia Crissey	Gulf Breeze, FL	2018-05-09
Jaheem Gore	US	2018-05-09
Johan Silva	US	2018-05-09
Ryan Hoffman	US	2018-05-09
Jenny Joh	US	2018-05-09
Sandra Tilley	Pensacola, FL	2018-05-09
Courtney Coleman	Pensacola, FL	2018-05-09
Kimberly Blackwell	Cantonment, FL	2018-05-09
Leowell Pailano	US	2018-05-09
Hope Williams	Gulf Breeze, FL	2018-05-09
Justin Artis	US	2018-05-09
Tristan Ramsey	US	2018-05-09
Matthew Fortner	Pensacola, FL	2018-05-10
Diana Barnes	Pensacola, FL	2018-05-10
Alexandra da Costa	Paramaribo, Suriname	2018-05-10
sarah Lewis	Niceville, FL	2018-05-10
Jem Sullivan	Pensacola, FL	2018-05-10
Barbi Coker	Pensacola, FL	2018-05-10

Name	Location	Date
pat indorf	pensacola, FL	2018-05-10
Josh Oberhausen	Miami Beach, FL	2018-05-11
Jessica Olmos	US	2018-05-11
Daniel Contreras	US	2018-05-11
Shiza Ahmed	US	2018-05-11
Omaurion Eldridge	US	2018-05-11
Isaiah Garcia	US	2018-05-11
Marcine McBride	West Babylon, NY	2018-05-12
Gavin Mcbride	US	2018-05-12
Ashley Pollock	US	2018-05-12
Mayra Della Cella	US	2018-05-12
John von Senden	Pensacola, FL	2018-05-12
Gary Shimp	Pensacola, FL	2018-05-12
Jeffrey Stewart	King Of Prussia, NJ	2018-05-12
Elizabeth Williams	Pensacola, FL	2018-05-12
Kristi Bush	Pensacola, FL	2018-05-12
Richard Edwards	Collierville, TN	2018-05-12
Amro Ahmed	US	2018-05-12
Nuru-Kianga Vaughn	US	2018-05-12
Kelsi Madison	US	2018-05-12
Colleen Ranous	US	2018-05-12
Karen Malone	Pensacola, FL	2018-05-12

Name	Location	Date
Mary Dickson Quina	Pensacola, FL	2018-05-13
Marlene Parker	Pensacola, FL	2018-05-13
Lacy Sweeney	Pensacola, FL	2018-05-13
Maryanne Dzvonik	US	2018-05-13
Alyssa Rodriguez	US	2018-05-13
Nancy Brannen	Pensacola, FL	2018-05-13
ryan overdyke	Gulf Breeze, FL	2018-05-13
nicola spear	pensacola, FL	2018-05-13
Brigette Heye	Pensacola, FL	2018-05-13
Forrest Ferguson	Pensacola, FL	2018-05-13
Peggy Enslow	Pensacola, FL	2018-05-14
Archie Park	US	2018-05-14
Desty Richards	Pensacola, FL	2018-05-14
Constance Hines	US	2018-05-14
Katie Milliken	US	2018-05-14
Skylar Dunn	US	2018-05-14
Ethan Parker	US	2018-05-14
Greg Jones	Pensacola, FL	2018-05-14
Glenn Parker	Pensacola, FL	2018-05-14
Sharon Arabski	Pensacola, FL	2018-05-14
Anna Lohr	Pensacola, FL	2018-05-14
Laura Keeble	Pensacola, FL	2018-05-14

Name	Location	Date
Viridiana Vargas	US	2018-05-14
Adriana Ma	US	2018-05-14
Brenda Nasworthy	US	2018-05-14
Leonard Wheeler	Pensacola, FL	2018-05-15
Sarah Sisson	Pensacola, FL	2018-05-16
Crissie Clark	Pensacola, FL	2018-05-16
James Bradford	Navarre, FL	2018-05-16
Ronald Williamson	Pensacola, FL	2018-05-16
Ron Curtis	Pensacola, FL	2018-05-16
jos mar	US	2018-05-16
Jose Tirado	US	2018-05-16
Dimitri Carrillo	US	2018-05-17
Lynn Mott	Pensacola, FL	2018-05-17
Rebecca Ortiz	Norcross, GA	2018-05-17
James Scott	US	2018-05-17
Ed Wonders	Pensacola, US	2018-05-18
Vicky Wonders	Pensacola, FL	2018-05-18
Jean Lillard	Pensacola, FL	2018-05-18
Shawna Fulton	pensacola, FL	2018-05-18
Elly Fisher	Pensacola, FL	2018-05-18
Lee Anne Winchester	Pensacola, FL	2018-05-20
Dylan Joseph	US	2018-05-20

Name	Location	Date
Paula Barrera	US	2018-05-21
Heather Meade	US	2018-05-21
john Altstatt	US	2018-05-21
Raul Calanche	US	2018-05-21
Dakotah O'Dwyer	US	2018-05-21
JoAnn Locklear	Pensacola, FL	2018-05-21
Kimberly Casson	Pensacola, FL	2018-05-22
Todd Clark	Pensacola, FL	2018-05-25
Janet DeMay	Pinson, AL	2018-05-25
Rebecca Varney	Orlando, FL	2018-05-25
Tara Cole	Monroe, LA	2018-05-26
Casandra Waller	Pensacola, FL	2018-05-26
Henry Compton	Birmingham, AL	2018-05-26
Jessica Nichols	Pinson, AL	2018-05-26
Vicki Lyter	Milton, FL	2018-05-26
Jeff Roberts	Gardendale, AL	2018-05-27
Stephanie Sierke	Trussville, AL	2018-05-27
Destine Marshall	US	2018-05-27
Jason Glenn	US	2018-05-27
Cheri Hogan	Pensacola, FL	2018-05-29
Stephanie Wilhelm	Pensacola, FL	2018-05-30
Dana Collard	US	2018-05-30

Name	Location	Date
Stacy Brown	US	2018-06-01
eric hendrix	US	2018-06-01
Cameron Harper	US	2018-06-02
Luis Molina	US	2018-06-05
Daniel Walton	US	2018-06-06

MOORE, HILL & WESTMORELAND, P.A.

ATTORNEYS AT LAW

LARRY HILL *
CHARLES F. BEALL, JR. *‡+
GEORGE R. MEAD, II
MARGARET T. STOPP
DOUGLAS S. WOODWARD +
DANIEL M. EWERT
R. ALEX ANDRADE +
TIFFANY T. WOODWARD M
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Pensacola, Florida 32502

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Pensacola, Florida 32591-3290

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H. EDWARD MOORE, JR.
RETIRED

J. LOFTON WESTMORELAND
(1946 - 2004)

Internet
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Writer's Email Address:
emead@mhw-law.com

* Board Certified Civil Trial Lawyer
‡ Board Certified Appellate Lawyer
+ Also Admitted in Alabama
M Certified Family Mediator

June 8, 2018

Brian Spencer
City Council District 6
222 W Main Street
Pensacola, FL 32502
bspencer@cityofpensacola.com

Re: Rejection of Zoning Amendment in OEHC-1

Dear Council Member Spencer,

A business owner, presently in violation of the City Code, has asked City Council, in lieu of coming into compliance, for the City to change its law for her personal benefit, and without regard to the interests of the community in which her business is conducted. This is a grossly wrong request, and should be denied without more. The Code exists for the good of the City and community as a whole – not to serve the specific pecuniary interest of but one property owner or business. It certainly ought not be changed without regard to the impacts on the surrounding community. Indeed, there is a very serious impact on the Code throughout the whole City.

On behalf of the surrounding owners, the Old East Hill Association and the Old East Hill community, we ask that you deny this request. Please leave the City Code unmarred by such a nakedly self-serving and blinkered view of zoning law. Uphold the principle that all citizens should comply with law as a duty, and not merely as an “option” for those with political influence to seek a change in the law in their favor when they find it not to their preference.

The following points need to be considered before entertaining any change to the Code like that being suggested:

1) It is unlawful to modify the zoning code merely because one person or owner has the political support to do it -- even if no outright corruption of public officials is involved. See *Allapattah Cmty. Ass'n, Inc. of Florida v. City of Miami*, 379 So. 2d 387, 395 (Fla. 3d DCA 1980). “The power to amend is not arbitrary. It cannot be exercised merely because certain individuals want it done or think it ought to be done. The change must be necessary for the public good.” *Id.* Such an amendment, lacking any showing as to increasing the public good, and merely aiding the private good of those who procured it will be stricken down as “therefore arbitrary and unreasonable.” *Id.* See also *Dade County v. Frohme*, 489 So. 2d 140, 141 (Fla. 3d

DCA 1986)(“striking down the [rezoning] resolution, which permitted a commercial use to intrude into a residentially-zoned area contrary ... the terms of its land use plan, characterizing this as “a penetrating and impermissible rape of the neighborhood, presaging the flood to come.”)

The City Council should under no circumstance do something so plainly flouting the legitimate principles of re-zoning and which would be per se unlawful. The Council should summarily reject even the attempt.

2) To modify the zoning code requires factual findings that changed circumstances have occurred since the existing code was adopted and which adversely affect the interest of the whole district -- not just one owner -- to justify the change proposed. Owners “relied on the existing zoning conditions when they bought their homes. They had a right to a continuation of those conditions in the absence of a showing that the change requisite to an amendment had taken place. ... True their rights were subject to the power of the city to amend the ordinance on the basis of a proper showing. Nonetheless, they have a right to insist that the showing be made.” *Hartnett v. Austin*, 93 So. 2d 86, 90 (Fla. 1956)(“We point out in passing that the applicant ... was not appealing ... for a variance on the basis of any hardship.”) There have been no such findings, and indeed there could be not any such findings. There has been no claim of hardship – the business merely seeks to expand its intrusion at the neighborhood’s expense.

3) No findings were made by Planning Board in their hearing or recommendation; the Council ordinance proposal provides no findings, and no hearing was held to produce evidence to support any findings. To pass a zoning amendment in this condition will result in an immediate injunction against the change on the authority cited if brought by any complaining resident of the district, and they are already complaining about the situation before any Code change. It would be far better for Council to hear their complaints and act appropriately by rejecting this proposal than for the Court to do so.

4) There is also a much larger problem in the lack of required findings – and this could affect the whole City. There are no reasoned findings to show why this particular C-1 district is somehow special or meaningfully different from the others in allowing this use. A code change to allow this “outdoor dog exercise area” (honestly -- this is a glorified dog kennel, in all but name) in a C-1 zoning area in this district -- would put all C-1 zoning areas in the City subject to challenge by any other owner who wishes to open a business with an “outdoor dog exercise area” (be serious, it’s a kennel) in C-1.

5) If this change were made in this C-1 district and later denied to an owner in another C-1 district a case would exist for suit on the arbitrary enforcement of these restrictions. That suit would likely be successful without reasoned findings explaining why this change is necessary and for the public good – and limited to the specific location. Without that – a lawsuit on arbitrary enforcement would probably succeed - and expose the City to paying an owner's legal fees to remove the arbitrary restriction under both federal and state civil rights statutes.

6) It is also inexplicable why this owner has obtained a one year period to come into compliance when the violation is clear and indeed, appears uncontested from the manifest effort to change the Code. The City Council would only be rewarding non-compliance with the Code. If reward non-compliance, you encourage non-compliance and get more of it. This is an untenable policy, and unhealthy for the rule of law.

7) Council stipulated that only a Conditional Use would be allowed back in 2008 for the protection of Old East Hill residents. The only thing keeping this business from expanding further into the neighborhood is the fact that the City would have to approve the expansion. Creating a permitted use by this amendment would all but guarantee an enlargement and intensification of the adverse neighborhood impacts already creating complaints – and precisely the reverse of what zoning amendments are supposed to be for. This plan of expansion is not speculation – the business owner is known to have stated multiple times an intention to expand. Plainly, she just wants to avoid justifying her proposed expansion to Council for approval, and so the request for change to a permitted use is merely to avoid further scrutiny.

8) What one business can achieve by this method, any business can attempt by copying it. Changing the code to “cure” a naked violation sets a precedent for other incompatible businesses to come into this area – or any other area -- and to play this game at the City’s expense. Allowing this precedent to be set could risk gutting all manner of provisions in the Code by inviting anyone to play off inconsistent actions in enforcement and currying legislative favors that create an opportunity to profit from blatant Code violations. That would be a political and ethical disaster for the City.

For the good of Old East Hill and the City as a whole, I urge you to reject this request for a zoning amendment. Keep the Code in its present form, and furthermore, pass a Council resolution urging its immediate enforcement it as it stands now.

Sincerely,



MOORE, HILL & WESTMORELAND, P.A.

George R. Mead, II

GRM/hbm

cc: All City Council members
Don Krager, Council Executive

Ericka Burnett

From: Brandi Deese
Sent: Monday, June 11, 2018 8:58 AM
To: Robyn Tice; Ericka Burnett
Cc: Don Kraher
Subject: FW: In favor of supporting code change by Dr Hall at East Hill Animal Hospital

Please see email below relevant to Dr. Laura Hall's LDC Amendment request for Old East Hill. Thanks!

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: Barry Goodson [mailto:barrygoodson@cox.net]
Sent: Friday, June 08, 2018 7:30 PM
To: Brandi Deese
Subject: In favor of supporting code change by Dr Hall at East Hill Animal Hospital

This email is to inform you that I am in favor of supporting the code change submitted by Dr Hall at the East Hill Animal Hospital. Dr Hall is a respected and will liked doctor and runs a totally professional operation. Please don't hinder her in doing her job for the community.

Sincerely,
Barry Goodson
850-982-5606

Ericka Burnett

From: Brandi Deese
Sent: Friday, June 8, 2018 4:17 PM
To: Ericka Burnett; Robyn Tice
Cc: Don Kraher; Sherry Morris
Subject: FW: Support for East Hill Animal Hospital, Pensacola Pet Resort, Pensacola Pet Resort Too and Dr. Laura Hall

Please see email below relevant to Old East Hill LDC Amendment request by Dr. Laura Hall. Thanks.

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: Dave Kelley [mailto:dgkelley@bellsouth.net]
Sent: Friday, June 08, 2018 4:04 PM
To: Brandi Deese
Cc: dgkelley@bellsouth.net
Subject: Support for East Hill Animal Hospital, Pensacola Pet Resort, Pensacola Pet Resort Too and Dr. Laura Hall

Brandi,

I am writing in support of Dr. Laura Hall and her businesses, East Hill Animal Hospital, Pensacola Pet Resort and Pensacola Pet Resort Too.

Please know that she has built a very well respected establishment and has hired nothing but the best of people. By establishing her business in the Gadsden corridor she has also generated clean up and growth of that neighborhood, making it safe and comfortable for those who have followed. I have had the honor and privilege of working with both the Pet Resort and the hospital staff for several years. I have recently rescued my third dog, sequentially; Dr. Hall and her staff have been the only team that I am comfortable working with in Pensacola, Florida.

Please contact me if you have any questions, or would like to discuss.

Thank you,
David G. Kelley
1800 E. Lakeview Avenue
Pensacola, Florida 32503-5778
(850) 287-3545

"Only two things are infinite, the universe and human stupidity, and I'm not sure about the former."

- Albert Einstein (1879-1955)

Ericka Burnett

From: Brandi Deese
Sent: Monday, June 11, 2018 8:58 AM
To: Robyn Tice; Ericka Burnett
Cc: Don Kraher
Subject: FW: In Favor of Code change for Dr Laura Hall East Hill Animal Hospital

Please see email below relevant to Dr. Laura Hall's LDC Amendment request for Old East Hill. Thanks!

Brandi C. Deese, AICP

Planning Services Division

City of Pensacola

PO Box 12910

Pensacola, FL 32521

Office – 850.435.1697

Fax – 850.595.1143

From: Dianne Krumel [mailto:dkrumel@cox.net]
Sent: Friday, June 08, 2018 7:21 PM
To: Brandi Deese
Subject: In Favor of Code change for Dr Laura Hall East Hill Animal Hospital

To whom this may concern,

This letter is to inform you of my approval of Dr. Laura Hall's code change with East Hill Animal Hospital. She runs a very professional operation and is a true asset to our community.

Sincerely,
Dianne Krumel
Pensacola
850-434-3556

Robyn Tice

From: Brandi Deese
Sent: Wednesday, June 13, 2018 11:54 AM
To: Robyn Tice; Ericka Burnett
Cc: Don Kraher; Sherry Morris
Subject: FW: Wednesday

Please see email below relevant to Dr. Laura Hall's LDC Amendment request. Thanks.

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: Diana Barnes [mailto:laruahouse@cox.net]
Sent: Wednesday, June 13, 2018 11:42 AM
To: Brandi Deese <bdeese@cityofpensacola.com>
Subject: Wednesday

We OLD EAST HILL people do not approve of a single person making the rules for all of us. Dr. Hall does not live in our neighborhood. We voted unanimously against a code change. We are being slowly encroached upon from all sides, shrinking our small and unique neighborhood. We ask the City Council to consider if they lived in our neighborhood, would they want a dog run, a vet clinic, AND a KENNEL nearby. Where does all the dog poop go? Contrary to what Dr. Hall would have us believe, her clients DO

walk their dogs and let them poop on our yards. We see strange people every day walking their dogs in our neighborhood. We don't recognize them, they don't speak, refuse to respond when spoken to. And it is my belief that Dr. Hall was NOT allowed a Kennel in 2008 when she was given permission to open a vet clinic.

Please help us to prevent code change that would allow MORE business in our small area.

Thanks so much.

Diana Barnes
604 East La Rua

Robyn Tice

From: Brandi Deese
Sent: Wednesday, June 13, 2018 8:47 AM
To: Robyn Tice; Ericka Burnett
Cc: Don Kraher; Sherry Morris
Subject: FW: Dr.Hall

Please see email below relevant to Dr. Laura Hall's LDC Amendment request. Thanks.

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: jeanne hagan [mailto:JDHsix@hotmail.com]
Sent: Wednesday, June 13, 2018 7:42 AM
To: Brandi Deese <bdeese@cityofpensacola.com>
Subject: Dr.Hall

My name is Jeanne hagan. I live at 404 east Jackson street. I am writing to you to let you know that I am in favor of dr. Hall and the code change specific to her business as are all the homes on my block. Her business and property have been a positive for the neighborhood and has been a considerate neighbor. I am hoping that you vote for the code change and review the petition against her code change as it comes from a few and signed by outsiders. Sincerely, Jeanne hagan 404 east Jackson street 805-3243271

Robyn Tice

From: Brandi Deese
Sent: Wednesday, June 13, 2018 3:22 PM
To: Robyn Tice; Ericka Burnett
Cc: Don Kraher; Sherry Morris
Subject: FW: Esat Hill Animal Hospital, Dr. Hall

Please see the email below relevant to Dr. Hall's LDC Amendment request. Thanks.

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: r.bailey [mailto:r.bailey@watersandhibbert.com]
Sent: Wednesday, June 13, 2018 3:14 PM
To: Brandi Deese <bdeese@cityofpensacola.com>
Subject: Esat Hill Animal Hospital, Dr. Hall

Ms. Deese,

This letter is in support of Dr. Hall and everyone at East Hill Animal Hospital. I am a longtime downtown business man and Dr. Hall has made a tremendous contribution to downtown Pensacola for many years. I believe Dr. Hall has made a great improvement in her efforts as my company has to help the growth and services available in downtown. I hope that she can continue to contribute the fantastic and much needed services in downtown for many years to come. They are wonderful and caring people.

Sincerely,
Richard L. Bailey, Jr
Funeral Director in charge

Robyn Tice

From: Brandi Deese
Sent: Thursday, June 14, 2018 11:48 AM
To: Robyn Tice; Ericka Burnett
Cc: Don Kraher; Sherry Morris
Subject: FW: East Hill Animal Clinic

Please see email below relevant to Dr. Laura Hall's LDC Amendment request. Thanks.

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: Tim Wilson [mailto:tjw32501@yahoo.com]
Sent: Thursday, June 14, 2018 11:06 AM
To: Brandi Deese <bdeese@cityofpensacola.com>
Subject: East Hill Animal Clinic

Ms. Deese,

I live in downtown Pensacola and am owner of multiple pets. It would be a travesty for East Hill Animal Clinic to move or close. They are an asset to our community and provide a service not offered anywhere else in the downtown area. Dr. Hall and her staff are the best I've ever encountered in my 53 years as a pet owner. Their building and grounds look better than anything around in the area.

Timothy J. Wilson
124 West Gregory Street
Pensacola, Florida 32502

June 10, 2018

Matthew Ahearn
822 East La Rua St
Pensacola, FL. 32501

Re: Rejection of Zoning Amendment in OEHC-1.

Dear Council Members,

This letter is in response to the above referenced item. I am a home owner in the neighborhood who is **Strongly Opposed** to the above item and the proposed change in the Ordinance.

In the future we ask that you and the Council remain diligent in your enforcement of our current Ordinances, and in protecting the unique quality of life that we feel this neighborhood offers our families.

Respectfully,

A handwritten signature in black ink, appearing to read 'Matthew Ahearn', with a long horizontal line extending to the right.

Matthew Ahearn
mahearn@ahearnconstruction.com
504-416-0735 (cell)

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida

County of Escambia:

++-----

Before the undersigned authority personally appeared **Steve Dulaney** who, on oath, says that he is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

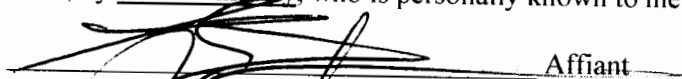
NOTICE OF PUBLIC HEARING

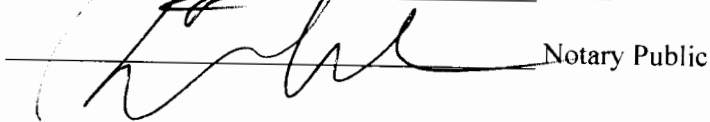
Was published in said newspaper in the issue(s) of:

JUNE 04, 2018

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **04th** day of JUNE, 2018, by **Steve Dulaney**, who is personally known to me.

 Affiant

 Notary Public

NOTICE OF PUBLIC HEARING

On Thursday, June 14, 2018 and
Thursday July 19, 2018 at 5:30 p.m. in
the Council Chambers of City Hall,

222 West Main Street, the Pensacola
City Council will conduct required
public hearings to consider the
following:

- PUBLIC HEARING – Request to Amend the Land Development Code – Section 12-2-10 – Historic and Preservation Land Use District – Request to Allow Animal Hospitals, Veterinary Clinics and Pet Resorts as a Permitted Use in the Old East Hill Commercial Districts.

You are not required to respond or take any action regarding this notice; but if you wish to speak before the City Council on this subject, you are invited to be present at the scheduled hearing.

If any person decides to appeal any decision made with respect to any matter considered at this meeting, such person will need a record of the proceedings, and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

For additional information on this matter, please call Planning Services at (850) 435-1670.

By direction of the
City Council,

Ericka L. Burnett
City Clerk

From: Diana Barnes [<mailto:laruahouse@cox.net>]
Sent: Thursday, July 12, 2018 6:08 PM
To: Ericka Burnett <EBurnett@cityofpensacola.com>
Subject: OEH code change

forwarded from Lou Courtney:

As a resident of Old East Hill, I ask that you please vote NO to the Land Development Code zoning amendment proposed by Dr Laura Hall, East Hill Animal Hospital.

I ask that this business, located not only in a C-1 area and a historic preservation district but also adjacent to residential properties, be required to operate under the conditions it was originally allowed to open under which does not allow for outdoor areas for dogs. This type of business should be located in an industrial area of the city, C-3, where this type of use is permitted.

This proposed change is not for the good of the residents nor the existing businesses- it only stands to benefit EHAH. This change would decrease everyones property values and adversely affect our quality of life.

-----Original Message-----

From: Lou Courtney [<mailto:loumitchell@loumitchell.com>]

Sent: Saturday, July 14, 2018 10:57 AM

To: Ericka Burnett <EBurnett@cityofpensacola.com>

Subject: Old East Hill/ East Hill Animal Hospital issue

My name is Lou Mitchell Courtney and I have lived at 523 N 8th avenue for the last 21 years. I am opposed to the proposed code change by East Hill Animal Hospital (EHAH). There is no evidence this change is for the good of our community (and subsequently, other communities).

At the June Council meeting Council Member Spencer brought up questions about Dr Hall's business model. If she had a well thought out business model, why did she not pick an appropriate ZONE for her business? A quick search for 'how to open a dog boarding business' first bullet points include: 'make certain the property is zoned for your business' & 'pick an area easily accessible from a main road with plenty of parking'. Dr Hall considered neither of these issues when she purchased this property. Meanwhile, existing compatible businesses had their own, workable-within-our-restrictions, business models, which have not caused conflict. Residents who have bought and invested in property here knowing the standards they would be held to for restoring their historic homes and the zoning dictating schools their children would have to go to, have their own 'lifetime model' plan that is no less important than Dr Hall's loosely thrown together 'business model' which was not 'pre-approved' by the city- where in writing does it say that? Who makes important business decisions without getting things in writing? Even I, as an artist, have a business contract I require clients to sign for custom work.

The services EHAH requests to be granted as by-right

- a) are not permitted in C-1 areas
- b) are not permitted in historic preservation areas
- c) are not permitted in, and are incompatible with, residential areas & existing boutique type businesses.

Some of you may be tempted to side with this code change- let me remind you ZONING EXISTS FOR A REASON. It exists to protect residents and compatible businesses. It exists to prevent nuisance lawsuits. Even if you ignored the fact that Pensacola and most other cities do not allow this type of business in a C-1 zone, there is also the fact that this is a historic preservation district. On top of that, were you to allow this aggression there is no way this business could even moderately comply with the noise buffer requirements for businesses with outdoor areas for dogs. This type of business, with outdoor areas, are always located in

- a) Industrial C-3 areas
- b) in the County
- c) in the country

Never are they located in, directly up against, residential areas.

Let me point out that 3 of the supporting letters, all of which are properties adjacent to EHAH/Pensacola Pet Resort Too, have been VACANT for several years. Look at the code violation history for the property owner who stated they live in their house backing up to the vet clinic. See how many of the 47 times the officer went to investigate compliance they found them at their address (never). See where they send their child to school & you will know they do not live at this address any longer. The other property owner who spoke and 'has never had a problem with EHAH' has NEVER lived at that house and in fact the backside of the house burned 20 months ago and the electric meter was pulled at that time.

Our Old East Hill petition with 112 signatures was signed by RESIDENTS- people who live here- and this entire issue was painstakingly explained to them. We had over 80% support of the residents we spoke with. EHAH online petition has a photo of a cute puppy and asks people to sign 'in support of Dr Laura Hall'. No information was given regarding the actual issue at hand.

From: Michael Courtney [<mailto:mcsurf676@gmail.com>]
Sent: Saturday, July 14, 2018 11:39 AM
To: Ericka Burnett <EBurnett@cityofpensacola.com>
Subject: Old East Hill/East Hill animal hospital issue

Hello, Ms. Burnett. Below is a copy of my letter for the upcoming council meeting, July 19th. Thank you.

Thank you in advance for your careful consideration of this issue, Council Members. My name is Michael Courtney. I have lived at 523 N 8th avenue for the last 21 years. Fact: Dr. Laura Hall petitioned the City to come into our area (Old East Hill) which was not zoned for her business. She was given the condition that there would be no outdoor areas for dogs, which she agreed to. There is a reason this type of business is not allowed in a C-1 historic preservation district adjacent to residential homes and existing boutique type businesses. In this case, the reason this type of business is incompatible is because of health and noise issues and the close proximity to those businesses and residences.

East Hill Animal Hospital and Pensacola Pet Resort Too have grown from their inception. That is great for that business owner but they have blatantly broken the promises agreed to which allowed them to open in our area. The conditional use permit granted was to ensure the protection of neighboring residences and businesses. This business should be made to comply with the original conditions which do not allow for outdoor areas for dogs.

From: Lou Courtney [<mailto:loumitchell@loumitchell.com>]

Sent: Saturday, July 14, 2018 6:09 PM

To: Ericka Burnett <EBurnett@cityofpensacola.com>

Subject: Maria Hanell : Old East Hill

Thank you Council Members for your careful consideration of this matter.

As residents and long time tax paying business owners of Old East Hill, we ask that you please vote NO to the Land Development zoning amendment proposed by Dr. Laura Hall, East Hill Veterinary Hospital and Pensacola Pet Resort Too.

We ask that these businesses, located not only in a C-1 area and a historic preservation district, but also adjacent to residential properties, be required to operate under the conditions they were originally allowed to open under, which does not allow for outdoor areas for dogs. This change, were it to pass, would affect our property values and quality of life negatively.

These types of businesses should be located in an Industrial area of the city, C-3, where this type of use is permitted.

The proposed change is not for the good of the residents nor existing compatible businesses, it would benefit EHAH and PPR Too, exclusively.

Sincerely,



Della MARIA Hanell

820 E. Jackson ST
32501

Residence

819 E. Jackson ST
32501

Business

From: Lou Courtney [<mailto:loumitchell@loumitchell.com>]

Sent: Saturday, July 14, 2018 5:52 PM

To: Ericka Burnett <EBurnett@cityofpensacola.com>

Subject: letter FOR Old East Hill neighborhood

Thank you Council Members for your careful consideration of this matter.

As a resident of Old East Hill, I ask that you please vote NO to the Land Development zoning amendment proposed by Dr. Laura Hall, East Hill Veterinary Hospital and Pensacola Pet Resort Too.

I ask that these businesses, located not only in a C-1 area and a historic preservation district, but also adjacent to residential properties, be required to operate under the conditions they were originally allowed to open under, which does not allow for outdoor areas for dogs. This change, were it to pass, would affect our property values and quality of life negatively.

These types of businesses should be located in an Industrial area of the city, C-3, where this type of use is permitted.

The proposed change is not for the good of the residents nor existing compatible businesses, it would benefit EHAH and PPR Too, exclusively.

Sincerely,

A handwritten signature in blue ink, appearing to read "Myles B. Sampson". Below the signature, the address "813 East Jackson St." is handwritten in the same ink.

MYLES SAMPSON
813 East Jackson

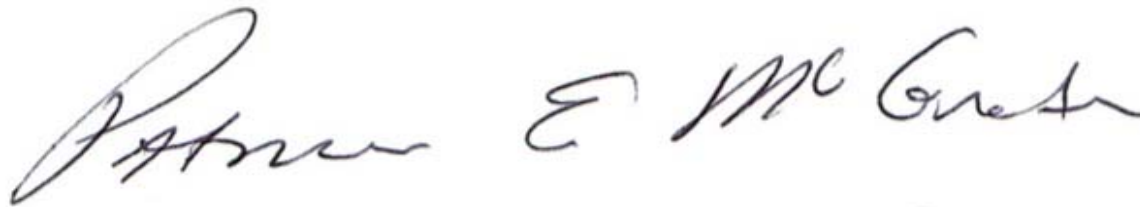
As residents and long time tax paying business owners of Old East Hill, we ask that you please vote NO to the Land Development zoning amendment proposed by Dr. Laura Hall, East Hill Veterinary Hospital and Pensacola Pet Resort Too.

We ask that these businesses, located not only in a C-1 area and a historic preservation district, but also adjacent to residential properties, be required to operate under the conditions they were originally allowed to open under, which does not allow for outdoor areas for dogs. This change, were it to pass, would affect our property values and quality of life negatively.

These types of businesses should be located in an Industrial area of the city, C-3, where this type of use is permitted.

The proposed change is not for the good of the residents nor existing compatible businesses, it would benefit EHAH and PPR Too, exclusively.

Sincerely,



PATRICIA E. MCGRATH

820 E. Jackson ST
32501

Residence

819 E. Jackson ST
32501

BS.

-----Original Message-----

From: copyeditor@michaelkenneydesign.com [<mailto:copyeditor@michaelkenneydesign.com>]

Sent: Monday, July 16, 2018 12:06 PM

To: Don Kraher <DKraher@cityofpensacola.com>

Cc: Ericka Burnett <EBurnett@cityofpensacola.com>

Subject: letters re Old East Hill rezoning meeting

Hello Don and Ericka,

I wasn't sure where I should send these letters concerning the vote coming due Thursday re rezoning in Old East Hill. I sent a Word document to each council member. Should I have pasted each letter directly into the email?

Cheers,

Jerry Gill

copyeditor@michaelkenneydesign.com

604 East La Rua Street
Pensacola, Florida 32501
14 July 2018

P.C. Wu
City Council District 1
222 West Main Street
Pensacola, Florida 32502

Dear Council Member P.C. Wu,

This letter is about Dr. Laura Hall's request that the Council modify certain zones. I'm sure you've been inundated with information re this issue; as you know, a vote will be taken this Thursday, and I'm asking you to vote NO against the proposal.

I'm a native of Pensacola. I was born in Old Sacred Heart Hospital. Since then, for many years I worked for an advertising agency in that building. During that period of time, I have lived and still live in Old East Hill.

Dr. Laura Hall maintained a veterinary clinic (East Hill Animal Hospital) in the old hospital building for a long time. I don't remember exactly how long Dr. Hall's remained in that location, but I was still working there when she moved. I do recall that her personal reputation and her professional reputation grew rapidly. Apparently she needed more space and moved her business to Gadsden Street in *Old* East Hill. Her business continues to grow by leaps and bounds, so surely that's why she needs more space. I'm afraid that her changes will open the door to further intrusion into our neighborhood, ruining its present status as a historic district.

So I understand her needs. But I am not sure that she understands the needs of this small community — a Pensacola Historic Preservation District, I needn't have to remind you — the community that she has vectored herself into with a mind to change it to suit her purposes.

You've read the letters, looked through lists of signatures and observed their count, evaluated fairly the positions on both sides, realized that one of the main issues is rule of law, and whether the zoning laws should be respected (i.e., left alone). As attorney George Mead II said in a letter that was (I'm fairly sure) sent to you, "Uphold the principle that all citizens should comply with law as a duty, and not merely as an 'option.'" Many OEH residents as well as others have made it clear that it would be unlawful to change the code in this case.

In fact, I feel certain that you'll vote against the "change the code" issue that Dr. Hall is proposing because you speak with a voice of reason, insist on following the "rule of law," continue to nurture a deep love for Pensacola, and for keeping Pensacola's history as pristine as possible from this day on.

Sincerely,

Jerry Gill

Sherri F. Myers
City Council District 2
222 West Main Street
Pensacola, Florida 32502

Re: ***Your vote on Thursday 19 July concerning a code change***

Dear Council Member Sherri F. Myers,

I live in Old East Hill. I was born in the Old Sacred Heart Hospital. I care about its history — indeed — all of Pensacola's history (including UWF's alleged Luna Colony field excavation presently in progress). This letter is meant to encourage you to vote **NO** to the Old East Hill (OEH) proposed code change in Thursday's Council meeting. Why?

Dr. Laura Hall maintained a veterinary clinic (East Hill Animal Hospital) in the Old Sacred Heart Hospital for a long time. And for years, I worked in an advertising agency in the building, and was still working there when Dr. Hall moved her business. However, while she was located there, both her business reputation and personal reputation grew by leaps and bounds. Apparently she needed more space, for she moved her business to Gadsden Street in *Old* East Hill. Her business continues to grow by leaps and bounds, so surely that's why she needs more space.

I can understand her requirements. I don't know whether she considers the needs of this Historic Preservation District community important. If she thought OEH's heritage valuable, would she have vectored herself into the neighborhood with a mind to grow more businesses? I don't know.

At any rate, you've no doubt read letters, reviewed signatures (and the number) of people who want the code changed and those who don't, weighed the positions with the realization that a strong

issue in this matter is rule of law (and long-term effects of code changes), and whether the laws in question should be respected (i.e., left alone).

In fact, I'm sure you're weary of wading through all of it. You've no doubt seen enough, and with your education, knowledge, experience, and good sense, I trust you to understand that, taken together, a "no" vote will, in the long run, be of greater benefit to the city.

Sincerely,



Jerry Gill

Andy Terhaar
City Council District 3
222 Main Street
Pensacola, Florida 32502

Dear Council Member Andy Terhaar,

I'm a Pensacola native. I was born in the Old Sacred Heart Hospital in East Hill, and I care about its history — indeed — all of Pensacola's history. I'm writing this letter to you hoping to help Old East Hill maintain its status quo as a part of our Pensacola heritage, which secures as much of its pristine quality as possible, before bulldozers raze another historic building down to sterile soil.

Dr. Laura Hall had a veterinary clinic in the building for a long time. Her business and her reputation grew by leaps and bounds. She must have needed more space because she moved her business to Gadsden Street in *Old* East Hill. The business continues to grow by leaps and bounds, so surely that's why she needs more space.

I understand the need for more space to house animals that require more room to remain healthy. But at what expense? Does Laura know the needs of this small community — a Pensacola Historic Preservation District, I needn't remind you — the community that she has vectored herself into?

You've no doubt read all the letters, observed the petitions' signature count, weighed fairly each position, realized that one of the main issues is rule of law, and whether, in this case, the zoning law should be changed. As our attorney, George Mead II, said in a letter to Brian Spenser, "Uphold the principle that all citizens should comply with law as a duty, and not merely as an 'option.'" Many OEH residents as well as others have made it clear that it would be unlawful to change the code in this case.

In fact, I feel certain, Andy, that you'll vote against the "change the code" issue that Dr. Hall is proposing, because I believe that you are reasonable, insist on following the "rule of law," and nurture a deep love for Pensacola, and for keeping Pensacola historically pristine.

Sincerely,



Jerry Gill

Larry B. Johnson
City Council District 4
222 West Main Street
Pensacola, Florida 32502

Dear Council Member Larry B. Johnson,

By now you are familiar with the issues at stake regarding the change(s) Dr. Laura Hall wants to make in Old East Hill Zone 1.

Dr. Laura Hall maintained a veterinary clinic in the Old Sacred Heart Hospital for a period of time. I was working for an advertising agency in that building, so I was aware that she moved to her Gadsden Street premises. Her stellar personal reputation and professional reputation has grown fast. Looks like she needs more space. But not in OEH, please. Mr. Johnson, don't let that happen. Vote NO. Leave the zone as is.

Since her business continues to grow by leaps and bounds, surely that's why she needs more space. So I can understand the needs of her hospital. But I don't think that she fully understands the needs of this small community — a Pensacola Historic Preservation District, I needn't remind you — the community that she has vectored herself into with a mind to change it.

No doubt you've read all the letters, looked through lists of signatures and observed their count, weighed the positions fairly, realized that one of the main issues is rule of law, and whether the law should be respected. As Attorney George Mead II said in his letter to Brian Spenser, "Uphold the principle that all citizens should comply with law as a duty, and not merely as an 'option.'" Many OEH residents as well as others have made it clear that it would be unlawful to change the code *in this case*.

In fact, if you're on the fence, I feel certain that you'll vote against a change if only you read again the letter Mead wrote (attached).

Sincerely,



Jerry Gill

Gerald Wingate
City Council District 5
222 West Main Street
Pensacola, Florida 32502

Dear Council President Gerald Wingate,

I was born in the Old Sacred Heart Hospital, so we're both Pensacola natives! That means you can see why I care about the hospital's history. *All* of Pensacola's history, including UWF's (alleged) Luna Colony field excavation currently in progress.

Why do I bring it up? Because I'm concerned about a vote you'll make Thursday July 19. (You know all about it. I want you to vote "no" if that means the code will remain the same.) The following is some of the "why."

I live in Old East Hill (OEH), a Historic Preservation District (as you know). I believe you're open-minded and I want you to know that there is one more person concerned that our little island community may one day all be businesses.

At this time, OEH's outer ring is composed of fishmongers, convenience stores, fast food restaurants, dining, salons, and other small businesses. A couple of businesses have been expanding, however, and the owner of one wants to thrust farther into the center of our island: A veterinary hospital "dog exercise run." (The terminology is controversial; it appears wording is going to be important.)

Dr. Laura Hall maintained a veterinary clinic (East Hill Animal Hospital) in the Old Sacred Heart Hospital building for a long time. Her reputation, personal and professional, grew by leaps and bounds. She needed more space and moved to Gadsden Street in *Old* East Hill.

I'm not sure that she considers the needs of this Historic Preservation District community as important as her requirements to care for animals. Would she have vectored herself into this shrinking community with a mind to change it? I wouldn't think so. At any rate, one person's viewpoint alone is not fair or lawful when it comes to something as important as rezoning the city's C-1.

In fact, I'm sure you're weary of wading through all of the paperwork. You've no doubt seen enough, and with your experience in these kinds of problems, I trust you to understand that, everything taken together, a "no" vote will, in the long run, be of greater benefit to the city than an expanding animal hospital.

Sincerely,



Jerry Gill

Brian Spencer
City Council District 6
Pensacola, Florida 32502

Dear Council Member Brian Spencer,

I see that you're running for mayor! Hard to miss — I even hear your ad on late-night radio. Most of the hosts have great voices. So do you. (A requisite for a mayor.) The first time I heard you speak in public was at Diana Barnes's house on La Rua. You were running for City Council and talking to citizens who live in Old East Hill (OEH). I'm one of them.

Like you, I'm a Pensacola native. I was born in the Old Sacred Heart Hospital, and I care about its history — indeed — I'm interested in all of Pensacola's history, including the current Luna Colony excavation (some would say "alleged" Luna Colony). The old hospital is considered part of that history and I believe the Ritz family has been doing a fine job maintaining its historical stance.

Dr. Laura Hall maintained a veterinary clinic (East Hill Animal Hospital) in Old Sacred Heart for a long time, and I was working there for Michael Kenney, whose advertising office was also in the building. Both her personal and professional reputation grew by leaps and bounds. But it appeared that she needed more space; at any rate, she moved her business to Gadsden Street in *Old* East Hill. (I was still working for Mike when she moved out.) Her business continues to grow.

So I can understand some of her needs. But I don't think that she understands the needs of this small community — a Pensacola Historic Preservation District, I needn't remind you — the community that she has vectored herself into with a mind to change the zoning to her advantage, regardless of the consequences.

You've read all the letters, looked through lists of signatures and observed their count, weighed fairly the positions of both sides, realized that one of the main issues is rule of law, and whether the law should be respected as is. Attorney George Mead II said in his letter that we must uphold the principle that all citizens should comply with law as a duty, and not merely as an "option." Many OEH residents as well as others have made it clear that it would be unlawful to change the code in this case. I see the code "as is" protecting our little zone of privacy and the city's past.

In fact, I feel certain that you'll vote NO to Dr. Hall's changes, because you speak with a voice of reason, insist on following the rule of law, nurture a deep love of Pensacola, and wanting to keep her history as pristine as possible.

Sincerely,



Jerry Gill

Jewel Cannada-Wynn
City Council District 7
222 West Main Street
Pensacola, Florida 32502

Dear Council Member Jewel Cannada-Wynn,

The first time I heard you speak in public, I believe, was at one of the meetings of our neighborhood's Old East Hill Property Owners Association. If memory serves, you were running for City Council District 6, at that time and talking to citizens who lived in Old East Hill (OEH). I'm still one of them.

Like you, I'm a Florida native. I see by your bio that you were born in Century, whereas I was born in the Old Sacred Heart Hospital. I believe you were my Pensacola City Council representative when I was working for an advertising firm whose office was in the Old Sacred Heart Hospital.

Dr. Laura Hall had a veterinary clinic (East Hill Animal Hospital) in the building for a while. Her personal reputation and her professional reputation grew by leaps and bounds. She moved to Gadsden Street in the Old East Hill Historic Preservation District. Now she wants to change zoning laws to accommodate her wish to further grow her business. This letter is meant to encourage you to vote NO against such changes, for I believe they will invite more businesses to eventually overrun OEH's preservation status by swallowing up residential structures.

Does Dr. Hall understand how such growth (intrusion into) OEH will disturb the community that she has vectored herself into? I don't know. But with the experience you've absorbed over all these years in our schools, in the military, and as a member of the council, I think you might have more than an inkling of understanding how the preservation district will be affected, as well as other unfortunate changes that might occur were council members to allow it by voting yes, let's let Laura have her way; it's good for business, which is what makes the world go 'round. ***But by destroying our history?***

In fact, I feel certain that you'll vote NO! to the proposed changes. Why? Because of your spirit, your compassion, and understanding of what's at stake. Your deep love that nurtures a struggle to keep Pensacola pristine tops the list.

Sincerely,



Jerry Gill

Robyn Tice

From: Ericka Burnett
Sent: Monday, July 16, 2018 12:32 PM
To: Robyn Tice
Subject: FW: Old East Hill: July update

From: Amber Hoverson [mailto:amber.hoverson@oldeasthill.com]
Sent: Monday, July 16, 2018 12:13 PM
To: Ericka Burnett <EBurnett@cityofpensacola.com>
Subject: Old East Hill: July update

Good afternoon Ms Burnett,

Below is the letter I've sent to each City Council Member, Brandi Deese in Planning suggested that we send you any updates regarding the proposed code change for Old East Hill. Have a wonderful week!

Thank you so much for your time and consideration of the concerns presented by Old East Hill Property Owner's Association and residents regarding the proposed code change at the June City Council Meeting. Unfortunately I will not be able to attend July's meeting as I am in Montana visiting my family. Susan Agnew will be standing in for me and OEHPOA. Here are some additional points I would like to share in my absence at the upcoming meeting.

1. Old East Hill Property Owner's Association does not want Dr. Hall's businesses to leave our neighborhood: 42 employees and numerous patients are not at risk due to the requests of our organization. Our businesses are important to this neighborhood
2. So much research has determined why this code change is bad for our neighborhood:
 - a. The Code Enforcement Department did a very thorough investigation; they read the municipal codes, watched the 2008 Council hearing to see what was intended and what was allowed, produced video and text from the applicants own website which advertise outside "exercise yards", and got testimony from adjacent property owners. They built an airtight case and **the Magistrate found them in violation of two municipal codes: 12-2-10(C)4((b)6 AND 12-2-10(C)4(b)5(n)**

b. On behalf of OEHPOA I visited East Hill Animal Hospital and Pensacola Pet Resort Too (before our Board voted on our position) with Dr. Hall and asked her if she would be willing to compromise back in April. At the time she was not willing to do so. I also invited Dr. Hall to speak at our neighborhood meetings; she attended and shared her perspective at 3 different neighborhood meetings. **At none of those meetings did she suggest any type of compromise or ask what we (residents) would like to see change in the proposal.**

c. Thirteen pet shops, boarding facilities or animal hospitals located in the City or County have been toured and personnel interviewed on current business operations. **The conclusion: All pet related activities are located in non-residential areas in C-2 or C-3.** Out of the 13 different businesses researched only 2 were located in C-1 zoning and neither of these businesses have an outdoor area. **Animals are walked one at a time on a leash if taken outside.** Dr. Hall stated at the last Council meeting “I don’t have outdoor exercise areas, never have, never will”. No other place in city limits does either. There is a big difference between a small patch of grass that animals can use the bathroom on one at a time while leashed and what the proposal is asking for: a large outdoor area where animals are allowed to play with each other multiple times a day. **An allowance like this would give Pensacola Pet Resort Too a competitive advantage over other businesses in the city. This not only punishes residents and compatible businesses in our area, but competitors as well.**

d. Members of the Planning Department have verified the information Old East Hill has presented as accurate (either by email or phone conversation). I’ve also reviewed, in detail, every single document provided by the City in regards to this issue. I’ve reached out to past OEHPOA Board Members for information about 2008 Code change, reviewed the 2008 City Council meeting video and transcript, reviewed and created a transcript for Pensacola Pet Resort Too’s advertising video from their website, spoke with many of the 112 Old East Hill residents who have signed our neighborhood petition against this change, attended the Planning and Zoning meeting in April, attended the Agenda Conference meetings for May and June and both City Council Meetings, and familiarized myself more than I ever wanted to with City Code Regulations. Though a few people in support of the proposed code change have stated our information is inaccurate, **no specific examples or evidence of inaccuracies has been presented.**

Our neighborhood is on its way to being one of the best places to live in the city. I love that I can walk to End of the Line for coffee in the morning and to Maria’s to get something for dinner. I also love that I can walk right around the corner to get cat food from East Hill Animal Hospital.

Our neighborhood is unique because of its Historic Preservation status and its diversity. The last thing we want or need is to create a residents vs businesses type mentality that could destroy the harmony we live in.

With all the new construction happening we will continue to get more residents and businesses so we need to be smart about any changes we make concerning zoning.

Thank you again for all that you do and for taking the time to consider our position.

Sincerely,

--

Amber Hoverson
OEHPOA President
[Like us on Facebook!](#)
oldeasthill.com

PLANNING/CITY OF PEN/LEGAL AD
180 W GOVERNMENT ST

PENSACOLA FL 32502

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida

County of Escambia:

Before the undersigned authority personally appeared Brittini L Pennington, who on oath says that he or she is a Legal Advertising Representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

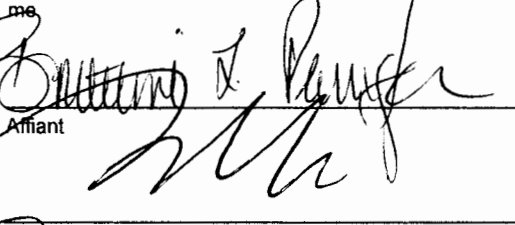
NOTICE OF PUBLIC HEARINGS

as published in said newspaper in the issue(s) of:

07/09/18

Affiant further says that the said Pensacola News Journal is a newspaper in said Escambia County, Florida and that the said newspaper has heretofore been continuously published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 9th of July 2018, by Brittini L Pennington who is personally known to

me

Affiant

Mark Dee Kent
Notary Public for the State of Florida
My Commission expires October 27, 2019

Publication Cost: \$163.62
Ad No: 0003016847
Customer No: PNJ-24384500

NOTICE OF PUBLIC HEARINGS

On Thursday, July 19, 2018 at 5:30 p.m. in the Council Chambers of City Hall, 222 West Main Street, the Pensacola City Council will conduct public hearings to consider the following:

• PUBLICHEARING-- Request to Amend the Land Development Code - Section 12-2-10 - Historic and Preservation Land Use District - Request to Allow Animal Hospitals, Veterinary Clinics and Pet Resorts as a Permitted Use in the Old East Hill Commercial Districts.

• PUBLICHEARING-- Request to Vacate Right of Way - 1600 Block of North 18th Avenue.

You are not required to respond or take any action regarding this notice; but if you wish to speak before the City Council on this subject, you are invited to be present at the scheduled hearing.

If any person decides to appeal any decision made with respect to any matter considered at this meeting, such person will need a record of the proceedings, and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

For additional information on this matter, please call Planning Services at (850) 435-1670.

By direction of the City Council,

Ericka L. Burnett
City Clerk

Legal No.3016847 July 9, 2018



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 11-18

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 11-18 - AMENDING LAND DEVELOPMENT CODE SECTION 12-2-10 (C)(4)(b) HISTORIC AND PRESERVATION LAND USE DISTRICT; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 11-18 on first reading.

AN ORDINANCE AMENDING SECTION 12-2-10 (C)(4)(b) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE HISTORIC AND PRESERVATION LAND USE DISTRICT; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The City has received a request from Dr. Laura Hall of East Hill Animal Hospital for an amendment to the Land Development Code Section 12-2-10 (C)(4)(b) Historic and Preservation Land Use District; Old East Hill Preservation Zoning District; Uses Permitted; OEHC-1 Neighborhood Commercial District. More specifically, Dr. Hall is requesting that the use of animal hospitals, veterinary clinics and pet resorts no longer require Conditional Use Permit approved and instead become a permitted use by right. In addition, Dr. Hall is requesting that this use be permitted with the stipulation that kennels must be fully enclosed, outside runs are not permitted but exercise areas are permitted. Dr. Hall recently appeared before the Special Magistrate for a code violation of having exercise areas in the OEHC-1 zoning district. The Special Magistrate gave Dr. Hall one year to resolve the issue. Dr. Hall is requesting this amendment in order to bring her property at 805 E. Gadsden Street into compliance.

On April 10, 2018, the Planning Board recommended approval of this amendment by a 4-1 vote with the stipulation that outside exercise areas must be supervised and limited to five (5) or fewer animals at one time.

PRIOR ACTION:

Public Hearings were held on June 14, 2018 and July 19, 2018.

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

4/25/2018

STAFF CONTACT:

Eric W. Olson, City Administrator
Sherry H. Morris, Planning Services Administrator

ATTACHMENTS:

- 1) Proposed Ordinance No. 11-18
- 2) Applicant's Request, LDC Amendment 12-2-10, Dr. Laura Hall
- 3) Map of Impacted Commercial Districts in Old East Hill
- 4) Correspondence from Citizens, LDC Amendment 12-2-10, Dr. Laura Hall
- 5) Ruling from Code Enforcement Authority, 805 E. Gadsden Street, Dr. Laura Hall
- 6) April 10, 2018 Planning Board Minutes

PRESENTATION: No

PROPOSED
ORDINANCE NO. 11-18

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-2-10(C)(4)(b) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE HISTORIC AND PRESERVATION LAND USE DISTRICT; OLD EAST HILL PRESERVATION ZONING DISTRICT; USES PERMITTED; OEHC-1 NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, two public hearings were held on June 14, 2018 and July 19, 2018 concerning the following proposed amendment to the Land Development Code; NOW

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Chapter 12-2-10 of the Code of the City of Pensacola, Florida, is hereby amended as follows:

(C) Old East Hill preservation zoning districts. OEHR-2, OEHC-1, OEHC-2 and OEHC-3.

(1) Purpose. The Old East Hill preservation zoning districts are established to preserve the existing residential and commercial development pattern and distinctive architectural character of the structures within the district. The regulations are intended to preserve, through the restoration of existing buildings and construction of compatible new buildings, the scale of the existing structures and the diversity of original architectural styles.

(2) Character of the district. The Old East Hill neighborhood was developed over a fifty-year period, from 1870 to the 1920's. The architecture of the district is primarily vernacular, but there are also a few properties which display influences of the major architectural styles of the time, such as Craftsman, Mission and Queen Anne styles.

(3) Boundaries and zoning classifications. The boundaries of the Old East Hill preservation district shall be identified as per a map and legal description, and the zoning classifications of properties within the district shall be identified as per a map, filed in the office of the city clerk.

(4) Uses permitted.

- (a) OEHR-2, residential/office district.
1. Single-family detached dwellings.
 2. Single-family attached (townhouse or quadraplex type construction) and detached zero-lot-line dwellings. Development must comply with the minimum standards established for the R-ZL zoning district in section 12-2-5(A) (5).
 3. Two-family attached dwellings (duplex).
 4. Multiple-family attached dwellings (three or more dwelling units).
 5. Community residential homes licensed by the Florida Department of Health and Rehabilitative Services with seven (7) to fourteen (14) residents providing that it is not to be located within one thousand two hundred (1,200) feet of another such home in a multi-family district, and that the home is not within five hundred (500) feet of a single-family zoning district. If it is proposed to be within one thousand two hundred (1,200) feet of another such home in a multi-family district and/or within five hundred (500) feet of a single family zoning district it shall be permitted with city council approval after public notification of property owners in a five hundred-foot radius
 6. Home occupations subject to regulations in section 12-2-10(A) (3) (a) 4.
 7. Bed and breakfast subject to regulations in section 12-2-55.
 8. Boarding and lodging houses.
 9. Office buildings.
 10. Studios.
 11. Municipally owned or operated parks or playgrounds.
 12. Public schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-2-65.
 13. Libraries, community centers and buildings used exclusively by the federal, state, regional, county and

city government for public purposes subject to regulations in section 12-2-61.

14. Churches, Sunday school buildings and parish houses subject to regulations in section 12-2-57.
15. Minor structures for the following utilities: unoccupied gas, water and sewer substations or pumpstations, electrical substations and telephone substations subject to regulations in section 12-2-59.
16. Accessory structures, buildings and uses customarily incidental to the above uses subject to regulations in section 12-2-31, except that the following shall apply:
 - a. Accessory structures shall not exceed one-story in height for a maximum height of twenty-five (25) feet in order for the accessory structure to match the style, roof pitch, or other design features of the main residential structure.
 - b. The wall of an accessory structure shall not be located any closer than six (6) feet to the wall of the main residential structure.
17. Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(b) OEHC-1, neighborhood commercial district.

1. Any use permitted in the OEHR-2 district.
2. Child care facilities subject to regulations in section 12-2-58.
3. Nursing homes, rest homes, convalescent homes.
4. Parking lots.
5. The following uses, retail only, with no outside storage or work permitted, except as provided herein:
 - a. Food and drugstore.
 - b. Personal service shops.
 - c. Clothing and fabric stores.

- d. Home furnishing, hardware and appliance stores.
- e. Craft and specialty shops.
- f. Banks.
- g. Bakeries.
- h. Secondhand stores.
- i. Floral shops.
- j. Martial arts studios.
- k. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this paragraph, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed twenty (20) percent of the total area of the main building.
- l. Restaurants.
- m. Mortuary and funeral parlors.
- n. Pet shops with all uses inside the principal building.
- o. Printing firms.
- p. Business schools.
- q. Upholstery shops.
- r. Animal hospitals, veterinary clinics, pet resorts with fully enclosed kennels, no outside runs. Outside exercise areas permitted only if supervised and limited to five (5) or fewer animals.
- ~~6. Conditional uses permitted. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.~~

(c) OEHC-2, retail commercial district.

- 1. Any use permitted in the OEHC-1 district.
- 2. Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
- 3. Hospitals, clinics.
- 4. Private clubs and lodges, except those operated as commercial enterprises.
- 5. Electric motor repair and rebuilding.
- 6. Appliance repair shop.

7. Garages for the repair and overhauling of automobiles.
 8. Sign shop.
 9. Photo shop.
 10. Plumbing and electrical shop.
 11. Pest extermination services.
- (d) OEHC-3, commercial district.
1. Any use permitted in the OEHC-2 district.
 2. Dive shop.
 3. Fitness center.
 4. Theater, except for drive-in.
 5. Taverns, lounges, nightclubs, cocktail bars.
- (5) Procedure for review of plans.
- (a) Plan submission. Every application for a building permit to erect, construct, demolish, renovate or alter an exterior of a building or sign, located or to be located in the Old East Hill Preservation District, shall be accompanied with plans as necessary to describe the scope of the proposed work pursuant to paragraph 12-2-10(A)(4)(c) to (e).
- (b) Review and approval. All such plans shall be subject to review and approval by the architectural review board established in section 12-13-3. The board shall adopt written rules and procedures for abbreviated review for minor repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review by the entire board, provided, however, such abbreviated review process shall require review by the staff of West Florida Historic Preservation, Inc. If agreement cannot be reached as it pertains to such request for abbreviated review by the board designee and West Florida Historic Preservation, Inc. staff, then the matter will be referred to the entire board for a decision.
- (c) Decisions.
1. General consideration. The board shall consider plans for existing buildings based on their classification as contributing, non-contributing or modern infill as depicted on the map entitled "Old East Hill Preservation District" adopted herein, and shall review these plans based on regulations described herein for each of

these building classifications. In their review of plans for both existing buildings and new construction, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof; materials and textures; plot plans or site layout, including features such as walls, walks, terraces, off-street paved areas, plantings, accessory buildings, signs and other appurtenances; and relation of the building to immediate surroundings and to the district in which it is located or to be located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and exterior site work, and is not restricted to those exteriors visible from a public street or place. The board shall consider requests for design materials, alterations or additions, construction methods or any other elements regulated herein, which do not meet the regulations as established in this subsection, when documentary proof in the form of photographs, property surveys, indication of structural foundations, drawings, descriptive essays and similar evidence can be provided. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction standards such as are controlled by this chapter and chapter 7-13.

2. Rules governing decisions. Before approving the plans for any proposed building located or to be located in a district, the board shall find:
 - a. In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building.
 - b. In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, impair the architectural or historic value of buildings on adjacent sites or in the immediate vicinity. No

plans for new building will be approved if that building will be injurious to the general visual character of the district in which it is to be located considering visual compatibility standards such as height, proportion, shape, scale, style and materials.

3. No provision of this section shall be interpreted to prevent the restoration or reconstruction of any historic building or feature (as listed by West Florida Historic Preservation, Inc.) in its original style, dimensions or position on its original structural foundation.
4. No provision of this section shall be interpreted to require a property owner to make modifications, repairs or improvements to property when the owner does not otherwise intend to make any modifications, repairs or improvements to the property, unless required by chapter 7-13.

- (6) Regulations and guidelines for any development within the Old East Hill preservation district. These regulations and guidelines are intended to address the design and construction of elements common to any development within the Old East Hill preservation district which requires review and approval by the architectural review board. Regulations and guidelines which relate specifically to new construction and/or structural rehabilitation and repair to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established in paragraphs (6) through (8) below.

(a) Off-street parking. Design of, and paving materials for, parking lots, spaces and driveways shall be subject to approval of the architectural review board. For all parking lots, a solid wall, fence or compact hedge not less than three (3) feet high shall be erected along the lot line(s) when automobiles or parking lots are visible from the street or from an adjacent residential lot.

1. OEHR-2 district. All non-residential development shall comply with off-street parking requirements established in chapter 12-3.
2. OEHC-1, OEHC-2 and OEHC-3 districts. All non-residential development shall comply with off-street parking requirements established in

chapter 12-3. The required parking may be provided off-site by the owner/developer as specified in section 12-3-1(D).

- (b) Landscaping. Landscape area requirements and landscape requirements for parking lots within the OEHR-2, OEHC-1 and OEHC-2 districts shall comply with regulations established in section 12-6-3 for the R-2, C-1 and C-2 zoning districts.
- (c) Signs. Refer to sections 12-4-2 and 12-4-3 for general sign standards and criteria and for a description of sign area calculations. The location, design and materials of all accessory signs, historical markers and other signs of general public interest shall be subject to the review and approval of the architectural review board. Only the following signs shall be permitted in the Old East Hill preservation district:
 - 1. Temporary accessory signs.
 - a. One non-illuminated sign advertising the sale, lease or rental of the lot or building, said sign not exceeding six (6) square feet of area.
 - b. One non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work, and displayed only during such time as the actual construction work is in progress.
 - 2. Permanent accessory signs.
 - a. North 9th Avenue, Wright Street, Alcaniz Street and Davis Street. For churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including office and retail buildings) or historic sites serving as identification and/or bulletin boards, one freestanding or projecting sign and one attached wall sign or combination of wall signs placed on the front or one side of the building not to exceed fifty (50) square feet in area. The signs may be painted on the building, mounted to the face of the wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. Signs projecting from a building or extending over public

property shall maintain a clear height of nine (9) feet, six (6) inches above the public property and shall not exceed a height of twelve (12) feet. Freestanding signs shall not exceed a height of twelve (12) feet.

- b. All other streets in the district. One sign per lot per street frontage for churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including office and retail buildings) or historic sites serving as identification and/or bulletin boards not to exceed twelve (12) square feet in area and eight (8) feet in height, provided, however that signs projecting from a building or extending over public property shall maintain a clear height of nine (9) feet six (6) inches above the public property and shall not exceed a height of twelve (12) feet six (6) inches. The sign may be mounted to the face of the wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. The sign may be illuminated provided that the source of light is not visible beyond the property line of the lot on which the sign is located.
 - c. One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three (3) square feet and shall be attached to the dwelling. This section shall be applicable to occupants and home occupations.
 - d. Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the board.
- (d) Fences. All developments in the Old East Hill preservation zoning districts shall comply with fence regulations as established in section 12-2-40. Fences are subject to approval by the architectural review board. Approved materials will include but not necessarily be limited to wood, brick, stone or wrought iron. No concrete block or barbed-wire fences

will be permitted. Chain-link fences shall be permitted in side and rear yard only.

- (e) Additional regulations. In addition to the regulations established above in subsections 12-2-10(C)(6)(a) through (d), any permitted use within the Old East Hill preservation district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4 of this Code.
- (7) Restoration, rehabilitation, alterations or additions to existing contributing structures in the Old East Hill preservation district. The document entitled "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," published by the United States Department of Interior in 1983, shall form the basis for rehabilitation of existing contributing buildings. The proper building elements should be used in combinations which are appropriate for use together on the same building. Documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc. shall be approved only if circumstances unique to each project are found to warrant such variances. The regulations established in paragraph (6), relating to streetscape elements, shall apply to contributing structures. Regulations established in Table 12-2.10 shall apply to alterations and additions to contributing structures.
- (8) Renovation, alterations and additions to non-contributing and modern infill structures within the Old East Hill preservation district. Many of the existing structures within the district do not meet the criteria established for contributing structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. The regulations established in paragraph (6), relating to streetscape elements, shall apply to non-contributing and modern infill structures. Regulations established in Table 12-2.10 shall apply to alterations and additions to existing non-contributing structures. In review of these structures the board may make recommendations as to the use of particular building elements which will improve both the appearance of the

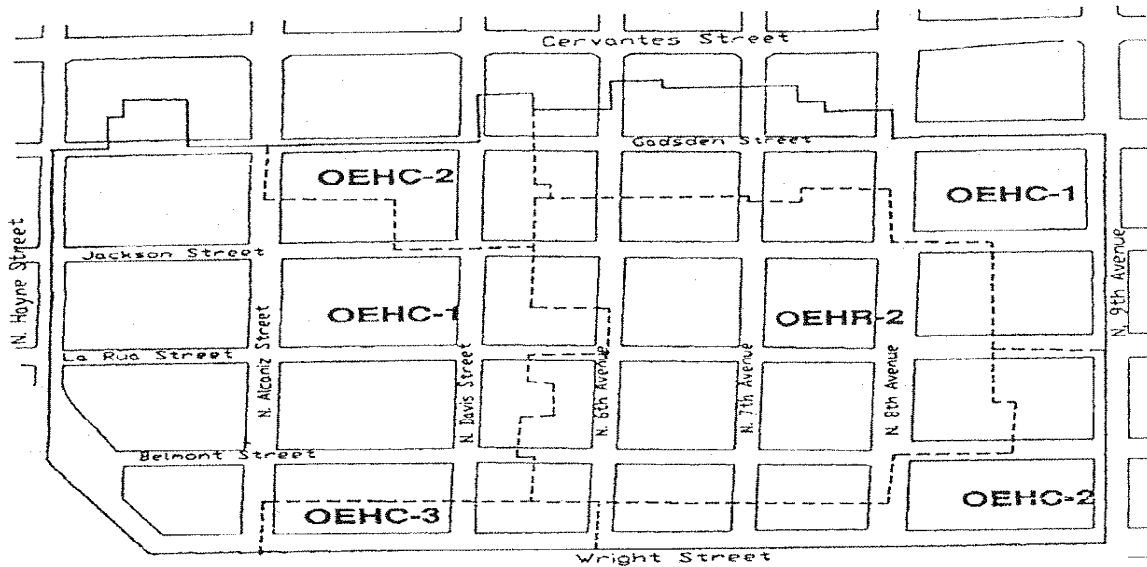
individual structure, its relationship with surrounding structures and the overall district character.

- (9) Regulations for new construction in the Old East Hill preservation district. New construction shall be built in a manner which is complementary to the overall character of the district in height, proportion, shape, scale, style and building materials. The regulations established in paragraph (6), relating to streetscape elements, shall apply to new construction. Table 12-2.10 describes height, area and yard requirements for new construction in the Old East Hill preservation district.
- (10) Demolition of structures within the Old East Hill preservation district. The demolition provisions established in section 12-2-10(A)(9) to (11), applicable to contributing and non-contributing structures within the Historic District, shall apply in the preservation district.

TABLE 12-2.10

REGULATIONS FOR OLD EAST HILL PRESERVATION ZONING DISTRICTS

Standards	OEHR-2	OEHC-1	OEHC-2	OEHC-3
Minimum Yard Requirement (Minimum Building Setbacks)				
Front Yard Side Yard Rear Yard	*15 feet 5 feet 15 feet	There shall be a 5' side yard setback, but no front or rear yard setbacks, unless this chapter requires a larger yard or buffer yard.		None
Minimum Lot Area For Residential Uses				
Single-family Detached Residential Duplex Residential Multi-family Residential	3,500 s.f. 5,000 s.f. 9,000 s.f.	None		
Minimum Lot Width at Street Row Line	30 feet	None		
Minimum Lot Width at Building Setback Line	30 feet	None		
Maximum Lot Coverage	N/A	The maximum combined area of all principal and accessory buildings shall not exceed 50% of the square footage of the lot.		None
Maximum Building Height (except as provided in section 12-2-39)	Residential buildings shall not exceed two (2) stories in height, with a usable attic. No building shall exceed thirty-five (35) feet in height, except that three (3) feet may be added to the height of the building for each foot the building is set back from the building setback or property lines to a maximum height of 45' with approval of the architectural review board.			
Minimum Floor Area For Multi-Family Developments	600 square feet per dwelling unit			
* Front yard depths in the Old East Hill preservation zoning district shall not be less than the average depths of all of the front yards facing the street on the block, up to the minimum yard requirement; in case there are no other dwellings, the front yard depth shall be no less than the footage noted.				



Old East Hill Preservation District

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk

Brandi Deese

From: Laura Hall <laura@drhall.us>
Sent: Friday, March 09, 2018 3:02 PM
To: Brandi Deese; Sherry Morris
Subject: OEHC1 Language change

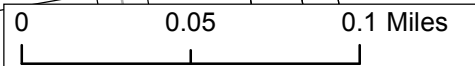
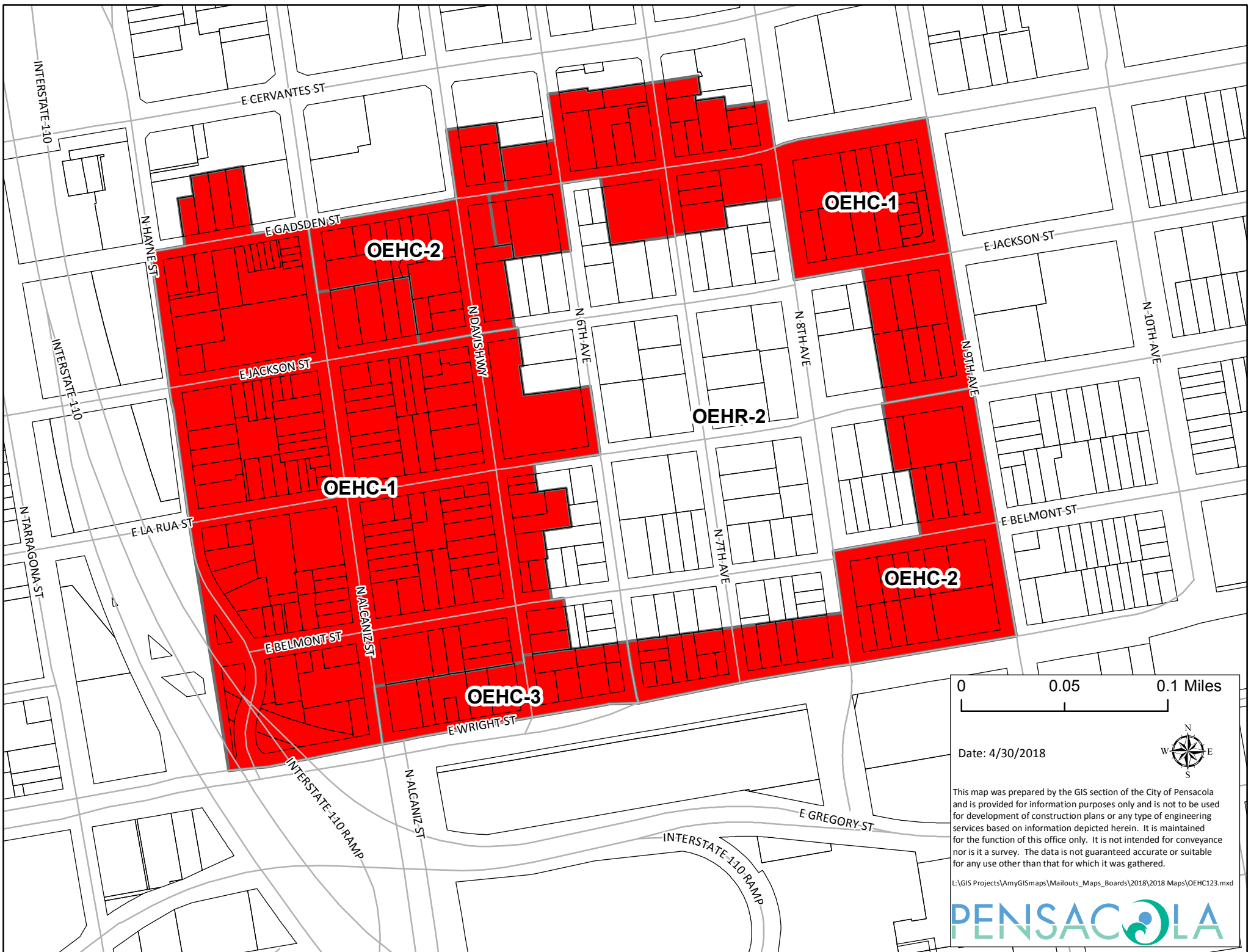
Afternoon,

I am requesting an amendment to land development code section 12-2-10 historic and preservation land use district. More specifically, section C, Old East Hill Preservation Zoning District, #4 Uses Permitted OEHC-1 section b: change permitted uses to: animal hospitals, veterinary clinics, pet resorts and with fully enclosed kennels, with no outside runs, exercise areas are permitted.

#6 Conditional uses permitted animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas be removed from the code.

Thanks for your time in advance,

Dr. Laura Hall
East Hill Animal Hospital
805 E Gadsden St. 32501
850-437-9932



Date: 4/30/2018



This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

L:\GIS Projects\AmyGISmaps\Mailouts_Maps_Boards\2018\2018 Maps\OEHC123.mxd



Brandi Deese

From: president@historicnorthhill.com
Sent: Friday, March 30, 2018 10:24 PM
To: Brandi Deese
Cc: christianwagley@gmail.com; nicholsmelanie2@gmail.com
Subject: Planning Board Item - Request to consider Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District
Attachments: City_Council_Minutes_November_20_2008.pdf; Section_12_2_54_Animal_Hospitals_businesses_that_board_animals.docx; Section_12_2_32_Buffer_Yards.docx; Section_12_2_8_Commercial_Land_Use_District.docx

Brandi,

I hope this finds you doing well.

Our Board saw on the agenda that an amendment to the Historic & Preservation Land Use District, Section 12-2-10 was being proposed and reviewed the application and past history on the change in great detail.

It appears that the applicant has changed the wording of what is currently in Section 12-2-10 in their request, (added two words for a new land use not previously approved, or defined in the Land Development Code, "Pet Resort", and deleted the word "or". That one word "or" changes it from the current reading of "Animal Hospitals and Veterinary Clinics with fully enclosed kennels and no outside runs OR exercise areas" to now adding Pet Resorts AND exercise areas as an allowed Conditional Use..

I think that it would be very helpful if the Public and the Board:
have a copy of what the existing Section 12-2-10 says on the subject, the background for the change in 2008, and where such a use that is being requested is currently allowed in the rest of the City (C-3 Zoning District) and that perhaps more clarification could be added to the Staff Memorandum. As it is now, the Board and Public don't know that the applicant is trying to put a C-3 type use in a C-1 Zoning District. This is a MAJOR change in the 12-2-10.

Here is the section of OEHC-1 from Section 12-2-10

(b) OEHC-1, neighborhood commercial district.

1. Any use permitted in the OEHR-2 district.
2. Child care facilities subject to regulations in section 12-2-58.
3. Nursing homes, rest homes, convalescent homes.
4. Parking lots.
5. The following uses, retail only, with no outside storage or work permitted, except as provided herein:
 - a. Food and drugstore.
 - b. Personal service shops.
 - c. Clothing and fabric stores.
 - d. Home furnishing, hardware and appliance stores.
 - e. Craft and specialty shops.
 - f. Banks.
 - g. Bakeries.
 - h. Secondhand stores.
 - i. Floral shops.

j. Martial arts studios.

k. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this paragraph, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed twenty (20) percent of the total area of the main building.

l. Restaurants.

m. Mortuary and funeral parlors.

n. Pet shops with all uses inside the principal building.

o. Printing firms.

p. Business schools.

q. Upholstery shops.

{6. Conditional uses permitted. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.}

This is the exact same language that is in the Municipal Code for the same use in C-1 districts throughout the City. Our Board does not have an issue if the applicant makes this a permitted versus conditional use, however, we take issue to the addition of "Pet Resort" (not in the LDC and the removal of the word or which would allow outside exercise areas.

Previous to November 2008, Animal hospitals and veterinary clinics were NOT allowed in the OEH Zoning Districts. This same applicant, Dr.

Hall, petitioned to have them added in 2008 and was approved on the condition that there would be no outside runs or exercise areas.

It was very controversial and there was much concern about noise to adjacent residential property owners and Dr. Hall is on record saying that there would be no outside exercise areas. Sherry Morris is on record throughout the Council Hearing insisting that there would not be any outside runs or exercise areas. I have attached the minutes from the City Council meeting from November 17, 2008 which voted to approve the conditional use of animal hospitals and veterinary clinics with no outside runs or exercise areas. The minutes also contain numerous concerns by adjacent property owners.

Many of the residents concerns have materialized according to the Code Enforcement Complaint and Violation. I think that the Board and the Public should have a copy of the minutes from that CEB Meeting since it's referenced in your memorandum.

Has notice been mailed to the adjacent property owners about this new proposal before the Planning Board?

I would recommend that the Planning Board look in the Municipal Code to see where the facility the applicant would like to run would be allowed to occur. It is only allowed to occur in the C-3 Zoning District which is by no means comparable to the OEHC-1 District where this change would be made.

Dr. Hall is currently operating a Pet Resort with outside exercise areas that meets with the City's Municipal Code in the C-3 Zoning District near Hayne Street. (Not within the boundaries of Old East Hill governed by the ARB). The applicant's request to bring C-3 uses within the Preservation District is not compatible.

C-3, commercial zoning district (wholesale and limited industry)

(a) Any use permitted in the C-2 district. (Animal Hospitals and Vet Clinics with NO outside kennels, runs, or exercise allowed in C-2) but you can't have outside exercise areas until section (b) below in C-3

Outside storage and work shall be permitted for those uses and the following uses, but shall be screened by an opaque fence or wall at least eight (8) feet high at installation. Vegetation shall also be used as a screen and shall provide seventy-five (75) percent opacity.

The vegetative screen shall be located on the exterior of the required fence.

(b) Outside kennels, runs or exercise areas for animals subject to regulations in section 12-2-54

Section 12-2-54 is titled, Animal Hospitals, veterinary clinics, commercial kennels and businesses that board animals and contains minimum setbacks of 100 feet to a residence and must contain a buffer yard as described in Section 12-2-32 Buffer Yard.

There is no survey or diagram of the site in the application to see how close the clinic and outside exercise area would be to adjacent properties.

As you will see from the attached minutes and Memorandum from Thaddeus Cohen, Community Development Director and also signed by Sherry Morris, Planning Services Administrator, "The majority of those who responded were opposed to the proposed request" in 2008.

Now, additional changes are being proposed which will intensify the use on this property and the noise which could impair the quiet enjoyment of adjacent properties.

The North Hill Preservation Association Inc. does NOT support this change to the Historic and Preservation Land Use District. We strongly feel that such a change would negatively impact the families who make Old East Hill their home and who like us, have very small lots which are close together. Furthermore, such a change establishes a legal precedent which could be used to add this use to all the other Districts governed by Section 12-2-10.

In closing, the words of Robyn Tice to the City Council in November 2008 say it best, "Codes aren't written for one individual's benefit, they are to be to the benefit of the citizens/neighborhood as a whole".

Thank you for your consideration,

Melanie Nichols, President
North Hill Preservation Association, Inc.

Brandi Deese

From: Christian Wagley <christianwagley@gmail.com>
Sent: Tuesday, April 10, 2018 11:42 AM
To: Brandi Deese
Subject: Old East Hill

Hello Brandi:

In response to my email to our Old East Hill Property Owner's Association email list regarding the proposed change to the LDC regarding outdoor exercise areas at pet resorts and vet clinics in Old East Hill, I received the following:

Lou Courtney

to me

Christian, can you please forward this letter to our Old East Hill mailing list? I think it would be good to get it out sooner rather than later. Also I would like Melanie Nichols contact information if you have it. Thanks

I am a resident of Old East Hill and am concerned about the issue described below. Our next neighborhood meeting is **this coming Monday, April 9th**, at Mount Lily Church a few blocks away at 619 East Gadsden in the community center next to the church. Meeting begins at **6:30pm**. We will be holding board member elections that night also, so if you are property owner, please come vote! (you do not need to be an owner to attend meetings and voice concerns)

The East Hill Veterinary Clinic and Pet Resort Too on the corner of Gadsden and 8th Avenue is applying to CHANGE our neighborhood CODE. This is a dramatic change that will affect our entire district. **This vet clinic has been in violation since adding their outdoor run and exercise areas**, which they have been advertising on their website www.Pensacolapetresorttoo.com ('they go outside 5 times a day'). When this vet came into our area they were granted a Conditional Use permit. This type of permit is granted because the city thinks there may be unforeseen problems that arise and that might not be compatible. On their original permit application they clearly state there would be **'NO outdoor runs or exercise areas'**. At the time, it was explained that the boarding of pets was already established several blocks away at Pensacola Pet Resort on Hayne street and they would not board animals at the Gadsden location. This vet understood yet completely disregarded code restrictions. I anticipate they intend to expand their business in our area. Although we are a mixed use neighborhood, meaning that we allow for businesses with different restrictions in different areas, allowing this code change will impact us all negatively, both now and in the future. Speaking with several people who have been in planning and code enforcement for many years, they said that there are always unintended, negative, consequences after a code change even 8, 9, 10 years later. As a neighborhood, we should have voiced concerns when the vet went to the magistrate a month or 2 ago to address their code violation. Unfortunately, it was not publicized and no-one showed up to speak against it.

WE STILL HAVE A CHANCE TO PREVENT THIS CODE CHANGE: We can attend the **Tuesday, April 10th CITY PLANNING BOARD MEETING** at 2:00 pm at **City Hall** in the Mason Conference room, 222 West Main Street. **SHOWING UP IN PERSON MAKES A DIFFERENCE. You can also write in ahead of time to Brandi Deese at Bdeese@cityofpensacola.com BOTH before April 10th and before May 10th**

*****IT IS ALSO IMPORTANT to SHOW UP** for the Thursday, **May 10th CITY COUNCIL MEETING** at 5:30pm at City Hall, where a decision will be made after hearing comments from the audience.

copyeditor@michaelkenneydesign.com

to me

Hello Christian,

Takes some study to understand this. (For example, on the map of Old East Hill, there's OEHC and OEHR and I'm not sure of the meaning of C and R.) I doubt any ruling would affect us; it's those folks who live close to the clinic who ought to have a sayso. But one more thing: What are the ramifications for the whole neighborhood in the future? When Dr. Hall petitioned to get a zoning change so she could open the clinic, I saw it as continued encroachment by businesses such that in the future they could be right next door. That might be far away, but the encroachment process itself might cause grief, little by little.

Or course, most of what I just said is my imagination.

By the by, do you happen to know what's going to be done with that empty lot across the street from Bill and Nanette's?

Hope to see you Monday,

Jerry

Christian,

Thank you for this information.

I may not be at the meeting so here is my position.

I am strongly against changing OEHC-1, which equates to about half the neighborhood, to allow **animal hospitals, veterinary clinics, and pet resorts with fully enclosed kennels and no outside runs; outdoor exercise areas are permitted** by right. *The placement of a new Animal Facility with an outside exercise area in a primarily residential area should not be allowable by right. This should be a conditional use and the neighbors should have say as it could affect their enjoyment of their own home.*

I personally have no issue with Dr Halls current facility but I also don't live close to it.

It seems her specific issue is what should be addressed, not code for an entire area (OEHC-1). And her issue should be addressed with input from her neighbors near by who are potentially affected by this. (Maybe they have no issue with the facility as it is and could work with her and the city to come up with a variance. I don't know)

Sincerely,

Mark Casson

Brandi Deese

From: Amber Hoverson <amberlynnie1@gmail.com>
Sent: Tuesday, April 10, 2018 11:39 AM
To: Brandi Deese
Subject: Section 12-2-10

Brandi,

My name is Amber Hoverson and I live at 706 E Jackson Street in Old East Hill preservation district. I am writing in regards to the amendment to the Historic and Preservation Land Use District, Section 12-2-10 that is being proposed

My husband and I moved to our home in Old East Hill in 2010 so we were not here when the original code was changed in 2008 to allow for veterinary clinics. My understanding is that many of the homeowners were not in favor of the code changing because they were concerned about noise, overcrowding, parking, the structure's design complementing the neighborhood's integrity, and lastly changing the precedence in which our neighborhood's codes were originally designed and created for.

Here are my observations of East Hill Veterinary Clinic and Pet Resort Too for the past few years: I live a block away from the clinic.

1. The structure is very much in keeping with the integrity of our neighborhood. I think the owner/designers did an excellent job adhering to, even elevating the way remodels and new construction should be treated in our historic preservation district.
2. Having a vet and groomer in the neighborhood is convenient. I've been able to walk my pet to get groomed instead of stressing it out by driving. My In-Laws have also taken advantage of boarding their dog at the Pet Resort when visiting from out of town.
3. Parking can be a problem. The street gets congested and there have been several instances where I've had to stop driving on 8th avenue for someone pulling out of the parking lot that either couldn't see me or wasn't paying attention.
4. Noise from the barking dogs is a problem. Both my husband and I are home all day and the noise can be distracting and annoying. It seems that the barking noise has become more bothersome within the last 6 months.

Here are my concerns about the current proposal to amend section 12-2-10 further:

1. I don't think that any codes should be changed for an individual business. Codes are written for a reason and changing them should benefit the entire neighborhood, not just an individual/business. Also, if changing a code is easy to do current codes lose their authority and people are less likely to comply with them to begin with. This equates to more code violations in general and people doing what they want because they can.

2. We are a mixed use neighborhood so there is commercial zoning throughout the area. The proposed change could hypothetically allow for a veterinary clinic or animal hospital with dogs barking throughout the day to open anywhere within the neighborhood with commercial zoning. Which means hypothetically we could have barking dogs scattered around our entire neighborhood instead of concentrated in one area. Noise pollution lowers home values and quality of life.
3. As someone who has had to go to the ARB several times to get approval for our own home's renovations I can speak to strict guidelines that are in place. The majority of structures in our neighborhood are people's homes. It seems grossly unfair to me that homeowners are held to such strict standards for the exterior renovation of our homes but a business (someone who makes money here) can violate a code (which is a law and not merely a guideline as in the case of the ARB), have a year to come into compliance with the code, and has the option of changing the code so that the business can continue to do what it has always done. Also consider that homeowner's guidelines set in place by the ARB only influence what we see. The proposed code change affects what we hear. A person can make a choice to ignore something they find ugly in the neighborhood, but noise pollution cannot simply be ignored, even from the interior of a home.

I congratulate East Hill Veterinary Clinic and Pet Resort Too on its business success, however as the saying goes, there is a time and place for everything. The place for the part of her business that includes outdoor runs or exercise areas is not Old East Hill. This is a place that is primarily made up of charming old houses and a scattering of small businesses that are either unobtrusive or adding to the charm. We live in a very special place and it is exciting to see the growth that our community has experienced. Allowing a business to change the code to suit its needs does not set us up for success. The needs of the community need to be put before anything. We will survive without a pet resort in the neighborhood but we will not survive if we are known as the noisy neighborhood with the barking dogs because we are the only C1 zoning area that allows for C3 noise.

Sincerely,

Amber Hoverson

Brandi Deese

From: Charles Voltz <voltzpj@yahoo.com>
Sent: Thursday, April 05, 2018 8:06 PM
To: Brandi Deese
Subject: Proposed LDC Amendment for Old East Hill Preservation District

My address is 603 N. 8th Avenue. This puts me across from East Hill Animal Hospital on the same block. I am writing to voice my strenuous objections to Ms. Hall's proposed changes to the land development code for a neighborhood in which she chose to place a business, with full knowledge of what the limitations to that business would be.

Ms. Hall has been in violation of the code for quite some time now. Her casual disregard for the people who have property, children, investments, and long-term regard for the neighborhood is obscene. I have been subjected to hour after hour of 8-10 dogs barking in an enclosure behind her business, IN VIOLATION OF THE CODE. Countless times, I have witnessed her clientele using our neighborhood as a repository for their dogs' feces, IN VIOLATION OF THE LAW. Nearly every day of the week, she and her employees use the City's grass easement (between the sidewalk and 8th Avenue) as a parking lot, IN VIOLATION OF THE LAW.

I remember distinctly when Ms. Hall showed up years ago with a lot of promises and assurances. In truth, she has been a very poor neighbor, and this beautiful piece of historic Pensacola is dirtier, louder, trashier, and more congested for Ms. Hall having been here. We take care of this place because it is our home. Clearly she does not feel the same responsibility.

The Code was not written for or against Ms. Hall, so there is no compelling reason to amend it for Ms. Hall. She knew what the Code said when she located here, and she chose to violate it over and over and over. Now she wants the Planning Board, whom she has pointedly ignored, to change the Code solely for her benefit? For her to even make this request, after what she has done to our street, is outrageous.

I would prefer Ms. Hall pack up her business and move it to a location in which the Land Development Code suits her goals. Otherwise, I fully expect the City of Pensacola to reject this ridiculous request, and then get serious about enforcing the existing regulations to bring this business into compliance. Thank you.

Sincerely, Charles Voltz and Dr. Stacey Rimmerman

Brandi Deese

From: Lou Courtney <loumitchell@loumitchell.com>
Sent: Monday, April 09, 2018 8:12 AM
To: Brandi Deese
Subject: East Hill Vet Clinic

Having been a resident of Old East Hill for over 20 years, I am adamantly opposed to the request for code change by the East Hill Veterinary Clinic and Pet Resort Too. This vet clinic has been in violation since adding their outdoor run and exercise areas. When this vet came into our area they were granted a Conditional Use permit. This type of permit is granted because the city thinks there may be unforeseen problems that arise and that might not be compatible. On their original permit application they clearly state there would be '**NO outdoor runs or exercise areas**'. At the time, it was explained that the boarding of pets was already established several blocks away at Pensacola Pet Resort on Hayne street and they would not board animals at the Gadsden location. **This vet understood yet completely disregarded code restrictions.** As their business has grown, the number of barking dogs has increased and gotten louder. I work at home and am often outside. Even though I am a block away, the noise is very loud and obnoxious and, as their website advertises, it occurs when **they take the dogs out '5 TIMES A DAY'**. I am asking the planning board to SAY NO to this request and to enforce the existing code. I am disappointed they have been given a YEAR to come into compliance.

City Code was created to protect the majority of the citizens, not for special interest groups. We are a small, HISTORIC PRESERVATION neighborhood. Our quality of life is diminished by this NOISE POLLUTION.

I anticipate they are attempting to change this code because they intend to expand this business in our district. If they need to expand their business they should find an area more compatible with their needs. Although we are a mixed use neighborhood, meaning that we allow for businesses with different restrictions in different areas, allowing this code change will impact our ENTIRE DISTRICT negatively, both now and in the future. Speaking with several people who have been in planning and code enforcement for many years, they said that there are always **unintended, negative, consequences after a code change even 8, 9, 10 years later.**
Lou Mitchell Courtney
523 N 8th avenue

Brandi Deese

From: theresa finkbeiner <coyotemoonherbcompany@cox.net>
Sent: Sunday, April 08, 2018 7:19 PM
To: Brandi Deese
Subject: 805 E. Gadsden St code ordinance

Dear Ms. Deese,

i became aware of an ordinance that Laura Hall wants to remove from the Code at 805 East Gadsden St.

This is not a good move. As a Licensed Massage Therapist and renter at Innerpeace 815 E. Gadsden,

the dog barking noise will be unavoidable. I give massage throughout the day along with 3 other therapists

and we are not happy to hear of a dog run and kennels outside. This is a residential area too and the noise can be unnerving.

I hope you will consider the people on the whole block on Gadsden St and around the corner.

No one wants to listen to dogs barking all day and night. Please do not remove the code ordinance for this area.

When she bought here, she knew the deal and has broken the code already. Can you please put an end to it right now!!

Thank you for your consideration, I am not able to attend the meeting on this topic .

Theresa Finkbeiner 437 9192

Brandi Deese

From: Lou Courtney <loumitchell@loumitchell.com>
Sent: Tuesday, April 10, 2018 10:53 AM
To: Brandi Deese
Subject: Vet code change letter vote

I have been a home owner in Old East Hill for over 20 years. I am opposed to the code changes proposed by Dr. Laura Hall regarding East Hill Veterinary Hospital/ Pet Resort. I already hear loud nuisance barking off and on throughout each day. She was granted **conditional use** and has not abided by the original code which was written as a condition for allowing her business into the neighborhood. Why is the city even considering changing a land use code for one business when it will affect all residents negatively and open up unforeseen complications years down the road? I am OPPOSED to these changes.

Michael Courtney
523 N 8th avenue

Brandi Deese

From: Laura Dean <laurad@portofinoisland.com>
Sent: Friday, April 06, 2018 3:01 PM
To: Brandi Deese
Subject: East Hill Vet

Planning and Zoning board:
Attention Brandi Deese

This letter is to serve as a statement that my home is directly behind Dr. Laura Hall's businesses. My back yard shares a fence with the pet resort yard. I have never had any issue with her business, employees, customers or clients. I have had no noise, odor or parking concerns. Nor have any of the residents living in my home.

I am in favor of any code change that will allow her to continue to conduct her business with the intended use that the city allowed in 2008. She has conducted herself in a professional manner and has been a pleasant addition to the neighborhood.

Sincerely,

Ken Norris 804 East Jackson

Show quoted text

Brandi Deese

From: Laura Hall <laura@drhall.us>
Sent: Monday, April 09, 2018 10:53 AM
To: D. Brandon Cobb; Brandi Deese
Subject: Re: neighbor favor!

thanks!

On Mon, Apr 9, 2018 at 10:51 AM, D. Brandon Cobb <dbrandoncobb@gmail.com> wrote:

Laura Hall, DVM
East Hill Animal Hospital
805 East Gadsden Street
Pensacola, Florida 32501

Good morning, Laura. Please forward the following letter to whomever you deem necessary.

April 9, 2018

RE: East Hill Animal Hospital

To whom it may concern:

I, D. Brandon Cobb, am the property owner at 811 East Gadsden Street, the property directly next to East Hill Animal Hospital. This property has been mine or in my family since before East Hill Animal Hospital came to be our neighbors. It is my understanding that there have been some complaints about the clinic and the animals there.

While I do not currently reside full time in the building (as I am staying with my great aunt who has had a stroke and help manage her care), I am there periodically and have a working knowledge of the neighborhood. In addition, we had a tenant in the property for over twelve years. I am listing these facts so that you will have an idea of our involvement with our neighbors.

East Hill Animal Hospital has never given me or my tenant any reason to raise a complaint. They have been good and considerate neighbors even taking the extra effort and asking if I minded them using the parking in front of my home rather than just telling their employees or customers to park there. As I am not there, I have had no issue with them using the property which is, after all, part of the public right of way along Gadsden street.

East Hill Animal Hospital has added to our diverse neighborhood and done so while keeping the charming look of Old East Hill in mind. I count them as an asset to our community.

On a personal note, it is extremely convenient to walk next door when I have any veterinary need.

If you have any further questions, I can be reached by phone at 850.748.2200, by email at dbrandoncobb@gmail.com, or by U.S. Mail at 811 East Gadsden Street, Pensacola, Florida 32501.

Cordially,
D. Brandon Cobb

On Fri, Apr 6, 2018 at 1:45 PM, Laura Hall <laura@drhall.us> wrote:

----- Forwarded message -----
From: **Laura Hall** <laura@drhall.us>
Date: Fri, Apr 6, 2018 at 1:44 PM
Subject: neighbor favor!
To: cobb@gmail.com

I have an annoying, waste of time, situation I was hoping you could help me with. :)

I have never had any sort of complaint or issue with the city with any of my 3 businesses but in the recent months my staff has been legally "on street" parking so an anonymous neighbor made a complaint and became frustrated when she was told the parking was legal so she started snooping around for something else to complain about. So, she told the code enforcement officer that she heard dogs barking and followed the barking onto my property and saw 14 dogs in the yard. Not true, not ever!! She then took the time to watch my video on my website "Pensacola Pet Resort, too" and it does say that we allow the "play time is offered next" and "afternoon playtime before dinner" and "offered 5 leash free outings a day 365 days a year". "In 1 of 3 clean shaded and spacious exercise yards" .. all true. **Never unattended always in the fence, always under direct control.**

She then looked up the code and saw my conditional use in OEHC-1 that said " animal hospitals or Veterinary Clinics with fully enclosed kennels and no outside runs or exercise areas." The distinction was a distinction with C3 in which outdoor runs are allowed- see pics attached below. Very sadly, after a lengthy explanation, (see letter also attached) Code Enforcement turfed the issue saying that they could not make that distinction or interpretation and that I had to go before a magistrate which is next Tuesday. (Needless to say once I found out the parking was a concern of a neighbor I asked my staff to stop doing it that problem is solved.) I asked code enforcement to have the lady come talk to me and she refused and wanted to remain anonymous- probably because she lied and trespassed!

I went to the magistrate for a proposed code violation and he could not rule on the interpretation so gave me a year to get the wording changed so there is no concern in the future, he was very nice. The city is behind the change as I have always complied with the intended use, but as always there are some crazy neighbors opposing any change even though it is no change from my original use, just a clarification about the language.

I would love it if as a direct neighbor to my business you would write a letter saying something like you have never had noise or odor complaints or congestion or any issues at all that this business has in fact improved the lot etc etc.

I can write something for you to copy and paste into your email?
Thanks, the meeting is Tuesday with planning and zoning!

Have a good day! Bet it is beautiful in NC- you in the mountains?

Dr. Laura

I sent this to president of local association:

"1) pet resorts were already allowed-- I did not have any changes with the code for that, all uses were to be indoors such as boarding, grooming, exchange of pets and products etc. and they are, the dogs go out to potty and play shortly less than 5-10 mins at a time and always attended. I have no formal or informal complaint of noise at all since 2010 when I opened my doors or of dog droppings, odors, traffic or anything. It's just the recent on street parking that lead to all of this.

2) the term 'outdoor exercise areas' in the conditional use is what all the fuss is about--- how is that interpreted? It was interpreted in 2008 by planning and zoning and city council to mean no outdoor runs or exercise areas in which the dogs are housed outside overnight and where the dogs have access via a dog door to go in and out at free will. Never are my patients left unattended. Never, it is always like you saw it 1 or 2 staff members 1 or 2 dogs, at times like on my video at PensacolaPetResort, too you will see we do have groups that go out together: we have old dog play, young dog play, rowdy dog play etc and all of these dogs are under 40#-- never unattended never barking always playing or pottying! they are done playing in 5- 10 mins and we let them back inside, in the summer heat it is even less and we have indoor playtime. (so let's call it a potty yard and a play yard not an exercise yard)

I realize that it was our mistake in 2008 for not giving more detail in the code, that is why we are correcting it now. All it takes is 1 person to challenge the black and white of the law. Even though her claims were false and in my opinion she not only lied but she trespassed. I am a rule follower and have improved the area and I am passionate about my career, my family and my employees and the East Hill Neighborhood which I have been a part of since 2002!! I would be happy to give anyone a tour as I did you."

BEFORE THE CODE ENFORCEMENT AUTHORITY
OF THE CITY OF PENSACOLA, FLORIDA

THE CITY OF PENSACOLA,
a Florida municipal corporation,
by its Code Enforcement Office (436-5500)
Petitioner,

vs.

LAURA TONETTI HALL, DVM, PA,
Respondent(s).

Case # 18-129

CODE VIOLATION ORDER AND SUBSEQUENT AMENDMENTS

The Special Magistrate Judge having heard and considered sworn testimony and other evidence presented in this matter on February 6, 2018, after due notice to the respondent(s), makes the following findings of fact and conclusions of law:

A. FINDINGS OF FACT:

1. The respondent(s) own(s) and/or is (are) in possession of the real property located at 805 East Gadsden Street, Pensacola, Escambia County, Florida, legally described as:

LTS 1 2 3 BLK 84 NEW CITY TRACT OR 6228 P 236 CA 67 TAX ACCT. #140569000.

2. The following described condition exists on the property: there are dogs running and exercising outside this facility which has a conditional use permit which prohibits same and the condition constitutes an apparent violation of the conditional use permit.

3. The date this condition was first observed was December 5, 2017; re-inspection made on February 6, 2018, confirmed the condition still existed on that date.

4. The respondent(s) received notice by:
X the posting of a notice on the property and at City Hall for ten (10) days beginning
_ certified mail, return receipt requested,

on January 19, 2018, that the condition constitutes a violation of the Code of the City of Pensacola, Florida, and that a public quasi-judicial hearing thereon would be held before the Special Magistrate Judge beginning at 3:00 p.m. on February 6, 2018, at which hearing the respondent(s) did appear and testify at length.

B. CONCLUSIONS OF LAW:

1. The respondent(s) and the property are in violation of Section(s):

12-2-10 (C)(4)(b)6 & 5(n) of the Code of the City of Pensacola, Florida.
of the Florida Building Code.
of the Standard Housing Code.
of the International Property Maintenance Code.

2. The City prevailed in prosecuting this case before the Special Magistrate Judge. If the City has already incurred costs to date in attempting to abate this violation and has requested that they be determined at this time, the Special Magistrate Judge finds the City's costs to be \$ _____. [If the City has not as yet requested that its costs to date, if any, be determined at this time and/or if it later incurs costs to abate this violation, those total costs shall be administratively entered in this blank: \$ _____.]

3. The aforesaid violation(s) or the condition causing the violation(s) does (do) not present a serious threat to the public health, safety, or welfare and/but the violation(s) or the condition causing the violation(s) is (are) not irreparable or irreversible in nature.

C. ORDER:

Based on the above and foregoing findings and conclusions, it is hereby

ORDERED that:

1. **The respondent(s) must correct the apparent violation(s) before February 5, 2019, by discontinuing allowing animals to run and exercise outside the pet shop/vet clinic. Immediately after this work has been completed, the respondent(s) must call the City Code Enforcement Office at (850) 436-5500 to schedule a re-inspection of the property to confirm that it has been done to code and/or completed.**

2. In the event this order is not complied with before the above compliance date, as early as at the **City Code Enforcement Authority Meeting and Hearings scheduled to take place beginning at 3:00 P.M. (Central Time) on Tuesday, February 5, 2019, or at any such meeting and hearings thereafter,** without further hearing or notice to the respondent(s), : **A FINE MAY BE ASSESSED AGAINST EACH RESPONDENT AND THE ABOVE-DESCRIBED PROPERTY IN AN AMOUNT UP TO AND INCLUDING TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$250.00) PER DAY for that day and each and every day thereafter any violation continues to exist; and, without further hearing or notice to the respondent(s), A LIEN MAY BE IMPOSED AGAINST ANY AND ALL REAL AND PERSONAL PROPERTY OWNED BY THE RESPONDENT(S) WHICH IS NOT LEGALLY PROTECTED FROM ENCUMBERANCE AND LEVY; AND THE COSTS INCURRED BY THE CITY IN SUCCESSFULLY PROSECUTING THIS CASE MAY BE ASSESSED AGAINST THE RESPONDENT(S).**

3. It is the responsibility of the respondent(s) to contact the above-named City Office prosecuting this case to arrange for re-inspection of the property to verify compliance **AS SOON AS IT IS ACHIEVED.**

4. If the violation(s) is (are) corrected and, thereafter, a City Code Enforcement Officer finds that a repeat violation has occurred, a fine in the amount of up to and including Five Hundred and no/100 Dollars (\$500.00) per day may be assessed against the respondent(s) for each day the repeat violation is found to have occurred by the City Code Enforcement Officer and for each and every day thereafter the repeat violation continues to exist.

5. Pursuant to Sections 162.07 and 162.09, Florida Statutes, without further hearing or notice to the respondent(s), the original or a certified copy of this and/or any subsequent Special Magistrate Judge's order may be recorded in the public records of Escambia County, Florida, and, once recorded, CONSTITUTES NOTICE TO AND MAKES THE FINDINGS OF THIS ORDER BINDING on the respondent(s) and any subsequent purchasers of the property, and any successors in interest or assigns of the respondent(s).

6. Jurisdiction of this matter and the parties is retained to enter such further orders as may be appropriate and necessary.

7. Any aggrieved party hereto, including the City, may appeal this order to the Circuit Court of Escambia County, Florida, within thirty (30) days of the entry of this order.

ENTERED on February 8, 2018, at Pensacola, Florida.

PENSACOLA CODE ENFORCEMENT AUTHORITY

Louis F. Ray, Jr.

(Signature of Special Magistrate Judge)

Louis F. Ray, Jr.

(Printed Name of Special Magistrate Judge)

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The execution of the foregoing order was acknowledged before me on February 8, 2018, by Louis F. Ray, Jr., as Special Magistrate Judge for the City of Pensacola, Florida, who is personally known to me and who did take an oath.

This original order was prepared by
and ATTESTED to by:

Joanna Walker

Florida Notary Public &

Administrative Officer of the

Code Enforcement Authority of the

City of Pensacola, Florida

Post Office Box 12910

Pensacola, FL 32521-0001

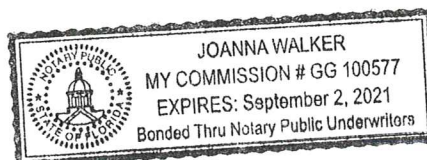
(850) 436-5500

Joanna Walker

(Signature of Notary and Administrative Officer)

Joanna Walker

(Printed Name of Notary & Admin. Officer)





PLANNING SERVICES

THE UPSIDE of FLORIDA

MINUTES OF THE PLANNING BOARD

April 10, 2018

MEMBERS PRESENT: Chairman Paul Ritz, Nathan Monk, Nina Campbell, Kurt Larson, Jared Moore

MEMBERS ABSENT: Danny Grundhoefer

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner, Steve Richards, Code Enforcement Officer, Rusty Wells, Assistant City Attorney, Lysia Bowling, City Attorney

OTHERS PRESENT: Barbara Chapman, Laura T. Hall, Amber Hoverson, Lou Courtney, Steven Shelley, Damian Zimmerman, Bruce Partington, John Myslak, Betty Bowlin Hinote, Don Kraher, Council Executive,

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from March 13, 2018
- New Business:
 1. Request for License to Use Right-of-Way – Intendencia Street - Southtowne
 2. Consider Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:00 pm with a quorum present.

Approval of Meeting Minutes

Mr. Larson made a motion to approve the March 13, 2018 minutes, seconded by Mr. Monk, and it carried unanimously.

New Business

Request for License to Use Right-of-Way – Intendencia Street - Southtowne

Daily Convo is requesting approval for a License to Use for improvements within the Intendencia Street right-of-way in connection with the Southtowne Development. This request is unique in that the project will provide a large amount of improvements within the right-of-way of Intendencia and the perimeter of the development, however, the property owner will assume maintenance for these improvements. This will be agreed upon in the form of a modified License to Use agreement between Daily Convo and the City. This request has been routed through the various City departments and utility providers with those comments provided.

Bruce Partington presented to the Board and stated the project presented today was the final piece of the development.

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

222 West Main Street Pensacola, FL 32502 / T: 850.435.1670 / F: 850.595.1143/www.cityofpensacola.com

He explained he had negotiated at length with the City Attorney for the License to Use (LTU) which will comply with all city requirements. Daily Convo would bear 100 percent of the construction and ongoing maintenance. He indicated the project would be aesthetically consistent with the existing structures.

Chairman Ritz appreciated the work placed into the overall project with the level of quality, concern for citizens, and addressing the environment. He also appreciated the use of the right-of-way for bettering the entire development and believed this would be a better treatment of the roadway than the city could execute without private dollars. The size of the development showed the level of commitment over the span of time. **Mr. Larson made a motion to approve, seconded by Ms. Campbell.** Mr. Larson pointed out he liked the public-private partnership and wanted to take the opportunity to try this LTU in a different manner. Ms. Campbell noted the utility comments, and Ms. Deese advised the project had oversight through the Engineering Department. Mr. Monk wanted to state a no conflict of interest since at the inception of Southtowne, he was an employee of Studer Properties, however, none of this discussion was going on at that time. Chairman Ritz advised since Mr. Monk was not in play for any financial gain, no conflict of interest would exist. **The motion then carried unanimously.**

Consider Amendment to LDC Section 12-2-10 Historic and Preservation Land Use District

The City has received a request from Dr. Laura Hall of East Hill Animal Hospital for an amendment to Land Development Code Section 12-2-10 Historic & Preservation Land Use District. More specifically, Dr. Hall is requesting that the use of animal hospitals, veterinary clinics and pet resorts (with fully enclosed kennels, with no outside runs, exercise areas are permitted) no longer require Conditional Use Permit approval and instead become a permitted use by right. Dr. Hall recently appeared before the Special Magistrate for a code violation of having exercise areas in the OEHC-1 zoning district. The Special Magistrate gave Dr. Hall one year to resolve the issue. Dr. Hall is requesting this amendment in order to bring her property into compliance.

In reviewing the Code Violation form, Chairman Ritz note the violation involved dogs running outside of the building which was not allowed. Ms. Deese advised a Conditional Use Permit would no longer be necessary, and it would become a permitted use by right. Chairman Ritz pointed out even though it was for one piece of property, if we keep changing the Code, the neighborhood could lose some of its character. One of the issues was encroachment and movement of commercial businesses within the residential neighborhood. But on the positive side, customers appreciated Dr. Hall's services and the convenience of having her clinic at this location. The change to the Code would become area-wide and not just for one property. Mr. Monk wanted to clarify that this change would allow for exterior exercise areas for pets in the clinic or the resort during business hours. Chairman Ritz advised there were no time limitations. Ms. Deese confirmed that since the ordinance does not define that, another use could come in by right without a Conditional Use Permit, and there would not be any ability to add those stipulations; they could operate at any hour, however, they would still operate under the noise ordinance.

Dr. Hall stated she had been in the OEHPD since 2007. She explained she put the outdoor exercise area provision in herself and had operated since 2007 with no formal complaints. Her pet resort was given the same rights as pet shops. She explained she attended the neighborhood association meeting and understood their concerns with businesses, future expansions, and parking. She explained all noise ordinances would still be intact, and this change in the Code would simply allow her to continue the business the City had allowed. She indicated the Magistrate from the Code Enforcement hearing advised her to change the Code so a violation would not happen again.

Ms. Campbell confirmed that the business had improved the neighborhood while maintaining the architectural integrity and spirit of that area. Chairman Ritz had not noticed a parking issue. In full disclosure, Ms. Campbell explained that Dr. Hall was her veterinarian, and her pets had stayed at the pet resort; she had not been overwhelmed with noise on the inside or outside. She stated when addressing these issues, certain areas of the community want to be self-sufficient as a sub community, and if that was the case, it might be appropriate for a pet resort to go in; Dr. Hall did bring a lot of business into the area.

Lou Courtney agreed Dr. Hall had a great reputation and was a great businesswoman. She explained a lot of the neighbors were opposed to the business when it was originally permitted because of the barking. Ms. Courtney lives one block away and observed the animals go outside five times a day, and the noise gets loud during the summer and during holidays. She indicated she worked from home in a studio and had followed the noise to observe 20 dogs within the exercise area with an attendant present. However, she was unable to address the attendant because of the noise. She applauded the doctor for the integrity of the architecture, but noise pollution was a serious issue. She also pointed out the doctor could sell the clinic, and the next owner might not be as conscientious. She also explained they do not like changes that hurt property values, aesthetic values, or quality of life. She explained there were no neighbors immediately adjacent to the doctor; one was being used for storage and the two behind were vacant. Joshua Gleaton appeared before the Board and stated he works from home does hear the dogs barking and it is a noticeable background noise. He did appreciate what the doctor's business had brought to the neighborhood but was concerned the Code change would allow for the continuation and the addition to what he sees as an existing problem. He felt changes to the Code should benefit the community and not just a few people. He stated Dr. Hall had indicated she was involved with the original language, and he was concerned with the result of changing the Code when someone is found in violation, and he did not see the benefit being for the neighborhood but for only one business.

Steven Shelley advised he had been an East Hill resident for 50 years, and even though the business was not in East Hill, he wanted to comment that when she was with Sacred Heart, she was well respected and loved. He was amazed in driving up to the facility how little noise was heard. He stated her business is exactly what the community was looking for.

Amber Hoverson, President of the OEHPA, was at the meeting and as a neighborhood, they were opposed to the Code change. She explained they were not opposed to change but were concerned with the noise and that some other business could come in and not be as mindful of the neighborhood. Also, as a homeowner of a contributing structure, she felt it was not fair when a homeowner in this district is required to go before the ARB and comply with their guidelines. However, this is a law that is being considered; she expressed you can avoid ugly but you cannot avoid noise, and many of the older homes are not insulated.

Betty Bowlin Hinote with Innerpeace Massage Therapies behind the McDonald's stated she had heard barking during therapy sessions, and they would lose business if the noise continued during treatments. She explained patients do sleep during therapy sessions, and the business maintains a quite atmosphere. She further stated the Code was set up to protect the interest of owners, their property values, and safety. She stated she had been at this location for 17 years and felt her property might lose value if the Code is changed. She had visited the pet resort on Hayne Street, and it was absolutely too loud, and if the Code is changed to include any hour, this noise would also be outside. One of her therapists left a note to her to make sure this does not happen since there will be barking dogs while the therapies are in session. Mr. Monk asked how long she had been in business, and she stated they had been operating there 17 years. She was not sure how much business she had already lost. With the Code change and having the dogs outside along with the possibility of a growing business, the problem might get worse. Mr. Monk asked if any customer left an appointment because of the barking dogs. Ms. Hinote explained they could not know if a person did not return because their session was disturbed. She further explained the Code protects against many issues, but she could not provide any solid facts supporting loss of income since this would be speculative. She did emphasize with a change in the Code, the situation would likely get worse.

Chairman Ritz stated as he reflected back from 2008, the noise issue was of concern. At that time, many Old East Hill residents were concerned with the noise; there were no outside exercise runs at that time. As of today, some of those members still do not embrace the idea of outdoor exercise runs, which have been consistent from then to now. He explained the idea of a Conditional Use allows for

checks and balances to occur should situations change. Changing the Code affects the entire area, and if another veterinarian should choose to come in, they could put in an outside run a block away. He advised one of the reasons for the Conditional Use being granted at that time was that a lack of outside runs would prevent a noise issue. He said he tended to think on the side of the neighborhood who opposed it in light of the way it came before the Board the first time. Mr. Monk emphasized the historic nature of East Hill and the Van Gogh Coffee Shop where the youth populated; the 309 house was a safe place for train hoppers and both were a part of the history of this community. It was constantly shut down because of noise complaints. His opinion was if you want quiet, don't live in the city which includes traffic, movement, and noise.

Ms. Campbell questioned how long this area had been business and residential, and Ms. Deese advised since its inception in the late 90s. Dr. Hall pointed out nothing would change since the dogs had already been entering an exercise yard. The exercise yard simply means they go out and exercise and come back in. Ms. Campbell indicated aside from the most recent complaint, the doctor had no other complaints and thought that was an interesting observation; it seemed the problem was not with the dog resort or the veterinarian but the noise level. She questioned if anyone had come up with a build-out for sounds. Dr. Hall stated she had investigated other resorts in the city which are all C-1, but they were not in a historic neighborhood, and when she went to change the Code in 2008, they placed the language in there. She advised at that time, parking was the main concern. She also explained as a property owner, she would be using outside cameras to protect her interests and confirm activity documenting the number of dogs.

Chairman Ritz clarified a Code violation was issued which stated "There are dogs running and exercising outside this facility which has a Conditional Use Permit which prohibits same and the condition constitutes an apparent violation of the Conditional Use Permit." Ms. Deese verified the Code violation was because there were dogs outside. She explained there was a video on the website showing how many times animals go outside into the exercise areas which was the specific Code violation. Dr. Hall explained exercise areas were where dogs were left unattended, which was not the case in her exercise areas. Mr. Moore asked if the change was approved, would it allow dogs to be left unattended. Ms. Deese referred to Dr. Hall's request for fully enclosed kennels with no outside runs and exercise areas are permitted. She explained there are scenarios where there are no outside runs, but the animals could go outside unsupervised, which was not Dr. Hall's intent. Mr. Monk asked if the Board had the authority to limit the number of animals allowed within a square footage. Ms. Deese advised the Board could include in the recommendation to City Council added conditions amending Dr. Hall's request. She clarified that the amendment takes it out of a Conditional Use Permit and makes it a standalone by right use. Chairman Ritz emphasized Conditional Use historically was used as a check and balance. Ms. Deese pointed out limiting the number of animals would be a challenge to enforce. Dr. Hall emphasized she wanted to operate her business as the City gave her permission to ten years ago.

Ms. Campbell asked if the amendment did not go forward and the doctor had one year to satisfy this issue, how would that impact her business. Dr. Hall advised she would not operate a boarding facility where the animals could not go outside. For clarification, Ms. Deese stated during the discussions with Code Enforcement, they felt it would be unreasonable to think that a medical facility for animals could not allow the dogs to go out and relieve themselves, but when the evidence was compiled along with the website video with the five times a day, it clearly was more than relieving themselves. Dr. Hall advised she wished she had clarified "no exercise yards where animals are left unattended" on her original plans. Ms. Campbell advised it would be a terrible loss for this portion of Pensacola to lose Dr. Hall, and asked could there be some sort of buildout for the exercise pad. Dr. Hall explained they incorporated vegetation and astro turf as well as 9' fencing.

Mr. Monk pointed out with the evolution of cities and small towns, we were going to see more small

businesses in isolated parts of the community so people do not have to drive great distances for these services. He personally did not want to live in a community where his children were playing the backyard and someone would call in a complaint on them or his dogs. More small business were going to creep into historic neighborhoods, and this natural evolution is where we're going as a community; There will be some discomfort, but that is the reality of living in a city.

Mr. Larson asked Dr. Hall if she was going to solve the problem before the Board involving multiple dogs, supervised or unsupervised, because he was not comfortable with just saying "exercise areas." Dr. Hall advised she liked the term "no exercise areas where dogs are left unattended." She explained they had play groups with 6 to 8 dogs maximum, and if they were loud, they returned to the inside. However, she was fine with whatever the Board approved. **Mr. Monk made a motion to support with an edit that it read "allows animal hospitals, veterinary clinics and pet resorts within the district by right with fully enclosed kennels, no unsupervised outside runs or exercise areas permitted with a limitation of 5 animals in the area."** The motion was seconded by Mr. Larson. For clarification, Mr. Larson stated with this change, a Conditional Use Permit would no longer be required in C-1. Ms. Deese explained this amendment was specifically for 12-2-10 Old East Hill Preservation District; C-1 still has the language which does not permit exercise areas, and you would be opening up to the entire city if you modified C-1. This is specific to Old East Hill, taking out the Conditional Use Permit requirement. **Ms. Deese clarified Dr. Hall's proposal stated "with no outside runs." Was the Board meaning "no unsupervised outside runs" and thus allow "outside runs" or add "unsupervised" to the exercise areas, and Mr. Monk verified adding "unsupervised" to the exercise areas only. The amendment was accepted by Mr. Larson. For further clarification Mr. Moore stated in OEHPD exercise areas would be allowed, but the language would state they would go out in groups of 5 or fewer supervised. There were no outside runs and the amendment was by right with no Conditional Use. The motion then carried 4 to 1 with Mr. Moore dissenting.** Ms. Deese reminded the audience that this amendment was a recommendation which would proceed to the City Council on May 10, 2018 at 5:30 pm.

Open Forum – None

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 3:34 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brandi C. Deese', with a long horizontal flourish extending to the right.

Brandi C. Deese
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00251

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

PUBLIC HEARING: REQUEST TO VACATE RIGHT-OF-WAY - 1600 BLOCK OF NORTH 18TH AVENUE

RECOMMENDATION:

That City Council conduct a public hearing on July 19, 2018 to consider the request to vacate a portion of the 1600 Block of North 18th Avenue between Moreno and Mallory Streets.

HEARING REQUIRED: Public

SUMMARY:

The City has received a request from Jonathon and Ryan Wiggins, in conjunction with Michael Callaghan and Galen Nase, to vacate a 34.8 foot portion of the 1600 Block of North 18th Avenue adjacent to the properties located at 1771 E. Mallory and 1774 E. Moreno Streets. Mr. and Mrs. Wiggins have indicated that the purpose for their request is to be able to construct a garage and small attached guest house. Mr. Callaghan and Mr. Nase have indicated the purpose for their request is to acquire the land where their semi-circular driveway is located.

On June 12, 2018, the City's Planning Board unanimously recommended approval of the request with several stipulations. The Planning Board approved the right-of-way vacation request with the stipulation of a 5 foot landscape strip, 5 foot sidewalk, total right-of-way to be maintain at no less than 60 feet, sidewalk to be constructed within 90 days, sidewalk to be built to the road and to City of Pensacola and ADA standards. The June 12, 2018 Planning Board minutes are attached as well and reflect the discussion which led to the motion.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

7/10/2018

STAFF CONTACT:

Eric W. Olson, City Administrator

Sherry H. Morris, AICP, Planning Services Administrator

L. Derrik Owens, Director of Public Works & Facilities/City Engineer

ATTACHMENTS:

- 1) Vacation of Right-of-Way Application, 18th Avenue, dated May 11, 2018
- 2) Right-of-Way Map, 18th Avenue Right-of-Way Vacation Request
- 3) June 12, 2018 Planning Board Minutes
- 4) Technical Comments, 18th Avenue Right-of-Way Vacation Request
- 5) Citizen Comments, 18th Avenue Right-of-Way Vacation Request
- 6) Neighbor Petition, 18th Avenue Right-of-Way Vacation Request
- 7) Proposed Ordinance

PRESENTATION: Yes

Application for Vacation of the Right of Way
North 18th Avenue
Between Moreno and Mallory Streets

Submitted by:

Jonathon Wiggins

Ryan Nobles Wiggins

Michael Callaghan

Galen Nase

May 11, 2018

Mrs. Ryan Wiggins
1771 E. Mallory Street
Pensacola, FL 32503

City of Pensacola Planning Board
222 W. Main Street
Fifth Floor
Pensacola, FL 32501

May 9, 2018

Dear Board Members,

My husband Jonathon and I bought our home on East Mallory Street in East Hill in 2002. Growing up in Pensacola, we have both always loved East Hill and the charm of the neighborhood. This was the first home we lived in as a couple. In a 1940's house, under the canopy of two enormous live oaks on this corner lot is where "we" started.

In the 16 years since we bought our home, we have moved all over the Southeast and our family has grown with the addition of two adorable, happy little boys. After years of renting out the house, we happily settled back into our home three years ago. While we are still completely in love with our home and our lot, there are now four of us living in a 1,500 square foot home and it is getting a little cramped. We are currently in the planning stages of a remodel and an addition to our home.

As I mentioned earlier, one of the features of our lot are two magnificent live oak trees in our front yard. We love these trees, but they mean that a large portion of our lot is not accessible for renovations. Because of these trees, our only option for any home expansion would have to either take place on the south portion of our lot (our backyard) or to the east (in the right of way). We plan on adding an addition to our home in the back and a swimming pool, but that would not leave us any room for the garage and small attached guest house we would like to also build so that out of town friends and family could come stay with us. We are applying for the right of way to be vacated for this purpose.

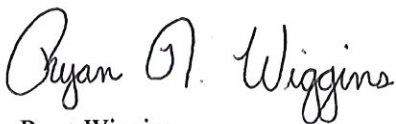
We have happily maintained the right of way for years. We have improved it by adding a neighborhood butterfly garden on that right of way that is recognized as a butterfly habitat and sanctuary by two national organizations. Neighbors are constantly stopping by to admire it. The right of way does contain a public sidewalk, but the sidewalk is not ADA compliant and does not connect to another sidewalk on the other side of the road. It doesn't lead anywhere. I have included pictures of the right of way in the appendices section of this application

We are applying for the vacation of the right of way with our backdoor neighbors, Michael Callaghan and Galen Nase, and have spoken to our other neighbors who are in full support. We have also spoken to Gulf Power, who also does not have any issue with us acquiring the right of way. I have included an email from Jim Jernigan with Gulf Power in the appendices section of our application.

We encourage any board members who wish to come by and see the property in question to stop by at any time. If I can answer any additional questions about this property ahead of the meeting, please contact me at ryan.n.wiggins@gmail.com or (850) 728-1521.

Thank you for your consideration of this matter.

With Warmest Regards,

A handwritten signature in cursive script that reads "Ryan Wiggins". The signature is written in dark ink and is positioned above the printed name.

Ryan Wiggins

Mr. Michael Callaghan
1774 E. Moreno Street
Pensacola, FL 32503

City of Pensacola Planning Board
222 W. Main Street
Fifth Floor
Pensacola, FL 32501

May 9, 2018

Dear Board Members,

My partner Galen and I moved to Pensacola following our home in New Orleans being destroyed in Hurricane Katrina. Originally, it was our intention to rent in Pensacola until we could rebuild in New Orleans, but we absolutely fell in love with the area, especially East Hill, and decided to move here permanently.

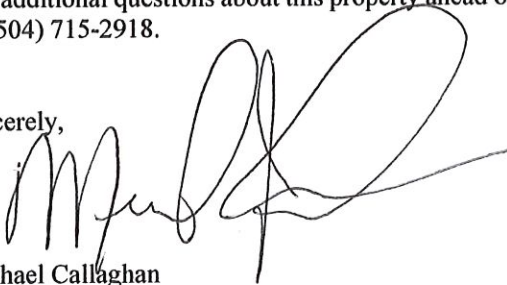
Soon after, my partner and I bought Rapunzel's Salon on 12th Avenue and also purchased our home on East Moreno Street. We love living and working in East Hill and have great neighbors. We wouldn't want to live anywhere else in Pensacola.

When we bought our house, there was a wonderful semi-circular driveway on the east side of our lot. We naturally assumed the driveway was part of the property we were purchasing. We have only recently discovered that it is not. Apparently, at some point a previous owner built the driveway without acquiring the land required to do so. We are applying for the vacation of the right of way so that we may own the driveway to our house.

We are applying for the vacation of the right of way with our backdoor neighbors, Jonathon and Ryan Wiggins, who have included photographs of our driveway and right of way to this application. There is a public sidewalk on the right of way, but as you will see from the photographs, it does not even extend all the way to the road, nor does it connect to a sidewalk on the opposite side of the street.

Any board members who wish to come by and see the property in question may stop by at any time. If I can answer any additional questions about this property ahead of the meeting, you may contact me at miccallaghan@hotmail.com or (504) 715-2918.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Callaghan', with a large, stylized loop at the end.

Michael Callaghan

VACATION OF ALLEY OR STREET RIGHT OF WAY



Fee: \$2,000.00

Rehearing/Rescheduling Planning Board: \$250.00

Rehearing/Rescheduling City Council: \$500.00

Applicant Information:

Name: Ryan Wiggins, Jonathon Wiggins, Michael Callaghan, and Galen Nase

Address: 1771 East Mallory Street, Pensacola, FL 32503

Phone: (850) 728-1521 Fax: _____ Email: ryan.n.wiggins@gmail.com

Property Information:

Owner Name: Jonathon and Ryan Wiggins

Location/Address: 1771 East Mallory Street, Pensacola, FL 32503

Legal Description: Please attach a full legal description (from deed or survey)

Purpose of vacation of city right of way/comments:

We are requesting to have the right of way vacated so that we may improve our property by adding a garage to our lot. Currently, we park on the street on East Mallory Street. We will be renovating our house and building an addition and a pool in our backyard and will be unable to build the garage without the vacation of the right of way.

I, the undersigned applicant, understand that submittal of this application does not entitle me to approval of this vacation request and that no refund of these fees will be made. I have reviewed a copy of the applicable regulations and understand that I must be present on the date of the Planning Board and City Council meeting.

Ryan N. Wiggins

Signature of Applicant

(Owner of Property or Official Representative of Owner)

5/7/18

Date

[Signature]

Signature of Applicant
(Owner of Property or Official Representative of Owner)

5.7.18

Date

[Signature]

Signature of Applicant
(Owner of Property or Official Representative of Owner)

5 7 18

Date

[Signature]

Signature of Applicant
(Owner of Property or Official Representative of Owner)

5/7/18

Date

FOR OFFICE USE ONLY

District : _____

Date Received: _____

Case Number: _____

Date Postcards mailed: _____

Planning Board Date: _____

Recommendation: _____

Council Date: _____

Council Action: _____

VACATION OF ALLEY OR STREET RIGHT OF WAY



Fee: \$2,000.00

Rehearing/Rescheduling Planning Board: \$250.00

Rehearing/Rescheduling City Council: \$500.00

Applicant Information:

Name: Michael Callaghan, Galen Nase, Ryan Wiggins, and Jonathon Wiggins

Address: 1774 East Moreno Street, Pensacola, FL 32503

Phone: (504) 715-2918 Fax: _____ Email: Miccallaghan@hotmail.com

Property Information:

Owner Name: Michael Callaghan and Galen Nase

Location/Address: 1774 East Moreno Street, Pensacola, FL 32503

Legal Description: Please attach a full legal description (from deed or survey)

Purpose of vacation of city right of way/comments:

We are requesting to have the right of way vacated so that we may own our driveway. Before we purchased our home, a previous owner built a semi-circular driveway on the right of way. We assumed when we purchased the home that the driveway was part of the property and have only recently discovered it is not. Since the structure is pre-existing, we would ask that it become legally part of our property.

I, the undersigned applicant, understand that submittal of this application does not entitle me to approval of this vacation request and that no refund of these fees will be made. I have reviewed a copy of the applicable regulations and understand that I must be present on the date of the Planning Board and City Council meeting.

Signature of Applicant

Date

5/7/18

Signature of Applicant

Date

5/7/18

Signature of Applicant

Date

5/7/18

Signature of Applicant

Date

5.7.18

FOR OFFICE USE ONLY

District : _____

Date Received: _____

Case Number: _____

Date Postcards mailed: _____

Planning Board Date: _____

Recommendation: _____

Council Date: _____

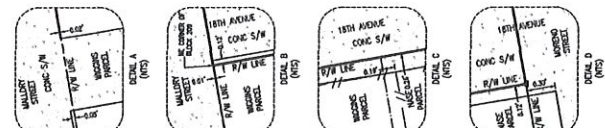
Council Action: _____

Legal description of the right of way on the west side of the street at North 18th Avenue between Moreno and Mallory Streets.

DESCRIPTION: (As prepared by Jehle-Halstead, Inc.)

BEGIN AT THE NORTHEAST CORNER OF BLOCK 209, NEW CITY TRACT, AS SHOWN ON THE MAP OF PENSACOLA, FLA., PUBLISHED BY THOS. C. WATSON & CO., COPYRIGHTED IN 1906 AS RECORDED IN DEED BOOK 126, AT PAGE 400 OF THE PUBLIC RECORDS OF ESCAMBIA, COUNTY, FLORIDA, THENCE PROCEED NORTH 79 DEGREES 59 MINUTES 09 SECONDS EAST ALONG THE EXTENSION OF THE NORTHERLY BLOCK LINE OF SAID BLOCK, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY (R/W) LINE OF MALLORY STREET (80' R/W), FOR A DISTANCE ON 34.80 FEET TO THE BACK OF A 30 INCH WIDE CONCRETE LAYBACK CURB; THENCE DEPARTING SAID BLOCK LINE PROCEED SOUTH 09 DEGREES 56 MINUTES 43 SECONDS EAST ALONG SAID BACK OF CURB FOR A DISTANCE OF 275.38 FEET TO THE EXTENSION OF THE SOUTHERLY BLOCK LINE OF SAID BLOCK, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY (R/W) LINE OF MORENO STREET (70' R/W); THENCE DEPARTING SAID BACK OF CURB PROCEED SOUTH 79 DEGREES 09 MINUTES WEST ALONG SAID EXTENSION LINE FOR A DISTANCE OF 34.54 FEET TO A NAIL AND DISK, NUMBERED 6993, AT THE SOUTHEAST CORNER OF SAID BLOCK; THENCE DEPARTING SAID BLOCK LINE PROCEED NORTH 10 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE EASTERLY BLOCK LINE OF SAID BLOCK, ALSO BEING THE WESTERLY R/W LINE OF SAID 18TH AVENUE (100' R/W), FOR A DISTANCE OF 275.38 FEET TO THE POINT OF THE BEGINNING.



[illegible]

Wiggins Property
1771 East Mallory Street

Recording prepared by:
JONATHON WIGGINS
1771 E. Mallory St,
Pensacola, FL 32503

When recorded return to:
JONATHON M. WIGGINS
RYAN N. WIGGINS
1771 E. Mallory St.,
Pensacola, FL 32503

Mail tax statements to:
1771 E. Mallory St.,
Pensacola, FL 32503

Tax parcel no.: 00-0S-00-9025-008-209
State of Florida

Rev. 133C709

WARRANTY DEED

This General Warranty Deed is made effective this 5/30/17 (the "Effective Date") between JOHN W. NOBLES, MOLLY S. NOBLES, RYAN S. NOBLES, (collectively, "Grantor"), multiple individuals whose mailing address is 2835 Bayou Boulevard, Pensacola, FL 32503 and JONATHON M. WIGGINS and RYAN N. WIGGINS (collectively, "Grantee"), a married couple whose mailing address is 1771 E. Mallory St., Pensacola, FL 32503.

WITNESSETH, that Grantor, for and in consideration of the sum of \$1 and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee the real property (the "Property") located at 1771 E. Mallory St, Pensacola in Escambia County, FL 32503, and more particularly described as follows: The East 1/2 of Lot 8, all of Lots 9 and 10, and the North five feet of Lots 11 and 12, Block 209, New City Tract, City of Pensacola, according to map of said City, copyrighted by Thomas C. Watson in 1906, lying and being in Escambia County, Florida.

TO HAVE AND TO HOLD unto said Grantee and its successors and assigns, forever.

Grantor hereby warrants that the Property is lawfully seized in fee simple; that Grantor has the legal right to convey the Property; and that the Property is free from all encumbrances except as otherwise stated above. Grantor and its heirs, executors, and administrators hereby warrant and bind themselves to forever defend the Property unto the said Grantee and its heirs and assigns, against all claims against title to the Property or any part thereof.

This conveyance is made expressly subject to the deeds of trust, mortgages, conditions, restrictions, rights of way, easements, and other instruments of record, insofar as they may lawfully affect the Property.

Grantor declares that the transfer is exempt from any documentary transfer taxes.

EXECUTED this 30th day of May, 2017

John W. Nobles
Grantor Signature

JOHN W. NOBLES
Grantor Name

Molly S. Nobles
Grantor Signature

MOLLY S. NOBLES
Grantor Name

Ryan S. Nobles
Grantor Signature

RYAN S. NOBLES
Grantor Name

[Signature]
Grantee Signature

JONATHON M. WIGGINS
Grantee Name

Ryan N. Wiggins
Grantee Signature

RYAN N. WIGGINS

Grantee Name

Witness #1 Krystal Heidland
4400 Bayou Blvd
Pensacola, FL 32503

Witness #2 Rafael R
4400 Bayou Blvd.
Pensacola, FL 32503

NOTARY ACKNOWLEDGMENT

State of Florida)
)
County of Escambia)

(Seal)



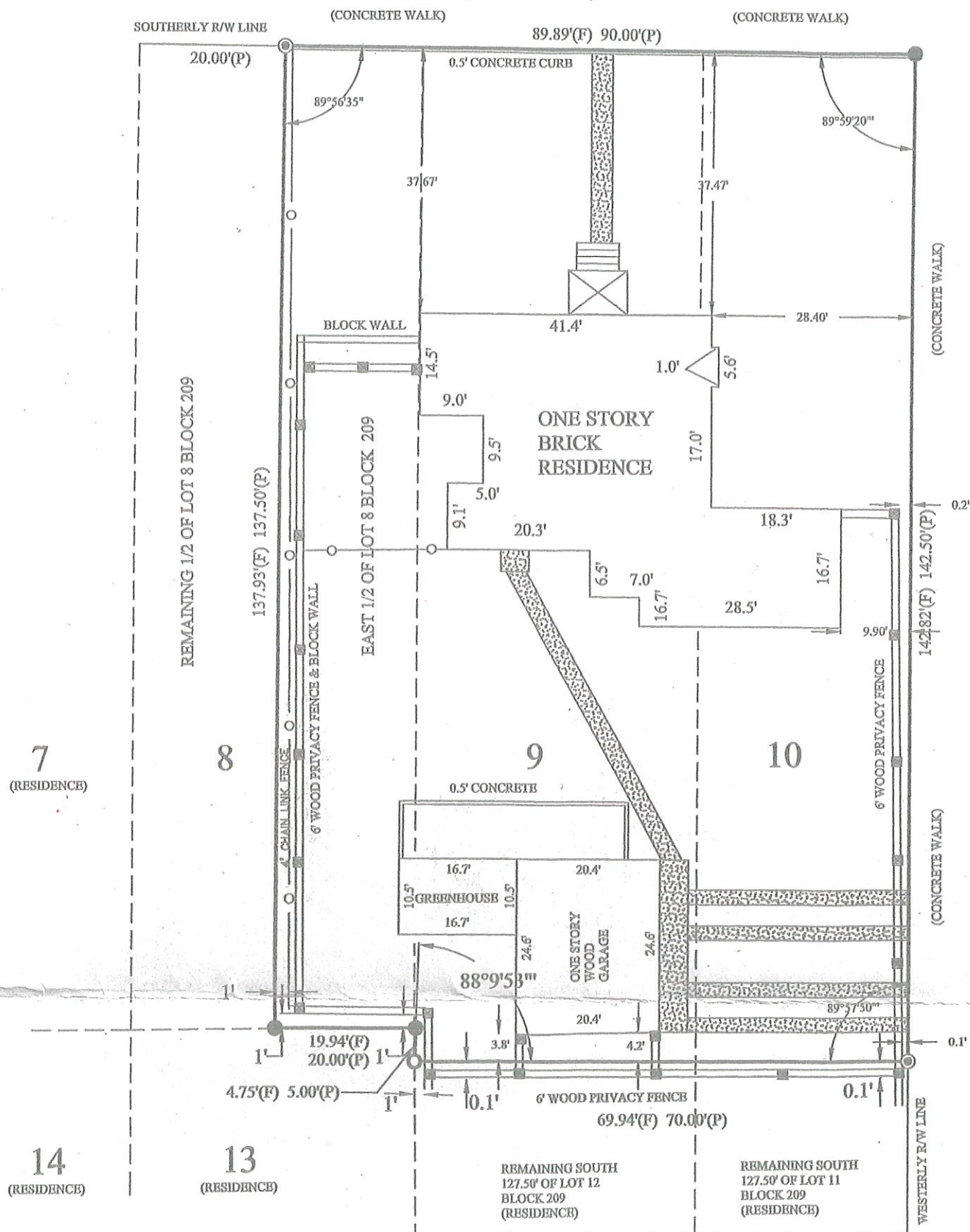
The foregoing instrument was acknowledged before me this 30th day of May, 2017, by the undersigned, JOHN W. NOBLES, who is personally known to me or satisfactorily proven to me to be the person whose name is subscribed to the within instrument.

Krystal Heitland
Signature

Krystal Heitland
Notary Public

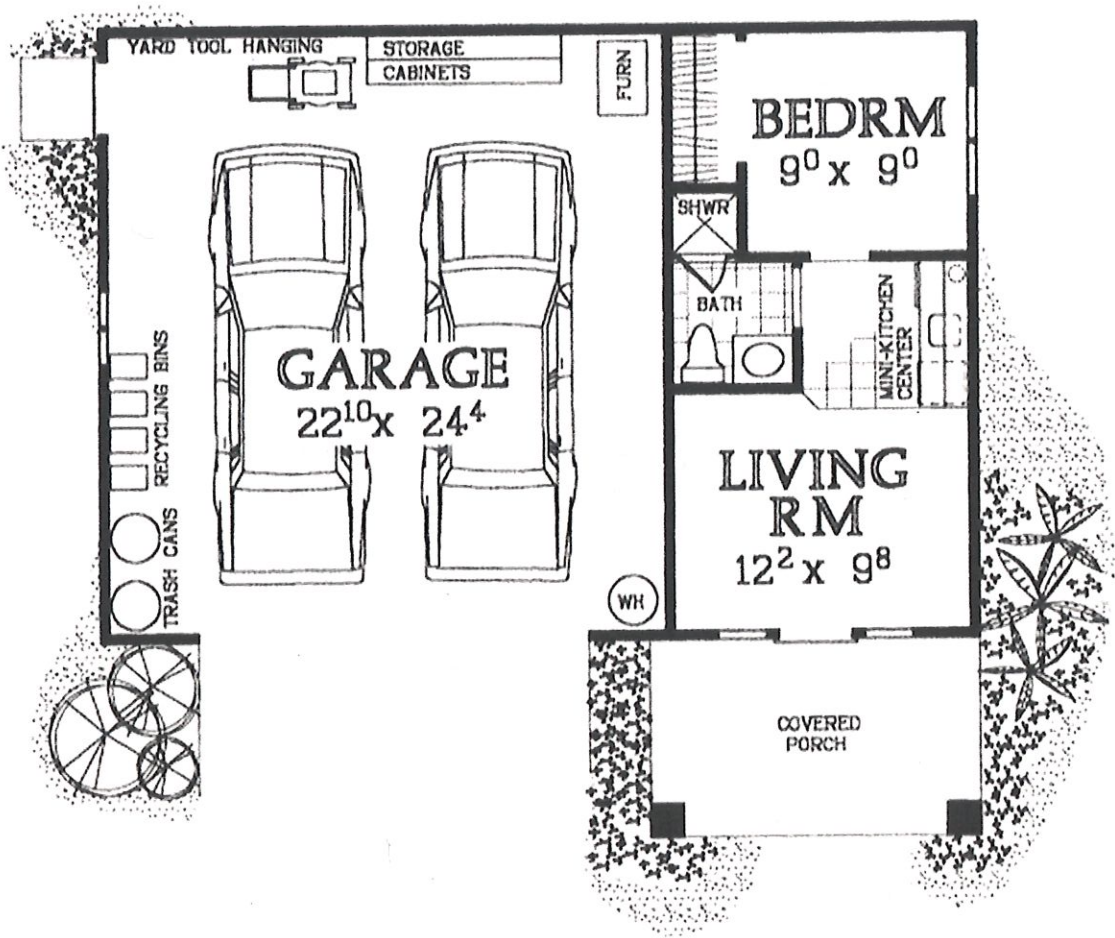
My Commission Expires: 10/25/20

1771 EAST MALLORY STREET
(80' R/W)



18TH AVENUE
(100' R/W)

This is the site plan for what we would like to build on the right of way abutting 1771 E. Mallory Street if we are granted our vacation request.



Callaghan/Nase Property
1774 East Moreno Street

This instrument prepared by:

Name: Michael J. Callaghan

Address: 1774 E Moreno Street
Pensacola, Florida 32503

Return to: Michael J. Callaghan

Address: 1774 E. Moreno Street
Pensacola, Florida 32503

Property Appraisers Parcel Identification Number(s): 00-0S-00-
9025-011-209

Grantee(s) S.S #'s:

This Quit-Claim Deed, Executed this 27th day of August, 2009, by Michael J. Callaghan, a single man, whose post office address is 1774 E. Moreno Street, Pensacola, FL 32503, first part, to Michael J. Callaghan and Galen L Nase as joint tenants with rights of survivorship, whose post office address is 1774 E. Moreno Street, Pensacola, FL 32503 second party:

(Wherever used herein the terms "first part" and "second part" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the said first part, for and in consideration of the sum \$10.00, in hand paid by the said second part, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Escambia, State of Florida, to-wit:

The South 132.5 feet of Lots 11 and 12, Block 209, New City Tract, in the City of Pensacola, Escambia County, Florida, according to the map of said City copyrighted by Thomas C. Watson in 1906: Together with all in singular the tenements, hereditaments, and appurtenances thereunto belonging or in any ways appertaining free from all exemptions and rights of homestead.

To Have and to Hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Marcia L. Schulte
Signature
Marcia L. Schulte
Printed Signature

Michael J. Callaghan
Signature
Michael J. Callaghan
Printed Signature

Heather Sullivan
Signature
Heather Sullivan
Printed Signature

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 27th day of August, 2009 by Michael J. Callaghan, who is personally known to me or who produced FLDL as identification and who did not take an oath.

Ernie Lee Magaha, Clerk of the Circuit Court

Ernie Lee Magaha
Notary Public Deputy Clerk
My Commission Expires:



BLOCK
209

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

18th AVENUE (100' R/W)

142.50'(P)
N11°12'15"W 142.81'(F)
WESTERLY R/W

0.7' WIDE
CONCRETE
BLOCK
WALL

NORTH
5.0'
LOT 12
NOT
INCLUDED

NORTH 5.0'
LOT 11
NOT
INCLUDED

LOT 13

LOT 15

LOT 14

132.50'(D)
N11°11'37"W 132.29'(F)

70.00'(P)
S78°37'09"W 70.14'(F)

WOOD
GARAGE
12.5'
20.4'

PATIO
BLOCKS

COVERED
DECK

ONE STORY
BRICK
RESIDENCE

SOUTH
132.50'

SOUTH
132.50'

132.50'(D)
N11°12'15"W 132.55'(F)

6.0' WIDE SIDEWALK

0.7' BLOCK WALL

BRICK WALK

BACK OF CURB

60.00'(P)
N78°53'49"E 59.85'(F)

NORTHERLY R/W

70.00'(P)
N78°49'49"E 70.16'(F)

1774 EAST MORENO STREET (70' R/W)

THE UNDERSIGNED CLIENT(

MICHAEL J. CALLAG

Appendices

Photographs of the Right of Way on 18th between Moreno and Mallory Streets



(Above) The northern part of the right of way is being maintained by the Wiggins family. On the right of way, the Wiggins family has planted a butterfly garden that helps a threatened species of butterfly (the Monarch) and helps protect pollinators of all kinds. The garden is recognized as an official butterfly habitat and sanctuary by two national organizations: Monarch Watch and The North American Butterfly Association.



(Above) This is a photograph of the right of way in question that abuts the Wiggins property on 18th Avenue facing north.



(Above) This is a photograph of the right of way in question that abuts the Wiggins property on 18th Avenue facing south.



(Above) This is a photograph of the right of way in question that abuts the Wiggins property on 18th Avenue facing west.



(Above) The southern part of the right of way is being maintained by Michael Callaghan and Galen Nase. The majority of this portion of the right of way is dominated by a semi-circular driveway built by a previous owner.

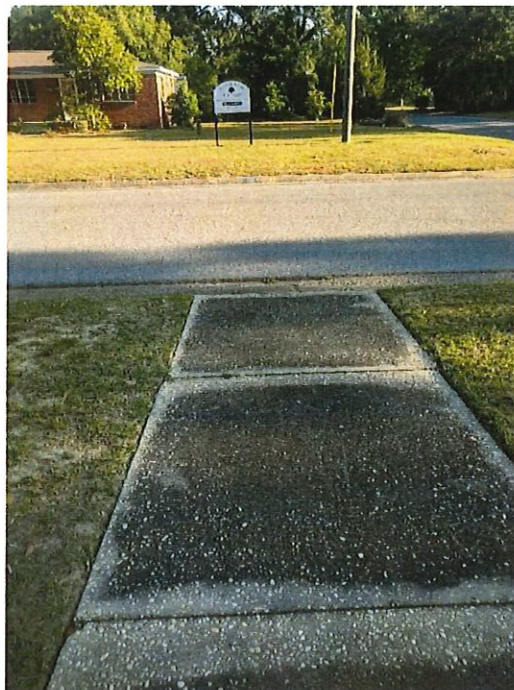


(Above) This is a photograph of the majority of the right of way in question on 18th Avenue.

While the right of way does contain a public sidewalk, this sidewalk only circles this one block and does not connect to any other sidewalks on the other sides of the street and in some cases, does not connect to the street at all.



(Above) The sidewalk on the right of way at 18th and Moreno does not connect to the street or the other side of the street.



(Above) The sidewalk on the right of way at 18th and Mallory does not lead anywhere.



Ryan Wiggins <ryan.n.wiggins@gmail.com>

Street Vacate

1 message

Jernigan, Jim Marion <X2JMJERN@southernco.com>

Thu, Aug 31, 2017 at 3:26 PM

To: "ryan.n.wiggins@gmail.com" <ryan.n.wiggins@gmail.com>

Cc: "MTillman@cityofpensacola.com" <MTillman@cityofpensacola.com>

Mrs. Wiggins,

Mark Davidson forwarded me your street vacate request.

Gulf Power has existing electric distribution line facilities within the road right of way adjoining your property. Therefore, Gulf Power would need to reserve a utility easement.

Otherwise, Gulf Power has no objections or concerns. Please let me know if I may be of further assistance.

Jim Jernigan

Gulf Power Company

Corporate Real Estate BIN 0093

One Energy Place

Pensacola, FL 32520

850-444-6321



June 2018

**Request to Vacate R.O.W.
1600 BLK North 18th Ave**



This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The details are not guaranteed accurate or suitable for any use other than that for which it was gathered.



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MINUTES OF THE PLANNING BOARD

June 12, 2018

MEMBERS PRESENT: Chairman Paul Ritz, Nathan Monk, Kurt Larson, Jared Moore, Danny Grundhoefer, Victor Jordan

MEMBERS ABSENT: Nina Campbell

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner, William Weeks, Building Official, Helen Gibson, CRA Administrator, Victoria D'Angelo, Assistant CRA Administrator, Ryan Novota, Transportation Engineer

OTHERS PRESENT: Don Kraher, Council Executive, Austin Tenpenny, Steven Shelley, Fred Gunther, Ashley Patterson, Steven Sebold, Christian Wagley, Mike Kilmer, Rivka Kilmer, Marcie Whitaker, Kevin Wade, C. Marcel Davis, Fran Jones, Diane P. Robson, Ryan Wiggins, Jonathan Wiggins, Kacee Bidnick, Glib Kazak, David Peaden, J. Scott Sallis, Beverly Perry, Troy Stepherson, Doug Baldwin, Randy Wilkerson, James L. Gulley

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from May 8, 2018
- New Business:
 1. Consider Right-of-Way Vacation Request – North 18th Avenue Between Moreno & Mallory
 2. Consider Amendment to LDC – CRA Urban Design Standard Overlay
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:01 pm with a quorum present.

Approval of Meeting Minutes

Mr. Larson made a motion to approve the May 8, 2018 minutes, seconded by Mr. Moore, and it carried unanimously.

New Business

Consider Right-of-Way Vacation Request – North 18th Avenue between Moreno & Mallory

Jonathon and Ryan Wiggins, in conjunction with Michael Callaghan and Galen Nase, are requesting approval for the vacation of approximately 34 feet of the western right-of-way of the 1600 Block of North 18th Avenue. This request would bring the property line to the back of the layback curb on the western side of 18th Avenue.

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

222 West Main Street Pensacola, FL 32502 / T: 850.435.1670 / F: 850.595.1143 / www.cityofpensacola.com

Mr. and Mrs. Wiggins have indicated the reason for their request is to be able to construct a garage and small attached guest house. Mr. Callaghan and Mr. Nase have indicated their reason for the request is to acquire the land where their semi-circular driveway is located. This request has been routed through the various City departments and utility providers and those comments are attached; any comments received after the packets were mailed were sent email and hard copies provided to the Board.

Chairman Ritz explained the right-of-way vacation as giving away a piece of public property over to the property owner; if approved, the City of Pensacola gives the property to the property owner with no fees involved. He then called the applicants to speak.

Ms. Wiggins thanked the Board for their consideration and was eager to answer any questions. Mr. Monk asked if the applicant had any issue with the proposal with the reduction and relocation of the sidewalk to the front. Ms. Wiggins advised they had no problem with the 24' but with that sidewalk not leading anywhere, they would pay for the replacement of the sidewalk if the City ever decided to replace it.

Mr. Wagley pointed out it was great the see neighbors improving their properties, but the public's interests should also be respected and protected. He wanted to make sure the existing sidewalk was replaced at the applicant's expense and in a manner for full public access, leaving the 5' planting strip. He pointed out this location was also one block from the city park and wanted to make sure we stay consistent with what happens on other projects with the relocation of sidewalks which is necessary to protect the interest of the public.

Mr. Wiggins advised they were agreeable to the 24' feet as opposed to the full setback. With regard to the sidewalk, if you drive the entirety of 18th Street, almost two miles, there are two blocks with houses with sidewalks which connect east and west arteries. To suggest the removal of this sidewalk at this time would make anything less accessible or less safe was not common sense to him. He pointed out 18th Street is a very safe road where they see strollers, bikers and walkers using this street. Mr. Jordan explained to the applicant that if the sidewalk was replaced, it would be fully ADA compliant and wanted that understood.

Chairman Ritz explained the vacation all the way to the back of the curb is a bit much and the Board had not granted that in the past, and where would you place the sidewalk, easements, and the City would have no place to operate for utility repairs, etc. He appreciated sidewalks and connectivity which did not force the public to walk in the street.

Mr. Larson made a motion to approve with 5' from the street for plantings, 5' sidewalk built to City of Pensacola standards as well as current ADA requirements, with the balance to be vacated to the owners, with the provision the sidewalk be put in immediately to replace the one taken out. The motion was seconded by Mr. Jordan.

Mr. Jordan was concerned the sidewalk would not be replaced in a reasonable time. Chairman Ritz explained that once the property was given to the owners, they could do as they pleased, but they were giving them 24' of property at East Hill rate. Mr. Grundhoefer was concerned with setting a precedent. He offered the Board could go 10' to that street and vacate it, and people could get more property. He felt the Board was setting a dangerous precedent. Mr. Moore agreed that it seemed the right-of-way on 18th was larger than the standard right-of-way. Mr. Monk felt the location of the sidewalk to the house was awkward. The concern from others was making sure the sidewalk stayed.

Mr. Novota stated the roadway was mostly in the center of the right-of-way, and the likelihood of the city expanding or relocating the roadway was slim. Chairman Ritz explained that should the vacation be granted, as part of the approval the sidewalk would continue all the way out to the asphalt. Ms. Wiggins explained if they build a structure and then tore up the sidewalk, they would be replacing it twice. Mr. Grundhoefer pointed out his concern was maintaining a 60' right-of-way on 18th Street; his hope was that when other residents applied, the City would also get a sidewalk, with sidewalks on both sides of 18th Street. He did not support giving 24' of the City's right-of-way to homeowners. Chairman Ritz asked if the motion were amended to include verbiage toward maintaining minimum right-of-way, would that be supported. Mr. Grundhoefer explained that would send a signal that they were trying to maintain 60' right-of-ways in East Hill, and they were not changing that character.

Mr. Monk clarified that Mr. Grundhoefer wanted to make part of the requirement that with any future vacation, the property owner that received the property would pay for the sidewalk; Mr. Grundhoefer agreed he wanted to enforce this. Chairman Ritz restated the motion that the Board approved the vacation of 24.5' of the right-of-way, always maintaining a 60' right-of-way for city streets. Mr. Grundhoefer stated with a 24' street, they would be granting an additional 18' ($18+18+24=60$) from the curb to the property line. This would put the emphasis on maintaining the street right-of-way, not necessarily giving each landowner their particular request based on whatever they think their need is. **Chairman Ritz stated the motion would then be vacating the appropriate amount of property while maintaining a 60' right-of-way; the amendment was accepted by Mr. Larson. Chairman Ritz explained this would set the idea that the right-of-way is a number which is set – the vacation occurs to whatever the appropriate distance is if the road is left or right of center. The motion was accepted by Mr. Jordan with the additional information on the sidewalk.**

Mr. Monk asked if the current 18' would be enough for the applicants to accomplish their goal. Mr. Wiggins asked how the Board arrived at the 60' number. Chairman Ritz explained he had never seen a right-of-way in East Hill narrower than 60' and if we begin to get less than 60' we would not have enough room to put in the appropriate size roadway, planting space and sidewalk on each side. So the 60' becomes the "magical number" for the minimum spacing for roadways, sidewalks and plantings. Regarding enough space to accomplish their goal, Ms. Wiggins stated it would not, but they would make it work. Mr. Monk pointed out they were trying to make the neighborhoods more walkable. Chairman Ritz advised there were more requests for vacation of right-of-ways in East Hill than any other location. East Hill is a desirable neighborhood and is easily walked. Mr. Grundhoefer pointed out the Board was considering all citizens and not just the applicants. Chairman Ritz emphasized that this decision would proceed to City Council for their approval. Mr. Grundhoefer wanted the motion to state the applicants must build a sidewalk. Mr. Jordan asked Mr. Novota, Transportation Engineer, about the cost of the ramp, and Mr. Novota advised the cost would be around \$1,500.00 to \$1,800.00 plus the sidewalk itself. **Ms. Deese confirmed the original motion was for approval for 5' landscape strip, 5' sidewalk, sidewalk to be constructed immediately, sidewalk will be built to the road and to City of Pensacola and ADA standards, amended to maintain the 60' right-of-way. Chairman Ritz clarified the vacation was dependent on where the right-of-way falls. Mr. Larson changed the time for replacement to 90 days, and it was accepted, and the motion carried unanimously.**

Consider Amendment to LDC – CRA Urban Design Standard Overlay

Ms. Gibson, CRA Administrator, presented to the Board, and advised that for the past six months the CRA had been presenting a proposal for an overlay district which would be form-based standards which would apply to the neighborhoods within the CRA areas and not within any type of review district. She indicated these neighborhoods have not had any protection from incompatible uses relative to their traditional character. Because some of them have been blighted neighborhoods, there has been deterioration and demolition. What is being proposed will not restrict future demolition but will help to govern what is rebuilt. The proposal is a very light form of design review and a streamlined review which will be handled administratively by staff. Applicants interested in building can refer to a checklist to meet the requirements in this standard. She pointed out they had extensive community input with public informational sessions. Ms. Gibson then turned the presentation over to Marina Khoury of DPZ CoDesign who gave an overview of any changes to the guidelines; these were provided to the Board. Chairman Ritz then asked for audience input.

Mr. Gunther wanted to confirm that the vertically proportionate window requirement was removed, and Ms. Khoury stated that had been removed but would remain only on the frontages. Mr. Gunther informed the Board he had purchased the former YMCA property on Palafox, and they have three potential buyers and had confirmed in pre-development meetings with Brandi Deese and other departments in 2016 and 2017 that all their plans were allowed under the LDC.

They then moved forward and closed in January 2017. They have paid architects for design, laid underground utilities and essentially planned a new development. In moving forward, no exception had been granted, and he asked that those who have been working with the City should be grandfathered in and not be required to adhere to the new requirements after designing around the current codes.

Concerning trees, he further explained they had pushed their houses to the street with urban design, and properties on Palafox from their property to the bay have no trees on private property. Mr. Grundhoefer offered this document would be going to City Council and felt all those with projects might rush in before the new guidelines were approved; he did not feel this was appropriate. Mr. Monk stated this was a difficult situation to be in as we move toward the form-based code, and this is a long-term developmental plan finally proceeding to the end. Ms. Gibson advised she did distribute a list of all comments received but did not know if they addressed every single comment on every project. She advised there were seven or eight concerns addressed by Mr. Gunther, and they were able to adjust this overlay so that six or seven were addressed. A site like this one was constrained, but he could place trees within the block. Mr. Monk asked if there could be a date certain for previous applications. Chairman Ritz explained this could be discussed during deliberations. Mr. Gunther further stated that long vertical windows were unfair to be imposed over such a large portion of the city.

Mr. Kazak who develops single residence housing in downtown Pensacola stated he had plans for larger developments on Government and A Street which met the current requirements, however, the new codes might require significant changes. He wanted to make sure they were safe with their investment and possibly exempted partially from the new regulations.

Mr. Wagley was excited to see the Board working through the process. He explained the trend toward form-based standards is growing all over America, and the existing codes were never going to give people the type of community they want – one that is walkable, bikeable and reveals the character of the older neighborhoods. He stated DPZ's work in capturing the existing character was completely accurate. He explained vertical windows were actually defining character from the homes built prior to the 1940s. He referenced the Florida Greenbook, with garages preferred in the rear and side on corner lots. He wanted staff to address the grandfathering possibly and using the easy checklist that would facilitate the process. He also pointed out no specific styles were restricted and encouraged the Board to approve this change which would be a huge historic step for this community.

Mr. Kilmer thanked the CRA and the Board for considering this change and Mr. Wagley for keeping the community informed.

Mr. Sallis spoke for the local chapter of AIA. He indicated the city has needed this document for a long time. The concern was that it be modified. (1) The section of applicability should be modified to allow for a date set for when the overlay applies, and developments after that would comply. (2) With residential building entries, the cost of elevating a house really is the cost of building a good product and making a great city. (3) Roof pitch is too restrictive over such a large area and should be removed from the document. (4) Windows and glazing should be removed because it is too restrictive for such a large section of the city and does not allow for contemporary architecture. Otherwise, the AIA supported the documents with these changes.

Ms. Khoury advised regarding applicability, the majority of cities state if you have a building permit in hand, you are grandfathered in; if you do not, you must comply with the new rules. The new document has in many cases made it easier to develop, and the reason for the document was to preserve the existing character.

Mr. Peaden appreciated the process but the key thing pertained to the applicants who have already begun the process and need to be protected in terms of what they have invested. Setting a date would be one way to address this, since most of these people have been in the process for a while.

Ms. Perry explained form-based code works in her neighborhood since there is no ARB, and the form-based code is a good middle ground giving parameters for a good framework where builders can respect the existing character while maintaining creativity.

Ms. Gibson responded to Mr. Monk's assertion about the influx of outside builders/developers.

She explained she had seen over the past 20 years a loss of historic vernacular and what has replaced those structures has looked nothing like the neighbors and has not added to the value of the neighborhood – many times by local builders. Mr. Monk stated in the East Hill area there have been massive demolitions of houses he knew could have been renovated.

Mr. Jordan addressed page 31 of the presentation dealing with a bicycle locked at 56 cm and explained that would only accommodate a child size bike. Ms. Khoury stated it could be converted to 22" – 26" to be consistent.

Mr. Grundhoefer was supportive of the document and suggested the window verticality requirement needed to state "should" instead of "shall" and agreed we should not stifle design because we feel a vertical window is more appropriate for a particular design. He explained some of the structures in Aragon Court comply with the ARB standards but are very contemporary. Ms. Khoury stated they may want to put in a clause to reassess the requirements in six months to see if they are working. Chairman Ritz offered his historical house has square windows. Mr. Grundhoefer advised the roof pitch was no problem since there was a caveat to have flat or low-pitched roofs. However, columns with capitals and bases was dictating architectural styles and pushed it beyond a form-based standard to an architectural standard. On page 37 regarding planting columnar trees, Pensacola is not known for Cedar or Poplar column type trees. Ms. Khoury advised this could be removed. Mr. Grundhoefer also asked if on Page 35 the single-family and two-family buildings were exempt. Ms. Khoury indicated this red lined language should probably be stricken out.

Chairman Ritz explained that with the document being placed on the Board agenda today, it was emphasized there needs to be a particular time set which starts this process and definitive language for what defines this process which has already started by someone. The building permit in hand means that someone has submitted plans for permitting, but Mr. Gunther has been working on a particular project for some number of years, and the larger projects tend to take longer lead times. So under our applicability, we do not have that really good timeline which defines projects discussed with Planning as of July 4, 2018 will be under a certain code. From a developer's standpoint, the Board needs to pick some legitimate time so that is not so far down the road that anyone can come in and say they thought about a project in 2017 and they should come under the old Code.

Ms. Khoury asked how the Code has been amended, and Chairman Ritz indicated historically, there has never been a change this drastic and in such a short period of time. He explained the Florida Building Code and the grace period when it is amended. Mr. Grundhoefer explained a date could be set after Council adoption. Ms. Gibson stated they had responded by saying 45 days from Council approval. Mr. Grundhoefer felt the document should be enforced at the date it is adopted. Ms. Gibson explained normally an ordinance is in force 5 days from Council approval. Chairman Ritz explained the Board is an advisory board, and the Council can choose to do what they want to do after the fact.

Mr. Jordan made a motion to approve and support the CRA Guidelines with these stipulations: (1) that the language for the vertical windows and the columns be "should" instead of "shall"; (2) change the columnar tree language; (3) clarify this landscape paragraph which she said they would strike; (4) under applicability, to state it is enforced 5 days after City Council approval. The motion was seconded by Mr. Larson. Mr. Monk advised that changing "shall" to "should" meant it was not enforceable. Chairman Ritz advised if someone wanted to do something else, they would be allowed to.

Mr. Monk did not see the point of going through the process to get to "if you would please." Chairman Ritz pointed out in the case of the windows, there was evidence offered internal to the Board as well in the Contemporary House book and the public has stated that "shall" on that particular item of verticality of the windows was detrimental to design creativity. Mr. Monk offered so many people want to live downtown but cannot because of varying reasons, but this Code will encompass the whole city. Chairman Ritz offered a citizen could always request a variance.

Ms. Deese clarified that the LDC stated only a few reasons where you could qualify for a variance, and variances to these overlay guideline standards would not be permitted.

Regarding the windows, Ms. Khoury stated in the homes that did not look good, the vast majority of them are because the windows were not vertical or square, and cautioned not to look at what you were preventing, but rather look at what you were allowing. Chairman Ritz clarified a person could not request a variance if the language became "shall" and Ms. Deese agreed. Mr. Monk restated he did not want to limit creativity but wanted history preserved.

Ms. D'Angelo clarified the document text in blue was not actually in the document sent to the Board and were proposed modifications. Ms. Gibson advised the presentation showed the modifications. Chairman Ritz explained the document supplied to the Board and for public inspection was not the same one in the presentation.

Mr. Monk questioned the styles of homes to be built in the CRA neighborhoods and if we were not dictating style, he was not sure how helpful the document was if it did not dictate building in a certain number of styles. Chairman Ritz explained the form-based code was not dictating a particular building style. **Mr. Grundhoefer had perused the blue text and added to Mr. Jordan's motion the June 12th guidelines were presented to the Board. Ms. Deese read the motion to approve with stipulations (1) to remove the window language shall and amend to should, (2) revise the tree language, (3) clarify the landscape paragraph and she (4) clarified it should be 5 business days for enforcement, and (5) the addition of the bike modification from 22" to 26".**

Mr. Weeks asked the Board if an architect could get professional plans within 5 days, and Chairman Ritz explained it could not be done in 5 days. Mr. Grundhoefer pointed out the process needed to begin somewhere. Mr. Weeks suggested adopting it like the Florida Building Code and cautioned on being careful with the applicable date. Mr. Monk was concerned with applicants who had already submitted their work. Mr. Grundhoefer pointed out Ms. Gibson had notified the public, and if the applicants wanted to submit their plans, they should submit them now in advance of the Council's approval. Ms. Gibson verified the document would go through two readings at the Council meeting, and Ms. D'Angelo advised the document was currently scheduled for September 13, 2018 for the final reading.

Chairman Ritz explained if there were two readings, there would be two opportunities for citizen input to the Council who is the ultimate deciding body. **Mr. Grundhoefer amended Mr. Jordan's motion to enforce the Code when the Council approves it, but was reminded of the 5 business days and left his motion as is. The motion then carried unanimously.**

It was determined the first reading to Council would be August 9, 2018.

Open Forum – None

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:36 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brandi C. Deese', with a long horizontal flourish extending to the right.

Brandi C. Deese
Secretary to the Board

Brandi Deese

From: Sherry Morris
Sent: Tuesday, May 29, 2018 9:06 AM
To: Brandi Deese
Subject: FW: Right-of-Way Vacation Request

Sherry H. Morris, AICP
Planning Services Administrator
City of Pensacola
P.O. Box 12910
Pensacola, FL 32521

(850) 435-1670 phone
(850) 595-1143 fax



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available to the public and media upon request.
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From: Eric Olson
Sent: Tuesday, May 29, 2018 9:06 AM
To: Sherry Morris <SMorris@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>
Cc: Paul A Kelly(GIS) <PAKelly@cityofpensacola.com>; Lysia Bowling <lbowling@cityofpensacola.com>; Janet Matteson <JMatteson@cityofpensacola.com>
Subject: RE: Right-of-Way Vacation Request

Sherry/Derrik,

In the absence of a final plan for new sidewalk construction, my interpretation of the sidewalk grid in and around the property on Mallory is that the sidewalk that runs adjacent to 18th would not be a critical element in any design to improve connectivity to the parks in the surrounding area. If there is a legal instrument that can bind the owners of the property to reconstructing the sidewalk at their cost in the future, then we can consider letting them remove the existing sidewalk and restore it at a later time. At a minimum, the owners will have to leave enough right of way to

construct a sidewalk, i.e., I do not see a public interest in vacating the RoW to the curb. I will follow up with Lysia on the legal question.

r/

From: Sherry Morris
Sent: Friday, May 25, 2018 3:05 PM
To: Eric Olson <EOlson@cityofpensacola.com>
Subject: FW: Right-of-Way Vacation Request

Eric,

As discussed, please see attached PDFs that Paul was able to create showing existing sidewalks in the area of the ROW vacation request, and how they relate to Bayview and other area parks. One map has aerial imagery and the other just shows parcel and ROW lines – both have existing sidewalks shown.

From: Paul A Kelly(GIS)
Sent: Friday, May 25, 2018 10:11 AM
To: Sherry Morris <SMorris@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Leslie Statler <LStatler@cityofpensacola.com>
Subject: Re: Right-of-Way Vacation Request

Hi Sherry. I've attached 2 PDFs to address both of your questions. The first shows the location of existing sidewalks. The second PDF shows the result of the model - the higher the score the higher it was prioritized to get a sidewalk. None of the sidewalks in the immediate vicinity were characterized as having a high prioritization score.

Paul Kelly
GIS Coordinator
City of Pensacola
Phone: (850) 436-5630
Fax: (850) 595-1281

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From: Sherry Morris
Sent: Friday, May 25, 2018 9:58 AM
To: Paul A Kelly(GIS); Brad Hinote; Leslie Statler
Subject: RE: Right-of-Way Vacation Request

Thanks Paul! I think the applicant was making the case that it is a "sidewalk to nowhere" and doesn't connect to anything in the adjacent blocks. Can we tell if the immediately adjacent blocks were prioritized since this block would not have been due to an existing sidewalk being located there?

Sherry H. Morris, AICP
Planning Services Administrator
City of Pensacola
P.O. Box 12910
Pensacola, FL 32521

(850) 435-1670-phone
(850) 595-1143-fax



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From: Paul A Kelly(GIS)
Sent: Friday, May 25, 2018 9:43 AM
To: Sherry Morris <SMorris@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Leslie Statler <LStatler@cityofpensacola.com>
Subject: Re: Right-of-Way Vacation Request

There are existing sidewalks on this block and the sidewalk prioritization model only looked at locations where there were not any existing sidewalks. Regarding the sidewalk on the 18th between Mallory and Moreno I've attached the Mott MacDonald sidewalk survey - they scored it as a sidewalk in very good condition.

I'm looking for the survey PDF for Mallory between 17th and 18th. Would you want this document as well?

Let me know if there is any other information that I can provide.

Thanks,

Paul Kelly
GIS Coordinator
City of Pensacola

Phone: (850) 436-5630

Fax: (850) 595-1281

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From: Sherry Morris

Sent: Friday, May 25, 2018 9:06 AM

To: Brad Hinote; Paul A Kelly(GIS); Leslie Statler

Subject: FW: Right-of-Way Vacation Request

Can you guys look at the attached request and see where the surrounding segments/area falls on the ranked sidewalk prioritization list? We need the info ASAP for the Planning Board item. Thanks in advance....

Sherry H. Morris, AICP
Planning Services Administrator
City of Pensacola
P.O. Box 12910
Pensacola, FL 32521

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(850) 595-1143-fax



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From: Brandi Deese

Sent: Friday, May 25, 2018 9:04 AM

To: Sherry Morris <SMorris@cityofpensacola.com>

Subject: FW: Right-of-Way Vacation Request

Brandi C. Deese, AICP

Planning Services Division

City of Pensacola

PO Box 12910

Pensacola, FL 32521

Office – 850.435.1697

Fax – 850.595.1143

From: Brandi Deese

Sent: Thursday, May 24, 2018 1:19 PM

To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Brad Hinote <bradhinote@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; William Weeks <WWeeks@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>

Subject: FW: Right-of-Way Vacation Request

Good Afternoon –

Just a quick reminder for those who have not submitted comments on the attached right-of-way vacation request, comments are due by next Wednesday. Thanks!

Brandi C. Deese, AICP

Planning Services Division

City of Pensacola

PO Box 12910

Pensacola, FL 32521

Office – 850.435.1697

Fax – 850.595.1143

From: Brandi Deese

Sent: Friday, May 11, 2018 11:35 AM

To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson (<ABloxson@cityofpensacola.com> <ABloxson@cityofpensacola.com>); Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote (<bradhinote@cityofpensacola.com> <bradhinote@cityofpensacola.com>); Brian Cooper



AT&T
605 W. Garden ST, Suite 218
Pensacola, FL 32502

T: 850-436-1495
F: 850-436-1486
www.att.com

May 15, 2018

Ryan Wiggins
1771 E. Mallory Street
Pensacola, FL 32503

Re: Petition to Vacate Right-of-Way

Mrs. Wiggins,

AT&T Florida has reviewed your request to vacate the right-of-way at 1771 E. Mallory Street as described in the documents sent from City of Pensacola by via email 5/11/2018.

AT&T Florida does not have facilities in place in the right-of-way location shown on the attached map as the west side of N 18th Avenue between E Mallory Street and E Moreno Street.

Due to this, AT&T Florida agrees to the vacation of the described right-of-way. If you have any questions or concerns regarding this matter please don't hesitate to call.

Sincerely,

Brad Sauers

Brad Sauers
AT&T Florida
Manager, OSP PLANNING AND ENGINEERING DESIGN
850-436-1495



AT&T
605 W. Garden ST, Suite 218
Pensacola, FL 32502

T: 850-436-1495
F: 850-436-1486
www.att.com

May 15, 2018

Michael Callaghan
1774 E. Moreno Street
Pensacola, FL 32503

Re: Petition to Vacate Right-of-Way

Mr. Callaghan,

AT&T Florida has reviewed your request to vacate the right-of-way at 1774 E. Moreno Street as described in the documents sent from City of Pensacola by via email 5/11/2018.

AT&T Florida does not have facilities in place in the right-of-way location shown on the attached map as the west side of N 18th Avenue between E Mallory Street and E Moreno Street.

Due to this, AT&T Florida agrees to the vacation of the described right-of-way. If you have any questions or concerns regarding this matter please don't hesitate to call.

Sincerely,

Brad Sauers

Brad Sauers
AT&T Florida
Manager, OSP PLANNING AND ENGINEERING DESIGN
850-436-1495

Brandi Deese

From: Annie Bloxson
Sent: Monday, May 14, 2018 2:05 PM
To: Brandi Deese
Subject: RE: Right-of-Way Vacation Request

Good Afternoon,

I have no issues with vacating the right-of-way for 18th Avenue.

Respectfully,

Chief Annie Bloxson

Fire Marshal
Pensacola Fire Department
475 East Strong Street
Pensacola, FL 32501
Office: 850-436-5200
Cell: 698-0091
ABloxson@cityofpensacola.com

From: Brandi Deese
Sent: Friday, May 11, 2018 11:35 AM
To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOWens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jerry Moore <jamoore@cityofpensacola.com>; Jordan, Scott C. <SCJORDAN@southernco.com>; Karl Fenner (KF5345@att.com) <KF5345@att.com>; KENNINGTON, STEPHEN <sk1674@att.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; William Weeks <WWeeks@cityofpensacola.com>
Cc: Leslie Statler <LStatler@cityofpensacola.com>; Karen Lefebvre <KLefebvre@cityofpensacola.com>; Amy Hargett <ahargett@cityofpensacola.com>
Subject: Right-of-Way Vacation Request

Good Morning!

Please review and comment on the attached right-of-way vacation request for 18th Avenue. Please submit comments no later than Wednesday, May 30, 2018. Thanks so much!

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

Brandi Deese

From: Jernigan, Jim Marion <X2JMJERN@southernco.com>
Sent: Monday, May 14, 2018 2:46 PM
To: Ryan Wiggins
Cc: Jordan, Scott C.; Brandi Deese
Subject: RE: Street Vacate

Ms. Wiggins,

Thank you for the email. Gulf Power does not have an issue with the road vacate. However, in order to protect our lines along the road we will need to obtain an easement from the current owner.

Jim Jernigan

Gulf Power Company
Corporate Real Estate BIN 0093
One Energy Place
Pensacola, FL 32520
850-444-6321

From: Ryan Wiggins [mailto:ryan.n.wiggins@gmail.com]
Sent: Monday, May 14, 2018 2:39 PM
To: Jernigan, Jim Marion <X2JMJERN@southernco.com>
Subject: Fwd: Street Vacate

Thanks, Jim!

----- Forwarded message -----

From: Jernigan, Jim Marion <X2JMJERN@southernco.com>
Date: Thu, Aug 31, 2017, 3:26 PM
Subject: Street Vacate
To: ryan.n.wiggins@gmail.com <ryan.n.wiggins@gmail.com>
Cc: MTillman@cityofpensacola.com <MTillman@cityofpensacola.com>

Mrs. Wiggins,

Mark Davidson forwarded me your street vacate request.

Gulf Power has existing electric distribution line facilities within the road right of way adjoining your property. Therefore, Gulf Power would need to reserve a utility easement.

Otherwise, Gulf Power has no objections or concerns. Please let me know if I may be of further assistance.

Brandi Deese

From: William Weeks
Sent: Thursday, May 24, 2018 3:50 PM
To: Brandi Deese
Subject: RE: Right-of-Way Vacation Request

No comments.

Bill

From: Brandi Deese
Sent: Thursday, May 24, 2018 1:19 PM
To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Brad Hinote <bradhinote@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOWens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; William Weeks <WWeeks@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>
Subject: FW: Right-of-Way Vacation Request

Good Afternoon –

Just a quick reminder for those who have not submitted comments on the attached right-of-way vacation request, comments are due by next Wednesday. Thanks!

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: Brandi Deese
Sent: Friday, May 11, 2018 11:35 AM
To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson (ABloxson@cityofpensacola.com) <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote (bradhinote@cityofpensacola.com) <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin (CMauldin@cityofpensacola.com) <CMauldin@cityofpensacola.com>; Derrik Owens (DOWens@cityofpensacola.com) <DOWens@cityofpensacola.com>; Diane Moore (DMoore@cityofpensacola.com) <DMoore@cityofpensacola.com>; Jerry Moore (jamoore@cityofpensacola.com) <jamoore@cityofpensacola.com>; Jordan, Scott C. <SCJORDAN@southernco.com>; Karl Fenner (KF5345@att.com) <KF5345@att.com>; KENNINGTON, STEPHEN <sk1674@att.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul Kelly (GIS) (pakelly@cityofpensacola.com) <pakelly@cityofpensacola.com>; Robbie Weekely (rweekley@cityofpensacola.com) <rweekley@cityofpensacola.com>; Ryan Novota (RNovota@cityofpensacola.com) <RNovota@cityofpensacola.com>; Sherry Morris (smorris@cityofpensacola.com) <smorris@cityofpensacola.com>; wweeks@cityofpensacola.com
Cc: Leslie Statler <LStatler@cityofpensacola.com>; Karen Lefebvre <KLefebvre@cityofpensacola.com>; Amy Hargett <ahargett@cityofpensacola.com>
Subject: Right-of-Way Vacation Request

Good Morning!

Brandi Deese

From: Brian Cooper
Sent: Friday, May 11, 2018 12:06 PM
To: Brandi Deese
Subject: Re: Right-of-Way Vacation Request

We are good

Sent from my Verizon Wireless 4G LTE DROID

Brandi Deese <bdeese@cityofpensacola.com> wrote:

Good Morning!

Please review and comment on the attached right-of-way vacation request for 18th Avenue. Please submit comments no later than Wednesday, May 30, 2018. Thanks so much!

Brandi C. Deese, AICP

Planning Services Division

City of Pensacola

PO Box 12910

Pensacola, FL 32521

Office – 850.435.1697

Fax – 850.595.1143

Brandi Deese

From: Diane Moore
Sent: Wednesday, May 30, 2018 9:13 AM
To: Brandi Deese
Cc: Don Suarez
Subject: RE: Right-of-Way Vacation Request
Attachments: 18th Ave Right of Way Vacation Application.pdf

Brandi,

Pensacola Energy has no gas facilities within the West R/W of 18th Avenue between the South R/W of Mallory and the North R/W of Moreno Street and would therefore not have any objection to the vacate request submitted.

Regards,
Diane

Diane Moore | Gas Distribution Engineer
Pensacola Energy | 1625 Atwood Drive, Pensacola, FL 32514
Desk: 850-474-5319 | Cell: 850-324-8004 | Fax: 850-474-5331
Email: dmoore@cityofpensacola.com

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From: Brandi Deese
Sent: Thursday, May 24, 2018 1:19 PM
To: Andre Calaminus; Brad Hinote; Chris Mauldin; Derrik Owens; Diane Moore; Ryan J. Novota; William Weeks; Robbie Weekley
Subject: FW: Right-of-Way Vacation Request

Good Afternoon –
Just a quick reminder for those who have not submitted comments on the attached right-of-way vacation request, comments are due by next Wednesday. Thanks!

Brandi C. Deese, AICP
Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521

Brandi Deese

From: Derrik Owens
Sent: Thursday, May 24, 2018 4:11 PM
To: Sherry Morris
Cc: Brandi Deese
Subject: FW: Right-of-Way Vacation Request

Sherry,

Upon further consideration of this matter, PW&F is withdrawing our comment concerning the sidewalk replacement requirement regarding this vacation request and recommend that it be looked at as part of the programming of future sidewalks WRT connectivity. This is based upon the current consideration for the construction of new connecting sidewalks (program) throughout the City currently being addressed by Planning. As our department is not directly involved in the selection/location process for this program, we defer to Planning on the importance (or no importance) of the existing sidewalk remaining (or not remaining) for future connectivity with other potential new sidewalks in the neighborhood that may result through the ranking/selection program.

All other issues raised below will be supported by PW&F and please let me know if you have any questions or would like to discuss further.

From: Derrik Owens
Sent: Thursday, May 24, 2018 1:53 PM
To: Brandi Deese <bdeese@cityofpensacola.com>
Cc: Brad Hinote <bradhinote@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>
Subject: RE: Right-of-Way Vacation Request

It appears the applicant(s) is requesting approx. 34.5' of public r/w on the west side of 18th Ave. and the vacation will need to be limited to within 10' (minimum) of the existing back-of-curb (west side) and will result in a revised vacation request of 24.5' of public r/w. This will allow room for proper replacement/relocation of the existing 4' public sidewalk (to City standard) that will be the responsibility of the applicant(s) within 30 days of the approved vacation request. This will also ensure that driveway sections will remain in the public r/w and allow for maintenance of the relocated (new) sidewalk and required 4' grass strip between the sidewalk and back of curb. A standard perpetual public utility/access easement will also need to be recorded with the vacation, as is standard with all requests of this nature.

From: Brandi Deese
Sent: Thursday, May 24, 2018 1:19 PM
To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Brad Hinote <bradhinote@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; William Weeks <WWeeks@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>
Subject: FW: Right-of-Way Vacation Request

Good Afternoon –

Just a quick reminder for those who have not submitted comments on the attached right-of-way vacation request, comments are due by next Wednesday. Thanks!

Brandi C. Deese, AICP
Planning Services Division

Brandi Deese

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Sent: Thursday, May 24, 2018 1:53 PM
To: Brandi Deese
Cc: Brad Hinote; Ryan J. Novota
Subject: RE: Right-of-Way Vacation Request

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Subject: FW: Right-of-Way Vacation Request

Good Afternoon –

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Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: Brandi Deese
Sent: Friday, May 11, 2018 11:35 AM
To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson (ABloxson@cityofpensacola.com) <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote (bradhinote@cityofpensacola.com) <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin (CMauldin@cityofpensacola.com) <CMauldin@cityofpensacola.com>; Derrik Owens (DOWens@cityofpensacola.com) <DOWens@cityofpensacola.com>; Diane Moore (DMoore@cityofpensacola.com) <DMoore@cityofpensacola.com>; Jerry Moore (jamoore@cityofpensacola.com) <jamoore@cityofpensacola.com>; Jordan, Scott C. <SCJORDAN@southernco.com>; Karl Fenner (KF5345@att.com) <KF5345@att.com>; KENNINGTON, STEPHEN <sk1674@att.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul Kelly (GIS) (pakelly@cityofpensacola.com) <pakelly@cityofpensacola.com>; Robbie Weekely (rweekley@cityofpensacola.com) <rweekley@cityofpensacola.com>; Ryan Novota (RNovota@cityofpensacola.com) <RNovota@cityofpensacola.com>; Sherry Morris (smorris@cityofpensacola.com) <smorris@cityofpensacola.com>;

Brandi Deese

From: Jerry Moore
Sent: Monday, May 14, 2018 6:59 AM
To: Brandi Deese
Subject: RE: Right-of-Way Vacation Request

No objection from Sanitation.

Jerry Moore
Director, Sanitation Services & Fleet Management
City of Pensacola
850-435-1894



DIAL 311 FOR CITY SERVICES

For Non-Emergency Citizen Requests, Dial 311 or visit Pensacola311.com

Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

From: Brandi Deese
Sent: Friday, May 11, 2018 11:35 AM
To: Andre Calaminus; Annie Bloxson; Bill Kimball; Brad Hinote; Brian Cooper; Chris Mauldin; Derrik Owens; Diane Moore; Jerry Moore; Jordan, Scott C.; Karl Fenner (KF5345@att.com); KENNINGTON, STEPHEN; Miriam Woods; Paul A Kelly(GIS); Robbie Weekley; Ryan J. Novota; Sherry Morris; William Weeks
Cc: Leslie Statler; Karen Lefebvre; Amy Hargett
Subject: Right-of-Way Vacation Request

Good Morning!

Please review and comment on the attached right-of-way vacation request for 18th Avenue. Please submit comments no later than Wednesday, May 30, 2018. Thanks so much!

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: Blanche Ferdon [<mailto:bbf1@me.com>]

Sent: Sunday, June 24, 2018 2:06 PM

To: Ashton Hayward <mayorhayward@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Ryan.N.Wiggins@gmail.com; JWiggins@gmail.com

Subject: 1771 E. Mallory Street - Sidewalks - Wiggins

Dear Mayor Hayward and City Council Members,

My name is Blanche Bell Ferdon. My father, Dr. John Bell, built the two brick homes at 1771 E. Mallory Street and 1774 E. Moreno Street, as well as the two stucco houses next door at 1758 E. Moreno Street and 1746 E. Moreno Street. I grew up in the home at 1771 E. Mallory Street, which was built in 1942.

I met the Wiggins family last year when I was visiting Pensacola for my high school reunion and they allowed me to come inside their home and walk down memory lane. They reached out to me this week to ask if I remembered who built the sidewalks surrounding the property and, as a matter of fact, I did.

As I recall, when I asked my Dad about the lack of sidewalks on the other nearby blocks, he said if a homeowner wanted sidewalks, the city would put them in, and the owner would pay for them on their monthly bill from the city, and he wanted the sidewalks. Therefore, the sidewalk that joins Moreno and Mallory Streets is not the city's investment, but my father's.

I hope this helps clear up any speculation on the matter.

Sincerely,

Blanche B. Ferdon

Mr. Butch Cook
1801 E. Mallory Street
Pensacola, FL 32503
June 26, 2018

Mayor Hayward and Pensacola City Council Members
222 West Main Street
Pensacola, FL 32502

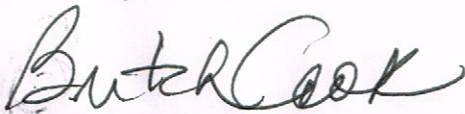
Dear Mayor Hayward and Pensacola City Council Members,

I have lived at 1801 East Mallory Street for over five years. During that time, I have never seen anyone use the sidewalk on the west side of 18th Avenue between Moreno and Mallory Streets except, perhaps, for the two owners of the two homes on that short block. What I do see are pedestrians and perambulators, cyclists and skateboarders by the score, and they all travel on the street. They cannot bike or skate on the sidewalk, and they certainly can't run on the sidewalk as they push their babies in sleek strollers designed to be used on long, flat surfaces, not on a single, inaccessible, short length of sidewalk.

As for "men who dream by day" who would have us believe that government must be legally blind in its vision of a completely accessible and connected urban environment, even when that accessibility or connection serves no purpose whatsoever, I would remind them that government should be about the people they serve, not a blind adherence to the latest socially engineered imperative.

My neighbors want to improve their properties, make a better life for themselves and stay in the home and neighborhood they love. As people served by your governance, they deserve your support and your approval of their sensible and personal request.

Sincerely,

A handwritten signature in black ink that reads "Butch Cook". The signature is written in a cursive, flowing style.

Butch Cook
1801 E. Mallory Street
(850) 281-6577

Brandi Deese

From: Christian Wagley <christianwagley@gmail.com>
Sent: Sunday, June 10, 2018 6:52 PM
To: Brandi Deese
Subject: Fwd: Planning Board this week

FYI. I emailed some board members but do not have an email address for new member Victor Jordan. Can you send to me please? Thanks!

----- Forwarded message -----

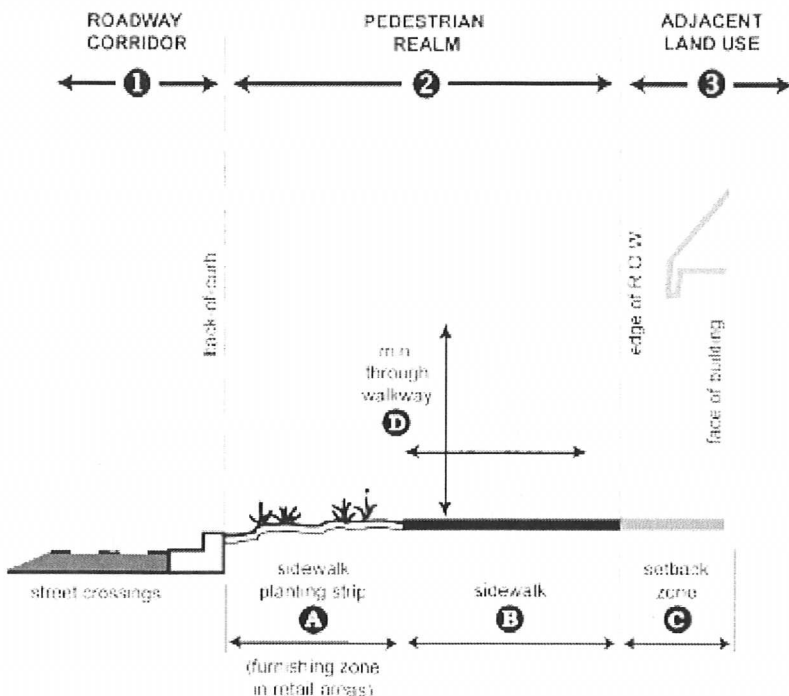
From: Christian Wagley <christianwagley@gmail.com>
Date: Sun, Jun 10, 2018 at 6:24 PM
Subject: Planning Board this week
To: pritz@bullocktice.com

Dear Paul

I hope you are well. I'm writing in regard to Item 1 on the June Planning Board agenda, which is a proposed right-of-way vacation along 18th Ave. in East Hill.

I am strongly opposed to the full proposed 34.5' vacation, as it does not allow for the safe and proper replacement of the existing sidewalk.

I agree with the staff position that a 24.5' vacation is acceptable, but only in conjunction with the replacement of the existing sidewalk at its existing width of 5'. Such vacation allows for the relocation of the sidewalk in a widely-accepted design that calls for a planting strip between the street and the sidewalk. In this case a 5' wide planting strip (which is an ideal width and should be no less than 5') is vital for sheltering the pedestrian from traffic and allows space for street trees needed for shade and traffic calming. Such an arrangement of sidewalk and planting strip is a standard best practice for community design that is utilized in cities and towns all across the country. Here is an example:



The proposed vacation site is on a city block that includes a fully intact sidewalk in excellent condition that traverses the entire perimeter of the block. It allows a resident of that block to “walk around the block” safely and pleasantly. Additionally, the sidewalk proposed for removal as part of the vacation is within one block of a city park called Operto Square, making it an important element of the city’s sidewalk network in which access to city parks is prioritized.

If the applicants are not required to replace the existing sidewalk as part of any right-of-way vacation, then the thousands of taxpayer dollars used to fund the construction of that sidewalk will have ultimately been squandered. It will also lead to another loss of connectivity to the city’s sidewalk network, at a time of enhanced pedestrian activity in Pensacola.

Finally, the thought of a pedestrian being forced into the much less safe condition of walking in the street because a public sidewalk is allowed to be removed to facilitate private use, is untenable. In the world of public infrastructure, sidewalks are perhaps our most democratic institution as they allow for safe and free movement by all--the youngest and oldest, the financially poor and the rich, and the able-bodied and the disabled. They must be protected and enhanced.

Thank you for your service, and for considering my comments.

Christian Wagley

801 East Larua St.

Pensacola, FL 32501

850-687-9968

Brandi Deese

From: Amy Hargett
Sent: Monday, June 11, 2018 10:54 AM
To: Brandi Deese
Subject: FW: input for public hearing

Amy D. Hargett
Planning Technician
Planning Services
City of Pensacola
(850) 435-1670



For Non-Emergency Citizen Requests, Dial 311 or visit Pensacola311.com

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From: thomas dannheisser [mailto:tomdannheisser@yahoo.com]
Sent: Monday, June 11, 2018 10:01 AM
To: Amy Hargett <ahargett@cityofpensacola.com>
Subject: input for public hearing

Dear Ms. Hargett

Thank you very much for sending me the information for the proposed road vacation on 18th Avenue in East Hill. As a property owner in East Hill and a past local government attorney I have great concerns regarding the proposal.

Typically, right-of-way vacations relate to unused abandoned areas such as alley ways that have no present or feasible future use. I have never heard of a request to actually vacate a major portion of a typical improved and utilized right-of-way.

I am sure that the applicants are fine people but the request should be denied for many reasons including but not limited to the following:

1) The vacation would set a catastrophic precedent. Every single property owner in the City would certainly desire to increase the size (and it appears in this case from the aerial by up to 50%) of their

property. The City would immediately be presented with hundreds if not thousands of similar petitions if this was ever granted.

2) The requested vacation appears to be **impossible** from a public works/utility management prospective. Almost all utilities, power, water, sewer, drainage, etc.. are typically located in the area between the "paved" roadway and the edge of the right-of-way. In fact, it would seem to be impossible to even replace or repair the paved portion of the right-of-way if the unpaved portion is vacated, because such activities require much physical work off of the paved portion. Just imagine 18th Avenue (and any/every other road in the City) where the City's ownership just off of the paved area was lost, and the right-of-way was reduced from the typical 60 feet to 20 feet in width.

Again, thank you for your assistance.

Sincerely

Tom Dannheisser



Brandi Deese

From: Thomas Douthat <tdouthat@gmail.com>
Sent: Thursday, June 07, 2018 10:50 AM
To: jared@jandmvalve.com; pritz@bullocktice.com; hesscampbell@aol.com; kurt@fire-help.org; fathernathan@gmail.com; kowens@amalighting.com; dgrundhoefer@qqarchitects.com; Public Works; Brandi Deese
Cc: Brian Spencer
Subject: Concern about abandonment of ROW and Sidewalks

Dear Planning Board:

I am writing to express my deep concern about the protection of public ROW and sidewalks in Pensacola.

Before the board is an application for a vacation of the ROW on North 18, and the removal of sidewalks.

This to me is contrary to the public policy stated in the City's Comprehensive Plan, to the safety and mobility of vulnerable populations (children, wheelchairs, etc.), and of a generally livable Pensacola.

I am not opposed to the city working with the homeowners, but not at the expense of good sidewalks, and planting strips. I am gobsmacked by the logic that past neglect of sidewalks justify abandoning ROW.

Here are examples of new construction or renovations, that has harmed, removed, or rebuilt without sidewalks:

La Rua and 12th (retaining wall), two home development on 11th and La Rua (no sidewalks on 11th), Gas Station on 12th, New duplex development on 14th and La Rua, multi-home development between Gadsden/Jackson and 12th.

All of this will be hard to dial back, but because the city has erred in past management of ROW, does not mean that it should double down. What makes Pensacola attractive is it's outdoor amenity value, and walk-able neighborhoods contribute to this.

I would be happy to have anyone of you over for coffee and take a walk with my two year old in a stroller to demonstrate the problem.

Please do your part for the future of pedestrian safety, livability, and shared spaces in Pensacola. Your decisions are about more than the needs of present owners, and will affect the city for generations to come.

Cordially,

Tom Douthat

--
Thomas Douthat
802 793 3442

Ms. Patricia Gavallas
1800 E. Moreno Street
Pensacola, FL 32503
June 26, 2018

Mayor Hayward and Pensacola City Council Members
222 West Main Street
Pensacola, FL 32502

Dear Mayor Hayward and Pensacola City Council Members,

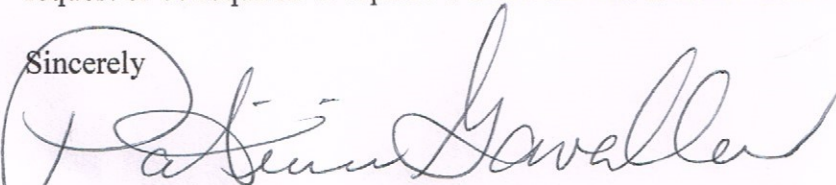
I am writing you today to ask that you consider allowing my neighbors across the street at 1771 E. Mallory Street and 1774 E. Moreno Street obtain the right of way abutting their property and thus removing the sidewalk on that block.

I was raised in my home on the corner of 18th Avenue and Moreno. I have lived here my entire life and can tell you, until Mrs. Wiggins approached me about the right of way and the sidewalk, I had forgotten there was even a sidewalk on that property. With the growing popularity of East Hill, we have had an influx of young families move into the neighborhood. While I see them walking and pushing strollers down 18th Avenue all the time, I never see anyone using the sidewalk in question. I walk on 18th Avenue almost every single day and have never considered using that sidewalk. Because it does not connect to any parks or places of interest for the public, the sidewalk is impractical and unnecessary.

Additionally, I am concerned that if my neighbors were required to replace or move the sidewalk, it would look completely out of place. Because the sidewalk does not connect to any additional sidewalks on 18th Avenue, I am concerned that a brand-new sidewalk built closer to the road would stand out in contrast to the rest of the yards on 18th Avenue. It would look as though it were a mistake or the city ran out of funds before they were able to complete the project. The aesthetics of that would be out of character and would not fit with the current appearance of 18th Avenue. I am also concerned that moving or replacing the sidewalk would force the neighbors to take down trees that provide shade and move gardens that provide beauty to the neighborhood.

I appreciate that my neighbors want to improve their property as any improvements they make will increase the property value of my own home as well. As a taxpaying citizen and thus one of the current owners of that right of way, I see no valid reason that my neighbors should be denied their request or be required to replace a sidewalk that is never used to begin with.

Sincerely

A handwritten signature in cursive script, appearing to read 'Patricia Gavallas', written in dark ink.

Patricia Gavallas
1800 E. Moreno Street

June 22, 2018

Mayor Hayward and Pensacola City Council Members
222 West Main Street
Pensacola, FL 32502

Dear Mayor Hayward and City Council Members,

As a resident of the 18th block of Mallory/Moreno streets, I support my neighbors at 1771 E. Mallory Street and 1774 E. Moreno Street in their petition to obtain the right of way abutting their properties. The removal of the sidewalk on this right of way will in no way impact my quality of life or my safety in the foreseeable future.

Lauren Patchariani Lauren P 1758 E. Moreno St.

Michael GARTMAN M 1717 E. Mallory St.

Katherine Gartman K 1717 E. Mallory St.

LOWELL + DEBORAH BASSETT 1746 E. MORENO ST.

Linda Price 1700 E. Moreno St. WMB in

Michael Buist 1700 E. Moreno St. WMB in

PROPOSED
ORDINANCE NO. 12-18

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CLOSING, ABANDONING AND VACATING
A PORTION OF THE 1600 BLOCK OF NORTH 18TH
AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA
COUNTY, STATE OF FLORIDA; REPEALING CLAUSE;
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a public hearing was held on July 19, 2018,
as to the vacation of a portion of the 1600 Block of North 18th
Avenue right of way; Pensacola, Escambia County, Florida; and

WHEREAS, the vacation of said right-of-way,
hereinafter described, will contribute to the general welfare of
the City of Pensacola in that said right-of-way is no longer
needed as a public thoroughfare; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the following described right of way
in Pensacola, Escambia County, Florida is hereby closed,
discontinued, vacated and forever abandoned by the City of
Pensacola as a public thoroughfare:

BEGIN AT THE NORTHEAST CORNER OF BLOCK 209, NEW CITY
TRACT, AS SHOWN ON THE MAP OF PENSACOLA FLA.,
PUBLISHED BY THOS. C. WATSON & CO., COPYRIGHTED IN
1906 AS RECORDED IN DEED BOOK 126, AT PAGE 400 OF THE
PUBLIC RECORDS OF ESCAMBIA, COUNTY, FLORIDA, THENCE
PROCEED NORTH 79 DEGREES 59 MINUTES 09 SECONDS EAST
ALONG THE EXTENSION OF THE NORTHERLY BLOCK LINE OF
SAID BLOCK, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-
WAY (R/W) LINE OF MALLORY STREET (80' R/W), FOR A
DISTANCE ON 34.80 FEET TO THE BACK OF A 30 INCH WIDE
CONCRETE LAYBACK CURB; THENCE DEPARTING SAID BLOCK
LINE PROCEED SOUTH 09 DEGREES 56 MINUTES 43 SECONDS
EAST ALONG SAID BACK OF CURB FOR A DISTANCE OF 275.38
FEET TO THE EXTENSION OF THE SOUTHERLY BLOCK LINE OF
SAID BLOCK, SAID LINE ALSO BEING THE NORTH RIGHT-OF-
WAY (R/W) LINE OF MORENO STREET (70' R/W); THENCE

DEPARTING SAID BACK OF CURB PROCEED SOUTH 79 DEGREES 59 DEGREES 09 MINUTES WEST ALONG SAID EXTENSION LINE FOR A DISTANCE OF 34.54 FEET TO A NAIL AND DISK, NUMBERED 6993, AT THE SOUTHEAST CORNER OF SAID BLOCK; THENCE DEPARTING SAID BLOCK LINE PROCEED NORTH 10 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE EASTERLY BLOCK LINE OF SAID BLOCK, ALSO BEING THE WESTERLY R/W LINE OF SAID 18TH AVENUE (100' R/W), FOR A DISTANCE OF 275.38 FEET TO THE POINT OF BEGINNING.

SECTION 2. That the owners of the abutting property be, and they are hereby authorized to acquire possession of the right-of-way more particularly described in Section 1 of this ordinance, and the City of Pensacola does hereby abandon all claim of right, if any it has, in said property, and it shall remain and be the property of the abutting property owners.

SECTION 3. That, notwithstanding the foregoing sections, the City of Pensacola reserves for itself, Gulf Power Company, Bell South, Cox Cable, and the Emerald Coast Utilities Authority, their successors and assigns, a full width easement in the entire portion the right of way vacated hereby for the purpose of locating and maintaining public utilities and improvements.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk

PLANNING/CITY OF PEN/LEGAL AD
180 W GOVERNMENT ST

PENSACOLA FL 32502

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida

County of Escambia:

Before the undersigned authority personally appeared Brittini L Pennington, who on oath says that he or she is a Legal Advertising Representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

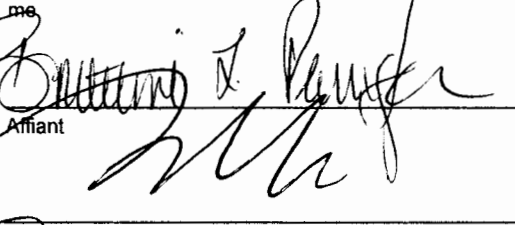
NOTICE OF PUBLIC HEARINGS

as published in said newspaper in the issue(s) of:

07/09/18

Affiant further says that the said Pensacola News Journal is a newspaper in said Escambia County, Florida and that the said newspaper has heretofore been continuously published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 9th of July 2018, by Brittini L Pennington who is personally known to

me

Affiant

Mark Dee Kent
Notary Public for the State of Florida
My Commission expires October 27, 2019

Publication Cost: \$163.62
Ad No: 0003016847
Customer No: PNJ-24384500

NOTICE OF PUBLIC HEARINGS

On Thursday, July 19, 2018 at 5:30 p.m. in the Council Chambers of City Hall, 222 West Main Street, the Pensacola City Council will conduct public hearings to consider the following:

• PUBLICHEARING-- Request to Amend the Land Development Code - Section 12-2-10 - Historic and Preservation Land Use District - Request to Allow Animal Hospitals, Veterinary Clinics and Pet Resorts as a Permitted Use in the Old East Hill Commercial Districts.

• PUBLICHEARING-- Request to Vacate Right of Way - 1600 Block of North 18th Avenue.

You are not required to respond or take any action regarding this notice; but if you wish to speak before the City Council on this subject, you are invited to be present at the scheduled hearing.

If any person decides to appeal any decision made with respect to any matter considered at this meeting, such person will need a record of the proceedings, and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

For additional information on this matter, please call Planning Services at (850) 435-1670.

By direction of the City Council,

Ericka L. Burnett
City Clerk

Legal No.3016847 July 9, 2018



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 12-18

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 12-18 - VACATION OF RIGHT-OF-WAY 1600 BLOCK OF NORTH 18TH AVENUE

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 12-18 on first reading.

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 1600 BLOCK OF NORTH 18TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The City has received a request from Jonathon and Ryan Wiggins, in conjunction with Michael Callaghan and Galen Nase, to vacate a 34.8 foot portion of the 1600 Block of North 18th Avenue adjacent to the properties located at 1771 E. Mallory and 1774 E. Moreno Streets. Mr. and Mrs. Wiggins have indicated that the purpose for their request is to be able to construct a garage and small attached guest house. Mr. Callaghan and Mr. Nase have indicated the purpose for their request is to acquire the land where their semi-circular driveway is located.

On June 12, 2018, the City's Planning Board unanimously recommended approval of the request with several stipulations. The Planning Board approved the right-of-way vacation request with the stipulation of a 5 foot landscape strip, 5 foot sidewalk, total right-of-way to be maintain at no less than 60 feet, sidewalk to be constructed within 90 days, sidewalk to be built to the road and to City of Pensacola and ADA standards. The June 12, 2018 Planning Board minutes are attached as well and reflect the discussion which led to the motion.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

7/10/2018

STAFF CONTACT:

Eric W. Olson, City Administrator

Sherry H. Morris, AICP, Planning Services Administrator

L. Derrik Owens, Director of Public Works & Facilities/City Engineer

ATTACHMENTS:

- 1) Proposed Ordinance No. 12-18
- 2) Vacation of Right-of-Way Application, 18th Avenue, dated May 11, 2018
- 3) Right-of-Way Map, 18th Avenue Right-of-Way Vacation Request
- 4) June 12, 2018 Planning Board Minutes
- 5) Technical Comments, 18th Avenue Right-of-Way Vacation Request
- 6) Citizen Comments, 18th Avenue Right-of-Way Vacation Request
- 7) Neighbor Petition, 18th Avenue Right-of-Way Vacation Request

PRESENTATION: No

PROPOSED
ORDINANCE NO. 12-18

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CLOSING, ABANDONING AND VACATING
A PORTION OF THE 1600 BLOCK OF NORTH 18TH
AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA
COUNTY, STATE OF FLORIDA; REPEALING CLAUSE;
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a public hearing was held on July 19, 2018,
as to the vacation of a portion of the 1600 Block of North 18th
Avenue right of way; Pensacola, Escambia County, Florida; and

WHEREAS, the vacation of said right-of-way,
hereinafter described, will contribute to the general welfare of
the City of Pensacola in that said right-of-way is no longer
needed as a public thoroughfare; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the following described right of way
in Pensacola, Escambia County, Florida is hereby closed,
discontinued, vacated and forever abandoned by the City of
Pensacola as a public thoroughfare:

BEGIN AT THE NORTHEAST CORNER OF BLOCK 209, NEW CITY
TRACT, AS SHOWN ON THE MAP OF PENSACOLA FLA.,
PUBLISHED BY THOS. C. WATSON & CO., COPYRIGHTED IN
1906 AS RECORDED IN DEED BOOK 126, AT PAGE 400 OF THE
PUBLIC RECORDS OF ESCAMBIA, COUNTY, FLORIDA, THENCE
PROCEED NORTH 79 DEGREES 59 MINUTES 09 SECONDS EAST
ALONG THE EXTENSION OF THE NORTHERLY BLOCK LINE OF
SAID BLOCK, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-
WAY (R/W) LINE OF MALLORY STREET (80' R/W), FOR A
DISTANCE ON 34.80 FEET TO THE BACK OF A 30 INCH WIDE
CONCRETE LAYBACK CURB; THENCE DEPARTING SAID BLOCK
LINE PROCEED SOUTH 09 DEGREES 56 MINUTES 43 SECONDS
EAST ALONG SAID BACK OF CURB FOR A DISTANCE OF 275.38
FEET TO THE EXTENSION OF THE SOUTHERLY BLOCK LINE OF
SAID BLOCK, SAID LINE ALSO BEING THE NORTH RIGHT-OF-
WAY (R/W) LINE OF MORENO STREET (70' R/W); THENCE

DEPARTING SAID BACK OF CURB PROCEED SOUTH 79 DEGREES 59 DEGREES 09 MINUTES WEST ALONG SAID EXTENSION LINE FOR A DISTANCE OF 34.54 FEET TO A NAIL AND DISK, NUMBERED 6993, AT THE SOUTHEAST CORNER OF SAID BLOCK; THENCE DEPARTING SAID BLOCK LINE PROCEED NORTH 10 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE EASTERLY BLOCK LINE OF SAID BLOCK, ALSO BEING THE WESTERLY R/W LINE OF SAID 18TH AVENUE (100' R/W), FOR A DISTANCE OF 275.38 FEET TO THE POINT OF BEGINNING.

SECTION 2. That the owners of the abutting property be, and they are hereby authorized to acquire possession of the right-of-way more particularly described in Section 1 of this ordinance, and the City of Pensacola does hereby abandon all claim of right, if any it has, in said property, and it shall remain and be the property of the abutting property owners.

SECTION 3. That, notwithstanding the foregoing sections, the City of Pensacola reserves for itself, Gulf Power Company, Bell South, Cox Cable, and the Emerald Coast Utilities Authority, their successors and assigns, a full width easement in the entire portion the right of way vacated hereby for the purpose of locating and maintaining public utilities and improvements.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk

Application for Vacation of the Right of Way
North 18th Avenue
Between Moreno and Mallory Streets

Submitted by:
Jonathon Wiggins
Ryan Nobles Wiggins
Michael Callaghan
Galen Nase

May 11, 2018

Mrs. Ryan Wiggins
1771 E. Mallory Street
Pensacola, FL 32503

City of Pensacola Planning Board
222 W. Main Street
Fifth Floor
Pensacola, FL 32501

May 9, 2018

Dear Board Members,

My husband Jonathon and I bought our home on East Mallory Street in East Hill in 2002. Growing up in Pensacola, we have both always loved East Hill and the charm of the neighborhood. This was the first home we lived in as a couple. In a 1940's house, under the canopy of two enormous live oaks on this corner lot is where "we" started.

In the 16 years since we bought our home, we have moved all over the Southeast and our family has grown with the addition of two adorable, happy little boys. After years of renting out the house, we happily settled back into our home three years ago. While we are still completely in love with our home and our lot, there are now four of us living in a 1,500 square foot home and it is getting a little cramped. We are currently in the planning stages of a remodel and an addition to our home.

As I mentioned earlier, one of the features of our lot are two magnificent live oak trees in our front yard. We love these trees, but they mean that a large portion of our lot is not accessible for renovations. Because of these trees, our only option for any home expansion would have to either take place on the south portion of our lot (our backyard) or to the east (in the right of way). We plan on adding an addition to our home in the back and a swimming pool, but that would not leave us any room for the garage and small attached guest house we would like to also build so that out of town friends and family could come stay with us. We are applying for the right of way to be vacated for this purpose.

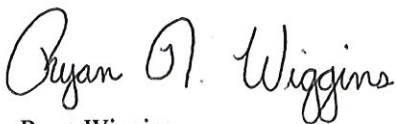
We have happily maintained the right of way for years. We have improved it by adding a neighborhood butterfly garden on that right of way that is recognized as a butterfly habitat and sanctuary by two national organizations. Neighbors are constantly stopping by to admire it. The right of way does contain a public sidewalk, but the sidewalk is not ADA compliant and does not connect to another sidewalk on the other side of the road. It doesn't lead anywhere. I have included pictures of the right of way in the appendices section of this application

We are applying for the vacation of the right of way with our backdoor neighbors, Michael Callaghan and Galen Nase, and have spoken to our other neighbors who are in full support. We have also spoken to Gulf Power, who also does not have any issue with us acquiring the right of way. I have included an email from Jim Jernigan with Gulf Power in the appendices section of our application.

We encourage any board members who wish to come by and see the property in question to stop by at any time. If I can answer any additional questions about this property ahead of the meeting, please contact me at ryan.n.wiggins@gmail.com or (850) 728-1521.

Thank you for your consideration of this matter.

With Warmest Regards,



Ryan Wiggins

Mr. Michael Callaghan
1774 E. Moreno Street
Pensacola, FL 32503

City of Pensacola Planning Board
222 W. Main Street
Fifth Floor
Pensacola, FL 32501

May 9, 2018

Dear Board Members,

My partner Galen and I moved to Pensacola following our home in New Orleans being destroyed in Hurricane Katrina. Originally, it was our intention to rent in Pensacola until we could rebuild in New Orleans, but we absolutely fell in love with the area, especially East Hill, and decided to move here permanently.

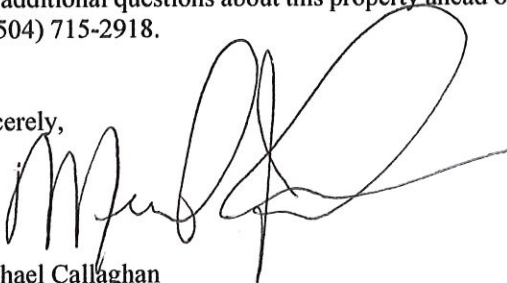
Soon after, my partner and I bought Rapunzel's Salon on 12th Avenue and also purchased our home on East Moreno Street. We love living and working in East Hill and have great neighbors. We wouldn't want to live anywhere else in Pensacola.

When we bought our house, there was a wonderful semi-circular driveway on the east side of our lot. We naturally assumed the driveway was part of the property we were purchasing. We have only recently discovered that it is not. Apparently, at some point a previous owner built the driveway without acquiring the land required to do so. We are applying for the vacation of the right of way so that we may own the driveway to our house.

We are applying for the vacation of the right of way with our backdoor neighbors, Jonathon and Ryan Wiggins, who have included photographs of our driveway and right of way to this application. There is a public sidewalk on the right of way, but as you will see from the photographs, it does not even extend all the way to the road, nor does it connect to a sidewalk on the opposite side of the street.

Any board members who wish to come by and see the property in question may stop by at any time. If I can answer any additional questions about this property ahead of the meeting, you may contact me at miccallaghan@hotmail.com or (504) 715-2918.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Callaghan', with a large, stylized loop at the end.

Michael Callaghan

VACATION OF ALLEY OR STREET RIGHT OF WAY



Fee: \$2,000.00

Rehearing/Rescheduling Planning Board: \$250.00

Rehearing/Rescheduling City Council: \$500.00

Applicant Information:

Name: Ryan Wiggins, Jonathon Wiggins, Michael Callaghan, and Galen Nase

Address: 1771 East Mallory Street, Pensacola, FL 32503

Phone: (850) 728-1521 Fax: _____ Email: ryan.n.wiggins@gmail.com

Property Information:

Owner Name: Jonathon and Ryan Wiggins

Location/Address: 1771 East Mallory Street, Pensacola, FL 32503

Legal Description: Please attach a full legal description (from deed or survey)

Purpose of vacation of city right of way/comments:

We are requesting to have the right of way vacated so that we may improve our property by adding a garage to our lot. Currently, we park on the street on East Mallory Street. We will be renovating our house and building an addition and a pool in our backyard and will be unable to build the garage without the vacation of the right of way.

I, the undersigned applicant, understand that submittal of this application does not entitle me to approval of this vacation request and that no refund of these fees will be made. I have reviewed a copy of the applicable regulations and understand that I must be present on the date of the Planning Board and City Council meeting.

Ryan N. Wiggins
Signature of Applicant

5/7/18
Date

(Owner of Property or Official Representative of Owner)

[Signature]
Signature of Applicant

5.7.18
Date

(Owner of Property or Official Representative of Owner)

[Signature]
Signature of Applicant

5 7 18
Date

(Owner of Property or Official Representative of Owner)

[Signature]
Signature of Applicant

5/7/18
Date

(Owner of Property or Official Representative of Owner)

FOR OFFICE USE ONLY

District : _____

Date Received: _____

Case Number: _____

Date Postcards mailed: _____

Planning Board Date: _____

Recommendation: _____

Council Date: _____

Council Action: _____

VACATION OF ALLEY OR STREET RIGHT OF WAY



Fee: \$2,000.00

Rehearing/Rescheduling Planning Board: \$250.00

Rehearing/Rescheduling City Council: \$500.00

Applicant Information:

Name: Michael Callaghan, Galen Nase, Ryan Wiggins, and Jonathon Wiggins

Address: 1774 East Moreno Street, Pensacola, FL 32503

Phone: (504) 715-2918 Fax: _____ Email: Miccallaghan@hotmail.com

Property Information:

Owner Name: Michael Callaghan and Galen Nase

Location/Address: 1774 East Moreno Street, Pensacola, FL 32503

Legal Description: Please attach a full legal description (from deed or survey)

Purpose of vacation of city right of way/comments:

We are requesting to have the right of way vacated so that we may own our driveway. Before we purchased our home, a previous owner built a semi-circular driveway on the right of way. We assumed when we purchased the home that the driveway was part of the property and have only recently discovered it is not. Since the structure is pre-existing, we would ask that it become legally part of our property.

I, the undersigned applicant, understand that submittal of this application does not entitle me to approval of this vacation request and that no refund of these fees will be made. I have reviewed a copy of the applicable regulations and understand that I must be present on the date of the Planning Board and City Council meeting.

Signature of Applicant

Date

Signature of Applicant

Date

Signature of Applicant

Date

Signature of Applicant

Date

FOR OFFICE USE ONLY

District : _____

Date Received: _____

Case Number: _____

Date Postcards mailed: _____

Planning Board Date: _____

Recommendation: _____

Council Date: _____

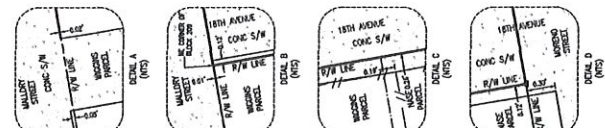
Council Action: _____

Legal description of the right of way on the west side of the street at North 18th Avenue between Moreno and Mallory Streets.

DESCRIPTION: (As prepared by Jehle-Halstead, Inc.)

BEGIN AT THE NORTHEAST CORNER OF BLOCK 209, NEW CITY TRACT, AS SHOWN ON THE MAP OF PENSACOLA, FLA., PUBLISHED BY THOS. C. WATSON & CO., COPYRIGHTED IN 1906 AS RECORDED IN DEED BOOK 126, AT PAGE 400 OF THE PUBLIC RECORDS OF ESCAMBIA, COUNTY, FLORIDA, THENCE PROCEED NORTH 79 DEGREES 59 MINUTES 09 SECONDS EAST ALONG THE EXTENSION OF THE NORTHERLY BLOCK LINE OF SAID BLOCK, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY (R/W) LINE OF MALLORTY STREET (80' R/W), FOR A DISTANCE ON 34.80 FEET TO THE BACK OF A 30 INCH WIDE CONCRETE LAYBACK CURB; THENCE DEPARTING SAID BLOCK LINE PROCEED SOUTH 09 DEGREES 56 MINUTES 43 SECONDS EAST ALONG SAID BACK OF CURB FOR A DISTANCE OF 275.38 FEET TO THE EXTENSION OF THE SOUTHERLY BLOCK LINE OF SAID BLOCK, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY (R/W) LINE OF MORENO STREET (70' R/W); THENCE DEPARTING SAID BACK OF CURB PROCEED SOUTH 79 DEGREES 09 MINUTES WEST ALONG SAID EXTENSION LINE FOR A DISTANCE OF 34.54 FEET TO A NAIL AND DISK, NUMBERED 6993, AT THE SOUTHEAST CORNER OF SAID BLOCK; THENCE DEPARTING SAID BLOCK LINE PROCEED NORTH 10 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE EASTERLY BLOCK LINE OF SAID BLOCK, ALSO BEING THE WESTERLY R/W LINE OF SAID 18TH AVENUE (100' R/W), FOR A DISTANCE OF 275.38 FEET TO THE POINT OF THE BEGINNING.



[illegible]

Wiggins Property
1771 East Mallory Street

Recording prepared by:
JONATHON WIGGINS
1771 E. Mallory St,
Pensacola, FL 32503

When recorded return to:
JONATHON M. WIGGINS
RYAN N. WIGGINS
1771 E. Mallory St.,
Pensacola, FL 32503

Mail tax statements to:
1771 E. Mallory St.,
Pensacola, FL 32503

Tax parcel no.: 00-0S-00-9025-008-209
State of Florida

Rev. 133C709

WARRANTY DEED

This General Warranty Deed is made effective this 5/30/17 (the "Effective Date") between JOHN W. NOBLES, MOLLY S. NOBLES, RYAN S. NOBLES, (collectively, "Grantor"), multiple individuals whose mailing address is 2835 Bayou Boulevard, Pensacola, FL 32503 and JONATHON M. WIGGINS and RYAN N. WIGGINS (collectively, "Grantee"), a married couple whose mailing address is 1771 E. Mallory St., Pensacola, FL 32503.

WITNESSETH, that Grantor, for and in consideration of the sum of \$1 and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee the real property (the "Property") located at 1771 E. Mallory St, Pensacola in Escambia County, FL 32503, and more particularly described as follows: The East 1/2 of Lot 8, all of Lots 9 and 10, and the North five feet of Lots 11 and 12, Block 209, New City Tract, City of Pensacola, according to map of said City, copyrighted by Thomas C. Watson in 1906, lying and being in Escambia County, Florida.

TO HAVE AND TO HOLD unto said Grantee and its successors and assigns, forever.

Grantor hereby warrants that the Property is lawfully seized in fee simple; that Grantor has the legal right to convey the Property; and that the Property is free from all encumbrances except as otherwise stated above. Grantor and its heirs, executors, and administrators hereby warrant and bind themselves to forever defend the Property unto the said Grantee and its heirs and assigns, against all claims against title to the Property or any part thereof.

This conveyance is made expressly subject to the deeds of trust, mortgages, conditions, restrictions, rights of way, easements, and other instruments of record, insofar as they may lawfully affect the Property.

Grantor declares that the transfer is exempt from any documentary transfer taxes.

EXECUTED this 30th day of May, 2017

John W. Nobles
Grantor Signature

JOHN W. NOBLES
Grantor Name

Molly S. Nobles
Grantor Signature

MOLLY S. NOBLES
Grantor Name

Ryan S. Nobles
Grantor Signature

RYAN S. NOBLES
Grantor Name

[Signature]
Grantee Signature

JONATHON M. WIGGINS
Grantee Name

Ryan N. Wiggins
Grantee Signature

RYAN N. WIGGINS

Grantee Name

Witness #1 Krystal Heidland
4400 Bayou Blvd
Pensacola, FL 32503

Witness #2 Rafael R
4400 Bayou Blvd.
Pensacola, FL 32503

NOTARY ACKNOWLEDGMENT

State of Florida)
)
 County of Escambia)

(Seal)



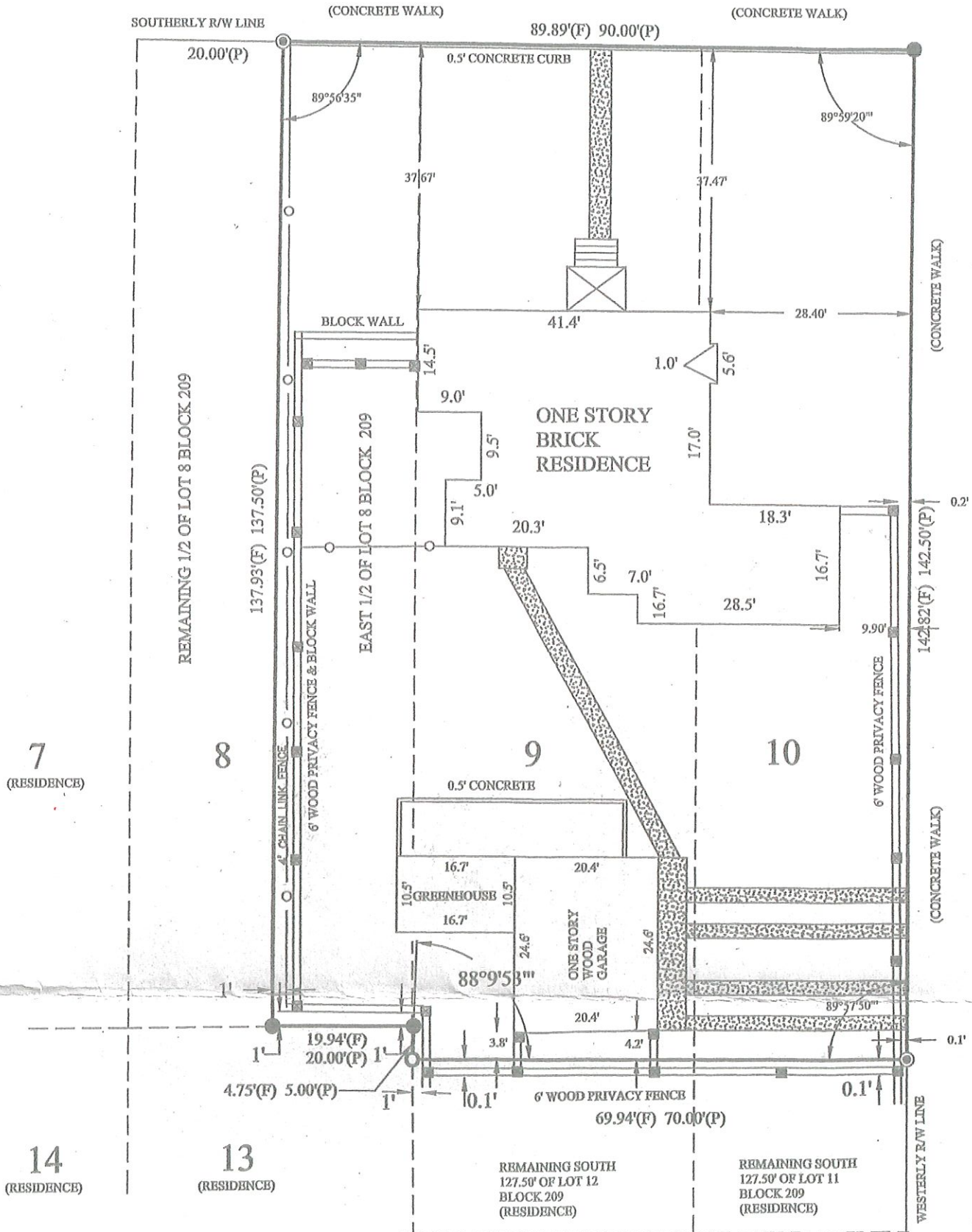
The foregoing instrument was acknowledged before me this 30th day of May, 2017, by the undersigned, JOHN W. NOBLES, who is personally known to me or satisfactorily proven to me to be the person whose name is subscribed to the within instrument.

Krystal Heitland
 Signature

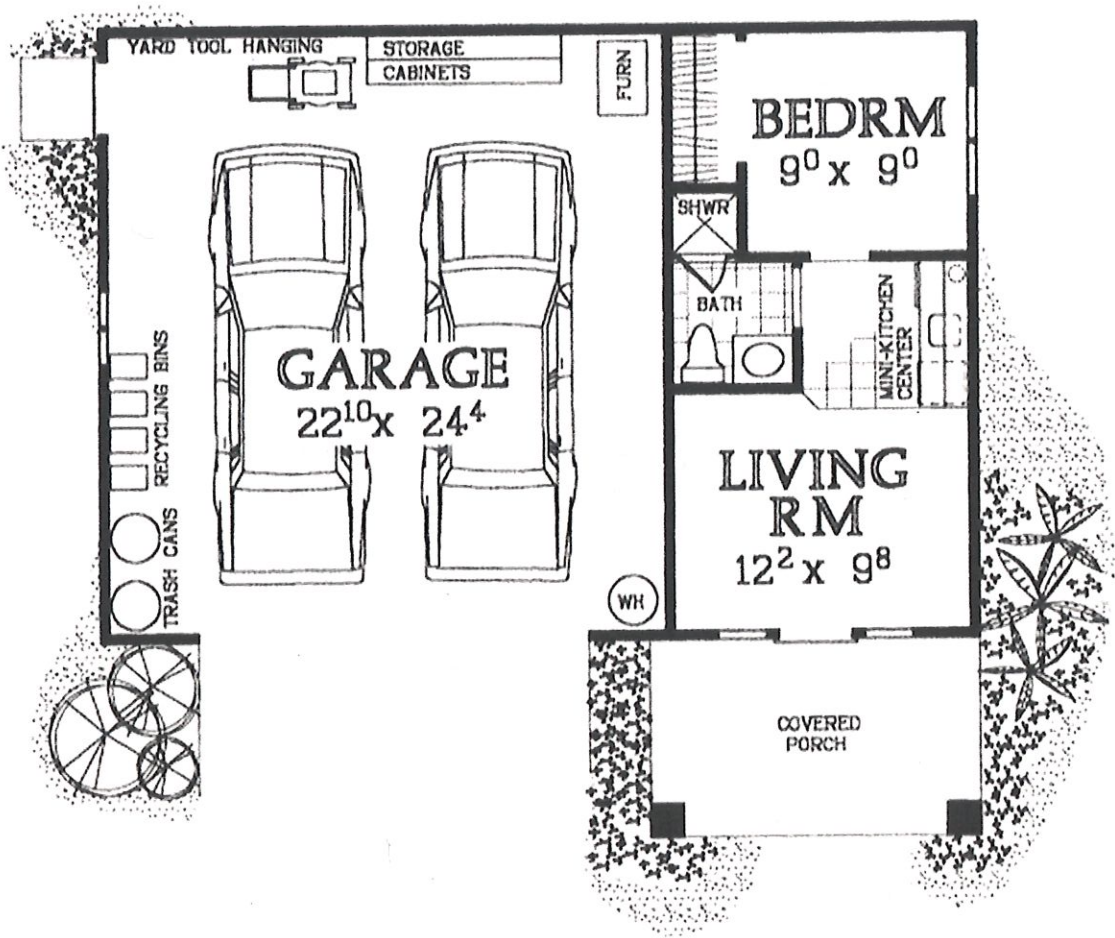
Krystal Heitland
 Notary Public

My Commission Expires: 10/25/20

1771 EAST MALLORY STREET (80' R/W)



This is the site plan for what we would like to build on the right of way abutting 1771 E. Mallory Street if we are granted our vacation request.



Callaghan/Nase Property
1774 East Moreno Street

This instrument prepared by:

Name: Michael J. Callaghan

Address: 1774 E Moreno Street
Pensacola, Florida 32503

Return to: Michael J. Callaghan

Address: 1774 E. Moreno Street
Pensacola, Florida 32503

Property Appraisers Parcel Identification Number(s): 00-0S-00-
9025-011-209

Grantee(s) S.S #'s:

This Quit-Claim Deed, Executed this 27th day of August, 2009, by Michael J. Callaghan, a single man, whose post office address is 1774 E. Moreno Street, Pensacola, FL 32503, first part, to Michael J. Callaghan and Galen L Nase as joint tenants with rights of survivorship, whose post office address is 1774 E. Moreno Street, Pensacola, FL 32503 second party:

(Wherever used herein the terms "first part" and "second part" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the said first part, for and in consideration of the sum \$10.00, in hand paid by the said second part, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Escambia, State of Florida, to-wit:

The South 132.5 feet of Lots 11 and 12, Block 209, New City Tract, in the City of Pensacola, Escambia County, Florida, according to the map of said City copyrighted by Thomas C. Watson in 1906: Together with all in singular the tenements, hereditaments, and appurtenances thereunto belonging or in any ways appertaining free from all exemptions and rights of homestead.

To Have and to Hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Marcia L. Schulte
Signature
Marcia L. Schulte
Printed Signature

Michael J. Callaghan
Signature
Michael J. Callaghan
Printed Signature

Heather Sullivan
Signature
Heather Sullivan
Printed Signature

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 27th day of August, 2009 by Michael J. Callaghan, who is personally known to me or who produced FLDL as identification and who did not take an oath.

Ernie Lee Magaha, Clerk of the Circuit Court

Ernie Lee Magaha
Notary Public Deputy Clerk
My Commission Expires:



BLOCK
209

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

18th AVENUE (100' R/W)

LOT 15

LOT 14

LOT 13

LOT 12

LOT 11

NORTH 5.0'
LOT 11
NOT
INCLUDED

NORTH
5.0'
LOT 12
NOT
INCLUDED

0.7' WIDE
CONCRETE
BLOCK
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Appendices

Photographs of the Right of Way on 18th between Moreno and Mallory Streets



(Above) The northern part of the right of way is being maintained by the Wiggins family. On the right of way, the Wiggins family has planted a butterfly garden that helps a threatened species of butterfly (the Monarch) and helps protect pollinators of all kinds. The garden is recognized as an official butterfly habitat and sanctuary by two national organizations: Monarch Watch and The North American Butterfly Association.



(Above) This is a photograph of the right of way in question that abuts the Wiggins property on 18th Avenue facing north.



(Above) This is a photograph of the right of way in question that abuts the Wiggins property on 18th Avenue facing south.



(Above) This is a photograph of the right of way in question that abuts the Wiggins property on 18th Avenue facing west.



(Above) The southern part of the right of way is being maintained by Michael Callaghan and Galen Nase. The majority of this portion of the right of way is dominated by a semi-circular driveway built by a previous owner.

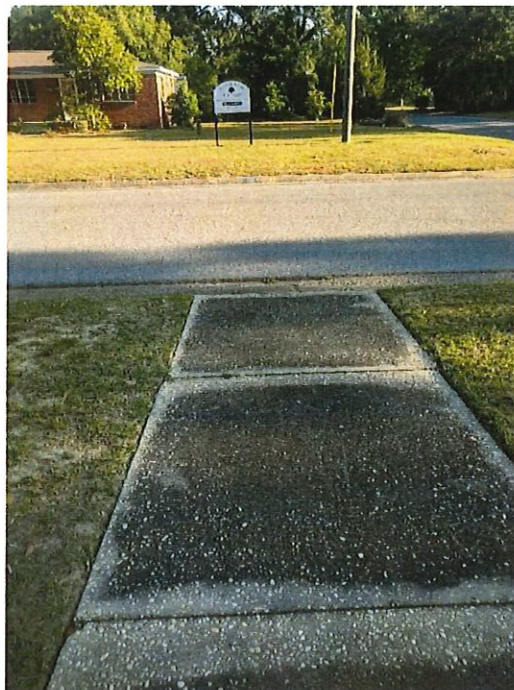


(Above) This is a photograph of the majority of the right of way in question on 18th Avenue.

While the right of way does contain a public sidewalk, this sidewalk only circles this one block and does not connect to any other sidewalks on the other sides of the street and in some cases, does not connect to the street at all.



(Above) The sidewalk on the right of way at 18th and Moreno does not connect to the street or the other side of the street.



(Above) The sidewalk on the right of way at 18th and Mallory does not lead anywhere.



Ryan Wiggins <ryan.n.wiggins@gmail.com>

Street Vacate

1 message

Jernigan, Jim Marion <X2JMJERN@southernco.com>

Thu, Aug 31, 2017 at 3:26 PM

To: "ryan.n.wiggins@gmail.com" <ryan.n.wiggins@gmail.com>

Cc: "MTillman@cityofpensacola.com" <MTillman@cityofpensacola.com>

Mrs. Wiggins,

Mark Davidson forwarded me your street vacate request.

Gulf Power has existing electric distribution line facilities within the road right of way adjoining your property. Therefore, Gulf Power would need to reserve a utility easement.

Otherwise, Gulf Power has no objections or concerns. Please let me know if I may be of further assistance.

Jim Jernigan

Gulf Power Company

Corporate Real Estate BIN 0093

One Energy Place

Pensacola, FL 32520

850-444-6321



June 2018

**Request to Vacate R.O.W.
1600 BLK North 18th Ave**



This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The details are not guaranteed accurate or suitable for any use other than that for which it was gathered.



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MINUTES OF THE PLANNING BOARD

June 12, 2018

MEMBERS PRESENT: Chairman Paul Ritz, Nathan Monk, Kurt Larson, Jared Moore, Danny Grundhoefer, Victor Jordan

MEMBERS ABSENT: Nina Campbell

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner, William Weeks, Building Official, Helen Gibson, CRA Administrator, Victoria D'Angelo, Assistant CRA Administrator, Ryan Novota, Transportation Engineer

OTHERS PRESENT: Don Kraher, Council Executive, Austin Tenpenny, Steven Shelley, Fred Gunther, Ashley Patterson, Steven Sebold, Christian Wagley, Mike Kilmer, Rivka Kilmer, Marcie Whitaker, Kevin Wade, C. Marcel Davis, Fran Jones, Diane P. Robson, Ryan Wiggins, Jonathan Wiggins, Kacee Bidnick, Glib Kazak, David Peaden, J. Scott Sallis, Beverly Perry, Troy Stepherson, Doug Baldwin, Randy Wilkerson, James L. Gulley

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from May 8, 2018
- New Business:
 1. Consider Right-of-Way Vacation Request – North 18th Avenue Between Moreno & Mallory
 2. Consider Amendment to LDC – CRA Urban Design Standard Overlay
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:01 pm with a quorum present.

Approval of Meeting Minutes

Mr. Larson made a motion to approve the May 8, 2018 minutes, seconded by Mr. Moore, and it carried unanimously.

New Business

Consider Right-of-Way Vacation Request – North 18th Avenue between Moreno & Mallory

Jonathon and Ryan Wiggins, in conjunction with Michael Callaghan and Galen Nase, are requesting approval for the vacation of approximately 34 feet of the western right-of-way of the 1600 Block of North 18th Avenue. This request would bring the property line to the back of the layback curb on the western side of 18th Avenue.

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

222 West Main Street Pensacola, FL 32502 / T: 850.435.1670 / F: 850.595.1143 / www.cityofpensacola.com

Mr. and Mrs. Wiggins have indicated the reason for their request is to be able to construct a garage and small attached guest house. Mr. Callaghan and Mr. Nase have indicated their reason for the request is to acquire the land where their semi-circular driveway is located. This request has been routed through the various City departments and utility providers and those comments are attached; any comments received after the packets were mailed were sent email and hard copies provided to the Board.

Chairman Ritz explained the right-of-way vacation as giving away a piece of public property over to the property owner; if approved, the City of Pensacola gives the property to the property owner with no fees involved. He then called the applicants to speak.

Ms. Wiggins thanked the Board for their consideration and was eager to answer any questions. Mr. Monk asked if the applicant had any issue with the proposal with the reduction and relocation of the sidewalk to the front. Ms. Wiggins advised they had no problem with the 24' but with that sidewalk not leading anywhere, they would pay for the replacement of the sidewalk if the City ever decided to replace it.

Mr. Wagley pointed out it was great to see neighbors improving their properties, but the public's interests should also be respected and protected. He wanted to make sure the existing sidewalk was replaced at the applicant's expense and in a manner for full public access, leaving the 5' planting strip. He pointed out this location was also one block from the city park and wanted to make sure we stay consistent with what happens on other projects with the relocation of sidewalks which is necessary to protect the interest of the public.

Mr. Wiggins advised they were agreeable to the 24' feet as opposed to the full setback. With regard to the sidewalk, if you drive the entirety of 18th Street, almost two miles, there are two blocks with houses with sidewalks which connect east and west arteries. To suggest the removal of this sidewalk at this time would make anything less accessible or less safe was not common sense to him. He pointed out 18th Street is a very safe road where they see strollers, bikers and walkers using this street. Mr. Jordan explained to the applicant that if the sidewalk was replaced, it would be fully ADA compliant and wanted that understood.

Chairman Ritz explained the vacation all the way to the back of the curb is a bit much and the Board had not granted that in the past, and where would you place the sidewalk, easements, and the City would have no place to operate for utility repairs, etc. He appreciated sidewalks and connectivity which did not force the public to walk in the street.

Mr. Larson made a motion to approve with 5' from the street for plantings, 5' sidewalk built to City of Pensacola standards as well as current ADA requirements, with the balance to be vacated to the owners, with the provision the sidewalk be put in immediately to replace the one taken out. The motion was seconded by Mr. Jordan.

Mr. Jordan was concerned the sidewalk would not be replaced in a reasonable time. Chairman Ritz explained that once the property was given to the owners, they could do as they pleased, but they were giving them 24' of property at East Hill rate. Mr. Grundhoefer was concerned with setting a precedent. He offered the Board could go 10' to that street and vacate it, and people could get more property. He felt the Board was setting a dangerous precedent. Mr. Moore agreed that it seemed the right-of-way on 18th was larger than the standard right-of-way. Mr. Monk felt the location of the sidewalk to the house was awkward. The concern from others was making sure the sidewalk stayed.

Mr. Novota stated the roadway was mostly in the center of the right-of-way, and the likelihood of the city expanding or relocating the roadway was slim. Chairman Ritz explained that should the vacation be granted, as part of the approval the sidewalk would continue all the way out to the asphalt. Ms. Wiggins explained if they build a structure and then tore up the sidewalk, they would be replacing it twice. Mr. Grundhoefer pointed out his concern was maintaining a 60' right-of-way on 18th Street; his hope was that when other residents applied, the City would also get a sidewalk, with sidewalks on both sides of 18th Street. He did not support giving 24' of the City's right-of-way to homeowners. Chairman Ritz asked if the motion were amended to include verbiage toward maintaining minimum right-of-way, would that be supported. Mr. Grundhoefer explained that would send a signal that they were trying to maintain 60' right-of-ways in East Hill, and they were not changing that character.

Mr. Monk clarified that Mr. Grundhoefer wanted to make part of the requirement that with any future vacation, the property owner that received the property would pay for the sidewalk; Mr. Grundhoefer agreed he wanted to enforce this. Chairman Ritz restated the motion that the Board approved the vacation of 24.5' of the right-of-way, always maintaining a 60' right-of-way for city streets. Mr. Grundhoefer stated with a 24' street, they would be granting an additional 18' ($18+18+24=60$) from the curb to the property line. This would put the emphasis on maintaining the street right-of-way, not necessarily giving each landowner their particular request based on whatever they think their need is. **Chairman Ritz stated the motion would then be vacating the appropriate amount of property while maintaining a 60' right-of-way; the amendment was accepted by Mr. Larson. Chairman Ritz explained this would set the idea that the right-of-way is a number which is set – the vacation occurs to whatever the appropriate distance is if the road is left or right of center. The motion was accepted by Mr. Jordan with the additional information on the sidewalk.**

Mr. Monk asked if the current 18' would be enough for the applicants to accomplish their goal. Mr. Wiggins asked how the Board arrived at the 60' number. Chairman Ritz explained he had never seen a right-of-way in East Hill narrower than 60' and if we begin to get less than 60' we would not have enough room to put in the appropriate size roadway, planting space and sidewalk on each side. So the 60' becomes the "magical number" for the minimum spacing for roadways, sidewalks and plantings. Regarding enough space to accomplish their goal, Ms. Wiggins stated it would not, but they would make it work. Mr. Monk pointed out they were trying to make the neighborhoods more walkable. Chairman Ritz advised there were more requests for vacation of right-of-ways in East Hill than any other location. East Hill is a desirable neighborhood and is easily walked. Mr. Grundhoefer pointed out the Board was considering all citizens and not just the applicants. Chairman Ritz emphasized that this decision would proceed to City Council for their approval. Mr. Grundhoefer wanted the motion to state the applicants must build a sidewalk. Mr. Jordan asked Mr. Novota, Transportation Engineer, about the cost of the ramp, and Mr. Novota advised the cost would be around \$1,500.00 to \$1,800.00 plus the sidewalk itself. **Ms. Deese confirmed the original motion was for approval for 5' landscape strip, 5' sidewalk, sidewalk to be constructed immediately, sidewalk will be built to the road and to City of Pensacola and ADA standards, amended to maintain the 60' right-of-way. Chairman Ritz clarified the vacation was dependent on where the right-of-way falls. Mr. Larson changed the time for replacement to 90 days, and it was accepted, and the motion carried unanimously.**

Consider Amendment to LDC – CRA Urban Design Standard Overlay

Ms. Gibson, CRA Administrator, presented to the Board, and advised that for the past six months the CRA had been presenting a proposal for an overlay district which would be form-based standards which would apply to the neighborhoods within the CRA areas and not within any type of review district. She indicated these neighborhoods have not had any protection from incompatible uses relative to their traditional character. Because some of them have been blighted neighborhoods, there has been deterioration and demolition. What is being proposed will not restrict future demolition but will help to govern what is rebuilt. The proposal is a very light form of design review and a streamlined review which will be handled administratively by staff. Applicants interested in building can refer to a checklist to meet the requirements in this standard. She pointed out they had extensive community input with public informational sessions. Ms. Gibson then turned the presentation over to Marina Khoury of DPZ CoDesign who gave an overview of any changes to the guidelines; these were provided to the Board. Chairman Ritz then asked for audience input.

Mr. Gunther wanted to confirm that the vertically proportionate window requirement was removed, and Ms. Khoury stated that had been removed but would remain only on the frontages. Mr. Gunther informed the Board he had purchased the former YMCA property on Palafox, and they have three potential buyers and had confirmed in pre-development meetings with Brandi Deese and other departments in 2016 and 2017 that all their plans were allowed under the LDC.

They then moved forward and closed in January 2017. They have paid architects for design, laid underground utilities and essentially planned a new development. In moving forward, no exception had been granted, and he asked that those who have been working with the City should be grandfathered in and not be required to adhere to the new requirements after designing around the current codes.

Concerning trees, he further explained they had pushed their houses to the street with urban design, and properties on Palafox from their property to the bay have no trees on private property. Mr. Grundhoefer offered this document would be going to City Council and felt all those with projects might rush in before the new guidelines were approved; he did not feel this was appropriate. Mr. Monk stated this was a difficult situation to be in as we move toward the form-based code, and this is a long-term developmental plan finally proceeding to the end. Ms. Gibson advised she did distribute a list of all comments received but did not know if they addressed every single comment on every project. She advised there were seven or eight concerns addressed by Mr. Gunther, and they were able to adjust this overlay so that six or seven were addressed. A site like this one was constrained, but he could place trees within the block. Mr. Monk asked if there could be a date certain for previous applications. Chairman Ritz explained this could be discussed during deliberations. Mr. Gunther further stated that long vertical windows were unfair to be imposed over such a large portion of the city.

Mr. Kazak who develops single residence housing in downtown Pensacola stated he had plans for larger developments on Government and A Street which met the current requirements, however, the new codes might require significant changes. He wanted to make sure they were safe with their investment and possibly exempted partially from the new regulations.

Mr. Wagley was excited to see the Board working through the process. He explained the trend toward form-based standards is growing all over America, and the existing codes were never going to give people the type of community they want – one that is walkable, bikeable and reveals the character of the older neighborhoods. He stated DPZ's work in capturing the existing character was completely accurate. He explained vertical windows were actually defining character from the homes built prior to the 1940s. He referenced the Florida Greenbook, with garages preferred in the rear and side on corner lots. He wanted staff to address the grandfathering possibly and using the easy checklist that would facilitate the process. He also pointed out no specific styles were restricted and encouraged the Board to approve this change which would be a huge historic step for this community.

Mr. Kilmer thanked the CRA and the Board for considering this change and Mr. Wagley for keeping the community informed.

Mr. Sallis spoke for the local chapter of AIA. He indicated the city has needed this document for a long time. The concern was that it be modified. (1) The section of applicability should be modified to allow for a date set for when the overlay applies, and developments after that would comply. (2) With residential building entries, the cost of elevating a house really is the cost of building a good product and making a great city. (3) Roof pitch is too restrictive over such a large area and should be removed from the document. (4) Windows and glazing should be removed because it is too restrictive for such a large section of the city and does not allow for contemporary architecture. Otherwise, the AIA supported the documents with these changes.

Ms. Khoury advised regarding applicability, the majority of cities state if you have a building permit in hand, you are grandfathered in; if you do not, you must comply with the new rules. The new document has in many cases made it easier to develop, and the reason for the document was to preserve the existing character.

Mr. Peaden appreciated the process but the key thing pertained to the applicants who have already begun the process and need to be protected in terms of what they have invested. Setting a date would be one way to address this, since most of these people have been in the process for a while.

Ms. Perry explained form-based code works in her neighborhood since there is no ARB, and the form-based code is a good middle ground giving parameters for a good framework where builders can respect the existing character while maintaining creativity.

Ms. Gibson responded to Mr. Monk's assertion about the influx of outside builders/developers.

She explained she had seen over the past 20 years a loss of historic vernacular and what has replaced those structures has looked nothing like the neighbors and has not added to the value of the neighborhood – many times by local builders. Mr. Monk stated in the East Hill area there have been massive demolitions of houses he knew could have been renovated.

Mr. Jordan addressed page 31 of the presentation dealing with a bicycle locked at 56 cm and explained that would only accommodate a child size bike. Ms. Khoury stated it could be converted to 22" – 26" to be consistent.

Mr. Grundhoefer was supportive of the document and suggested the window verticality requirement needed to state "should" instead of "shall" and agreed we should not stifle design because we feel a vertical window is more appropriate for a particular design. He explained some of the structures in Aragon Court comply with the ARB standards but are very contemporary. Ms. Khoury stated they may want to put in a clause to reassess the requirements in six months to see if they are working. Chairman Ritz offered his historical house has square windows. Mr. Grundhoefer advised the roof pitch was no problem since there was a caveat to have flat or low-pitched roofs. However, columns with capitals and bases was dictating architectural styles and pushed it beyond a form-based standard to an architectural standard. On page 37 regarding planting columnar trees, Pensacola is not known for Cedar or Poplar column type trees. Ms. Khoury advised this could be removed. Mr. Grundhoefer also asked if on Page 35 the single-family and two-family buildings were exempt. Ms. Khoury indicated this red lined language should probably be stricken out.

Chairman Ritz explained that with the document being placed on the Board agenda today, it was emphasized there needs to be a particular time set which starts this process and definitive language for what defines this process which has already started by someone. The building permit in hand means that someone has submitted plans for permitting, but Mr. Gunther has been working on a particular project for some number of years, and the larger projects tend to take longer lead times. So under our applicability, we do not have that really good timeline which defines projects discussed with Planning as of July 4, 2018 will be under a certain code. From a developer's standpoint, the Board needs to pick some legitimate time so that is not so far down the road that anyone can come in and say they thought about a project in 2017 and they should come under the old Code.

Ms. Khoury asked how the Code has been amended, and Chairman Ritz indicated historically, there has never been a change this drastic and in such a short period of time. He explained the Florida Building Code and the grace period when it is amended. Mr. Grundhoefer explained a date could be set after Council adoption. Ms. Gibson stated they had responded by saying 45 days from Council approval. Mr. Grundhoefer felt the document should be enforced at the date it is adopted. Ms. Gibson explained normally an ordinance is in force 5 days from Council approval. Chairman Ritz explained the Board is an advisory board, and the Council can choose to do what they want to do after the fact.

Mr. Jordan made a motion to approve and support the CRA Guidelines with these stipulations: (1) that the language for the vertical windows and the columns be "should" instead of "shall"; (2) change the columnar tree language; (3) clarify this landscape paragraph which she said they would strike; (4) under applicability, to state it is enforced 5 days after City Council approval. The motion was seconded by Mr. Larson. Mr. Monk advised that changing "shall" to "should" meant it was not enforceable. Chairman Ritz advised if someone wanted to do something else, they would be allowed to.

Mr. Monk did not see the point of going through the process to get to "if you would please." Chairman Ritz pointed out in the case of the windows, there was evidence offered internal to the Board as well in the Contemporary House book and the public has stated that "shall" on that particular item of verticality of the windows was detrimental to design creativity. Mr. Monk offered so many people want to live downtown but cannot because of varying reasons, but this Code will encompass the whole city. Chairman Ritz offered a citizen could always request a variance.

Ms. Deese clarified that the LDC stated only a few reasons where you could qualify for a variance, and variances to these overlay guideline standards would not be permitted.

Regarding the windows, Ms. Khoury stated in the homes that did not look good, the vast majority of them are because the windows were not vertical or square, and cautioned not to look at what you were preventing, but rather look at what you were allowing. Chairman Ritz clarified a person could not request a variance if the language became "shall" and Ms. Deese agreed. Mr. Monk restated he did not want to limit creativity but wanted history preserved.

Ms. D'Angelo clarified the document text in blue was not actually in the document sent to the Board and were proposed modifications. Ms. Gibson advised the presentation showed the modifications. Chairman Ritz explained the document supplied to the Board and for public inspection was not the same one in the presentation.

Mr. Monk questioned the styles of homes to be built in the CRA neighborhoods and if we were not dictating style, he was not sure how helpful the document was if it did not dictate building in a certain number of styles. Chairman Ritz explained the form-based code was not dictating a particular building style. **Mr. Grundhoefer had perused the blue text and added to Mr. Jordan's motion the June 12th guidelines were presented to the Board. Ms. Deese read the motion to approve with stipulations (1) to remove the window language shall and amend to should, (2) revise the tree language, (3) clarify the landscape paragraph and she (4) clarified it should be 5 business days for enforcement, and (5) the addition of the bike modification from 22" to 26".**

Mr. Weeks asked the Board if an architect could get professional plans within 5 days, and Chairman Ritz explained it could not be done in 5 days. Mr. Grundhoefer pointed out the process needed to begin somewhere. Mr. Weeks suggested adopting it like the Florida Building Code and cautioned on being careful with the applicable date. Mr. Monk was concerned with applicants who had already submitted their work. Mr. Grundhoefer pointed out Ms. Gibson had notified the public, and if the applicants wanted to submit their plans, they should submit them now in advance of the Council's approval. Ms. Gibson verified the document would go through two readings at the Council meeting, and Ms. D'Angelo advised the document was currently scheduled for September 13, 2018 for the final reading.

Chairman Ritz explained if there were two readings, there would be two opportunities for citizen input to the Council who is the ultimate deciding body. **Mr. Grundhoefer amended Mr. Jordan's motion to enforce the Code when the Council approves it, but was reminded of the 5 business days and left his motion as is. The motion then carried unanimously.**

It was determined the first reading to Council would be August 9, 2018.

Open Forum – None

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:36 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brandi C. Deese', with a long horizontal flourish extending to the right.

Brandi C. Deese
Secretary to the Board

Brandi Deese

From: Sherry Morris
Sent: Tuesday, May 29, 2018 9:06 AM
To: Brandi Deese
Subject: FW: Right-of-Way Vacation Request

Sherry H. Morris, AICP
Planning Services Administrator
City of Pensacola
P.O. Box 12910
Pensacola, FL 32521

(850) 435-1670-phone
(850) 595-1143-fax



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Most written communications to or from state and local officials
regarding government business are public records
available to the public and media upon request.
Your email communications may be subject to public disclosure.

From: Eric Olson
Sent: Tuesday, May 29, 2018 9:06 AM
To: Sherry Morris <SMorris@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>
Cc: Paul A Kelly(GIS) <PAKelly@cityofpensacola.com>; Lysia Bowling <lbowling@cityofpensacola.com>; Janet Matteson <JMatteson@cityofpensacola.com>
Subject: RE: Right-of-Way Vacation Request

Sherry/Derrik,

In the absence of a final plan for new sidewalk construction, my interpretation of the sidewalk grid in and around the property on Mallory is that the sidewalk that runs adjacent to 18th would not be a critical element in any design to improve connectivity to the parks in the surrounding area. If there is a legal instrument that can bind the owners of the property to reconstructing the sidewalk at their cost in the future, then we can consider letting them remove the existing sidewalk and restore it at a later time. At a minimum, the owners will have to leave enough right of way to

construct a sidewalk, i.e., I do not see a public interest in vacating the RoW to the curb. I will follow up with Lysia on the legal question.

r/

From: Sherry Morris
Sent: Friday, May 25, 2018 3:05 PM
To: Eric Olson <EOlson@cityofpensacola.com>
Subject: FW: Right-of-Way Vacation Request

Eric,

As discussed, please see attached PDFs that Paul was able to create showing existing sidewalks in the area of the ROW vacation request, and how they relate to Bayview and other area parks. One map has aerial imagery and the other just shows parcel and ROW lines – both have existing sidewalks shown.

From: Paul A Kelly(GIS)
Sent: Friday, May 25, 2018 10:11 AM
To: Sherry Morris <SMorris@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Leslie Statler <LStatler@cityofpensacola.com>
Subject: Re: Right-of-Way Vacation Request

Hi Sherry. I've attached 2 PDFs to address both of your questions. The first shows the location of existing sidewalks. The second PDF shows the result of the model - the higher the score the higher it was prioritized to get a sidewalk. None of the sidewalks in the immediate vicinity were characterized as having a high prioritization score.

Paul Kelly
GIS Coordinator
City of Pensacola
Phone: (850) 436-5630
Fax: (850) 595-1281

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From: Sherry Morris
Sent: Friday, May 25, 2018 9:58 AM
To: Paul A Kelly(GIS); Brad Hinote; Leslie Statler
Subject: RE: Right-of-Way Vacation Request

Thanks Paul! I think the applicant was making the case that it is a "sidewalk to nowhere" and doesn't connect to anything in the adjacent blocks. Can we tell if the immediately adjacent blocks were prioritized since this block would not have been due to an existing sidewalk being located there?

Sherry H. Morris, AICP
Planning Services Administrator
City of Pensacola
P.O. Box 12910
Pensacola, FL 32521

(850) 435-1670-phone
(850) 595-1143-fax



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From: Paul A Kelly(GIS)
Sent: Friday, May 25, 2018 9:43 AM
To: Sherry Morris <SMorris@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Leslie Statler <LStatler@cityofpensacola.com>
Subject: Re: Right-of-Way Vacation Request

There are existing sidewalks on this block and the sidewalk prioritization model only looked at locations where there were not any existing sidewalks. Regarding the sidewalk on the 18th between Mallory and Moreno I've attached the Mott MacDonald sidewalk survey - they scored it as a sidewalk in very good condition.

I'm looking for the survey PDF for Mallory between 17th and 18th. Would you want this document as well?

Let me know if there is any other information that I can provide.

Thanks,

Paul Kelly
GIS Coordinator
City of Pensacola

Phone: (850) 436-5630

Fax: (850) 595-1281

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From: Sherry Morris

Sent: Friday, May 25, 2018 9:06 AM

To: Brad Hinote; Paul A Kelly(GIS); Leslie Statler

Subject: FW: Right-of-Way Vacation Request

Can you guys look at the attached request and see where the surrounding segments/area falls on the ranked sidewalk prioritization list? We need the info ASAP for the Planning Board item. Thanks in advance....

Sherry H. Morris, AICP
Planning Services Administrator
City of Pensacola
P.O. Box 12910
Pensacola, FL 32521

(850) 435-1670-phone
(850) 595-1143-fax



For Non-Emergency Citizen Requests, Dial 311 or visit Pensacola311.com

Notice: Florida has a very broad public records law.
Most written communications to or from state and local officials
regarding government business are public records
available to the public and media upon request.
Your email communications may be subject to public disclosure.

From: Brandi Deese

Sent: Friday, May 25, 2018 9:04 AM

To: Sherry Morris <SMorris@cityofpensacola.com>

Subject: FW: Right-of-Way Vacation Request

Brandi C. Deese, AICP

Planning Services Division

City of Pensacola

PO Box 12910

Pensacola, FL 32521

Office – 850.435.1697

Fax – 850.595.1143

From: Brandi Deese

Sent: Thursday, May 24, 2018 1:19 PM

To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Brad Hinote <bradhinote@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; William Weeks <WWeeks@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>

Subject: FW: Right-of-Way Vacation Request

Good Afternoon –

Just a quick reminder for those who have not submitted comments on the attached right-of-way vacation request, comments are due by next Wednesday. Thanks!

Brandi C. Deese, AICP

Planning Services Division

City of Pensacola

PO Box 12910

Pensacola, FL 32521

Office – 850.435.1697

Fax – 850.595.1143

From: Brandi Deese

Sent: Friday, May 11, 2018 11:35 AM

To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson (<ABloxson@cityofpensacola.com> <ABloxson@cityofpensacola.com>); Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote (<bradhinote@cityofpensacola.com> <bradhinote@cityofpensacola.com>); Brian Cooper



AT&T
605 W. Garden ST, Suite 218
Pensacola, FL 32502

T: 850-436-1495
F: 850-436-1486
www.att.com

May 15, 2018

Ryan Wiggins
1771 E. Mallory Street
Pensacola, FL 32503

Re: Petition to Vacate Right-of-Way

Mrs. Wiggins,

AT&T Florida has reviewed your request to vacate the right-of-way at 1771 E. Mallory Street as described in the documents sent from City of Pensacola by via email 5/11/2018.

AT&T Florida does not have facilities in place in the right-of-way location shown on the attached map as the west side of N 18th Avenue between E Mallory Street and E Moreno Street.

Due to this, AT&T Florida agrees to the vacation of the described right-of-way. If you have any questions or concerns regarding this matter please don't hesitate to call.

Sincerely,

Brad Sauers

Brad Sauers
AT&T Florida
Manager, OSP PLANNING AND ENGINEERING DESIGN
850-436-1495



AT&T
605 W. Garden ST, Suite 218
Pensacola, FL 32502

T: 850-436-1495
F: 850-436-1486
www.att.com

May 15, 2018

Michael Callaghan
1774 E. Moreno Street
Pensacola, FL 32503

Re: Petition to Vacate Right-of-Way

Mr. Callaghan,

AT&T Florida has reviewed your request to vacate the right-of-way at 1774 E. Moreno Street as described in the documents sent from City of Pensacola by via email 5/11/2018.

AT&T Florida does not have facilities in place in the right-of-way location shown on the attached map as the west side of N 18th Avenue between E Mallory Street and E Moreno Street.

Due to this, AT&T Florida agrees to the vacation of the described right-of-way. If you have any questions or concerns regarding this matter please don't hesitate to call.

Sincerely,

Brad Sauers

Brad Sauers
AT&T Florida
Manager, OSP PLANNING AND ENGINEERING DESIGN
850-436-1495

Brandi Deese

From: Annie Bloxson
Sent: Monday, May 14, 2018 2:05 PM
To: Brandi Deese
Subject: RE: Right-of-Way Vacation Request

Good Afternoon,

I have no issues with vacating the right-of-way for 18th Avenue.

Respectfully,

Chief Annie Bloxson

Fire Marshal
Pensacola Fire Department
475 East Strong Street
Pensacola, FL 32501
Office: 850-436-5200
Cell: 698-0091
ABloxson@cityofpensacola.com

From: Brandi Deese
Sent: Friday, May 11, 2018 11:35 AM
To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOWens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jerry Moore <jamoore@cityofpensacola.com>; Jordan, Scott C. <SCJORDAN@southernco.com>; Karl Fenner (KF5345@att.com) <KF5345@att.com>; KENNINGTON, STEPHEN <sk1674@att.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; William Weeks <WWeeks@cityofpensacola.com>
Cc: Leslie Statler <LStatler@cityofpensacola.com>; Karen Lefebvre <KLefebvre@cityofpensacola.com>; Amy Hargett <ahargett@cityofpensacola.com>
Subject: Right-of-Way Vacation Request

Good Morning!

Please review and comment on the attached right-of-way vacation request for 18th Avenue. Please submit comments no later than Wednesday, May 30, 2018. Thanks so much!

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

Brandi Deese

From: Jernigan, Jim Marion <X2JMJERN@southernco.com>
Sent: Monday, May 14, 2018 2:46 PM
To: Ryan Wiggins
Cc: Jordan, Scott C.; Brandi Deese
Subject: RE: Street Vacate

Ms. Wiggins,

Thank you for the email. Gulf Power does not have an issue with the road vacate. However, in order to protect our lines along the road we will need to obtain an easement from the current owner.

Jim Jernigan

Gulf Power Company
Corporate Real Estate BIN 0093
One Energy Place
Pensacola, FL 32520
850-444-6321

From: Ryan Wiggins [mailto:ryan.n.wiggins@gmail.com]
Sent: Monday, May 14, 2018 2:39 PM
To: Jernigan, Jim Marion <X2JMJERN@southernco.com>
Subject: Fwd: Street Vacate

Thanks, Jim!

----- Forwarded message -----

From: Jernigan, Jim Marion <X2JMJERN@southernco.com>
Date: Thu, Aug 31, 2017, 3:26 PM
Subject: Street Vacate
To: ryan.n.wiggins@gmail.com <ryan.n.wiggins@gmail.com>
Cc: MTillman@cityofpensacola.com <MTillman@cityofpensacola.com>

Mrs. Wiggins,

Mark Davidson forwarded me your street vacate request.

Gulf Power has existing electric distribution line facilities within the road right of way adjoining your property. Therefore, Gulf Power would need to reserve a utility easement.

Otherwise, Gulf Power has no objections or concerns. Please let me know if I may be of further assistance.

Brandi Deese

From: William Weeks
Sent: Thursday, May 24, 2018 3:50 PM
To: Brandi Deese
Subject: RE: Right-of-Way Vacation Request

No comments.

Bill

From: Brandi Deese
Sent: Thursday, May 24, 2018 1:19 PM
To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Brad Hinote <bradhinote@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOWens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; William Weeks <WWeeks@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>
Subject: FW: Right-of-Way Vacation Request

Good Afternoon –

Just a quick reminder for those who have not submitted comments on the attached right-of-way vacation request, comments are due by next Wednesday. Thanks!

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: Brandi Deese
Sent: Friday, May 11, 2018 11:35 AM
To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson (ABloxson@cityofpensacola.com) <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote (bradhinote@cityofpensacola.com) <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin (CMauldin@cityofpensacola.com) <CMauldin@cityofpensacola.com>; Derrik Owens (DOWens@cityofpensacola.com) <DOWens@cityofpensacola.com>; Diane Moore (DMoore@cityofpensacola.com) <DMoore@cityofpensacola.com>; Jerry Moore (jamoore@cityofpensacola.com) <jamoore@cityofpensacola.com>; Jordan, Scott C. <SCJORDAN@southernco.com>; Karl Fenner (KF5345@att.com) <KF5345@att.com>; KENNINGTON, STEPHEN <sk1674@att.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul Kelly (GIS) (pakelly@cityofpensacola.com) <pakelly@cityofpensacola.com>; Robbie Weekely (rweekley@cityofpensacola.com) <rweekley@cityofpensacola.com>; Ryan Novota (RNovota@cityofpensacola.com) <RNovota@cityofpensacola.com>; Sherry Morris (smorris@cityofpensacola.com) <smorris@cityofpensacola.com>; wweeks@cityofpensacola.com
Cc: Leslie Statler <LStatler@cityofpensacola.com>; Karen Lefebvre <KLefebvre@cityofpensacola.com>; Amy Hargett <ahargett@cityofpensacola.com>
Subject: Right-of-Way Vacation Request

Good Morning!

Brandi Deese

From: Brian Cooper
Sent: Friday, May 11, 2018 12:06 PM
To: Brandi Deese
Subject: Re: Right-of-Way Vacation Request

We are good

Sent from my Verizon Wireless 4G LTE DROID

Brandi Deese <bdeese@cityofpensacola.com> wrote:

Good Morning!

Please review and comment on the attached right-of-way vacation request for 18th Avenue. Please submit comments no later than Wednesday, May 30, 2018. Thanks so much!

Brandi C. Deese, AICP

Planning Services Division

City of Pensacola

PO Box 12910

Pensacola, FL 32521

Office – 850.435.1697

Fax – 850.595.1143

Brandi Deese

From: Diane Moore
Sent: Wednesday, May 30, 2018 9:13 AM
To: Brandi Deese
Cc: Don Suarez
Subject: RE: Right-of-Way Vacation Request
Attachments: 18th Ave Right of Way Vacation Application.pdf

Brandi,

Pensacola Energy has no gas facilities within the West R/W of 18th Avenue between the South R/W of Mallory and the North R/W of Moreno Street and would therefore not have any objection to the vacate request submitted.

Regards,
Diane

Diane Moore | Gas Distribution Engineer
Pensacola Energy | 1625 Atwood Drive, Pensacola, FL 32514
Desk: 850-474-5319 | Cell: 850-324-8004 | Fax: 850-474-5331
Email: dmoore@cityofpensacola.com

***Please consider the environment before printing this email.



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From: Brandi Deese
Sent: Thursday, May 24, 2018 1:19 PM
To: Andre Calaminus; Brad Hinote; Chris Mauldin; Derrik Owens; Diane Moore; Ryan J. Novota; William Weeks; Robbie Weekley
Subject: FW: Right-of-Way Vacation Request

Good Afternoon –
Just a quick reminder for those who have not submitted comments on the attached right-of-way vacation request, comments are due by next Wednesday. Thanks!

Brandi C. Deese, AICP
Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521

Brandi Deese

From: Derrik Owens
Sent: Thursday, May 24, 2018 4:11 PM
To: Sherry Morris
Cc: Brandi Deese
Subject: FW: Right-of-Way Vacation Request

Sherry,

Upon further consideration of this matter, PW&F is withdrawing our comment concerning the sidewalk replacement requirement regarding this vacation request and recommend that it be looked at as part of the programming of future sidewalks WRT connectivity. This is based upon the current consideration for the construction of new connecting sidewalks (program) throughout the City currently being addressed by Planning. As our department is not directly involved in the selection/location process for this program, we defer to Planning on the importance (or no importance) of the existing sidewalk remaining (or not remaining) for future connectivity with other potential new sidewalks in the neighborhood that may result through the ranking/selection program.

All other issues raised below will be supported by PW&F and please let me know if you have any questions or would like to discuss further.

From: Derrik Owens
Sent: Thursday, May 24, 2018 1:53 PM
To: Brandi Deese <bdeese@cityofpensacola.com>
Cc: Brad Hinote <bradhinote@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>
Subject: RE: Right-of-Way Vacation Request

It appears the applicant(s) is requesting approx. 34.5' of public r/w on the west side of 18th Ave. and the vacation will need to be limited to within 10' (minimum) of the existing back-of-curb (west side) and will result in a revised vacation request of 24.5' of public r/w. This will allow room for proper replacement/relocation of the existing 4' public sidewalk (to City standard) that will be the responsibility of the applicant(s) within 30 days of the approved vacation request. This will also ensure that driveway sections will remain in the public r/w and allow for maintenance of the relocated (new) sidewalk and required 4' grass strip between the sidewalk and back of curb. A standard perpetual public utility/access easement will also need to be recorded with the vacation, as is standard with all requests of this nature.

From: Brandi Deese
Sent: Thursday, May 24, 2018 1:19 PM
To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Brad Hinote <bradhinote@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; William Weeks <WWeeks@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>
Subject: FW: Right-of-Way Vacation Request

Good Afternoon –

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Brandi C. Deese, AICP
Planning Services Division

Brandi Deese

From: Derrik Owens
Sent: Thursday, May 24, 2018 1:53 PM
To: Brandi Deese
Cc: Brad Hinote; Ryan J. Novota
Subject: RE: Right-of-Way Vacation Request

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Sent: Thursday, May 24, 2018 1:19 PM
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Subject: FW: Right-of-Way Vacation Request

Good Afternoon –

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Brandi C. Deese, AICP

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City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: Brandi Deese
Sent: Friday, May 11, 2018 11:35 AM
To: Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson (ABloxson@cityofpensacola.com) <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote (bradhinote@cityofpensacola.com) <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin (CMauldin@cityofpensacola.com) <CMauldin@cityofpensacola.com>; Derrik Owens (DOWens@cityofpensacola.com) <DOWens@cityofpensacola.com>; Diane Moore (DMoore@cityofpensacola.com) <DMoore@cityofpensacola.com>; Jerry Moore (jamoore@cityofpensacola.com) <jamoore@cityofpensacola.com>; Jordan, Scott C. <SCJORDAN@southernco.com>; Karl Fenner (KF5345@att.com) <KF5345@att.com>; KENNINGTON, STEPHEN <sk1674@att.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul Kelly (GIS) (pakelly@cityofpensacola.com) <pakelly@cityofpensacola.com>; Robbie Weekley (rweekley@cityofpensacola.com) <rweekley@cityofpensacola.com>; Ryan Novota (RNovota@cityofpensacola.com) <RNovota@cityofpensacola.com>; Sherry Morris (smorris@cityofpensacola.com) <smorris@cityofpensacola.com>;

Brandi Deese

From: Jerry Moore
Sent: Monday, May 14, 2018 6:59 AM
To: Brandi Deese
Subject: RE: Right-of-Way Vacation Request

No objection from Sanitation.

Jerry Moore
Director, Sanitation Services & Fleet Management
City of Pensacola
850-435-1894



DIAL 311 FOR CITY SERVICES

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From: Brandi Deese
Sent: Friday, May 11, 2018 11:35 AM
To: Andre Calaminus; Annie Bloxson; Bill Kimball; Brad Hinote; Brian Cooper; Chris Mauldin; Derrik Owens; Diane Moore; Jerry Moore; Jordan, Scott C.; Karl Fenner (KF5345@att.com); KENNINGTON, STEPHEN; Miriam Woods; Paul A Kelly(GIS); Robbie Weekley; Ryan J. Novota; Sherry Morris; William Weeks
Cc: Leslie Statler; Karen Lefebvre; Amy Hargett
Subject: Right-of-Way Vacation Request

Good Morning!

Please review and comment on the attached right-of-way vacation request for 18th Avenue. Please submit comments no later than Wednesday, May 30, 2018. Thanks so much!

Brandi C. Deese, AICP

Planning Services Division
City of Pensacola
PO Box 12910
Pensacola, FL 32521
Office – 850.435.1697
Fax – 850.595.1143

From: Blanche Ferdon [<mailto:bbf1@me.com>]

Sent: Sunday, June 24, 2018 2:06 PM

To: Ashton Hayward <mayorhayward@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Ryan.N.Wiggins@gmail.com; JWiggins@gmail.com

Subject: 1771 E. Mallory Street - Sidewalks - Wiggins

Dear Mayor Hayward and City Council Members,

My name is Blanche Bell Ferdon. My father, Dr. John Bell, built the two brick homes at 1771 E. Mallory Street and 1774 E. Moreno Street, as well as the two stucco houses next door at 1758 E. Moreno Street and 1746 E. Moreno Street. I grew up in the home at 1771 E. Mallory Street, which was built in 1942.

I met the Wiggins family last year when I was visiting Pensacola for my high school reunion and they allowed me to come inside their home and walk down memory lane. They reached out to me this week to ask if I remembered who built the sidewalks surrounding the property and, as a matter of fact, I did.

As I recall, when I asked my Dad about the lack of sidewalks on the other nearby blocks, he said if a homeowner wanted sidewalks, the city would put them in, and the owner would pay for them on their monthly bill from the city, and he wanted the sidewalks. Therefore, the sidewalk that joins Moreno and Mallory Streets is not the city's investment, but my father's.

I hope this helps clear up any speculation on the matter.

Sincerely,

Blanche B. Ferdon

Mr. Butch Cook
1801 E. Mallory Street
Pensacola, FL 32503
June 26, 2018

Mayor Hayward and Pensacola City Council Members
222 West Main Street
Pensacola, FL 32502

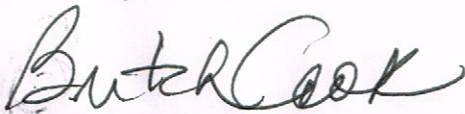
Dear Mayor Hayward and Pensacola City Council Members,

I have lived at 1801 East Mallory Street for over five years. During that time, I have never seen anyone use the sidewalk on the west side of 18th Avenue between Moreno and Mallory Streets except, perhaps, for the two owners of the two homes on that short block. What I do see are pedestrians and perambulators, cyclists and skateboarders by the score, and they all travel on the street. They cannot bike or skate on the sidewalk, and they certainly can't run on the sidewalk as they push their babies in sleek strollers designed to be used on long, flat surfaces, not on a single, inaccessible, short length of sidewalk.

As for "men who dream by day" who would have us believe that government must be legally blind in its vision of a completely accessible and connected urban environment, even when that accessibility or connection serves no purpose whatsoever, I would remind them that government should be about the people they serve, not a blind adherence to the latest socially engineered imperative.

My neighbors want to improve their properties, make a better life for themselves and stay in the home and neighborhood they love. As people served by your governance, they deserve your support and your approval of their sensible and personal request.

Sincerely,

A handwritten signature in black ink that reads "Butch Cook". The signature is written in a cursive, flowing style with a large initial "B" and a stylized "C".

Butch Cook
1801 E. Mallory Street
(850) 281-6577

Brandi Deese

From: Christian Wagley <christianwagley@gmail.com>
Sent: Sunday, June 10, 2018 6:52 PM
To: Brandi Deese
Subject: Fwd: Planning Board this week

FYI. I emailed some board members but do not have an email address for new member Victor Jordan. Can you send to me please? Thanks!

----- Forwarded message -----

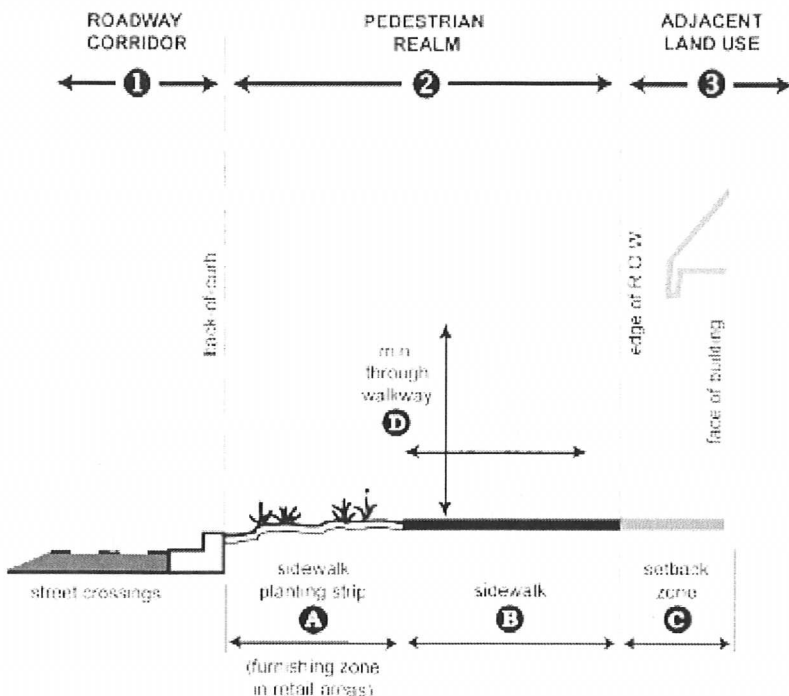
From: Christian Wagley <christianwagley@gmail.com>
Date: Sun, Jun 10, 2018 at 6:24 PM
Subject: Planning Board this week
To: pritz@bullocktice.com

Dear Paul

I hope you are well. I'm writing in regard to Item 1 on the June Planning Board agenda, which is a proposed right-of-way vacation along 18th Ave. in East Hill.

I am strongly opposed to the full proposed 34.5' vacation, as it does not allow for the safe and proper replacement of the existing sidewalk.

I agree with the staff position that a 24.5' vacation is acceptable, but only in conjunction with the replacement of the existing sidewalk at its existing width of 5'. Such vacation allows for the relocation of the sidewalk in a widely-accepted design that calls for a planting strip between the street and the sidewalk. In this case a 5' wide planting strip (which is an ideal width and should be no less than 5') is vital for sheltering the pedestrian from traffic and allows space for street trees needed for shade and traffic calming. Such an arrangement of sidewalk and planting strip is a standard best practice for community design that is utilized in cities and towns all across the country. Here is an example:



The proposed vacation site is on a city block that includes a fully intact sidewalk in excellent condition that traverses the entire perimeter of the block. It allows a resident of that block to “walk around the block” safely and pleasantly. Additionally, the sidewalk proposed for removal as part of the vacation is within one block of a city park called Operto Square, making it an important element of the city’s sidewalk network in which access to city parks is prioritized.

If the applicants are not required to replace the existing sidewalk as part of any right-of-way vacation, then the thousands of taxpayer dollars used to fund the construction of that sidewalk will have ultimately been squandered. It will also lead to another loss of connectivity to the city’s sidewalk network, at a time of enhanced pedestrian activity in Pensacola.

Finally, the thought of a pedestrian being forced into the much less safe condition of walking in the street because a public sidewalk is allowed to be removed to facilitate private use, is untenable. In the world of public infrastructure, sidewalks are perhaps our most democratic institution as they allow for safe and free movement by all--the youngest and oldest, the financially poor and the rich, and the able-bodied and the disabled. They must be protected and enhanced.

Thank you for your service, and for considering my comments.

Christian Wagley

801 East Larua St.

Pensacola, FL 32501

850-687-9968

Brandi Deese

From: Amy Hargett
Sent: Monday, June 11, 2018 10:54 AM
To: Brandi Deese
Subject: FW: input for public hearing

Amy D. Hargett
Planning Technician
Planning Services
City of Pensacola
(850) 435-1670



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From: thomas dannheisser [mailto:tomdannheisser@yahoo.com]
Sent: Monday, June 11, 2018 10:01 AM
To: Amy Hargett <ahargett@cityofpensacola.com>
Subject: input for public hearing

Dear Ms. Hargett

Thank you very much for sending me the information for the proposed road vacation on 18th Avenue in East Hill. As a property owner in East Hill and a past local government attorney I have great concerns regarding the proposal.

Typically, right-of-way vacations relate to unused abandoned areas such as alley ways that have no present or feasible future use. I have never heard of a request to actually vacate a major portion of a typical improved and utilized right-of-way.

I am sure that the applicants are fine people but the request should be denied for many reasons including but not limited to the following:

1) The vacation would set a catastrophic precedent. Every single property owner in the City would certainly desire to increase the size (and it appears in this case from the aerial by up to 50%) of their

property. The City would immediately be presented with hundreds if not thousands of similar petitions if this was ever granted.

2) The requested vacation appears to be **impossible** from a public works/utility management prospective. Almost all utilities, power, water, sewer, drainage, etc.. are typically located in the area between the "paved" roadway and the edge of the right-of-way. In fact, it would seem to be impossible to even replace or repair the paved portion of the right-of-way if the unpaved portion is vacated, because such activities require much physical work off of the paved portion. Just imagine 18th Avenue (and any/every other road in the City) where the City's ownership just off of the paved area was lost, and the right-of-way was reduced from the typical 60 feet to 20 feet in width.

Again, thank you for your assistance.

Sincerely

Tom Dannheisser



Brandi Deese

From: Thomas Douthat <tdouthat@gmail.com>
Sent: Thursday, June 07, 2018 10:50 AM
To: jared@jandmvalve.com; pritz@bullocktice.com; hesscampbell@aol.com; kurt@fire-help.org; fathernathan@gmail.com; kowens@amalighting.com; dgrundhoefer@qqarchitects.com; Public Works; Brandi Deese
Cc: Brian Spencer
Subject: Concern about abandonment of ROW and Sidewalks

Dear Planning Board:

I am writing to express my deep concern about the protection of public ROW and sidewalks in Pensacola.

Before the board is an application for a vacation of the ROW on North 18, and the removal of sidewalks.

This to me is contrary to the public policy stated in the City's Comprehensive Plan, to the safety and mobility of vulnerable populations (children, wheelchairs, etc.), and of a generally livable Pensacola.

I am not opposed to the city working with the homeowners, but not at the expense of good sidewalks, and planting strips. I am gobsmacked by the logic that past neglect of sidewalks justify abandoning ROW.

Here are examples of new construction or renovations, that has harmed, removed, or rebuilt without sidewalks:

La Rua and 12th (retaining wall), two home development on 11th and La Rua (no sidewalks on 11th), Gas Station on 12th, New duplex development on 14th and La Rua, multi-home development between Gadsden/Jackson and 12th.

All of this will be hard to dial back, but because the city has erred in past management of ROW, does not mean that it should double down. What makes Pensacola attractive is it's outdoor amenity value, and walk-able neighborhoods contribute to this.

I would be happy to have anyone of you over for coffee and take a walk with my two year old in a stroller to demonstrate the problem.

Please do your part for the future of pedestrian safety, livability, and shared spaces in Pensacola. Your decisions are about more than the needs of present owners, and will affect the city for generations to come.

Cordially,

Tom Douthat

--
Thomas Douthat
802 793 3442

Ms. Patricia Gavallas
1800 E. Moreno Street
Pensacola, FL 32503
June 26, 2018

Mayor Hayward and Pensacola City Council Members
222 West Main Street
Pensacola, FL 32502

Dear Mayor Hayward and Pensacola City Council Members,

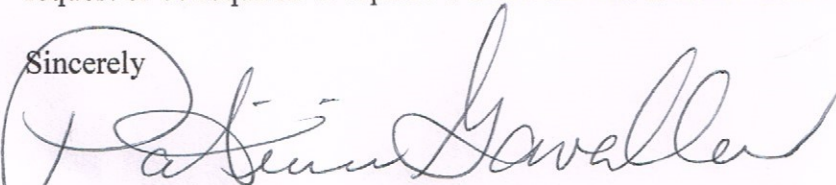
I am writing you today to ask that you consider allowing my neighbors across the street at 1771 E. Mallory Street and 1774 E. Moreno Street obtain the right of way abutting their property and thus removing the sidewalk on that block.

I was raised in my home on the corner of 18th Avenue and Moreno. I have lived here my entire life and can tell you, until Mrs. Wiggins approached me about the right of way and the sidewalk, I had forgotten there was even a sidewalk on that property. With the growing popularity of East Hill, we have had an influx of young families move into the neighborhood. While I see them walking and pushing strollers down 18th Avenue all the time, I never see anyone using the sidewalk in question. I walk on 18th Avenue almost every single day and have never considered using that sidewalk. Because it does not connect to any parks or places of interest for the public, the sidewalk is impractical and unnecessary.

Additionally, I am concerned that if my neighbors were required to replace or move the sidewalk, it would look completely out of place. Because the sidewalk does not connect to any additional sidewalks on 18th Avenue, I am concerned that a brand-new sidewalk built closer to the road would stand out in contrast to the rest of the yards on 18th Avenue. It would look as though it were a mistake or the city ran out of funds before they were able to complete the project. The aesthetics of that would be out of character and would not fit with the current appearance of 18th Avenue. I am also concerned that moving or replacing the sidewalk would force the neighbors to take down trees that provide shade and move gardens that provide beauty to the neighborhood.

I appreciate that my neighbors want to improve their property as any improvements they make will increase the property value of my own home as well. As a taxpaying citizen and thus one of the current owners of that right of way, I see no valid reason that my neighbors should be denied their request or be required to replace a sidewalk that is never used to begin with.

Sincerely

A handwritten signature in dark ink, appearing to read 'Patricia Gavallas', written over a circular stamp.

Patricia Gavallas
1800 E. Moreno Street

June 22, 2018

Mayor Hayward and Pensacola City Council Members
222 West Main Street
Pensacola, FL 32502

Dear Mayor Hayward and City Council Members,

As a resident of the 18th block of Mallory/Moreno streets, I support my neighbors at 1771 E. Mallory Street and 1774 E. Moreno Street in their petition to obtain the right of way abutting their properties. The removal of the sidewalk on this right of way will in no way impact my quality of life or my safety in the foreseeable future.

Lauren Patchariani Lauren P 1758 E. Moreno St.

Michael GARTMAN M 1717 E. Mallory St.

Katherine Gartman K 1717 E. Mallory St.

LOWELL + DEBORAH BASSETT 1746 E. MORENO ST.

Linda Price 1700 E. Moreno St. WMB in

Michael Buist 1700 E. Moreno St. WMB



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00270

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Gerald Wingate

SUBJECT:

LEASE AGREEMENT FOR PORT WAREHOUSE #9 AND #10

RECOMMENDATION:

That City Council authorize the Mayor to negotiate and execute a lease agreement for Port Warehouse #9 and #10 and approximately 6.5 acres of immediately adjacent undeveloped land with Incoa Performance Minerals, LLC.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Incoa Performance Minerals LLC is seeking lease for warehouse #9 and #10 and up to 6.5 acres of unimproved land adjacent to the warehouse for use as a state of the art import and finishing facility of calcium carbonate for domestic distribution. Warehouse # 9 and #10 are currently an unfinished 96,000 square foot building constructed and modified originally for a different tenant.

Incoa would fund the entire project and all improvements to include rehabilitation of warehouse #9 and #10, construction of rail access to the building and construction of a completely enclosed raw stone storage building south of warehouse #9/10 that will protect the products purity and eliminate potential dust. The entire project will be enclosed utilizing modern material handling equipment with state of the art dust collection from vessel offload to storage. All finished products will be exported via enclosed train car or via truck.

The base lease term proposed is 10 years with a 10-year performance based renewal and an additional 10-year mutual option renewal at a lease rate of \$3.38 per square foot on the existing warehouse and \$0.35 per square foot on the unimproved land. Terms include annual CPI-based adjustments on the rent as well as market value increases at renewal intervals. Renewals are at the mutual option of the City and the Tenant.

Incoa Performance Minerals, LLC will invest an estimated \$40 million in its first phase of construction with an estimated \$100 million in total construction costs upon completion of the plants full build out over a 10 year period. The Port and City have not been asked to contribute any capital to this project. The lease requires Incoa Performance Minerals, LLC to create 77 full time jobs over its first 10-year lease period or financial penalties will be incurred.

PRIOR ACTION:

None

FUNDING:

Budget: \$ 0

Actual: \$ None Required

FINANCIAL IMPACT:

The lease agreement with Incoa Performance Minerals, LLC will produce minimum annual revenue to the Port of \$334,080 on the base Warehouse #9. Ground rent on warehouse #10 rent $\pm$ 55,000 sq ft and $\pm$ 23,000 on the ground rent (exact amount to be determined based on final total square footage of the Tenant's improvements). Additionally, increased vessel and cargo activity associated with tenant's operations will generate cargo fees, dockage, harbor fees, and vessel security fees.

STAFF CONTACT:

Eric Olson, City Administrator
Amy Miller, Port Director

ATTACHMENTS:

- 1) Deal Points Overview -- Indigo

PRESENTATION: Yes

**PROPOSED CITY OF PENSACOLA (PORT) LEASE
WITH INCOA PERFORMANCE MINERALS**

KEY DEAL POINTS OVERVIEW

- Tenant: Incoa Performance Minerals, LLC
- Job Creation: Lease requires tenant to create a minimum of 77 full-time jobs as defined by the Florida Department of Economic Opportunity within the first 5 year lease period.
- Site: Port Warehouse #9 & #10 (96,000 sqft) plus 4½ to 6½ acres of immediately adjacent raw land south and east for construction of a 45,000-ton material storage facility.
- Term: 10-year primary lease term with one 10-year extension.
- Rent: \$3.48 per square foot, per year on Warehouse 9 & 10, (96,000 sqft / \$334,080 annually); \$0.35 per square foot, per year on the unimproved land (4.5-6.5 acres / \$68,607-\$99,099 annually).
- Rent Adjustments: Fixed rent for the first 10 years, perform market-value rent adjustment at year 10 and 20. Annual CPI-based adjustments beginning at year two (2) for base rent.
- Other Revenue: Cargo, security and vessel fees associated with tenant's operations and activities (roughly estimated at \$80,400/year for 100,000 tons of raw material imported)
- Improvements: Entire project will be tenant funded and consistent with all requirements of the M-I Zoning Designation as designated in the City of Pensacola Land Development Code
- Use: Raw feed storage, processing plant for Calcium Carbonate, bagging plant for finished product, finished product shipping.
- Claw Backs: The lease imposes financial penalties on the tenant if the job requirement is not met.
Tenant must begin construction within 12 months and complete project within 24 months or City may terminate the ground lease. Additional language would require first money spent to complete Building #10 including a construction performance bond for completion of whse #9/10 regardless project completion.
- Other: Project directly supports the indirect hire of an additional 20 employees in the Pensacola/West Florida area.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00277

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Jewel Cannada-Wynn

SUBJECT:

LETTER SUPPORTING FAST TRACKING CONSTRUCTION OF SHORT TERM SAFETY IMPROVEMENTS TO THE WEST CERVANTES STREET CORRIDOR

RECOMMENDATION:

That City Council authorize the Council President to send a letter to Phillip Gainer, Secretary of the Florida Department of Transportation, supporting fast tracking construction of the short term safety improvements identified in FDOT's West Cervantes Street Corridor Management Plan (CMP).

HEARING REQUIRED: No Hearing Required

SUMMARY:

In 2016, the Florida Department of Transportation (FDOT) prepared a Corridor Management Plan (CMP) for State Road 10A (US 90/West Cervantes St), from North A Street to Dominguez Street which included analysis of existing and future safety and travel capacity needs, local stakeholder review and recommendations, and identified options for short-term and long-term strategies and projects to improve safety and traffic flow for all modes of travel along the corridor (Complete Streets), including a road rebalancing/road diet option.

The West Cervantes Street CMP documented that more than 457 accidents occurred along the corridor between 2010 and 2015, including 147, which resulted in injury, 306 which resulted in property damage and 4 which resulted in pedestrian fatalities. Since the CMP data collection period, numerous other crashes have occurred, including a pedestrian fatality as recently as June 6, 2018. The short-term and long-term strategies and projects identified in the West Cervantes Street CMP are vital to the safety of community residents and to the regeneration of the Westside Community Redevelopment Area in accordance with the City of Pensacola's (City) adopted Westside Community Redevelopment Area Plan.

On October 7, 2017, the CRA adopted Resolution No. 2017-4 CRA supporting the short-term and long-term recommendations of the West Cervantes Street CMP, including Compete Streets, and the progression of the project through all phases by FDOT for roadway design improvements to enhance the community with an attractive streetscape, multi-modal transportation and safe pedestrian access. City Council has appropriated \$1.5 million of Local Option Sales Tax Series IV funding in Fiscal Year 2018 to support the design and construction West Cervantes Street Corridor improvements.

The urgency of the documented safety concerns along the corridor, as well as anticipated redevelopment, make the West Cervantes Street safety improvements a high priority for the local community. FDOT has identified the West Cervantes Street corridor for prioritization for funding certain of the safety improvements recommended in the CMP in the coming fiscal year.

City participation with FDOT through a Locally Funded Agreement (LFA) will accelerate and expand the scope of immediate safety improvements facilitating their construction to the fullest extent and as quickly as possible. These may include roadway and pedestrian level street lighting, mid-block crossings with safe haven refuges, upgraded traffic signalization, crosswalk enhancements, new pavement markings, new/additional traffic controls, ADA upgrades, etc. enhancements that will not require removal to construct the long-term improvements. City participation in funding the Traffic Feasibility Study (TFS) required for evaluation of the long-term roadway design improvements including Complete Streets improvements. It is proposed that the City of Pensacola enter into an Interlocal Agreement (ILA) with Escambia County to split the cost of funding the TFS in proportion to the length of the corridor that falls within each jurisdiction (36% or County/64% City).

On June 13, 2018 the Florida-Alabama TPO expressed major concerns regarding the safety of the West Cervantes Street corridor in Escambia County. The TPO has committed to do all it can to implement immediate safety measures on West Cervantes. Specifically mention are requests to reduce land widths from 11 feet to 10 or 10.5 feet, reduce the speed limit to 30 miles per hour, add designated crosswalks, push button signals and other traffic calming measures.

PRIOR ACTION:

September 20, 2017 - City Council appropriated \$1.5 million of Local Option Sales Tax Series IV funding in Fiscal Year 2018 for West Cervantes Street Corridor Improvements.

June 14, 2018 - City Council authorized the use of funds dedicated to West Cervantes Street Corridor for short term improvements

FUNDING:

Budget: \$1,500,000

Actual: \$TBD

FINANCIAL IMPACT:

After remitting the City's portion for the Traffic Feasibility Study, the remainder of the funds from the LOST IV line item are available for short term improvements.

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) W. Cervantes St. info and letter to FDOT

PRESENTATION: No

Florida-Alabama



Transportation Planning Organization

Rob Williamson
Chairman

Jeff Bergosh
Vice Chairman

P.O. Box 11399 • 32524-1399 Pensacola, FL • Street Address: 4081 E. Olive Road-Suite A • 32514
P: 850.332.7976 • 1.800.226.8914 • F: 850.637.1923 • www.wfrpc.org

June 18, 2018

Mr. Phillip Gainer, District Secretary
Florida Department of Transportation
P.O. Box 607
Chipley FL 32428

Dear Secretary Gainer:

On June 13, 2018 the Florida-Alabama TPO approved a motion in support of the enclosed Change.org petition that has been signed by over 300 citizens at the writing of this letter and may be found at:
<https://www.change.org/p/phillip-gainer-we-demand-a-safer-west-cervantes-st-now>

The Florida Alabama TPO expressed major concerns regarding the safety of the West Cervantes Street corridor in Escambia County. This month, while attempting to cross West Cervantes, two people were killed by a speeding vehicle. One of the victims was an 8 month old child. This follows several years of continued pedestrian/bicyclist injuries and deaths on this corridor. The TPO has committed to do all it can to implement immediate safety measures on West Cervantes. Specifically mentioned in the petition are requests to reduce lane widths from 11 feet to 10 or 10.5 feet, reduce speed limit to 30 miles per hour, add designated crosswalks, push button signals and other traffic calming measures.

If you have any questions concerning this matter, please contact me at 850-332-7976, Extension 228 or at marybeth.washnock@wfrpc.org.

Respectfully,

Mary Beth Washnock

WFRPC Transportation Manager

cc: FL-AL TPO Chairman Rob Williamson
Austin Mount, WFRPC Executive Director
Jack Brown, Escambia County Administrator
Eric Olson, City of Pensacola Administrator
Bryant Paulk, FDOT
Christy Johnson, FDOT

Enclosure

July X, 2018

Phillip Gainer, Secretary
Florida Department of Transportation
Highway 90 East
Chipley, Florida 32428- 0607

Dear Secretary Gainer:

The Pensacola City Council, at its July X, 2018 approved this letter supporting fast tracking construction of the short term safety improvements identified in Florida Department of Transportation's (FDOT) SR10A/US90 West Cervantes Street/Mobile Highway Corridor Management Plan (CMP).

The City of Pensacola and Escambia County commend FDOT for the affirmation action it has taken in installing 74 roadway lights along SR10A/US90 W Cervantes Street/Mobile Highway between A Street and Dominguez Street in response to our urgent safety needs. The number of pedestrian and cyclist injuries and fatalities along the corridor documented by FDOT's 2016 Corridor Management Plan has continued to rise to include four additional deaths in the first half of 2018, including the deaths of a young woman and an 8 month old infant in June. The seriousness of the West Cervantes Street safety problem makes it a high priority for the local community.

The City and County have jointly funded the \$600,000 FDOT Traffic Feasibility Study to evaluate the long term recommendations of the CMP. These recommendations include lane reduction to accommodate Complete Streets.

It is pressing that FDOT implement the short term improvements identified by the CMP right away including: mid-block crossings with safe haven refuges, upgraded traffic signalization, crosswalk enhancements, new pavement markings, new/additional traffic controls and pedestrian signage, sidewalk refurbishment, pedestrian level street lighting, and ADA upgrades to curb ramps. Additionally, restriping to narrow travel lanes and speed reduction to 30 MPH, as requested through by citizens' petition should be implemented.

It is the City Council's urgent desire that the committed local funds be used by FDOT to quickly construct these safety improvements on behalf of our citizens. As a partner with FDOT, and in order to expedite construction of the immediate improvements, the City of Pensacola has allocated an additional \$1 million in Local Option Sales Tax funding to augment any other available funding sources to quickly design and construct these improvements. A concept slide showing many of the requested improvements is attached.

We appreciate the support the Department has given the City and County in addressing this safety problem and look forward to the Department's response.

Sincerely,

Gerald Wingate, President
City of Pensacola City Council



The Pedestrian Environment



West Cervantes Street

Corridor Management Plan

Public Workshop 1 - December 2015

The initial opportunity for public involvement occurred on December 8, 2015, during the first public workshop held at the Brownsville Assembly of God. The purpose of this workshop was to inform the public of the details of the project and to receive initial thoughts and concerns by interested stakeholders. A presentation was given detailing the background of the project as well as data that had been collected to-date. Two activity boards were set up for attendees to participate in to identify general ideas about what the current issues are and what they would like to see happen on the corridor. One board allowed for participants to place stickers on improvement categories that were important to them. The other board was a Strengths, Weaknesses, Opportunities, Threats (SWOT) board which participants could write directly on. The SWOT analysis is summarized below.



Summary of S.W.O.T. Analysis from Public Workshop 1

Strengths • Potential for urban revitalization • Community awareness • Vacant retail spaces • Key corridor • High population density	Weaknesses • Lack of lighting • Vacant retail spaces • Pedestrian dangers
Opportunities • More retail stores • Area beautification • Gateways • Wider sidewalks • Parking lanes • Commercial revitalization	Threats • Sporadic non-desirable land uses • Vehicle speeds • Lack of lighting



Crash Data (2010-2015)

Crash Severity	Number of Crashes
Property Damage Only	306
Injury	147
Fatality	4

Crash Type	Number of Crashes
Rear End	168
Other	63
Left Turn	61
Angle	44
Sideswipe	42
Off Road	27
Pedestrian	24
Unknown	9
Bicycle	7
Head On	7
Right Turn	5
Total (2010-15)	457

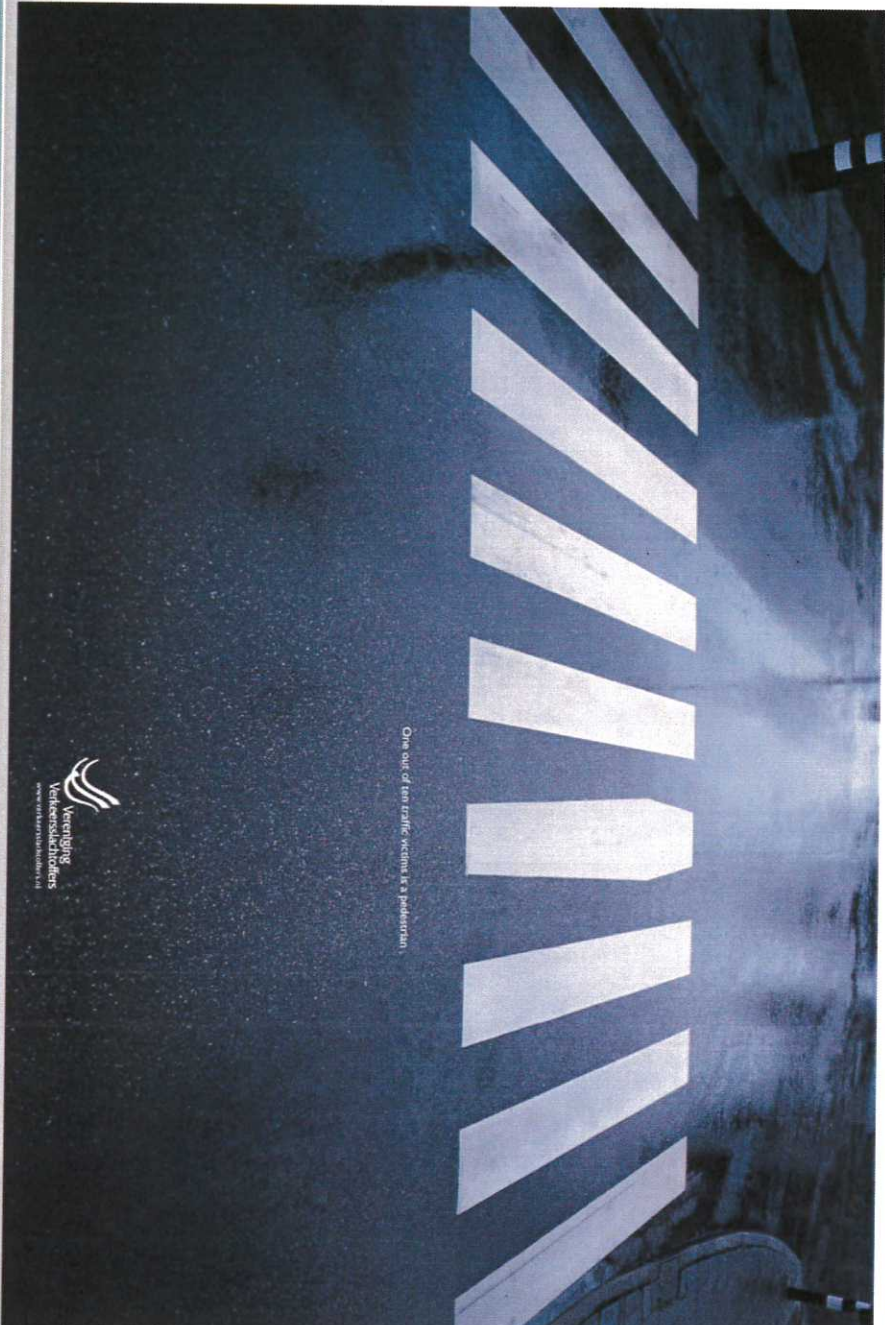


Speed is especially lethal for vulnerable users like pedestrians and people biking. The risk of injury and death increases as speed increases.



West Cervantes Street Corridor Management Plan

Pedestrian Environment



Safety: One out of ten traffic victims is a **pedestrian**.

Pedestrian Crosswalk
Safety

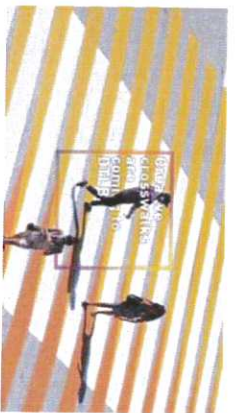
Pedestrian Crosswalk
Markings

Raised
Pedestrian Crosswalk

Pedestrian Crosswalk
Design

Artistic
Crosswalks

Pedestrian
Safety

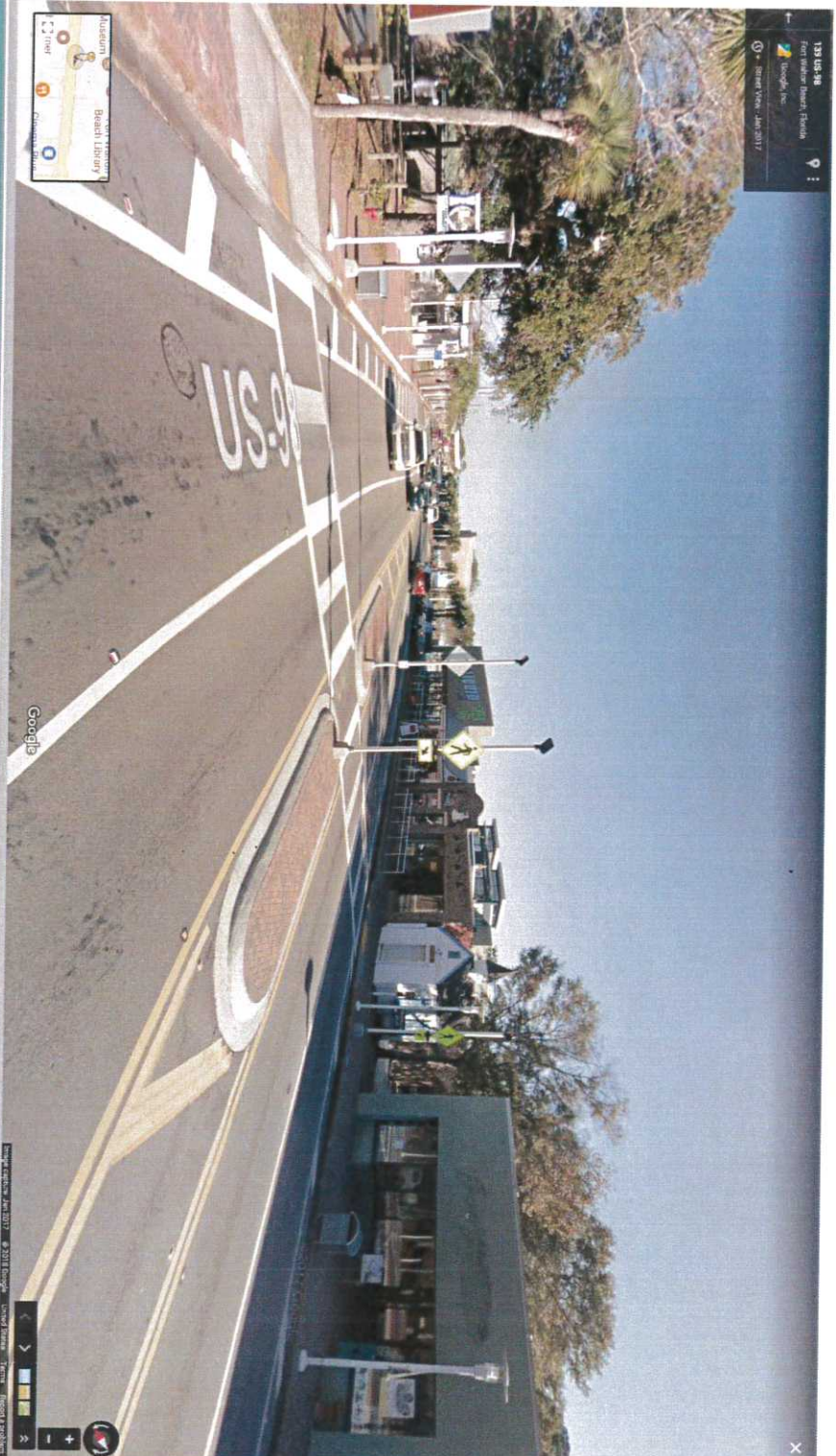




West Cervantes Street Corridor Management Plan

Pedestrian Environment

Ft. Walton Beach—US 98



<https://www.google.com/maps/@30.4038118,-86.6073613a,75y,123.4h,87.47t/data=!3m6!1e1!3m4!1s2ALs5n-1QZpeAB8urhuzxA12e0171331218i6656>

MID-BLOCK CROSSWALKS



West Cervantes Street Corridor Management Plan

Pedestrian Environment

Destin—US 98



<https://www.google.com/maps/@30.3875015,-86.4742084,3a,60y,85.06h,85.92t/data=!3m6!1e1!3m4!1seNDWWBYTxlStoMDIQ142A12e0171!3312181656>

DEDICATED MID-BLOCK CROSSWALKS



West Cervantes Street

Corridor Management Plan

Pedestrian Environment

Miami



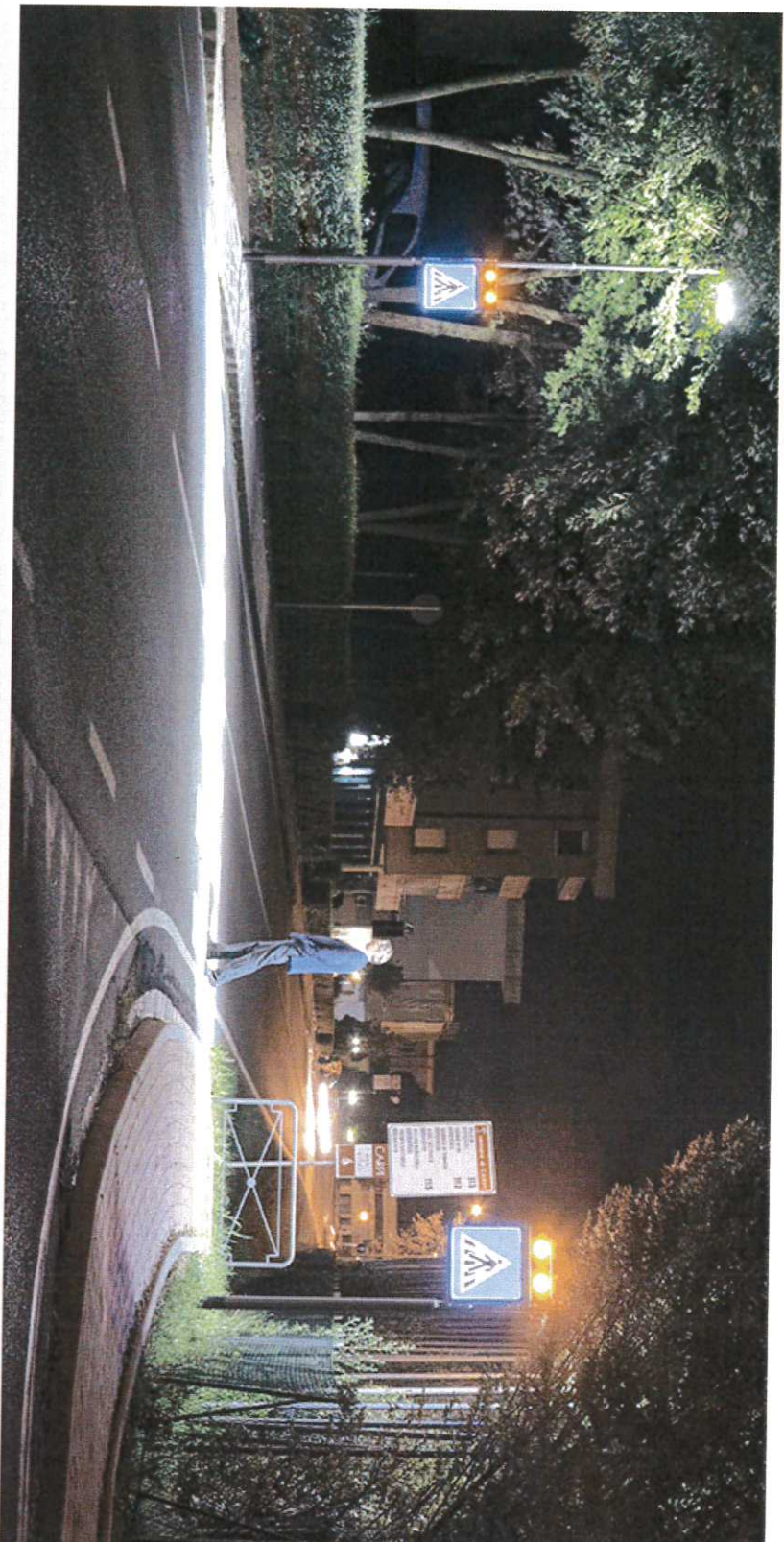
DEDICATED MID-BLOCK CROSSWALKS



West Cervantes Street

Corridor Management Plan

Pedestrian Environment



http://www.ledpedestriancrossing.com/images/ap-smart_animaz.gif?crc=476672094

Safety—Lighting Crosswalks



West Cervantes Street

Corridor Management Plan

Pedestrian Environment



Lanelight:

<https://youtu.be/HWCAJ1to3mM>

Linelight:

<https://youtu.be/1c9d1MG0P0Yg>

<https://www.lightguardsystems.com/pedestrian-crosswalk-warning-light-systems-good-better-best/>

Safety — Lighting Crosswalks



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 13-18

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Vice President Sherri F. Myers

SUBJECT:

PROPOSED ORDINANCE NO. 13-18 - AMENDING SECTION 3-3-2 - REGULATING CONTRACTING AND PURCHASE OF COMMODITIES AND SERVICES

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 13-18 - Amending Section 3-3-2 of the Code - Regulating contracting and purchase of commodities and services adding language to cover purchase of legal services, on first reading.

AN ORDINANCE AMENDING SECTION 3-3-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CONTRACTS FOR PUBLIC WORK AND PURCHASES OF OTHER COMMODITIES AND SERVICES; LOWEST AND BEST RESPONSIBLE BIDDER; REJECTION OF BIDS; APPROVAL OF COUNCIL AND MAYOR; EMERGENCY PURCHASES; REGULATING CONTRACTING AND PURCHASE OF LEGAL SERVICES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

There are no specific guidelines regulating how and when departments, staff, the City Attorney or the Mayor may purchase outside legal services. The amendments to Section 3-3-2 of the Code provides that the City Attorney approve the purchasing of outside legal services and such services be evidenced by a contract or similar binding document. These amendments will assure greater transparency and accountability in expenditures of funds for professional services.

The following was spent by the City for outside legal services from FY 2014 - FY 2017:

FY 2014 \$1,451,387.84

FY 2015 \$1,185,191.71

FY 2016 \$1,428,814.40

FY 2017 \$1,500,737.56

PRIOR ACTION:

July 17, 2014 - City Council Adopted Ordinance No. 26-14
July 18, 2014 - Ordinance No. 26-14 vetoed by the Mayor Hayward
August 28, 2014 - Vote to override Mayor's veto failed

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ordinance No. 13-18

PRESENTATION: No

PROPOSED
ORDINANCE NO. 13-18

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 3-3-2 OF THE CODE OF THE CITY
OF PENSACOLA, FLORIDA; REGULATING CONTRACTING AND
PURCHASE OF LEGAL SERVICES; PROVIDING FOR SEVERABILITY;
REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 3-3-2 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

(a) Definitions.

- (1) Commodity means any of the various supplies, materials, equipment, goods, merchandise and all other personal property purchased, leased or otherwise contracted for by the city.
- (2) Invitation to bid means a written solicitation for sealed competitive bids with the title, date, and hour of the public bid opening designated and specifically defining the commodity, group of commodities or services for which bids are sought. It includes instructions prescribing all conditions for bidding and shall be distributed to all prospective bidders simultaneously. The invitation to bid is normally used when the city is capable of specifically defining the scope of work for which a contractual service is required or when the city is capable of establishing precise specifications defining the actual commodity or group of commodities required.
- (3) Request for proposals means a written solicitation for sealed proposals with the title, date, and hour of the public opening designated. The request for proposals is normally used when it would be difficult for the city to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the city is requesting that a qualified vendor propose a commodity, group of commodities or contractual service to meet the needs of the city. A request for proposals should include, but is not limited to, general information, applicable laws and rules, functional or general specifications, statement of work, proposed instructions, and evaluation criteria. Requests for proposals should state the relative importance of price and any other evaluation criteria.

(4) Purchases of commodities and services. The purchase of commodities and services that have been specifically adopted in the annual budget within a program of a department, division, office or similar or appropriated by council may be contracted for or purchased by the mayor without further action of council. Subject to the authority granted in subsections (c) and (d), below, regarding tier one city certified small business enterprises, the purchase of or contracting for commodities or services in an amount exceeding twenty-five thousand dollars (\$25,000.00), that has not been specifically adopted in the annual budget or appropriated by council, must be approved by council prior to purchase or contract. All contracts for commodities or services that exceed a term of three years shall be approved by the City Council.

(5) **Services means all purchases other than commodities.**

- (b) Purchases of commodities and services. The purchase of commodities and services that have been specifically adopted in the annual budget or appropriated by council may be contracted for or purchased by the mayor without further action of council. Subject to the authority granted in subsections (c) and (d), below, regarding tier one city certified small business enterprises, **and subject to the provisions of subsections (i), (j) and (k) below, regarding legal services,** the purchase of or contracting for commodities or services in an amount exceeding twenty-five thousand dollars (\$25,000.00), that has not been specifically adopted in the annual budget or appropriated by council, must be approved by council prior to purchase or contract.
- (c) Public works and improvements. Any public work or improvement may be executed either by contract, or by direct labor, as may be determined by the council; if the cost does not exceed twenty-five thousand dollars (\$25,000.00), or does not exceed one-hundred thousand dollars (\$100,000.00) if contracting with a tier one city certified small business enterprise (SBE), the mayor may make the determination. Before authorizing the direct execution of any work or improvement costing more than twenty-five thousand dollars (\$25,000.00), or one hundred thousand dollars (\$100,000.00) if contracting with a tier one city-certified small business enterprise (SBE), detailed plans and estimates shall be submitted to the council by the mayor unless the council does not require same. Contracts for public work in excess of twenty-five thousand dollars (\$25,000.00), or one hundred thousand dollars (\$100,000.00) if contracting with a tier one city-certified small business enterprise (SBE), shall be signed by the mayor after approval thereof by the city council. When the invitation to bid procedure is utilized, contracts for all such works or improvements at an estimated cost in excess of twenty-five thousand dollars (\$25,000.00), or one-hundred thousand dollars (\$100,000.00) if contracting with a tier one city certified small business enterprise (SBE) or more shall be awarded to the lowest and best responsible bidder after such public advertisement and competition as may be prescribed by ordinance and there shall be a separate accounting for each work or improvement so executed. The mayor shall have the authority to reject all bids and advertise again. Contract advertisements shall contain a reservation of the foregoing right.
- (d) The mayor has the authority to award all contracts for the purchase of commodities and services with a value not in excess of twenty-five thousand dollars (\$25,000.00), or one-

hundred thousand dollars (\$100,000.00) if contracting with a tier one city certified small business enterprise (SBE) without competitive bids. Whenever the purchase of commodities or services with an estimated cost in excess of twenty-five thousand dollars (\$25,000.00), or one-hundred thousand dollars (\$100,000.00) if contracting with a tier one city certified small business enterprise (SBE) is contemplated by the city, the council shall reserve the option to utilize the invitation to bid procedure, request for proposals, informal quotes or to authorize the mayor to negotiate, depending upon which alternative is deemed by the council to be in the best interest of the city.

- (e) The mayor has the authority to award all contracts for the purchase of commodities and services with a value not in excess of twenty-five thousand dollars (\$25,000.00), or one-hundred thousand dollars (\$100,000.00) if contracting with a tier one city certified small business enterprise (SBE) without competitive bids. Whenever the purchase of commodities or services with an estimated cost in excess of twenty-five thousand dollars (\$25,000.00), or one-hundred thousand dollars (\$100,000.00) if contracting with a tier one city certified small business enterprise (SBE) is contemplated by the city, the council shall reserve the option to utilize the invitation to bid procedure, request for proposals, informal quotes or to authorize the mayor to negotiate, depending upon which alternative is deemed by the council to be in the best interest of the city.
- (f) Nothing contained herein shall be construed to prevent the city from purchasing commodities and/or services under the provisions of state purchasing contracts pursuant to F.S. § 287.042(2), as the same may be amended from time to time, from vendors at federal contract prices, and from any vendor so long as purchases are at or below listed state/federal contract price; from contracts of other municipal governments or other governmental agencies or political subdivisions providing the vendor extends the same terms and conditions of the contract to the city; or from purchasing specialized items from sole source vendors without competitive bids.
- (g) The mayor is hereby authorized to enter into any contract for services or make purchases of commodities that do not exceed twenty-five thousand dollars (\$25,000.00), or one-hundred thousand dollars (\$100,000.00) if contracting with a tier one city certified small business enterprise (SBE), in any twelve-month period. The twelve-month period limitation applies to the purchase of commodities or services from a single vendor for the same project.
- (h) All purchases are subject to availability of funds in the city's budget.
- (i) **All purchases of legal services through private attorneys, law firms or any other entity shall be approved by the city attorney. All employees, staff, department heads, the Mayor or his designee, shall submit a request in writing to the City Attorney on a form to be approved by the city council which shall include:**
 - 1) **The nature of the legal services to be provided and the issues involved,**
 - 2) **The reasons that private legal services are needed rather than those of the City Attorney,**
 - 3) **The estimated number of hours for the work and the estimated total contract amount for the purchase of the legal services if known.**

- (j) The City Attorney shall review all request for outside legal services and shall acknowledge receipt of the request within 5 working days. The City Attorney shall maintain records of all such request.
- (k) All contracts for purchases of outside legal services shall be in writing and shall be reviewed by the City Attorney. Such contracts shall be signed by the Mayor, and shall describe, among other things, the vendor, the type and scope of work, the fees to be charged and the department, office, division or other organizational unit of city government paying for the services.
- (l) Contracts, retainers, and any other document of engagement shall not be open ended, but shall be for specific legal services regarding a specific legal matter.
- (m) All contracts for the purchases of outside legal services from any one vendor, regarding a particular legal matter, which is estimated to exceed fifty thousand dollars in any one fiscal year shall be approved by the city council

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 14-18

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Vice President Sherri F. Myers

SUBJECT:

PROPOSED ORDINANCE NO. 14-18 - AMENDING SECTION 2-6-3 CODE OF ETHICS - PROHIBITIONS

RECOMMENDATION:

That City Council approved Proposed Ordinance No. 14-18 on first reading:

AN ORDINANCE AMENDING SECTION 2-6-3 CODE OF ETHICS; PROHIBITIONS; OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Amending Section 2-6-3 of the City Code by adding subsection (m) to read:

(m) No city council member shall provide gifts of any kind to council staff that exceeds fifty dollars (\$50.00) in any calendar year; including cash and campaign contributions to staff members who are employed by council in any capacity, including contract employees.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ordinance No. 14-18

PRESENTATION: No

PROPOSED
ORDINANCE NO. 14-18

ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTION 2-6-3 CODE OF ETHICS;
PROHIBITIONS; OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA;
PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND
PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1.

Sec. 2-6-3. - Prohibitions.

- (a) All provisions of the State Code of Ethics are hereby adopted and incorporated by reference into the Code of the City of Pensacola, Florida, as they currently exist upon the effective date and as they may be modified or amended from time to time.
- (b) The code of ethics adopted by the city council in its rules and procedures of the city council, effective at noon, January 10, 2011, applying to the members of council and incorporating the council's regulations of council travel policies and procedures, as that code of ethics may be altered or amended by council from time to time, is hereby adopted and incorporated by reference into this chapter.
- (c) The code of ethics, adopted by the mayor and applicable to all city employees within the mayor's employment, as provided in the City of Pensacola Employment Manual, as that code of ethics may be altered or amended by the mayor from time to time, is hereby adopted and incorporated by reference into the provisions of this chapter.
- (d) All members of council shall abstain from casting their vote and shall so declare upon the record and execute the appropriate form to be filed with the city clerk, whenever they have established that they would have an appearance of a conflict of interest by casting such vote.
- (e) The mayor shall refrain from taking any action or conferring any benefit upon any person, group of persons or entity, when to do so would create a conflict of interest or circumstances establishing the appearance of a conflict of interest. In lieu of taking such action, the mayor shall designate an alternative decision-maker who shall have no interest in the transaction, no conflict of interest and no appearance of a conflict of interest, to execute the responsibility of the office of the mayor in that matter.
- (f) An official or employee must refrain from acting upon or participating in, formally or informally, a decision-making process with respect to any matter before the city, if acting on the matter, or failing to act upon the matter, may personally or financially be of personal benefit to himself, herself or a relative or business associate.
- (g) An official or employee of the City of Pensacola may not, directly or indirectly, treat anyone, including himself or herself and his or her family or business associates, preferentially or in any other manner that is not generally accorded to city residents.

- (h) An official or employee of the City of Pensacola, or a former official or employee, a contractor or a consultant, may not disclose any confidential information obtained formally or informally as part of his or her work for the city or due to his or her position with the city, or use any such confidential information to further his or her own or any other person or entity's personal or financial interests.
- (i) No official or employee may promise an appointment or use his or her influence to obtain an appointment to any position as a reward for any political activity or contribution.
- (j) No official or employee of the City of Pensacola may use, or permit others to use, any property owned by the city for profit or personal convenience or benefit, except (i) when such use is available to the public generally, or to a class of residents, on the same terms or conditions, (ii) when permitted by policies approved by the city's legislative body or executive, or (iii) when, in the conduct of official business, used in a purely incidental way for personal convenience. This applies not only to property such as vehicles, computers, office equipment, telephones and other tangible and intangible city property, but also to travel and other expense reimbursements, which may not be requested or spent on anything other than official business of the city.
- (k) No official or employee in his or her official capacity may publicly endorse products or services in any manner that associates that official or employee with the City of Pensacola. A consultant retained by the city may not represent a person or entity other than the city in any matter, transaction, action, or proceeding in which the consultant participated personally and substantially as a consultant to the city; nor may a consultant represent a person or entity in any matter, transaction, action, or proceeding against the interest of the city unless the city provides a written waiver of any such conflict.
- (l) No person seeking to become an official or employee, consultant or contractor of the City of Pensacola may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or rendering service to the city.
- (m) No city council member shall provide gifts of any kind to council staff that exceeds fifty dollars (\$50.00) in any calendar year; including cash and campaign contributions to staff members who are employed by council in any capacity, including contract employees.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of the City Council

Attest:

City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00269

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Vice President Sherri F. Myers

SUBJECT:

ANALYSIS OF GENTRIFICATION DUE TO URBAN REVITALIZATION

RECOMMENDATION:

That City Council allocate \$200,000 to hire a consultant to perform an analysis of the impact of urban revitalization in the CRA urban core on the African American population in the city limits and that the consultant provide Council with recommendations to mitigate the dislocation, displacement, economic loss of affordable housing, and community resources in historically African American and low income communities.

HEARING REQUIRED: No Hearing Required

SUMMARY:

For the past 30 years the African American population has been decreasing due to revitalization of the City's urban core CRA. Beginning with the whole sale removal and relocation of residents of Aragon Court, the African American population continues to decline. Historically African American neighborhoods are disappearing and being replaced by predominately white, wealthy populations. In the last several years there has been a dramatic increase in housing built in what has been traditionally African American communities. The building frenzy to build more and more housing that is out of reach of many low income minorities will escalate the exodus of African Americans from the CRA urban core and west side CRA districts. All over the country communities are rising up against the unbridled gentrification of minority and low income neighborhoods. Many communities are now adopting ordinances aimed at finding ways to stabilize inner city minority communities, rather than replace and dislocating communities. In our rush to "build Pensacola" many low income neighborhoods and individuals are being left in the dust.

The hiring of a consultant to study the potential impacts, both bad and good, on low income minority neighborhoods, will provide the City Council with a road map and strategic plan to engage and empower low income and minority neighborhoods and individuals to live, work, and thrive in the communities that belong to them and that they call home.

Source of funding to be determined during council budget workshops for fiscal year 2019.

PRIOR ACTION:

None

FUNDING:

Budget: \$ 0

Actual: \$ 200,000

FINANCIAL IMPACT:

\$200,000 for consultant

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Demographic for CRA urban core population from 2000

PRESENTATION: No

Demographic Detail Summary

Geography: Urban Core CRA

Population Demographics

	2000 Census		2010 Census		2016B Estimates		2021 Projections		Percent Change 2000 to 2010 2016 to 2021	
Total Population	3,205		2,911		3,022		3,021		-9.1%	0.0%
Population Density (Pop/Sq Mi)	1384.500000		1,737.35		1,305.28		1,305.11		25.4%	0.0%
Total Households	1,447		1,471		1,509		1,528		1.6%	1.2%

Population by Gender:

Male	1,569	48.9%	1,451	49.8%	1,525	50.4%	1,536	50.8%	-7.5%	0.7%
Female	1,636	51.0%	1,460	50.1%	1,497	49.5%	1,485	49.1%	-10.7%	0.8%

Population by Race

	2000 Census		2010 Census		2016B Estimates		2021 Projections		Percent Change 2000 to 2010 2016 to 2021	
White	1,751	54.6%	1,819	62.4%	1,914	63.3%	1,900	62.8%	3.8%	0.7%
Black	1,346	41.9%	935	32.1%	928	30.6%	924	30.5%	-30.4%	0.3%
American Indian or Alaska Native	20	0.6%	16	0.5%	15	0.5%	15	0.5%	-21.2%	0.0%
Asian/Native Hawaiian/Other Pacific Islander	13	0.4%	53	1.8%	63	2.1%	70	2.3%	290.0%	9.6%
Some Other Race	8	0.2%	21	0.7%	25	0.8%	26	0.8%	166.9%	6.1%
Two or More Races	67	2.0%	66	2.2%	76	2.5%	85	2.8%	0.4%	11.7%

Population by Ethnicity

	2000 Census		2010 Census		2016B Estimates		2021 Projections		Percent Change 2000 to 2010 2016 to 2021	
Hispanic	53	1.6%	100	3.4%	119	3.9%	132	4.3%	87.1%	10.5%
Not Hispanic or Latino	3,152	98.3%	2,811	96.5%	2,903	96.0%	2,890	95.6%	-10.8%	0.4%

Population by Age

	2000 Census		2010 Census		2016B Estimates		2021 Projections		Percent Change 2000 to 2010 2016 to 2021	
0 to 4	150	4.6%	128	4.3%	132	4.3%	131	4.3%	-14.7%	0.4%
5 to 14	289	9.0%	229	7.8%	228	7.5%	240	7.9%	-20.6%	5.1%
15 to 19	132	4.1%	139	4.7%	130	4.3%	113	3.7%	5.4%	-13.2%
20 to 24	252	7.8%	247	8.5%	243	8.0%	168	5.5%	-1.8%	-31.0%
25 to 34	510	15.9%	429	14.7%	548	18.1%	602	19.9%	-15.7%	9.8%
35 to 44	474	14.7%	351	12.0%	330	10.9%	350	11.6%	-25.8%	5.9%
45 to 54	479	14.9%	514	17.6%	465	15.3%	392	12.9%	7.1%	-15.7%
55 to 64	279	8.7%	424	14.5%	458	15.1%	465	15.4%	52.0%	1.6%
65 to 74	355	11.0%	216	7.4%	254	8.4%	316	10.4%	-39.0%	24.1%
75 to 84	181	5.6%	154	5.2%	143	4.7%	151	5.0%	-15.0%	5.9%
85+	100	3.1%	76	2.6%	87	2.8%	90	2.9%	-24.5%	3.8%

Median Age:

	2000 Census		2010 Census		2016B Estimates		2021 Projections		Percent Change 2000 to 2010 2016 to 2021	
Total Population	40.6		43.1		42.0		42.1			
Households by Income										
	2000 Census		2010 Census		2016B Estimates		2021 Projections		Percent Change 2000 to 2010 2016 to 2021	
\$0 - \$15,000	455	31.4%	251	17.1%	226	15.0%	183	12.0%	-44.7%	-19.0%
\$15,000 - \$24,999	331	22.8%	259	17.6%	254	16.8%	224	14.6%	-21.5%	-11.9%
\$25,000 - \$34,999	256	17.7%	261	17.7%	245	16.2%	215	14.1%	1.9%	-11.9%
\$35,000 - \$49,999	225	15.5%	195	13.3%	195	12.9%	184	12.0%	-13.0%	-5.7%
\$50,000 - \$74,999	159	11.0%	188	12.8%	231	15.3%	251	16.4%	18.2%	8.6%
\$75,000 - \$99,999	34	2.3%	123	8.3%	128	8.5%	156	10.1%	259.7%	21.1%
\$100,000 - \$149,999	41	2.8%	136	9.2%	154	10.2%	207	13.5%	227.2%	34.4%
\$150,000 +	37	2.5%	54	3.7%	72	4.8%	105	6.9%	46.9%	45.4%
Average Hhld Income	\$37,943		\$54,183		\$58,603		\$70,074		42.7%	19.5%
Median Hhld Income	\$24,535		\$33,249		\$36,396		\$45,566		35.5%	25.1%
Per Capita Income	\$17,135		\$27,667		\$29,557		\$35,743		61.4%	20.9%
Employment										
	2000 Census		2010 Census		2016B Estimates		2021 Projections		Percent Change 2000 to 2010 2016 to 2021	
Total Population 16+	2,740		2,531		2,635		2,630		-7.6%	3.9%
Total Labor Force	1,512	55.1%	1,461	57.7%	1,492	56.6%	1,465	55.7%	-3.3%	-1.7%
Civilian, Employed	1,436	94.9%	1,336	91.4%	1,396	93.5%	1,370	93.4%	-6.9%	-1.9%
Civilian, Unemployed	52	3.4%	92	6.3%	63	4.1%	62	4.2%	76.9%	-1.4%
In Armed Forces	24	1.5%	33	2.2%	33	2.2%	34	2.3%	36.6%	2.3%
Not In Labor Force	1,228	44.8%	1,070	42.2%	1,143	43.3%	1,165	44.2%	-12.8%	1.9%
% Blue Collar	592	41.5%	425	31.8%	444	31.8%	435	31.1%	-28.1%	-2.0%
% White Collar	835	58.5%	910	68.1%	951	68.1%	934	66.8%	9.1%	-1.8%
Housing Units										
	2000 Census		2010 Census		2016B Estimates		2021 Projections		Percent Change 2000 to 2010 2016 to 2021	
Total Housing Units	1,792		1,805		1,812		1,831		0.7%	1.0%
Total Occupied Housing Units	n/a	n/a	1,471	81.5%	1,509	83.2%	1,528	83.4%	n/a	1.2%
Owner Occupied: Owned with a mortgage or loan	n/a	n/a	491	33.4%	430	28.5%	427	27.9%	n/a	0.8%
Owner Occupied: Owned free and clear	n/a	n/a	267	18.1%	297	19.6%	305	19.9%	n/a	2.7%
Renter Occupied	n/a	n/a	713	48.4%	782	51.8%	796	52.0%	n/a	1.8%
Vacant	344	19.2%	334	18.4%	304	16.7%	302	16.5%	-3.0%	0.3%
Vehicles Available										
	2000 Census		2010 Census		2016B Estimates		2021 Projections		Percent Change 2000 to 2010 2016 to 2021	
0 Vehicles Available	225	15.5%	156	10.6%	161	10.6%	162	10.6%	-30.5%	0.8%

	2000 Census		2010 Census		2016B Estimates		2021 Projections		Percent Change 2000 to 2010 2016 to 2021	
1 Vehicle Available	762	52.6%	701	47.6%	719	47.6%	729	47.7%	-8.0%	1.3%
2+ Vehicles Available	460	31.8%	614	41.7%	628	41.6%	636	41.6%	33.3%	1.3%
Average Vehicles Per Household	1.00		1.54		1.53		1.53		53.7%	0.1%

Marital Status

	2000 Census		2010 Census		2016B Estimates		2021 Projections		Percent Change 2000 to 2010 2016 to 2021	
Married, Spouse Present	687	24.8%	631	24.7%	740	27.8%	723	27.2%	-8.0%	-2.2%
Married, Spouse Absent	197	7.1%	90	3.5%	74	2.7%	76	2.8%	-54.2%	1.8%
Divorced	491	17.7%	363	14.2%	445	16.7%	446	16.8%	-25.9%	0.1%
Widowed	290	10.4%	296	11.5%	301	11.3%	306	11.5%	2.1%	1.6%
Never Married	1,102	39.8%	1,173	45.9%	1,101	41.3%	1,099	41.4%	6.3%	0.1%
Age 15+ Population	2,765		2,553		2,662		2,650		-7.6%	0.4%

Educational Attainment

	2000 Census		2010 Census		2016B Estimates		2021 Projections		Percent Change 2000 to 2010 2016 to 2021	
Grade K - 8	139	5.8%	122	5.6%	98	4.3%	97	4.1%	-11.7%	0.8%
Grade 9 - 11	448	18.8%	151	7.0%	155	6.7%	160	6.7%	-66.0%	3.2%
High School Graduate	519	21.7%	431	19.9%	469	20.5%	487	20.5%	-16.8%	3.7%
Some College, No Degree	455	19.1%	483	22.3%	464	20.3%	471	19.9%	6.1%	1.4%
Associates Degree	205	8.6%	178	8.2%	220	9.6%	232	9.8%	-13.2%	5.4%
Bachelor's Degree	356	14.9%	509	23.5%	566	24.7%	588	24.8%	43.1%	4.0%
Graduate Degree	213	8.9%	273	12.6%	298	13.0%	316	13.3%	28.4%	5.9%
No Schooling Completed	48	2.0%	16	0.7%	15	0.6%	15	0.6%	-66.2%	0.0%
Age 25+ Population	2,383		2,166		2,287		2,369		-9.0%	3.5%

Seasonal Population by Quarter

	2016 Estimates
Q2 2014	84
Q3 2014	83
Q4 2014	81
Q1 2015	96
Q2 2015	102
Q3 2015	99
Q4 2015	96
Q1 2016	107
Q2 2016	115

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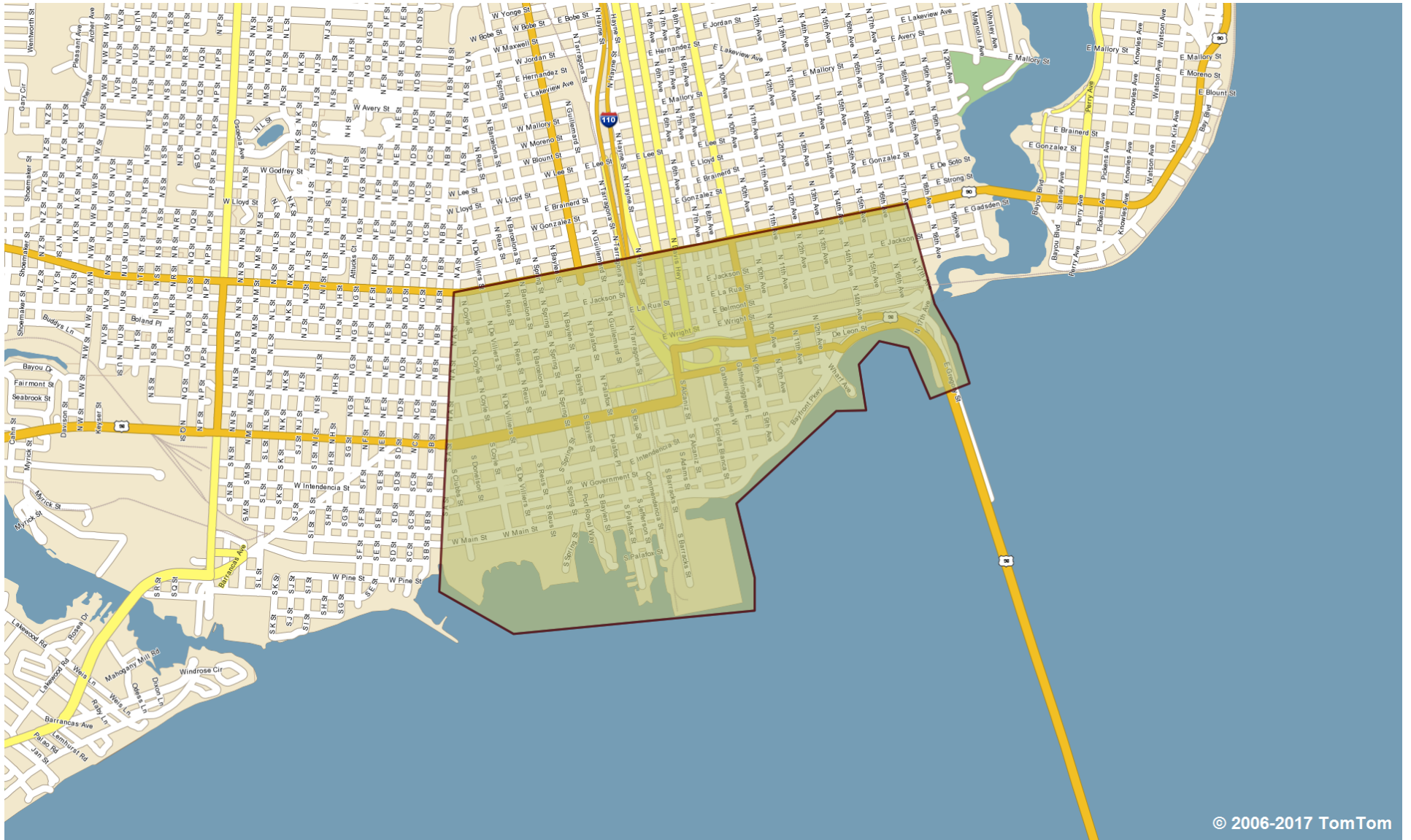
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Urban Core CRA





City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-24

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

SUPPLEMENTAL BUDGET RESOLUTION NO. 18-24 - APPROPRIATING FUNDING IN CONNECTION WITH THE SALE OF 113 NORTH "C" STREET - FORMER BLOUNT SCHOOL PROPERTY.

RECOMMENDATION:

That City Council adopt Supplemental Budget Resolution No. 18-24.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2018; PROVIDING FOR AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On September 20, 2011, the City acquired and subsequently demolished, the former Blount School building for the purpose of developing infill housing, utilizing Community Development Block Grant (CDBG) funds. The property is 2.65 acres and zoned R-1A for medium density residential land use. The intent is to provide the property for infill development of workforce housing through programs delivered by the City of Pensacola Housing Division. Redevelopment of this property will include single family detached, market based housing with a park-like amenity and enhanced storm water infrastructure. Design of the homes will be developed to fit the character of the neighborhood, enhance the housing product and provide for increased private sector reinvestment. Specifics for this zoning and land use are cited in the Land Development Code Section 12.2.4. The negotiated Development Agreement will include design stipulations and criteria to meet these goals.

The City subsequently issued a Request for Proposals (RFP) #17-021 for the sale and redevelopment of the former Blount School property. On June 8, 2017 Council authorized the Mayor to negotiate and execute a contract and development agreement with ParsCo, LLC, with the stipulation that the green space for a common area be omitted.

On December 14, 2017 City Council approved the contract between ParsCo and the City of Pensacola for sale and development agreement of the property located at 113 North "C" Street (Parcel ID number 00-0S-00-9080-001-018) and that 100 percent of the proceeds, after costs associated with the final transaction, is allocated to

the Housing Initiatives Fund.

PRIOR ACTION:

September 8, 2011 - City Council approved acquisition of the property located at 113 North “C” Street

March 22, 2012 - City Council approved the Interlocal Agreement with Escambia County providing for the assisted demolition/clearance of the Old Blount School property.

June 14, 2012 - City Council approved the award of bid for the demolition of the former Blount Middle School.

January 12, 2017 - City Council declared as surplus the property located at 113 North “C” Street and authorized the Mayor to dispose of the property through a Request for Proposals.

June 8, 2017 - City Council authorized the Mayor to negotiate and execute a contract and development agreement with ParsCo, LLC.

December 14, 2017 - City Council approved the contract and sale of 113 North “C” Street and allocated one-hundred percent of the proceeds, after costs associated with the final transaction, to the Housing Initiatives Fund.

FUNDING:

Budget: \$ 126,667

Actual: \$ 126,667

FINANCIAL IMPACT:

One-hundred percent of the proceeds from the sale of 113 North “C” Street, after costs associated with the final transaction, will be allocated to the Housing Initiatives Fund. Approval of the supplemental budget resolution will appropriate the proceeds in the Housing Initiatives Fund.

CITY ATTORNEY REVIEW: Yes

6/28/2018

STAFF CONTACT:

Eric W. Olson, City Administrator
Keith Wilkins, Assistant City Administrator
Richard Barker, Jr., Chief Financial Officer

ATTACHMENTS:

- 1) Supplemental Budget Resolution No. 18-24
- 2) Supplemental Budget Explanation No. 18-24

PRESENTATION: No

**RESOLUTION
NO. 18-24**

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2018; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA

SECTION 1. The following appropriations from funds on hand in the fund accounts stated below, not heretofore appropriated, and transfer from funds on hand in the various accounts and funds stated below, heretofore appropriated, be, and the same are hereby made, directed and approved to-wit:

A. GENERAL FUND - HOUSING INITIATIVES FUND

As Reads	Sale of Assets	125,725
To:		
Reads	Sale of Assets	252,392
As Reads	Operating Expenses	35,725
To:		
Reads	Operating Expenses	162,392

SECTION 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. This resolution shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

THE CITY OF PENSACOLA

JULY 2018 - SUPPLEMENTAL BUDGET RESOLUTION - SALE OF 113 NORTH "C" STREET - FORMER BLOUNT SCHOOL PROPERTY - RES NO. 18-24

FUND	AMOUNT	DESCRIPTION
GENERAL FUND - HOUSING INITIATIVES FUND		
Estimated Revenues		
Sale of Assets	126,667	Increase estimated revenue from Sale of Assets
Total Revenues	<u>126,667</u>	
Appropriations		
Operating Expenses	<u>126,667</u>	Increase appropriation for Operating Expenses
Total Appropriations	<u>126,667</u>	



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00275

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Vice President Sherri F. Myers

SUBJECT:

REQUEST FOR LEGAL OPINION REGARDING TAXING CIGARETTES, INCLUDING E-CIGARETTES

RECOMMENDATION:

That City Council request a legal opinion from the City Attorney regarding the City's ability to impose a tax on cigarettes, including e-cigarettes, and that the opinion be delivered to City Council no later than Friday July 27, 2018.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Request for a legal opinion regarding the City's ability to impose a tax.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: No



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00253

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

FY17 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) - DRUG ENFORCEMENT ADMINISTRATION (DEA) FEDERAL GRANT AWARD #G17GC0007A

RECOMMENDATION:

That City Council approve and authorize the Mayor to execute the acceptance of the FY 17 High Intensity Drug Trafficking Area (HIDTA) between the Santa Rosa County Sheriff's Office (SRCSO) being the fiscal agent on behalf of the Gulf Coast High Intensity Drug Trafficking Area for the Drug Enforcement Administration in the amount of \$26,153. Further, that City Council authorize the Mayor to take all actions necessary relating to the finalization of the grant. Finally, that City Council approve a supplemental budget resolution appropriating the grant funds

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Pensacola Police Department is a resource recipient under the State of Florida High Intensity Drug Trafficking Area (HIDTA) Program-95.001. Under this agreement, the Pensacola Police Department will be incurring reimbursable expenses under the program to include overtime, fringe benefits, and vehicle expenses. Santa Rosa County Sheriff's Office (SRCSO) is the fiscal agent on behalf of the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) and as such will be reimbursing the City for expenditures incurred under this agreement.

The purpose of this program is to reduce drug trafficking and drug production by facilitating cooperation among Federal, state, local, and tribal law enforcement agencies sharing information, and implementing coordinated enforcement activities; enhancing law enforcement intelligence sharing; providing reliable law enforcement intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and supporting coordinated law enforcement strategies which maximize the use of available resources to reduce the supply of illegal drugs in designated areas and in the United States as a whole.

PRIOR ACTION:

None

FUNDING:

Budget: \$26,153

Actual: \$26,153

FINANCIAL IMPACT:

The grant award for \$26,153.00 is under the sub-recipient agreement for the FY17 High Intensity Drug Trafficking Area (HIDTA). The composition of the award is \$ 17,753 for overtime and fringe benefits, and \$8,400 for vehicle expenses to be reimbursed by the Santa Rosa County Sheriff's Office (SRCSO) as fiscal agent upon approval of the HIDTA Director of Operations for Alabama and Northwest Florida. Approval of the supplemental budget resolution will appropriate the HIDTA grant funds.

CITY ATTORNEY REVIEW: Yes

6/28/2018

STAFF CONTACT:

Eric W. Olson, City Administrator
Tommi Lyter, Chief of Police

ATTACHMENTS:

- 1) Santa Rosa County Sheriff's Office Letter for MOA
- 2) Sub-grantee Memorandum of Agreement - Santa Rosa County Sheriff's Office (SRCSO)
- 3) Supplemental Budget Resolution
- 4) Supplemental Budget Explanation

PRESENTATION: No



Santa Rosa Sheriff's Office

Sheriff Bob Johnson

NARCOTICS UNIT
P.O. BOX 7129
MILTON, FL 32572
PHONE (850) 981-2140
FAX (850) 981-2150

June 12, 2018

Chief Tommi Lyter
Pensacola Police Department
711 N. Hayne Street
Pensacola, Florida 32501

Dear Chief Lyter:

Enclosed please find your FY 17 and FY 18 HIDTA Sub-grantee Memorandum of Agreement (MOA). Please have the appropriate official sign the agreements and return them to me or Sheriff Johnson. A copy of the award letters are also enclosed for your files with your approved budgets and the budget modifications that were made.

As with the FY 16 grant award, we are required to have the following certifications (also enclosed): Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Certification Requiring Drug Free Workplace, Certification Regarding Lobbying, and EEOP Certification. Please have the appropriate official fill out and sign all of these certifications and return with your MOA.

I would like to apologize for the inconvenience of your having to sign the MOA's/certifications for two fiscal years. It was just brought to my attention last week that the MOA's were not done at the time of the FY17 grant award, February 6, 2017 and the FY18 grant award on February 26, 2018. I was hired in January 2017 when Sheriff Johnson took office and was not aware my predecessor had completed the MOA's for FY16 and the responsibility is now mine.

Our Chief Financial Officer, Debbie Shows, informed me that everything financial has been proceeding smoothly with the grant since it started in 2016 but we need to have a new agreement on file for each grant period. Thank you for your attention to this matter and please do not hesitate to call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Marcia Arnold".

Marcia Arnold
Administrative Clerk
SRCSO Narcotics Unit
marnold@srsso.net

MEMORANDUM OF AGREEMENT
BETWEEN THE
SANTA ROSA COUNTY SHERIFF'S OFFICE
AND THE
PENSACOLA POLICE DEPARTMENT

This Agreement between the Santa Rosa County Sheriff's Office (SRCSO) and the Resource Recipient Pensacola Police Department shall begin January 1, 2017 and shall not extend beyond December 31, 2018 unless the period is extended by modification to this Agreement.

WHEREAS, the above named agency is a resource recipient under the State of Florida High Intensity Drug Trafficking Area (HIDTA) Program-95.001 and is incurring reimbursable expenses under the program.

WHEREAS, SRCSO has been designated as the fiscal agent for the State of Florida High Intensity Drug Trafficking Area (HIDTA) Program-95.001 and all requests for payments and budget reprogramming shall pass through SRCSO.

NOW THEREFORE, SRCSO and Gulf Coast HIDTA hereby agree to the disbursement of HIDTA funds in an amount not to exceed \$26,153.00 to the resource recipient under the following terms and conditions:

1. This award is subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200 (the "Part 200 Uniform Requirements"), as adopted and implemented by the Office of National Drug Control Policy (ONDCP) in 2 C.F.R. Part 3603.

For this 2017 award, the Part 200 Uniform Requirements supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225 and 230.

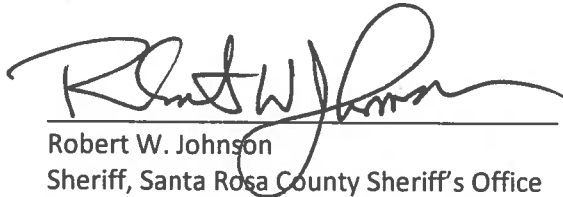
2. The resource recipient agrees to abide by and be bound by the attached budget for purchases including future reprogramming requests as approved by SRCSO and Gulf Coast HIDTA. All reprogramming requests shall be submitted by email to the High Intensity Drug Trafficking Area HIDTA Financial Manager and Director. The request will be sent to SRCSO for approval.

3. Request for payment shall be submitted to the SRCSO financial office through the HIDTA Financial Manager at the following address by the 15th of the month following the end of the claim period:

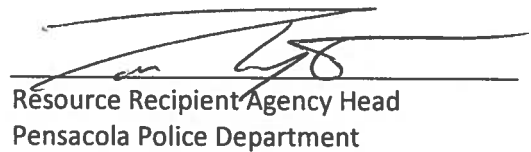
ATTN: Nick Forte
HIDTA Director of Operations Alabama & NW Florida
Gulf Coast HIDTA
2350 Fairlane Drive, Suite 200
Montgomery, AL 36116

4. The resource recipient agrees to sign all applicable items attached to this document to include EEOP Certification, Certification Regarding Lobbying, Certification Regarding Debarment, Certification Regarding Drug Free Work Place and Grant Conditions.
5. SRCSO agrees to disburse funds to the resource recipient after the request has been approved by the HIDTA Management staff and the SRCSO financial officer.
6. The resource recipient agrees to reimburse SRCSO for any amount paid by SRCSO which is later disallowed after audit or financial review.

IN WITNESS WHEREOF, the parties acknowledge the Agreement as evidenced by the signatures below.


Robert W. Johnson
Sheriff, Santa Rosa County Sheriff's Office

6-11-18
Date


Resource Recipient Agency Head
Pensacola Police Department

6-18-18
Date

Budget Detail

2017 - Gulf Coast

Initiative - NW Florida Drug Task Force

Award Recipient - Santa Rosa County Sheriff's Office (G17GC0007A)

Resource Recipient - Pensacola Police Department

Indirect Cost: 0.0%

Awarded Budget (as approved by ONDCP)		\$108,612.00
Overtime	Quantity	Amount
Investigative - Law Enforcement Officer	1	\$17,753.00
Total Overtime		\$17,753.00
Services	Quantity	Amount
Vehicle allowance	1	\$8,400.00
Total Services		\$8,400.00
Total Budget		\$26,153.00

CERTIFICATION FORM

Recipient Name and Address: _____

Grant Title: _____ Grant Number: _____ Award Amount: _____

Contact Person Name and Title: _____ Phone Number: () _____

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP), its component agencies, and the Office of Community Oriented Policing Services (COPS) to prepare, maintain on file, submit to OJP for review, and implement an Equal Employment Opportunity Plan (EEOP) in accordance with 28 C.F.R §§ 42.301-.308. The regulations exempt some recipients from all of the EEOP requirements. Other recipients, according to the regulations, must prepare, maintain on file and implement an EEOP, but they do not need to submit the EEOP to OJP for review. Recipients that claim a complete exemption from the EEOP requirement must complete **Section A** below. Recipients that claim the limited exemption from the submission requirement, must complete **Section B** below. **A recipient should complete either Section A or Section B, not both.** If a recipient receives multiple OJP or COPS grants, please complete a form for each grant, ensuring that any EEOP recipient certifies as completed and on file (if applicable) has been prepared within two years of the latest grant. Please send the completed form(s) to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, N.W., Washington, D.C. 20531. For assistance in completing this form, please call (202)307-0690 or TTY (202) 307-2027.

Section A- Declaration Claiming Complete Exemption from the EEOP Requirement. *Please check all the boxes that apply.*

- | | |
|--|---|
| ☐ Recipient has less than 50 employees,
☐ Recipient is a non-profit organization,
☐ Recipient is a medical institution, | ☐ Recipient is an Indian tribe,
☐ Recipient is an educational institution, or
☐ Recipient is receiving an award less than \$25,000 |
|--|---|

I, _____ [responsible official], certify that
_____ [recipient] is not required to
prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R §42.302. I further certify that
_____ [recipient] will comply with applicable Federal civil rights
laws that prohibit discrimination in employment and in the delivery of services.

Print or type Name and Title

Signature

Date

Section B- Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review.

If a recipient agency has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to OJP for review as long as it certifies the following (42 C.F.R. § 42.305):

I, _____ [responsible official], certify that
the _____ [recipient], which has 50 or more
employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an
EEOP in accordance with 28 CFR §42.301, *et seq.*, subpart E. I further certify that the EEOP has been formulated and
signed into effect within the past two years by the proper authority and that it is available for review. The EEOP is on file in
the office of: _____ [organization],
at _____ [address], for review by the public and
employees or for review or audit by officials of the relevant state planning agency or the Office for Civil Rights, Office of
Justice Programs, U. S. Department of Justice, as required by relevant laws and regulations.

Print or type Name and Title

Signature

Date

CERTIFICATION REGARDING LOBBYING

Each applicant shall file this certification and disclosures form if applicable, with each submission that initiates agency consideration of such applicant for an award of a LETS contract, grant or cooperative agreement of \$100,000 or more.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal Agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any non-Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall initial here _____ and complete and submit Standard Form # LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers and that all sub-recipients shall certify and disclose accordingly.

Signature of Authorized Official

Date

Title

Certification Regarding Drug Free Workplace Requirements Grantees Other Than Individuals

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 28 CFR Part 67, subpart F. The regulation, published in the January 31, 1989 Federal Register, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government wide suspension or debarment (see 28 DFR part 67, Sections 67.615 and 67.620).

The grantee certifies that it will provide a drug free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- (b) Establishing a drug free awareness program to inform employees about --
 - 1. The dangers of drug abuse in the workplace.
 - 2. The grantee's policies of maintaining a drug free workplace.
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs.
 - 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - 1. Abide by the terms of the statement.
 - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
 - 1. Taking appropriate personnel action against such an employee, up to and including termination.
 - 2. Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- (g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

Place(s) of Performance: The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (Street Address, City, County, State, Zip Code):

_____	_____	_____	_____	_____
Street Address	City	County	State	Zip Code
_____	_____	_____	_____	_____
Street Address	City	County	State	Zip Code
_____	_____	_____	_____	_____
Street Address	City	County	State	Zip Code
_____		_____		
Organization Name		Applicant or Grant Number		

Name and Title of Authorizing Representative				
_____		_____		
Signature		Date		

**Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions
(Sub-Recipient)**

- 1 By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certifications this clause is a materiel representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage section of rules implementing Executive Order 12549.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Non-procurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

This certification is required by the regulations implementing Executive Order 12549, Debarment and suspension, 28 CFR Part 67, Section 67.510, Participants' Responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160 - 19211)

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principles are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in these certification, such prospective participant shall attach an explanation to this proposal.

(Type or Print Name and Title of Authorized Representative)

(Signature of Authorized Representative)

Date

(Name of Organization)

(Address of Organization)

COPY



February 6, 2017

Sheriff Wendell Hall
Santa Rosa County Sheriff's Office
PO BOX 7129
Milton, FL 32572-7129

Dear Wendell Hall:

We are pleased to inform you that your request for funding from the High Intensity Drug Trafficking Areas (HIDTA) Program has been approved, and a grant (Grant Number G17GC0007A) has been awarded in the amount of \$62,235. This grant will support initiatives designed to implement the Strategy proposed by the Executive Board of the Gulf Coast HIDTA and approved by the Office of National Drug Control Policy (ONDCP).

The original Grant Agreement, including certain Special Conditions, is enclosed. By accepting this grant, you assume the administrative and financial responsibilities outlined in the enclosed Grant Conditions, including the timely submission of all financial and programmatic reports, the resolution of audit findings, and the maintenance of a minimum level of cash-on-hand. Should your organization not adhere to these terms and conditions, ONDCP may terminate the grant for cause or take other administrative action.

If you accept this award, please sign both the Grant Agreement and the Grant Conditions and return a copy to:

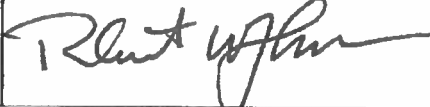
Finance Unit
National HIDTA Assistance Center
11200 NW 20th Street, Suite 100
Miami, FL 33172
(305) 715-7600
Or via email to your respective NHAC accountant.

Please keep the original copy of the Grant Agreement and Grant Conditions for your file. If you have any questions pertaining to this grant award, please contact Richelle Perazich at (202) 395-5525.

Sincerely,

Michael K. Gottlieb

Michael K. Gottlieb
Associate Director

Executive Office of the President Office of National Drug Control Policy		Grant Agreement	
1. Recipient Name and Address Wendell Hall Santa Rosa County Sheriff's Office PO BOX 7129 Milton, FL 32572-7129		4. Award Number (FAIN): G17GC0007A	
		5. Period of Performance: From 01/01/2017 to 12/31/2018	
2. Total Amount of the Federal Funds Obligated: \$62,235	6. Federal Award Date: February 6, 2017	7. Action: Initial	
2A. Budget Approved by the Federal Awarding Agency \$62,235	8. Supplement Number		
3. CFDA Name and Number: <i>High Intensity Drug Trafficking Areas Program - 95.001</i>	9. Previous Award Amount:		
3A. Project Description <i>High Intensity Drug Trafficking Areas (HIDTA) Program</i>	10. Amount of Federal Funds Obligated by this Action: \$62,235		
	11. Total Amount of Federal Award: \$62,235		
12. Consistent with P.L. 114-254, the Continuing Appropriations Resolution, 2017, this document provides a total budget and spending ceiling as reflected in Block 10 of the Grant Award document, which represents funding at a rate of 57.3% of the fiscal year 2016 funding level. Accordingly, the sum of all budgets cannot exceed the award amount reflected in Block 10 of the Grant Award document. The Office of National Drug Control Policy acknowledges that the aforementioned funding level is below the stated budget requirements; however, additional funding cannot be made available until enacted through public law.			
13. Statutory Authority for Grant: <i>Public Law 114-254</i>			
AGENCY APPROVAL		RECIPIENT ACCEPTANCE	
14. Typed Name and Title of Approving Official Michael K. Gottlieb Associate Director Office of National Drug Control Policy		15. Typed Name and Title of Authorized Official Sheriff Robert W. Johnson : Santa Rosa County Sheriff's Office	
16. Signature of Approving ONDCP Official Michael K. Gottlieb		17. Signature of Authorized Recipient/Date  2-7-17	
AGENCY USE ONLY			
18. Accounting Classification Code DUNS: 061419599 EIN: 1596002642A1		19. HIDTA AWARD OND1070DB1718XX OND6111 OND2000000000 OC 410001	

GRANT CONDITIONS

A. General Terms and Conditions

1. This award is subject to The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200 (the "Part 200 Uniform Requirements"), as adopted and implemented by the Office of National Drug Control Policy (ONDCP) in 2 C.F.R. Part 3603. For this 2016 award, the Part 200 Uniform Requirements supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225, and 230.

For more information on the Part 200 Uniform Requirements, see <https://cfo.gov/cofar/>. For specific, award-related questions, recipients should contact ONDCP promptly for clarification.

2. This award is subject to the following additional regulations and requirements:
 - 28 CFR Part 69 – "New Restrictions on Lobbying"
 - Conflict of Interest and Mandatory Disclosure Requirements, set out in paragraph 7 of these terms and conditions
 - Non-profit Certifications (when applicable)
3. Audits conducted pursuant to 2 CFR Part 200, Subpart F, "Audit Requirements" must be submitted no later than nine months after the close of the grantee's audited fiscal year to the Federal Audit Clearinghouse at <https://harvester.census.gov/facweb/>.
4. Grantees are required to submit Federal Financial Reports (FFR) to the Department of Health and Human Services, Division of Payment Management (HHS/DPM). Federal Financial Report is required to be submitted quarterly and within 90 days after the grant is closed out.
5. The recipient gives the awarding agency or the Government Accountability Office, through any authorized representative, access to, and the right to examine, all paper or electronic records related to the grant.
6. Recipients of HIDTA funds are not agents of ONDCP. Accordingly, the grantee, its fiscal agent (s), employees, contractors, as well as state, local, and Federal participants, either on a collective basis or on a personal level, shall not hold themselves out as being part of, or representing, the Executive Office of the President or ONDCP.

These general terms and conditions, as well as archives of previous versions of the general terms and conditions, are available online at www.whitehouse.gov/ondcp/grants.

7. Conflict of Interest and Mandatory Disclosures

A. Conflict of Interest Requirements

As a non-Federal entity, you must follow ONDCP's conflict of interest policies for Federal awards. Recipients must disclose in writing any potential conflict of interest to an ONDCP Program Officer; recipients that are pass-through entities must require disclosure from subrecipients or contractors. This disclosure must take place immediately whether you are an applicant or have an active ONDCP award.

The ONDCP conflict of interest policies apply to sub-awards as well as contracts, and are as follows:

- i. As a non-Federal entity, you must maintain written standards of conduct covering conflicts of interest and governing the performance of your employees engaged in the selection, award, and administration of subawards and contracts.
- ii. None of your employees may participate in the selection, award, or administration of a subaward or contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an organization considered for a sub-award or contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from subrecipients or contractors or parties to subawards or contracts.
- iii. If you have a parent, affiliate, or subsidiary organization that is not a state, local government, or Native American tribe, you must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, you are unable or appear to be unable to be impartial in conducting a sub-award or procurement action involving a related organization.

B. Mandatory Disclosure Requirement

As a non-Federal entity, you must disclose, in a timely manner, in writing to ONDCP all violations of Federal criminal law involving fraud, bribery or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award that includes the term and condition outlined in 200 CFR Part 200, Appendix XII "Award Term and Condition for Recipient Integrity and Performance Matters," are required to report certain civil, criminal, or administrative proceedings to System for Award Management (SAM). Failure to make required disclosures can result in remedies such as: temporary withholding of payments pending correction of the deficiency, disallowance of all or part of the costs associated with noncompliance, suspension, termination of award, debarment, or other legally available remedies outlined in 2 CFR 200.338 "Remedies for Noncompliance".

8. Federal Funding Accountability and Transparency (FFATA) / Digital Accountability and Transparency Act (DATA Act). Each applicant is required to (i) Be registered in SAM before submitting its application; (ii) provide a valid DUNS number in its application; (iii) continue to maintain an active System for Award Management registration with current information at all times during which it has an active Federal award; and (iv) provide all relevant grantee information required for ONDCP to collect for reporting related to FFATA and DATA Act requirements.
9. Subawards are authorized under this grant award. Subawards must be monitored by the award recipient as outlined in 2 CFR 200.331.

10. Recipients must comply with the Government-wide Suspension and Debarment provision set forth at 2 CFR Part 180, dealing with all sub-awards and contracts issued under the grant.
11. As specified in the HIDTA Program Policy and Budget Guidance, recipient must:
 - a) Establish and maintain effective internal controls over the Federal award that provides reasonable assurance that Federal award funds are managed in compliance with Federal statutes, regulations and award terms and conditions. These internal controls should be in compliance with the guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States and the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
 - b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
 - c) Evaluate and monitor compliance with applicable statute and regulations, and the terms and conditions of the Federal award.
 - d) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
 - e) Take reasonable measures to safeguard protected PII and other information ONDCP or the recipient designates consistent with applicable Federal, state, and local laws regarding privacy and obligations of confidentiality.

B. Recipient Integrity and Performance Matters

Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain and report current information to the SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition (below). This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent 5 year period; and
- c. Is one of the following:

- (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition (below);
- (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
- (3) An administrative proceeding, as defined in paragraph 5 of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
- (4) Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
 - (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent 5 year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and state level, but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—
 - (1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

(2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

C. Program Specific Terms and Conditions

The following special conditions are incorporated into each award document.

1. This grant is awarded for above program. Variation from the description of activities approved by ONDCP and/or from the budget attached to this letter must comply with the reprogramming requirements as set forth in ONDCP's HIDTA Program Policy and Budget Guidance (PPBG).
2. This award is subject to the requirements in ONDCP's HIDTA PPBG.
3. No HIDTA funds shall be used to supplant state or local funds that would otherwise be made available for the same purposes.
4. The requirements of 28 CFR Part 23, which pertain to information collection and management of criminal intelligence systems, shall apply to any such systems supported by this award.
5. Special accounting and control procedures must govern the use and handling of HIDTA Program funds for confidential expenditures; i.e., the purchase of information, evidence, and services for undercover operations. Those procedures are described in Section 6 of the HIDTA Program Policy and Budget Guidance.
6. Property acquired with these HIDTA grant funds is to be used for activities of the Gulf Coast HIDTA. If your agency acquires property with these funds and then ceases to participate in the HIDTA, this equipment must be made available to the HIDTA's Executive Board for use by other HIDTA participants.
7. All law enforcement entities that receive funds from this grant must report all methamphetamine laboratory seizure data to the National Clandestine Laboratory Database/National Seizure System at the El Paso Intelligence Center.

D. Federal Award Performance Goals

1. All entities that receive funds from this award are responsible for achieving performance goals established in the HIDTA Performance Management Process (PMP) and approved by the HIDTA's Executive Board and ONDCP.
2. All entities that receive funds from this award must report progress in achieving performance goals at least quarterly using the PMP.

See also Section A. 4 regarding Federal Financial Reports.

E. Payment Basis

1. A request for Advance or Reimbursement shall be made using the HHS/DPM system (www.dpm.psc.gov).
2. The grantee, must utilize the object classes specified within the initial grant application each time they submit a disbursement request to ONDCP. Requests for payment in the DPM system will not be approved unless the required disbursements have been entered using the corresponding object class designations. Payments will be made via Electronic Fund Transfer to the award recipient's bank account. The bank must be Federal Deposit Insurance Corporation (FDIC) insured. The account must be interest bearing.

3. Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450), awardees and sub-awardees shall promptly, but at least annually, remit interest earned on advances to HHS/DPM using the remittance instructions provided below.

Remittance Instructions - Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds. Pertinent details include the Payee Account Number (PAN), reason for check (remittance of interest earned on advance payments), check number (if applicable), awardee name, award number, interest period covered, and contact name and number. The remittance must be submitted as follows:

Through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment.

(i) For ACH Returns:

Routing Number: 051036706

Account number: 303000

Bank Name and Location: Credit Gateway—ACH Receiver St. Paul, MN

(ii) For Fedwire Returns*:

Routing Number: 021030004

Account number: 75010501

Bank Name and Location: Federal Reserve Bank Treas NYC/Funds Transfer Division New York, NY

(* Please note organization initiating payment is likely to incur a charge from your Financial Institution for this type of payment)

For recipients that do not have electronic remittance capability, please make check** payable to: "The Department of Health and Human Services."

Mail Check to Treasury approved lockbox:

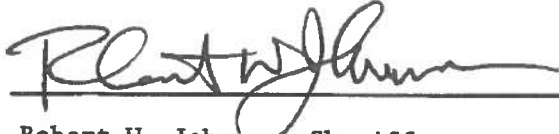
HHS Program Support Center, P.O. Box 530231, Atlanta, GA 30353-0231

(** Please allow 4-6 weeks for processing of a payment by check to be applied to the appropriate PMS account)

Any additional information/instructions may be found on the PMS Web site at <http://www.dpm.psc.gov/>

4. The grantee or subgrantee may keep interest amounts up to \$500 per year for administrative purposes.

RECIPIENT ACCEPTANCE OF GRANT CONDITIONS

A handwritten signature in black ink, appearing to read "Robert W. Johnson", is written over a horizontal line.

Robert W. Johnson, Sheriff
Santa Rosa County Sheriff's Office

Date: 2-6-17

COPY



June 19, 2017

Sheriff Robert W. Johnson
Santa Rosa County Sheriff's Office
PO BOX 7129
Milton, FL 32572-7129

Dear Sheriff Johnson:

Grant number G17GC0007A has been increased and now totals \$108,612.

The original of Modification 1 is enclosed. If you accept this Modification, sign the Modification and return a copy to the Assistance Center in Miami. Keep the original Modification for your file.

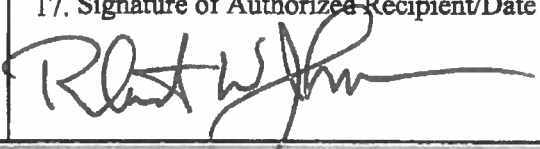
All terms and conditions of the original award apply to the Modification. If you have any questions pertaining to this grant award, please contact Richelle Perazich at (202) 395-5525.

Sincerely,

Michael K. Gottlieb

Michael K. Gottlieb
Associate Director

Enclosures

Executive Office of the President Office of National Drug Control Policy		AWARD Grant	Page 1 of 1
1. Recipient Name and Address Sheriff Robert W. Johnson Santa Rosa County Sheriff's Office PO BOX 7129 Milton, FL 32572-7129		4. Award Number: G17GC0007A	
		5. Grant Period: From 01/01/2017 to 12/31/2018	
2. Total Amount of the Federal Funds Obligated: \$108,612	6. Federal Award Date: 6/19/2017	7. Action	
2A. Budget Approved by the Federal Awarding Agency \$108,612	8. Supplement Number 1	Initial	
		☒ Supplemental	
3. CFDA Name and Number: <i>High Intensity Drug Trafficking Areas Program - 95.001</i>	9. Previous Award Amount: \$62,235		
3A. Project Description <i>High Intensity Drug Trafficking Areas (HIDTA) Program</i>	10. Amount of Federal Funds Obligated by this Action: \$46,377		
	11. Total Amount of Federal Award: \$108,612		
12. The above grant is approved subject to such conditions or limitation as are set forth in the original Grant.			
13. Statutory Authority for Grant: Public Law 114-254 and Public Law 115-31			
AGENCY APPROVAL		RECIPIENT ACCEPTANCE	
14. Typed Name and Title of Approving Official Michael K. Gottlieb Associate Director Office of National Drug Control Policy	15. Typed Name and Title of Authorized Official Robert W. Johnson Santa Rosa County Sheriff's Office		
16. Signature of Approving ONDCP Official Michael K. Gottlieb	17. Signature of Authorized Recipient/Date 		
AGENCY USE ONLY			
18. Accounting Classification Code DUNS: 061419599 EIN: 1596002642A1	19. HIDTA AWARD OND1070DB1718XX OND6113 OND2000000000 OC 410001		

Initiative Cash by HIDTA

FY 2017

Current Budget (net of reprogrammed funds)

HIDTA	Agency Name	Initiative	Cash	Type	Grant#
Gulf Coast	Santa Rosa County Sheriff's Office	NW Florida Drug Task Force	108,612.00	Investigation	G17GC0007A
Agency Total : Santa Rosa County Sheriff's Office			108,612.00		
Total			108,612.00		

Budget Detail

2017 - Gulf Coast

OKALOOSA County Sheriff's Office

Initiative - NW Florida Drug Task Force

Award Recipient - Santa Rosa County Sheriff's Office (G17GC0007A)

Resource Recipient - Escambia County Sheriff's Office — Dropped Out

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)		\$108,612.00
Overtime	Quantity	Amount
Support	1	\$17,753.00
Total Overtime		\$17,753.00
Services	Quantity	Amount
Vehicle allowance	1	\$8,400.00
Total Services		\$8,400.00
Total Budget		\$26,153.00

2017 Funds For ECSO

WERE Reprogrammed to OCSO

Per Nick Forte

Gulf Coast HIDTA

State Director

Budget Detail

2017 - Gulf Coast

Initiative - NW Florida Drug Task Force

Award Recipient - Santa Rosa County Sheriff's Office (G17GC0007A)

Resource Recipient - Florida Department of Law Enforcement (FDLE)

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)

\$108,612.00

Overtime	Quantity	Amount
Investigative - Law Enforcement Officer	1	\$4,000.00
Total Overtime		\$4,000.00
Total Budget		\$4,000.00

Budget Detail

2017 - Gulf Coast

Initiative - NW Florida Drug Task Force

Award Recipient - Santa Rosa County Sheriff's Office (G17GC0007A)

Resource Recipient - Gulf Breeze Police Department

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)

\$108,612.00

Overtime	Quantity	Amount
Investigative - Law Enforcement Officer	1	\$17,753.00
Total Overtime		\$17,753.00
Services	Quantity	Amount
Vehicle allowance	1	\$8,400.00
Total Services		\$8,400.00
Total Budget		\$26,153.00

Budget Detail

2017 - Gulf Coast

Initiative - NW Florida Drug Task Force

Award Recipient - Santa Rosa County Sheriff's Office (G17GC0007A)

Resource Recipient - Pensacola Police Department

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)		\$108,612.00
Overtime	Quantity	Amount
Investigative - Law Enforcement Officer	1	\$17,753.00
Total Overtime		\$17,753.00
Services	Quantity	Amount
Vehicle allowance	1	\$8,400.00
Total Services		\$8,400.00
Total Budget		\$26,153.00

Budget Detail

2017 - Gulf Coast

Initiative - NW Florida Drug Task Force

Award Recipient - Santa Rosa County Sheriff's Office (G17GC0007A)

Resource Recipient - Santa Rosa County Sheriff's Office

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)

\$108,612.00

Overtime	Quantity	Amount
Investigative - Law Enforcement Officer	1	\$17,753.00
Total Overtime		\$17,753.00
Services	Quantity	Amount
Vehicle allowance	1	\$8,400.00
Total Services		\$8,400.00
Total Budget		\$26,153.00

**RESOLUTION
NO. 18-25**

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2018; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA

SECTION 1. The following appropriations from funds on hand in the fund accounts stated below, not heretofore appropriated, and transfer from funds on hand in the various accounts and funds stated below, heretofore appropriated, be, and the same are hereby made, directed and approved to-wit:

A. SPECIAL REVENUE FUNDS

As Reads	Federal Grants	1,884,167
To:		
Reads	Federal Grants	1,910,320
As Reads	Personal Services	172,694
To:		
Reads	Personal Services	181,094
As Reads	Operating Expenses	597,088
To:		
Reads	Operating Expenses	614,841

SECTION 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. This resolution shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

THE CITY OF PENSACOLA**JULY 2018 - SUPPLEMENTAL BUDGET RESOLUTION - FY 17 DEA HIDTA GRANT - RES NO. 18-25**

FUND	AMOUNT	DESCRIPTION
SPECIAL REVENUE FUND		
Estimated Revenues		
Federal Grants	26,153	Increase estimated revenue from Federal Grants
Total Revenues	<u>26,153</u>	
Appropriations		
Personal Services	8,400	Increase appropriation for Personal Services
Operating Expenses	<u>17,753</u>	Increase appropriation for Operating Expenses
Total Appropriations	<u>26,153</u>	



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-25

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

SUPPLEMENTAL BUDGET RESOLUTION NO. 18-25- APPROPRIATING FUNDING IN CONNECTION WITH THE FY17 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) - DRUG ENFORCEMENT ADMINISTRATION (DEA) FEDERAL GRANT AWARD #G17GC0007A

RECOMMENDATION:

That City Council adopt Supplemental Budget Resolution No. 18-25.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2018; PROVIDING FOR AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Pensacola Police Department is a resource recipient under the State of Florida High Intensity Drug Trafficking Area (HIDTA) Program-95.001. Under this agreement, the Pensacola Police Department will be incurring reimbursable expenses under the program to include overtime, fringe benefits, and vehicle expenses. The Santa Rosa County Sheriff's Office (SRCO) is the fiscal agent on behalf of the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) and as such will be reimbursing the City for expenditures incurred under this agreement.

The purpose of this program is to reduce drug trafficking and drug production by facilitating cooperation among Federal, state, local, and tribal law enforcement agencies sharing information, and implementing coordinated enforcement activities; enhancing law enforcement intelligence sharing; providing reliable law enforcement intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and supporting coordinated law enforcement strategies which maximize the use of available resources to reduce the supply of illegal drugs in designated areas and in the United States as a whole

PRIOR ACTION:

None

FUNDING:

Budget: \$26,153

Actual: \$26,153

FINANCIAL IMPACT:

Approval of the supplemental budget resolution will appropriate the HIDTA grant funds.

CITY ATTORNEY REVIEW: Yes

6/28/2018

STAFF CONTACT:

Eric W. Olson, City Administrator
Tommi Lyter, Chief of Police

ATTACHMENTS:

- 1) Supplemental Budget Resolution No. 18-25
- 2) Supplemental Budget Explanation No. 18-25

PRESENTATION: No

**RESOLUTION
NO. 18-25**

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2018; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA

SECTION 1. The following appropriations from funds on hand in the fund accounts stated below, not heretofore appropriated, and transfer from funds on hand in the various accounts and funds stated below, heretofore appropriated, be, and the same are hereby made, directed and approved to-wit:

A. SPECIAL REVENUE FUNDS

As Reads	Federal Grants	1,884,167
To:		
Reads	Federal Grants	1,910,320
As Reads	Personal Services	172,694
To:		
Reads	Personal Services	181,094
As Reads	Operating Expenses	597,088
To:		
Reads	Operating Expenses	614,841

SECTION 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. This resolution shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

THE CITY OF PENSACOLA**JULY 2018 - SUPPLEMENTAL BUDGET RESOLUTION - FY 17 DEA HIDTA GRANT - RES NO. 18-25**

FUND	AMOUNT	DESCRIPTION
SPECIAL REVENUE FUND		
Estimated Revenues		
Federal Grants	26,153	Increase estimated revenue from Federal Grants
Total Revenues	<u>26,153</u>	
Appropriations		
Personal Services	8,400	Increase appropriation for Personal Services
Operating Expenses	<u>17,753</u>	Increase appropriation for Operating Expenses
Total Appropriations	<u>26,153</u>	



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00260

City Council

7/19/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Ashton J. Hayward, III, Mayor

SUBJECT:

TENTATIVE MILLAGE RATE - FISCAL YEAR 2019

RECOMMENDATION:

That City Council set the tentative fiscal year 2019 millage rate for the City of Pensacola at 4.2895 mils and for the Downtown Improvement District at 2.0000 mils and authorize the Mayor to set final levies in compliance with the new property tax reform regulations. Further that the Mayor may administratively adjust the final adopted millage rate upon receipt of the final valuation if the City's final current year gross taxable value is reduced by more than 1%. Finally, that the first public hearing on fiscal year 2019 millage rates be held on September 12, 2018 at 5:30 p.m. in Council Chambers.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Annually, each taxing authority in Florida must submit a tentative ad valorem tax millage rate to the Property Appraiser and Tax Collector. Tentative millage must also be publicly advertised as required by the Truth in Millage Law (TRIM). The legal deadline for submission of the fiscal year 2019 advertised ad valorem tax rate is August 4, 2018. The millage advertisement must include the date, time and place for the first Public Hearing. By law, a taxing authority cannot exceed its advertised millage rate without extraordinary effort. Therefore, the advertised rate determines the maximum millage rate that a taxing authority can adopt.

The City's preliminary taxable value for Real and Personal Property came to \$3,768,631,204, which is an increase of 6.9% from the final adjusted FY 2018 value. Amendment 1 brought forth a new formula to determine the maximum millage rate that can be levied without a super-majority vote. Based on that calculation the maximum millage rate that the City could impose is 7.3179 mils, which equates to an additional \$10.84 million in property tax revenue. However the Mayor is recommending maintaining the same millage rate as FY 2018 which is 4.2895 and is below the calculated maximum millage rate allowed.

The Mayor is responsible for submitting a tentative millage rate for the City of Pensacola and the Downtown Improvement District. City Council will formally adopt a millage rate for each entity during the Public Hearings on the budget. The first hearing is tentatively scheduled for September 12, 2018 at 5:30 p.m. in Council Chambers. The second hearing is tentatively set for September 19, 2018 at 5:30 p.m. and will also be

held in Council Chambers.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

Approval of the fiscal year 2019 millage rates for the City of Pensacola and the Downtown Improvement District at 4.2895 mils and 2.0000 mils, respectively, will provide funding for a balanced budget. The total certification value for Real and Personal Property is \$3,768,631,204, an increase of 6.9%. This valuation will result in an increase of property tax revenue of \$1,088,200 from the fiscal year 2018 beginning budget.

The June 1, 2018 and the July 1, 2018 Taxable Value Estimates prepared by the Escambia County Property Appraiser are attached.

CITY ATTORNEY REVIEW: Yes

7/8/2018

STAFF CONTACT:

Eric W. Olson, City Administrator
Richard Barker, Jr., Chief Financial Officer

ATTACHMENTS:

- 1) Taxable Value Estimates

PRESENTATION: No

**CITY OF PENSACOLA
FISCAL YEAR 2019
TAXABLE VALUE ESTIMATES**

	ADJUSTED FY 2018 FINAL	FY 2019 JUNE 1ST ESTIMATE	DIFFERENCE	%
City of Pensacola Valuation	3,525,540,966	3,752,698,220	227,157,254	6.44%
DIB Valuation	195,056,095	211,998,981	16,942,886	8.69%

CRA

Urban Core TIF (City/County)	486,791,518	545,116,157	58,324,639	11.98%
Urban Core TIF (DIB)	113,989,631	131,755,138	17,765,507	15.59%
Eastside TIF	11,630,139	15,041,081	3,410,942	29.33%
Westside TIF	29,635,268	40,585,513	10,950,245	36.95%

	ADJUSTED FY 2018 FINAL	FY 2019 JULY 1ST ESTIMATE	DIFFERENCE	%
City of Pensacola Valuation	3,525,540,966	3,768,631,204	243,090,238	6.90%
DIB Valuation	195,056,095	213,437,337	18,381,242	9.42%

CRA

City/County	486,791,518	545,035,362	58,243,844	11.96%
DIB	113,989,631	132,383,318	18,393,687	16.14%
Eastside TIF	11,630,139	15,369,311	3,739,172	32.15%
Westside TIF	29,635,268	41,713,366	12,078,098	40.76%



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00233

City Council

7/19/2018

DISCUSSION ITEM

FROM: City Council Member Jewel Cannada-Wynn

SUBJECT:

HISTORIC PRESERVATION BOARD

SUMMARY:

This item seeks to discuss the need for a Historic Preservation Board within the City of Pensacola.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

None

PRESENTATION: No

MODEL HISTORIC PRESERVATION ORDINANCE FOR CRYSTAL RIVER, FL

**Conservation Clinic
University of Florida Levin College of Law**

**Terra DuBois, J.D.
Katrina Thomas, J.D. Candidate
Leslie Utiger, J.D. Candidate**

**Thomas T. Ankersen, J.D., Conservation Clinic Director
Timothy McLendon, J.D., Advisor**

SECTION 1. Findings.¹ The city council hereby finds as follows:

- (a) Within the city there are districts, areas, sites, structures and objects that are examples of architectural styles of the past, are important reminders of people and events that are significant to local, state, and national history, or are unique and irreplaceable assets and resources to the city and local neighborhood;
- (b) In recognition of these assets and resources, the March 1998 city comprehensive plan, as amended in March 2003, contains an historic preservation element which illustrates the city's desire to encourage the preservation of important historic resources through requirements in the land development code;
- (c) The recognition, protection, enhancement and use of such resources is a public policy of the city and is essential to further the health, safety, morals, and social, educational, economic, cultural, and general welfare of the public since these efforts result in the enhancement of property values, the stabilization of neighborhoods and areas of the city, the increase of economic benefits to the city and its inhabitants, the promotion of local interest, the enrichment of human life in its educational and cultural dimensions, serving spiritual as well as material needs, and the fostering of civic pride in the beauty and noble accomplishments of the past;
- (d) There are numerous economic benefits to historic preservation activities including the creation of jobs, significant contributions to tax collections of Florida state and local governments, investments of private funds in historic projects and partnerships between private investors and local governments, maintenance of property values, and increases in money spent by tourists visiting historic sites;
- (e) The city council desires to take advantage of all available state and federal laws that may assist in the development of the city;
- (f) The city council desires for the city to become a Certified Local Government as designated by the Department of State, Office of Cultural and Historical Programs in order to provide the city the opportunity to receive state and federal funds to aid the survey, designation, and preservation of these resources;
- (g) The federal and state government have established a program of matching grants-in-aid for projects having as their purpose the preservation for public benefit of properties that are significant in American history and architecture;

- (h) There are other federal and state programs providing funds for projects involving the rehabilitation of existing districts, sites, structures, objects and areas;
- (i) Inherent in the enactment and implementation of these federal mandates is the policy of the United States government that the spirit and direction of the nation are founded upon and reflected in its historic past; that the historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people; that in the face of the ever-increasing extensions of urban centers, highways, and residential, commercial and industrial developments, the present governmental and nongovernmental programs and activities are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our nation;
- (j) It is the will of the people of the State of Florida as expressed in Article II, section 7 of the 1968 Florida Constitution, that the state's natural resources and scenic beauty be conserved and protected; and
- (k) It is the will of the State of Florida legislature, as expressed in F.S. Chapter 267, that the state's historic sites and properties, buildings, artifacts, treasure troves and objects of antiquity, which have scientific or historical value, or are of interest to the public, be protected and preserved.

SECTION 2. Purpose.¹ In recognition of these findings, it is the purpose of this chapter to:

- (a) Promote the health, safety, morals, and social, educational, economic, cultural and general welfare of the public through identification, designation, enhancement and preservation of districts, areas, sites, structures and objects that are examples of architectural styles of the past, are important reminders of people and events that are significant to local, state, and national history, or are unique and irreplaceable assets and resources to the city and local neighborhood;
- (b) Preserve such districts, areas, sites, structures and objects by requiring review of any proposed alterations to these resources and issuance of certificates of appropriateness before allowing alteration these resources;
- (c) Preserve such districts, areas, sites, structures and objects by encouraging the construction of new structures and the alteration of existing non-contributing structures to preserve and be in harmony with the integrity of existing historical resources;
- (d) Stabilize and improve property values;
- (e) Increase economic benefits to the city and its residents;
- (f) Stimulate the tourist industry;
- (g) Encourage historic preservation by providing incentives to encourage the sensitive rehabilitation and use of designated historic resources;
- (h) Fulfill the requirements for designation of the city as a Certified Local Government;
- (i) Promote a living history which will foster educational programs aimed at creating a better understanding of the city of Crystal River's history, culture, and heritage.

¹ *Policy Considerations for the Findings and Purpose Sections. The language in this section is adopted primarily from the City of Gainesville Historic Preservation Ordinance 30-112. The Purpose/Findings/Intent*

section of the ordinance must illustrate the local government's intent in enacting the ordinance. Here, the City Council must express the recognized importance of historic preservation to the local, state, and national community. In order for the ordinance to be defensible, the purpose section must clearly tie the historic preservation efforts to a legitimate governmental function. The legitimate governmental function in this instance is the exercise of the local government's police powers to further the public health, safety, morals, and welfare by preserving historic structures and districts throughout the community.

The drafters of the ordinance have a policy choice to make regarding the structure in which the City Council's intent and purpose is expressed. For instance, some municipalities choose to include two sections, "Purpose" and "Intent", separately (See Miami Beach Historic Preservation Ordinance §§118-501 and 118-502). In contrast, St. Petersburg Historic Preservation Ordinance combines those two sections, "Purpose and Intent" (See §110-2). Still another structural option is to add in a "Findings" section with either format discussed above. An example of this structure is the Gainesville Historic Preservation Ordinance, §30-112(a) and (b).

In the present Model Historic Preservation Ordinance, there is both a "Findings" and a "Purpose" section. The "Findings" section is useful because it serves to further explain the City Council's reasoning for enacting the ordinance. It provides the public with the same information the City Council had in front of it when it made the determination to enact the ordinance. The "Findings" section in conjunction with the "Purpose" section provides a full picture of the policies of the City Commission and ties the ordinance in with a legitimate governmental function. As long as the ordinance clearly articulates these aspects, the drafter can have as few as one section declaring the overall purpose. It is a matter of style, structure, and clarity.

Regarding Section 1(d) discussing the various economic benefits of historic preservation activities, please see Executive Summary: Economic Impacts of Historic Preservation in Florida available at http://www.flheritage.com/preservation/economic_impact.pdf.

SECTION 3. Definitions.² The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

- (a) *Alteration* means any change affecting the exterior appearance of an existing improvement by additions, reconstruction, remodeling or maintenance involving change in color, form, texture or materials.
- (b) *Applicant* means the owner of record of a qualifying property or the authorized agent of the owner.
- (c) *Certificate of Appropriateness* means a certificate issued in compliance with this ordinance for any exterior alteration to a designated structure, site or property within a designated historic district for the purpose of protecting the integrity of the structure, site, or historic district.
- (d) *Certified Local Government* means a government meeting the requirements of the National Historic Preservation Act Amendments of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the State of Florida.
- (e) *Commission* means the Crystal River Historic Preservation Commission.
- (f) *Contributing Structure* means a site, structure or object in a historic district which adds to the historical/architectural qualities, historic associations or archaeological values for which a historic district is significant because a) it was present during the period of significance of the district, and possesses historic integrity reflecting its character at that time, b) it is capable of yielding important information about the period, or c) it independently meets the National Register of Historic Places criteria for evaluation set forth in 36 CFR Part 60.4, and as the same may be amended.
- (g) *Demolition* means the act of razing, dismantling or removing a structure, or portion thereof to ground level.

- (h) *Designated property or structure* means a structure, site, or district that is formally recognized by the city as historically, architecturally, and/or archeologically significant.
- (i) *Economic hardship* means an onerous and excessive financial burden that destroys reasonable and beneficial use of property and that would amount to the taking of property without just compensation, or failure to achieve a reasonable economic return in the case of income-producing properties.
- (j) *Exterior Architectural Features* includes, but is not limited to, the architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style, and material of roofs, windows, doors, siding, masonry, porches, storefronts, and other architectural features.
- (k) *Historic District* means a geographically defined area possessing a significant concentration, linkage, or continuity of sites or structures united historically or aesthetically by plan or physical development.
- (l) *Landscape Features* includes, but is not limited to, trees, plants, walls, fences, courtyards, signs, and exterior lighting.
- (m) *National Register of Historic Places* means the list of historic properties significant in American history, architecture, archaeology, engineering and culture, maintained by the U.S. Secretary of the Interior, as established by the National Historic Preservation Act of 1966, as amended.
- (n) *Non-contributing Structure* means a site, structure or object in a historic district which does not reflect the historic, architectural, cultural, or aesthetic significance of the district, but must nonetheless be preserved in accordance with this chapter due to its protective nature for nearby contributing structures.
- (o) *Ordinary Repair or Maintenance* means work on a designated structure, site, or a property located in a designated historic district, that is otherwise permitted by law, and does not alter the exterior appearance of the structure, does not disturb the contents of an archaeological site, and does not alter elements significant to its architectural, historical or archaeological integrity, including, but not limited to: replacement of windows, siding, or roof, with the same material and style as exists presently.
- (p) *Relocation* includes, but is not limited to, moving a structure into or within any historic district, moving a historic structure within or out of the city of Crystal River or any historic district.
- (q) *Restoration* means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
- (r) *Site* means a geographically defined area possessing historical, cultural, or aesthetic significance and value, regardless of its association with a structure.
- (s) *Structure* means anything, excluding paving, constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures shall include but not be limited to antennas, buildings, satellite dishes, screened panels, swimming pools, fences, walls, lampposts, garages, sheds, driveways, sidewalks, canals, bridges, roads and exterior mechanical equipment, such as air conditioning compressors and pumps.

² **Policy Considerations for the Definitions Section.** *The language in this section is adopted primarily from the Martin County Historic Preservation Ordinance, the City of St. Petersburg Historic Preservation Ordinance and*

the City of Auburndale Historic Preservation Ordinance. The definitions section must include a list of terms used in the ordinance, accompanied by their definitions. This section is important because the definitions are used as a guide by citizens and the city council in interpreting and enforcing the ordinance. It is necessary to review the entire ordinance and add any technical terms or terms that are easily misconstrued to the Definitions section.

SECTION 4. Scope.³ This chapter shall be applicable to all real property within the city and designated under this chapter.

³ Policy Considerations for the Scope section. *The Scope section delineates the property to which the Historic Preservation Ordinance shall apply. Some municipalities do not include a scope section, however, this is not recommended. The scope section in the Model Historic Preservation Ordinance simply states that the ordinance will apply to any real property that is designated under the ordinance. Some municipalities draft more expansive scope sections. For example, the Miami Beach Historic Preservation Ordinance, §118-503, contains a scope section in which the scope is defined by which permits the ordinance applies to (i.e. "Unless expressly exempted by subsection (b) of this section, no building permits shall be issued for new construction, demolition, alteration, rehabilitation, signage or any other physical modification of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district, nor shall any construction, demolition, alteration, rehabilitation, signage or any other exterior or public interior physical modification, whether temporary or permanent, without a permit, be undertaken, without the prior issuance of a certificate of appropriateness or certificate to dig by the historic preservation board, or the planning director or his designee, in accordance with the procedures specified in this section").*

SECTION 5. Historic Preservation Board.⁴

- (a) *Organization.* There is hereby created an Historic Preservation Board which shall consist of five (5) members appointed by the city council. Members shall be residents of the city and shall have knowledge of and a demonstrated interest in historic, architectural, and aesthetic development, enhancement, and preservation within the city. To the extent available in the community, members shall be professional members from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture as defined in the Secretary of the Interior's Historic Preservation Professional Qualification Standards and the Florida Certified Local Government Professional Qualification Standards.
- (b) *Terms of Office.* The members of the Board shall serve overlapping terms of three (3) years. Initially, one (1) member shall serve one (1) year, two (2) members shall serve two (2) years, and two (2) members shall serve three (3) years. Vacancies on the Board shall be filled within sixty (60) days. Terms shall be renewable by approval of the city council. Members may be removed from the Board for good cause and approval of the city council.
- (c) *Officers.* The Board shall elect from its members a chairman, a vice-chairman, and a secretary at the first meeting and annually thereafter.

- (d) *Meetings and Records.* Regular meeting of the Board shall be held monthly, or as necessary to fulfill their duties. The Board shall meet a minimum of four (4) times per year. Special meetings of the Board may be called by the chairman as necessary, including pertinent informational or educational meetings, workshops and conferences. The Board shall keep minutes and other records which shall be open to the public. Notice of each Board meeting will be posted prior to the meeting.
- (e) *Quorum.* A majority of the Board (three) shall constitute a quorum, but no application for approval of a certificate of appropriateness shall be denied except by a vote of a majority of the entire Board.
- (f) *Powers and Duties.* The powers and duties of the Board include, but are not limited to the following:
 - (1) Identify structures, sites, and historic districts for designation;
 - (2) Initiate and conduct an ongoing survey of historically, culturally, or architecturally significant structures and districts within the city;
 - (3) Approve historical markers and issue certificates of designation;
 - (4) Review proposed National Register nominations within the city or districts;
 - (5) Create guidelines for the alteration, relocation, demolition, or removal of designated property;
 - (6) Approve or deny applications for certificates of appropriateness for alteration, relocation, demolition, or removal of designated property;
 - (7) Demonstrate a spirit of cooperation with and provide guidance to property owners in the preservation of historic structures, sites and districts;
 - (8) Develop programs to stimulate public interest and involvement in historic and cultural preservation;
 - (9) Seek grants from federal and state agencies or private groups or individuals to promote the preservation of historically, architecturally, or aesthetically significant structures, sites and districts;
 - (10) Advise the city council on all matters having effects on historically, architecturally, or aesthetically significant structures, sites or districts.

⁴ ***Policy considerations for the Historic Preservation Commission section.*** *The language in this section is adopted from the cities of Mt. Dora, Miami Beach, St. Petersburg, and Auburndale Historic Preservation Ordinances as well as the Martin County Historic Preservation Ordinance. This section creates the Historic Preservation Commission and identifies its duties. If the city aspires to become a Certified Local Government (CLG), the specifics of this section should be checked against the Florida Certified Local Government Guidelines available from the Florida Department of State. All the provisions in this section should ensure certification as long as other requirements are met throughout the ordinance.*

With regard to the members of the commission, an odd number helps to prevent tie votes. The CLG Guidelines require at least 5 members, unless the community's population is less than 10,000 in which case there may be 3 members. The CLG Guidelines require members to have a demonstrated interest in historic preservation and, to the extent available within the community, be a professional in one of the listed professions. If a local government is unable to fulfill the Professional Qualification requirements, it must prove to the State Historic Preservation Officer that it made a reasonable effort to fill the positions. The local government may show that it has made a reasonable effort by documenting that "(a) professionals in the required disciplines do not reside nor are property or business owners in the jurisdiction, or (b) local professional are not willing to serve on the commission, and (c) in the case of a commission with fewer than the minimum numbers of members...that no other lay persons meeting the requirements of B.2.c. are available to serve."

SECTION 6. Historic District Designation Procedure.⁵ The following procedure shall apply for the designation of structures, districts or sites as historic resources:

- (a) Requests for designation of an individual historic structure, site, or district may be made to the historic preservation board by motion of the board, the city manager, by resolution of the planning board or city commission, by any property owner in respect to his own property, by a majority of property owners of record within a proposed district, by resolution of the county historic preservation board, or by resolution of any organization whose purpose is to promote the preservation of historic sites.
- (b) Before the establishment of a historic district, the historic preservation board shall conduct studies and research and make a report on the historic significance of the exteriors of structures, features, sites, objects and areas in the city.⁶ The historic preservation board's report shall contain recommendations concerning the area(s) to be included in the proposed historic districts. The reports will contain photographs and a sketch map indicating the district boundaries.
- (c) Copies of the report shall be transmitted for review and recommendation to the planning commission and to the department of state of the State of Florida. Not less than sixty (60) days after the transmittal, the historical preservation board shall hold a public hearing thereof after due notice, which shall include a written notice to the last known address of the owners and occupants of all properties to be included in such district(s). Notice to owners shall be at least thirty (30) days, but not more than seventy-five (75) days prior to the public hearing.
- (d) A property owner may object either in person or in writing to having their property nominated as part of a historic district. If objecting in writing, a notarized statement must be submitted at least fifteen (15) days prior to the nomination being considered at the public hearing. The historic preservation board may then either continue its review, forwarding its recommendation to the city council and noting the owner's objection or, the historic preservation board may cease any further review process and notify the city council of the property owner's objection to the proposed listing.

⁵ It is recommended that the preservation board be given the power to designate districts and landmarks. This serves to detach the application of a historic ordinance from local politics, and removes the designation decision from political pressure to the extent possible. This also allows the qualified experts to designate so long as they are given definite standards and criteria for doing so.

⁶ The *St. Petersburg* historic preservation ordinance requires the property owner's consent prior to any action by the commission in designating a property as historic. There, designation may be proposed by the property owner, a majority vote of the members of the aesthetic and historic review board, or by majority vote of the city commission. If a property owner proposes designation, a petition is filed with the historic review board, who will notify the owner at least 30 days in advance of the hearing.

Note: Owner consent for historic designation is not required by the Constitution. This was determined in *Penn Central Transportation Co. v. City of New York* (438 U.S. 104 (1978)), which upheld New York's preservation ordinance, which provided for designation without owner consent. Political pressures, however, have resulted in many ordinances that allow owners to opt out of historic designation. Objective criteria are provided to determine historic status, and a property may be measured against these in finding historic status. This finding should be an objective decision that is independent of the interests of a property owner or others.

- (e) After said public hearing the historic preservation board shall submit a final report with recommendations to the city council.
- (f) The city council shall hold a public hearing at a regularly scheduled city council meeting to consider establishment of a historic district.
- (g) Historic districts, sites, and structures when approved by the city council shall be established by resolution.
- (h) Upon adoption, the owners and occupants of each designated historic site, structure, or district shall be given written notification of such designation by the city council.
- (i) Nominations recommended by the historic preservation board for placement on the National Register of Historic Places will be forwarded to the state historic preservation officer for consideration.
- (j) Designated historic sites, structures, or districts shall be provided with a city approved standard sign or marker on or near the property indicating that the property has been so designated. The city manager or designee shall issue an official certificate of historic significance to the owner of properties listed individually on the local register or judged as contributing to the character of a district listed on the local register. The city manager or designee is additionally authorized to issue and place official signs denoting the geographic boundaries of each district listed on the local register.

SECTION 7. Criteria for Designation of Historic Sites, Structures, and Districts.⁷

- (a) *Qualifications.* In order to qualify as a local historic district, historic structure, or historic site, individual properties or groups of properties must have significant character, interest or value as part of the historical, cultural, archaeological, aesthetic, or architectural heritage of the city, state or nation, and shall meet one (1) or more of the following criteria:⁸ Such properties shall also possess an integrity of location, design, setting, materials, workmanship, feeling or association. Structures, sites, or districts over fifty (50) years old shall be presumed to be historic.
 - (1) Its character as a geographically definable area possessing a significant concentration of structures, which are well designed, and other sites and objects, all of which are united by past events or by a plan or physical development;
 - (2) Its character as an established and geographically definable neighborhood united by culture, architectural styles or physical development;

⁷ Many ordinances rely on the criteria promulgated by the National Park Service for inclusion in the National Register as the basis for historic designation in their ordinances (*please see attached.*). These criteria are substantially the same as those included in Dade County's historic preservation ordinance, which was upheld by the Florida Third District Court of Appeals in *Metropolitan Dade County v. P.J. Birds, Inc.* (654 So.2d 170 (Fla. 3d DCA 1995))

⁸ The St. Petersburg historic preservation ordinance separates the criteria according to whether the property in question is a landmark, district, site, or building. This may prove to be more fragmented than necessary, but is also an option.

- (3) Its value as a reminder of the cultural or archaeological heritage of the city, state or nation;
- (4) Its value as a site of a significant local, state or national event;
- (5) Its identification with a person who significantly contributed to the development of the city, state or nation;
- (6) Its identification as the work of an architect, designer or builder whose work has influenced the development of the city, state or nation;
- (7) Its value as a building that is recognized for the quality of its architecture and that retains sufficient features showing its architectural significance; or
- (8) Its value as a structure with distinguishing characteristics of an architectural style that is significant for the study of a period, method of construction or use of indigenous materials.

(b) *Properties not generally considered; exceptions.*⁹ Certain properties which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature, and properties that have achieved significance within the last 50 years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

- (1) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- (2) A structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with a historic event or person; or
- (3) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or structure directly associated with his/her, productive life; or
- (4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events; or
- (5) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or
- (6) A property or district achieving significance within the past 50 years if it is of exceptional importance.

SECTION 8. Historic Preservation/Geographic Information System (GIS) Overlay.¹⁰

⁹ From the criteria promulgated by the National Park Service for inclusion in the National Register as the basis for historic delegation. Dade County uses these criteria for their historic preservation ordinance.

¹⁰ This section was included in the Martin County historic preservation ordinance, and provides for an up to date method of record keeping. This may be a viable option if the resources necessary are available. One of the main benefits of GIS is improved management of the organization and resources. A GIS can link data sets together by common locational data, such as addresses, which helps departments and agencies share their data. By creating a

- (a) A Historic Preservation/GIS Overlay shall be created to depict the extent of designated properties.
- (b) The overlay will contain the name of the individual property, district, or zone as furnished by the historic preservation board.
- (c) An inventory by address, Master Site File number, and legal description will be maintained by the Growth Management District of all properties contained within the GIS Overlay.
- (d) Amendments to or rescission of the designation of individual properties, districts, and zones will be recorded as part of the overlay.

SECTION 9. Relationship to zoning districts. Designated historic resources may be located within any zoning district classification. Whenever a designation is made by ordinance, the regulations for both the applicable zoning district and this chapter shall be applied to the designated property.

SECTION 10. Certificate of Appropriateness.

- (a) *Required.*¹¹
 - (1) *Historic site.* No structure, appurtenance, improvement, landscape feature, or archaeological site¹² within the City of Crystal River, which has been designated a historic site or structure¹³, will be erected, altered, restored, renovated, rehabilitated, excavated, relocated, or demolished until a certificate of appropriateness regarding any exterior architectural features, landscape features, or site improvements has been approved under the procedures in this section.
 - (2) *Historic district.* A certificate of appropriateness shall be required for the erection, alteration, restoration, renovation, rehabilitation, excavation, relocation, or demolition of any structure or appurtenance within any historic district established by the City of Crystal River under the procedures specified in this ordinance.
 - (3) *Other permits and approvals.* A certificate of appropriateness shall be considered prerequisite to the issuance of any other permits required by law. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits or approvals required by the city. A building

shared database, one department can benefit from the work of another—data can be collected once and used many times.

¹¹ This is a modified version of a provision found in the Mount Dora Historic Preservation ordinance. It was chosen for its simplicity and clarity.

¹² Are there any archaeological sites in Crystal River city limits? Do we want the ordinance to include protection of archaeological sites in addition to historic structures?

¹³ Do we want to distinguish between site and structure or define site to include structure? It seems to go both ways in the various statutes.

permit or other city permit shall be invalid if it is obtained without a certificate of appropriateness required for the proposed work.

- (b) *Plan Approval Required.* No certificate of appropriateness will be approved unless the architectural plans for said construction, reconstruction, relocation, alteration, excavation, restoration, renovation, or demolition are approved by the Board.
- (c) *Certificate Not Required.* A certificate of appropriateness will not be required for general, occasional maintenance and repair of any historic structure or site, or any structure within a historic district. General, occasional maintenance and repair will include, but is not be limited to, lawn and landscaping care, painting and minor repairs that restore or maintain the historic site or current character of the structure. General, occasional maintenance and repair will not include any of the activities described and defined in Section 3(o) of this ordinance, above, nor will it include an addition or change of awnings, signs, or alterations to porches and steps. A certificate of appropriateness will not be required for any interior alteration, construction, reconstruction, restoration, renovation or demolition. General, occasional maintenance and repair shall also include any ordinary maintenance which does not require a building permit for the city.
- (d) *Criteria.*¹⁴ The Board shall determine whether to grant a certificate of appropriateness based on the following:
 - (1) Consistency of the proposed work with the regulations of the applicable historic preservation district;
 - (2) Consistency of the proposed work with the regulations of the underlying zoning district;
 - (3) Consistency of the proposed work with the findings adopted by the city council in designating the applicable historic preservation district;
 - (4) For a historic structure, consistency of the proposed work with the findings adopted by the Board in designating it a historic structure, or comparable record of findings from a state or federal listing; and
 - (5) Other objective evidence regarding the consistency of the proposed work with the purposes of the City of Crystal River in adopting this ordinance and, more specifically, with the preservation of an identified historic structure or other resource.
- (e) *Review Guidelines.*
 - (1) The Board will utilize the most recent U.S. Secretary of Interior's Standards for Historic Rehabilitation and Guidelines for Rehabilitation (36 CFR 67 (1983), or as may be amended, renumbered or replaced) and the Crystal River Historic Preservation Design Guidelines¹⁵ as the standards by which applications for certificate of appropriateness are to be evaluated. These guidelines are intended to promote the maintenance, restoration, economic

¹⁴ **Commentary:** These provisions reinforce the concepts established above, making the findings critical elements in the regulation of the affected district or structure.

¹⁵ See "Preparing a Historic Preservation Ordinance" (Roddewig), pp. 35-37 for sample design guidelines.

viability, improvement in economic values, and adaptive and new uses of the property. It is also the intent to promote visually compatible, contemporary designs that are harmonious with the exterior architectural and landscape features of adjacent, neighboring or visually related structures, sites and streetscapes. Copies of the Secretary of the Interior's standards and Crystal River's Historic Preservation Design Guidelines¹⁶ shall be kept on file in the (*department of planning and development*).¹⁷

- (2) Application for certificates of appropriateness must be made on forms approved and provided by the Board. Applications will include required forms and appropriate architectural drawings specifically indicating the proposed changes, photographs, sketches, descriptions, renderings, site plans, surveys, documents, material samples, or other information needed for the Board to gain a clear understanding of the applicant's planned alteration, construction, reconstruction, relocation, restoration, renovation or demolition. These forms will be available at (....).¹⁸
- (3) The guidelines for certificates of appropriateness will be consistent and harmonious with the guidelines for designation defined and described in Section 7 of this ordinance.

OR

- (f) *Guidelines*.¹⁹ ²⁰ The Board shall use the Secretary of the Interior's pamphlet entitled, *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* as criteria.

- (1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the structure or site and its environment, or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a structure or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.

¹⁶ See "Preparing a Historic Preservation Ordinance" (Roddewig), pp. 35-37 for sample design guidelines.

¹⁷ Personalize to Crystal River.

¹⁸ Personalize to Crystal River.

¹⁹ (f) and (g) constitute an alternate provision to (e): "Review Guidelines." These provisions come from 9-53 *Zoning and Land Use Controls* § 53.17, a model historic preservation ordinance. The advantage of (f) and (g) is that they clearly set forth the two sets of standards to be used in evaluating certificates of appropriateness, whereas in (e) both standards are merely named and not defined further.

²⁰ **Commentary:** This paragraph provides additional guidelines for interpretation and implementation of the ordinance.

- (4) Changes which may have taken place in the course of time are evidence of the history and development of a structure or site. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a structure or site shall be treated with sensitivity.
- (6) Deteriorated architectural features which are repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken without approval from the Board.
- (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material and when such design is compatible with the size, scale, color, material, character of the property, neighborhood or environment. Wherever possible, new additions or alterations to a structure shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(g) *Crystal River Historic Preservation Design Guidelines*.²¹ ²² The Board shall develop such supplemental guidelines as it may find necessary to implement the regulations of a particular historic preservation district or the findings applicable to the designation of a historic structure or a particular historic preservation district. Such guidelines may include:

- (1) charts of acceptable colors;
- (2) charts or samples of acceptable materials for siding, foundations, roofs or other parts of structures;
- (3) illustrations of appropriate architectural details;
- (4) numerical specifications of appropriate rhythms or proportions;

²¹ **Commentary:** In administering regulations for a historic district, it is often extremely helpful to have charts of acceptable colors and materials, as well as the other supplemental guidelines. Such charts and illustrations can become the basis for blanket certificates of authority ("any property in the district may be painted in accordance with this color chart") or administrative approvals of proposals, thus greatly simplifying the administration of the ordinance both for property owners and for the local government.

²² See "Preparing a Historic Preservation Ordinance" (Roddewig), pp. 35-37 for sample design guidelines.

- (5) numerical specifications of appropriate relationships to streets, sidewalks, and other structures;
- (6) illustrations of appropriate porch treatments or entrances;
- (7) illustrations of appropriate signage or street furniture.

(h) *Review Procedures.*

- (1) The following departments and agencies of the City of Crystal River will require the completion of an application for a certificate of appropriateness if any of the following activities affect any designated historic structure or site, or any structure within a designated historic district:
 - (A) *Planning and development department*²³. Any request or application for approval of a site plan; any request for a rezoning, conditional use, or a variance; or any other request or application that requires an exercise of the (*planning and zoning commission's*)²⁴ powers and duties that affect any designated historic site or structure, or any site or structure or archaeological site within a designated historic district.
 - (B) *Building department*²⁵. Any application for any required building permit that affects the exterior of a structure, or for demolition, that affects any designated historic site, or any structure or archaeological site within a designated historic district.
- (2) An application for certificate of appropriateness must be filed at least three weeks prior to the meeting at which the application is to be considered. The Board will consider the application at their next regular meeting (*on the last Wednesday of each month*),²⁶ which falls more than three weeks after the application filing. The applicant shall pay a filing fee, the amount of which will be determined by the Board and approved by the city council, and no application will be accepted by the Board unless it contains all required and pertinent information and is accompanied by the required fee.
- (3) An applicant may request a pre-application conference with the Board or appropriate city staff members to obtain information and guidance. The Board may designate subcommittees of at least one member to hold pre-application conferences with potential applicants. The purpose of each conference will be to discuss and clarify preservation objectives and Board regulations and guidelines. Such conferences shall be public meetings. However, in no case will any statement or representation made prior to official Board review of an application bind the Board, the city council, or any city department.
- (4) The Board will act upon the application, provided it is submitted on or prior to the submittal deadline, at the first meeting following the submittal deadline.

²³ Personalize to Crystal River.

²⁴ Personalize to Crystal River.

²⁵ Personalize to Crystal River.

²⁶ Personalize for Crystal River's Board meeting date.

If a quorum is not present, the Board will conduct a special meeting to be held within 14 calendar days after the initial meeting, provided that the application meets the filing requirements as defined in this section. Nothing herein will prohibit a continuation of a hearing on an application which the applicant requests or to which the applicant consents.

- (5) The Board may advise the applicant and make recommendations in regard to appropriateness of the application. The Board may delay final action until its next regularly scheduled meeting to be held within 14 days of the meeting at which the application was first considered. In no case will the Board delay final action on any application more than 60 calendar days after such application is formally brought before the Board. If the Board fails to take final action on any application within 60 days after such application is formally brought before the Board, the application shall be deemed approved and the (*building official*)²⁷ shall issue a certificate of appropriateness noting the "deemed approval" on it.
- (6) The Board may approve, modify or deny an application for a certificate of appropriateness. If the Board approves the application, a certificate of appropriateness will be issued. Construction for which a certificate of appropriateness is issued shall commence within six months from the date of issuance, and said certificate shall expire if construction is not continuing in a timely manner as outlined in the Southern Standard Building Code. The Board may not approve extensions for certificates of appropriateness. If the Board disapproves the application, a certificate of appropriateness shall not be issued. The Board will state its reasons for disapproval in writing and present these written reasons to the applicant. (*within --- days?*)²⁸
- (7) Decisions of the Board regarding applications for certificates of appropriateness may be appealed by applying to the city council on or before five calendar days following the Board's notification. The city council will then consider the Board's decision and its written explanation of the Board's action and hold a hearing within a reasonable time following the filing of an appeal. At this hearing, the applicant may address the application and any supporting material presented to the Board; however, no new material or evidence shall be presented or considered. The city council will vote upon the appeal and any approval or disapproval of the appeal must be approved by a majority vote of the city council.

SECTION 11. Demolition Guidelines and Procedures.²⁹

- (a) Whenever a property owner clearly demonstrates that a structure or appurtenance designated as a historic site, or a contributing structure or appurtenance³⁰ within a

²⁷ Personalize for the name of Crystal River's building official.

²⁸ Include a deadline for issuance of disapproval reasoning, if desired.

²⁹ **Commentary:** Demolition is the ultimate threat to a historic resource, but, in the case of a severely dilapidated building with limited economic potential, the denial of the right to demolish can be an enormous regulatory burden. This section attempts to balance those interests. See, generally, the discussion of demolition in Chapter 7.

designated historic district, has been condemned by the chief building official of the city such structure may be demolished if a report from a licensed engineer or architect with experience in rehabilitation states that the structure is structurally unsound and unsuitable for rehabilitation.

- (b) However, when an applicant seeks a certificate for the purpose of demolition of a noncondemned, contributing structure or appurtenance, the applicant must satisfactorily demonstrate to the Board that no reasonable alternative, such as relocation, to demolition can be found. The applicant must submit a conceptual building design and/or redevelopment plan for the property if a demolition is approved. A demolition approval may only be granted in conjunction with the approval of such submittal.
- (c) No decision of the Board shall result in undue economic hardship for the property owner. The Board shall have authority to determine the existence of such hardship in accordance with the definition of economic hardship found in Section 3 (i) of this ordinance.
- (d) The Board's refusal to grant a certificate of appropriateness for the purpose of demolition will be supported within 15 calendar days by a written statement describing the public interest that the Board seeks to preserve.
- (e) The Board may grant a certificate of appropriateness for demolition which may provide for a delayed effective date of up to six months from the date of the Board's action. The effective date of the certificate will be determined by the Board based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. In general, the Board may delay the demolition of designated historic sites and contributing structures within historic districts for up to six months.
- (f) During the demolition delay period, the Board may take such steps, as it deems necessary to preserve the structure concerned. Such steps may include, but not be limited to, consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.
- (g) In connection with any certificate of appropriateness for demolition of structures or appurtenances as defined in this chapter, the Board will encourage the owner, to salvage and preserve specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in the restoration of other historic properties. The Board will request a qualified historic preservation consultant to record the architectural details for archival purposes prior to demolition. The recording may include, but will not be limited to, photographs, documents and scaled architectural drawings.³¹
- (h) The Board will consider these guidelines in evaluating applications for a certificate of appropriateness for demolition of designated historic sites, or structures or appurtenances within designated historic districts:
 - (1) Is the structure of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register?
 - (2) Is the structure of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or economically unviable expense?
 - (3) Is the structure one of the last remaining examples of its kind in the neighborhood, city or designated historic district?

³⁰ Should we define these terms in definition section?

³¹ Do we want this provision?

- (4) Would retaining the structure promote the general welfare of the City of Crystal River by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture and heritage?
- (5) Are there definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect will those plans have on the character of the surrounding area?
- (6) Does the structure contribute significantly to the historic character of the historic area or district and to the overall ensemble of structures in the neighborhood?
- (7) Has the structure been determined to be structurally unsound and unsuitable for rehabilitation by a qualified engineer or architect?
- (i) Notice of application for demolition shall be posted on the premises of the structure or appurtenance proposed for demolition in a location and manner clearly visible from the street. Such notice will be posted within three working days of receipt of the application for demolition by the Board.

SECTION 12. Maintenance.³²

- (a) Every person in charge of an improvement³³ on a historic site or structure, or in an historic district shall keep in good repair (1) all of the exterior portions of such improvement and (2) all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair.
- (b) The provisions of this section shall be in addition to all other provisions of law requiring any such improvement to be kept in good repair.
- (c) The Board, or its designee, may enforce the provisions of this section at law or at equity.

SECTION 13. Unsafe Structures. Nothing in this ordinance shall prevent the emergency stabilization and weatherization of a designated structure on an emergency basis when the director of planning and development certifies in writing that such work is necessary for the purpose of correcting conditions determined to be dangerous to life, health or property.

SECTION 14. Relocation.

- (a) When an applicant seeks to obtain a certificate of appropriateness for the relocation of a historic structure, a contributing structure in a historic district, the Board shall consider

³² **Commentary:** The risk of deterioration from deferred maintenance is a greater risk to many historic sites and structures than is the risk of proposed demolition; further, owners have been known to use poor condition, resulting from deferred maintenance, as a supposed justification for a proposed demolition. Thus, a provision like this is critical to the success of such an ordinance. This is a simpler maintenance provision than the detailed one included in the New York City ordinance (§ 53.16[12]).

³³ Is this the correct word?

the following guidelines in addition to any other applicable guidelines found in this chapter:

- (1) What contribution does the structure make to its present setting?
 - (2) Can the structure be moved without significant damage to its physical integrity, or change in or significant loss of historic characteristics?
 - (3) Is the structure compatible with its proposed site and adjacent properties?
 - (4) What is the proximity of the proposed site to the present site?
- (b) The Board must approve a conceptual building design and/or redevelopment plan for the property if relocation is approved.
- (c) In reviewing applications for relocations, the Board shall follow the requirements of Section 11 (c) – (i), inclusive. In those instances, the word relocation shall be substituted for demolition as applicable.

SECTION 15. Certificate of Economic Hardship. Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this ordinance would result in economic hardship to the applicant, the Board may grant a certificate of economic hardship exempting the applicant from some or all of the requirements.

- (a) In any instance where there is a claim of economic hardship, the owner shall submit, by affidavit, to the Board at least 15 days prior to a regularly scheduled meeting of the Board, the following information:
- (1) For all property:
 - i. The amount paid for the property, the date of purchase and the party from whom purchased;
 - ii. The assessed value of the land and improvements thereon according to the two most recent assessments;
 - iii. Real estate taxes for the previous two years;
 - iv. Annual debt service, if any, for the previous two years;
 - v. All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing, or ownership of the property;
 - vi. Any listing of the property for sale or rent, price asked and offers received, if any;
 - vii. Any consideration by the owner as to profitable adaptive uses for the property; and
 - viii. Recent sales of similar properties in the immediate area.
 - (2) For income producing property:
 - i. Annual gross income from the property for the previous two years;
 - ii. Itemized operating and maintenance expenses for the previous two years; and
 - iii. Annual cash flow, if any, for the previous two years.
- (b) The Board may require an applicant to furnish additional information by affidavit relevant to a determination of undue economic hardship. In the event that any of the required information cannot be obtained by the applicant, the applicant shall file with

his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

(c) The Board shall not grant a variance unless it determines that:

- (1) The certificate of economic hardship is the minimum variance required to make reasonable use of the land or structure.
- (2) The grant of the certificate of economic hardship will be in harmony with the general purpose and intent of this ordinance.

SECTION 16. Fees.^{34 35} Fees for processing applications under this ordinance shall be established annually by resolution of the city council.

SECTION 17. Taxes.^{36 37} Nothing in this ordinance shall be construed as reason for an increased evaluation of property for purposes of ad valorem taxation because of historic designation.

SECTION 18. Property Owned by Public Agencies.^{38 39} The requirements, provisions, and purposes of this ordinance apply to all property owned by the City of Crystal River or any other public agency; provided, however, designation pursuant to this ordinance shall not affect the validity of prior actions of the Crystal River city council approving plans, programs, or authorizations for public trust, agencies or authorities of the City of Crystal River without an express amendment of such plan, program or authority.

SECTION 19. Appeals. A determination by the Board that an application for a certificate of appropriateness or for a certificate of economic hardship be denied shall be a final administrative decision reviewable under the Florida Administrative Procedure Act, and any appeal from a denial shall be to the circuit court as provided therein.⁴⁰

SECTION 20. Incentives.⁴¹ Possibilities for this section include:

³⁴ **Commentary:** Although some local governments include specific fees in ordinances, this approach is more common today, allowing easy annual adjustments.

³⁵ This section comes from *9-53 Zoning and Land Use Controls § 53.17* (model historic preservation ordinance).

³⁶ **Commentary:** This section is probably unnecessary most places, but it can do no harm.

³⁷ This section comes from *9-53 Zoning and Land Use Controls § 53.17* (model historic preservation ordinance).

³⁸ **Commentary:** A preservation ordinance is more credible and more defensible, politically and legally, if the local government is willing to live by it, too.

³⁹ This section comes from *9-53 Zoning and Land Use Controls § 53.17* (model historic preservation ordinance).

⁴⁰ There is also the option to have all appeals go to the City Council first, which was suggested at the first presentation of this ordinance to Crystal River's historic preservation subcommittee.

⁴¹ Note: none of the preservation ordinances considered in preparation of this ordinance contained a specific incentive provision.

- fast track permitting
- reduced fees
- tax incentives⁴²
- variances from zoning

SECTION 21. Penalties. ⁴³

[i] Any Person, firm or corporation who violates any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor against the City of Crystal River and shall be punishable by a fine of no less than Fifty Dollars (\$50) and no more than Five Hundred Dollars (\$500). A violation exists whenever there is a performance of an act which is prohibited by the provisions of this ordinance, or a failure to perform an act which is required by this ordinance. Each day such violation shall continue to exist shall be considered a separate offense.

[ii] In case any structure is erected, constructed, externally reconstructed, externally altered, added to or demolished in violation of this ordinance, the City of Crystal River or any person may institute an appropriate action or proceeding in a court with competent jurisdiction to prevent such unlawful erection, construction, reconstruction, exterior alteration, addition or demolition, and the violating party shall pay all court costs and expenses, including reasonable attorneys' fees, if the court should find in favor of the City of Crystal River or persons suing on behalf of the City of Crystal River to enforce this ordinance.

OR

SECTION 22. Penalties.

[i] Any person who files with the Board any application or request for a certificate of appropriateness and who refuses to furnish, upon demand by the Board, any information relating to such application or request, or who willfully makes any false statement in such application or request, or who, upon such demand, willfully furnishes false information to the Board, shall be punished as provided by _____⁴⁴, of the Code of the City of Crystal River.

⁴² The Federal Historic Preservation Tax Incentives Program provides an investment tax credit (a dollar-for-dollar reduction of tax liability) equal to 20% of planning and construction –related costs for substantial rehabilitation of properties listed in the National Register of Historic Places, if after rehabilitation they are used for income-producing purposes. I.R.C., 26 U.S.C. §47 (2002) In addition, the state of Florida provides \$10-\$15 million annually in matching grant funds to assist in historic preservation projects.

⁴³ This section comes from *9-53 Zoning and Land Use Controls § 53.17* (model historic preservation ordinance). It is the simpler of the two alternate penalty provisions and provides for a simple per day fine structure. It provides court costs and attorney's fees for the city if it has to sue to enforce the terms of this ordinance (if the city prevails). It also provides a cause of action for citizens to sue to enforce this ordinance.

⁴⁴ Personalize to Crystal River

[ii] In any case where work has commenced which requires a certificate of approval under the terms of this ordinance, and where no such certificate has been obtained, a stop work order shall be issued by the building official. The stop work order shall be issued to the property owner, the occupant, or any person, company or corporation commencing work or preparation for work in violation of this ordinance. The stop work order shall remain in full force and effect until a certificate of appropriateness has been obtained.

[iii] The Board may revoke or suspend a certificate of appropriateness upon a determination that a project for which a certificate has been previously granted has violated one (1) or more conditions of its approval. Such determination shall be made at a regular or special meeting of the Board upon at least five (5) days' advance written notice of such meeting to the property owner. The property owner or his/her authorized agent shall have the right to be heard by the Board but a public hearing shall not be required. In the event the project has been completed, the Board may recommend to the city council that the historic designation of the structure should be revoked by ordinance⁴⁵.

[iv] For the purpose of this ordinance, each day during which there exists any violation of any provision herein shall constitute a separate violation of such provision.

[v] The provisions of this ordinance may be enforced by the City of Crystal River through mandatory injunctive relief or by any other appropriate legal remedy including referral to the code enforcement Board. All costs of such enforcement, including a reasonable attorney's fee may be awarded to the City of Crystal River if it prevails.

[vi] In addition to the penalties provided in this section, any person who violates any provision of this ordinance shall forfeit and pay to the city civil penalties equal to the fair market value of any property demolished or destroyed in violation of this ordinance or the cost to repair or rehabilitate any property that is altered in violation of this ordinance. In lieu of a monetary penalty, any person altering property in violation of the provisions of this ordinance may be required to repair or restore any such property.

⁴⁵ Are historic structures going to be designated by ordinance or resolution? Designations should be revoked in the same manner in which they are granted.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00281

City Council

7/19/2018

DISCUSSION ITEM

FROM: City Council Member Brian Spencer

SUBJECT:

ARCHAEOLOGICAL REVIEW PROCEDURE AND CONSTRUCTION ON CITY OWNED PROPERTY

SUMMARY:

Currently Gulf Power has undertaken an underground utility project in the area of Jefferson Street; but for the diligence of Dr. Judy Bense and Councilman Spencer, valuable archaeological finds may have been destroyed. Found in this area, prior to digging was the following:

Remains of the British Fort of Pensacola 1763-1821
Early Spanish Period Barrel Well Circa 1741
French & Spanish artifacts from earliest Spanish Barrel Well, 1741
Floor supports for guard house of British Fort 1763-1821
Large piece of Spanish olive jar

Pensacola is the oldest multi-year settlement in the United States, 1559, with demonstrated significant archaeological remains lying under the surface of most of Pensacola. The current boon in growth and development of the City continues to destroy and damage the non-renewable unique archaeological resources in the City.

In order to ensure the protection of our valuable archaeological history, the City must take a proactive approach to this endeavor.

This discussion item seeks to delve into the following topics:

- Review and Amend (as needed) City Council's Policy - Archaeological Review Procedure (attachment)
- Discuss the budgeting for the position of Historic Preservation Officer (attachment)
- Review current procedures and processes to ensure compliance with current policy
- Discuss needed "stop gap" measures to help reduce future loss to our archaeological history

PRIOR ACTION:

November 14, 1985 - Archeological Review Procedure adopted by Resolution
August 21, 2010 - Archeological Review Procedure amended by Resolution

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Archaeological Review Procedure - City Council Policy
- 2) Pensacola Historic Preservation Officer

PRESENTATION: No

ARCHAEOLOGICAL REVIEW PROCEDURE

Adopted by Resolution November 14, 1985, Amended by Resolution August 21, 2010 effective Noon, January 10, 2011

I Intent

The following archaeological review procedure shall apply to all proposed construction projects on property owned by the City of Pensacola and identified on the attached map. This procedure is patterned after the Federal archaeological review procedure established in Section 106 of the national Historic Preservation Act of 1966. The procedure is designed to identify, evaluate and preserve the limited non-renewable archaeological remains and artifacts on City-owned property. Where possible, the intent of this policy is to undertake the review procedure in early stages of project planning so that no construction delays occur.

II Responsibility

The Mayor shall be responsible for coordinating the archaeological review procedure for City-owned property. Technical assistance in the review procedure shall be provided by a professional archaeologist meeting the standards of the Society of Professional Archaeology and having substantial experience in the archaeology and history of Pensacola. Said archaeologist will be appointed by the City Council to serve in this capacity.

III Procedure

A. Initial Determination. Prior to the development of preliminary plans for proposed construction projects on City-owned property, the Mayor and the appointed Archaeologist shall confer to review the nature and extent of the ground disturbance associated with the project. Proposed construction projects include but are not limited to building construction, renovation, additions, landscaping underground utility activities, and disturbances within street rights-of-way.

B. Review of Project Impact. Based on the preliminary review required in III.A. above, if the proposed project is determined not to cause ground disturbance to the property, or there is no potential for archaeological deposits, then the archaeological review procedure will not be undertaken. If the proposed project is determined to cause ground disturbance to the property and there is a potential for archaeological deposits then the following review procedure shall be initiated.

1. The Mayor shall work with the appointed Archaeologist to determine if the site proposed for development contains significant archaeological resources. The criteria used to make this determination shall include, but not be limited to:

- a) National Register of Historic Places Criteria set forth in 36CFR800.10 which include sites:
 - (1) That are associated with events that have made a significant contribution to the broad patterns of our history; or
 - (2) That are associated with the lives of persons significant in our past; or
 - (3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (4) That have yielded, or may be likely to yield, information important in prehistory or history
 - b) Inventory of significant archaeological sites identified by the Florida Bureau of Archaeological Research; and
 - c) Field survey of City-owned properties for possible archaeological potential prepared by UWF Archaeology Department.
2. If the presence of archaeological deposits is unknown and the location is at least of moderate potential for archaeological sites, a field assessment survey and possible testing (limited exploratory excavation) of that property shall be conducted, subject to the approval of the Mayor.
 3. Determination of Effect. For each property determined to contain significant archaeological resources, the appointed Archaeologist and the Mayor shall determine if the proposed project will affect the archaeological resources. The findings of effect shall include: 1) no adverse effect, or 2) adverse effect. If the findings indicate no adverse effect, then the archaeological review procedure stops. If the findings indicate an adverse effect, then a preliminary case report stating such findings shall be prepared.

4. Preliminary Case Report. The appointed Archaeologist shall prepare a written preliminary report presenting the archaeological significance of the site, the determination of effect findings and the recommended archaeological activity, if any, to preserve the archaeological resources. This report shall be forwarded to the Mayor and the State Historic Preservation Office for comments.
 - a) Contents of the report shall address: a verification of the legal and historical status of the property; an assessment of the historical, architectural, archaeological, or cultural significance of the property; a statement indicating the special value of features to be most affected by the undertaking; an evaluation of the total effect of the undertaking upon the property; a critical review of any known feasible and prudent alternatives and recommendations to remove or mitigate the adverse effect.
5. Memorandum of Agreement. In consultation with Mayor and the appointed Archaeologist, a proposed memorandum of agreement shall be prepared specifying actions to be taken to avoid or mitigate any adverse effects. Estimates of costs for such actions proposed to avoid or mitigate adverse effects shall be addressed in the memorandum. The proposed memorandum of agreement will be presented to the City Council for review and approval.

IV. Funding

- A. Public Lands. All archaeological activities established in this policy shall be funded by the City, or in the case of a leased site, the assigned leasee
 1. Initial determination, review of project impact and preliminary case report activities performed by the appointed Archaeologist will be compensated through a limited work-as-needed contract approved by the Mayor.
 2. Funding for implementing memorandums of agreement shall be decided on a case-by-case basis by the City Council.
 3. Funding from other sources, such as the State of Florida and private sources to undertake archaeological activities will also be pursued by the City and appointed Archaeologist.

V. Prohibitions

It shall be the policy of the City Council to prohibit the search for and/or removal of any archaeological material greater than 50 years old on City property. If such removal occurs, it will be considered a theft. This prohibition includes employees of the City and contractors working on City-owned property.

VI. Disposition of Archaeological Materials

All archaeological materials excavated under this policy shall become the property of the City of Pensacola. Such materials shall be housed in facilities that meet the standards set forth in the Society for American Archaeology Standards for Quality Control. While such materials cannot be sold, the materials may be loaned or donated to appropriate State or non-profit associations with standard curatorial facilities.

VII. Archaeological Review of Private Property

The appointed Archaeologist shall be informed of all meetings of the Architectural Review Board and the Planning Board in order to monitor the sub-surface impact of proposed private construction projects and make suggestions to the owners and/or developers of the project site to perform voluntary archaeological activities. All archaeological activities suggested by the appointed Archaeologist and agreed to by the private property owner shall be funded by the private property owner.

VIII Definitions

- A. **Impacted area** – the land area, or areas, where land may be disturbed or the environment changed in such a way as to effect their historic value.
- B. **Significant date** – data that can be used to answer research questions, including questions of present importance to scholars and questions that may be posted in the future.
- C. **Archaeological data** – material remains (artifacts, refuse, etc.) produced purposely or accidentally by human beings, and in the spatial relationships among such remains.
- D. **Archaeological artifacts** – objects made or used by humans in historic or prehistoric times greater than 50 years old.
- E. **Ecofacts** – plant and animal remains associated with past human activities.

NOTE: This procedure was amended by adoption of Resolution No. 3-88 on January 14, 1988 so as to extend the application of such procedures to all public rights-of-way within the boundaries of the City of Pensacola which are maintained by the City government.

CONTINGENCY – CONSTRUCTION PROJECTS

Adopted by Council Action June 9, 1988; Amended by Resolution August 21, 2010 effective Noon,
January 10, 2011

Mayor may approve change orders on construction projects in a total amount not to exceed five percent (5%) of the original award of bid.

PENSACOLA HISTORIC PRESERVATION OFFICER/ARCHAEOLOGIST

Justification, Title, ,Position Description, Qualifications Salary Range and Responsibilities

Prepared by Dr. Judith A. Bense, Archaeology, University of West Florida

Justification:

- Pensacola is the oldest multi-year settlement in the United States, 1559, with demonstrated significant archaeological remains lying under the surface of most of Pensacola
- Growth and development of the City continues to destroy and damage the non-renewable unique archaeological resources in the city
- The City has had an archaeological review policy since 1985, but it has not been implemented for more than decade
- Dr. Judith Bense has been the “appointed” city archaeologist, however, the responsibilities require a full time professional to protect and conserve Pensacola’s buried past and Dr. Bense is retiring soon

TITLE: City Historic Preservation Officer/Archaeologist

POSITION DESCRIPTION:

Ensure compliance with all federal, state and city historic preservation laws and regulations on city-owned property and rights-of-way. Revise and implement the city Archaeological Review Process including updating the archaeological sensitivity map of the City, reviewing proposed projects and making recommendations for those that will impact significant archaeological deposits. Provide expertise for proposed projects throughout the City. Respond to and advise unexpected significant archaeological finds in the City. Develop and maintain a Registry of Historic Places for the City. Apply for state and federal grants for developing cultural resource inventories and cultural heritage interpretation for the public.

QUALIFICATIONS:

Required:

- Masters degree in Archaeology/Anthropology
- Working knowledge of state and federal preservation statutes and acts
- 3-5 years experience in historic preservation archaeology
- Urban historical archaeology experience
- Geographical Information System experience

Preferred: Remote sensing techniques

SALARY RANGE: \$45,000-65,000

Pensacola Historic Preservation Officer/Archaeologist Responsibilities:

- Ensure the City is in *compliance* with all state and federal historic preservation laws and policies
- Act as *liaison* between the City and all state and federal agencies which deal with cultural resources
- Develop and update a *geographical database* of the City of Pensacola delimiting areas of high, medium and low potential for significant archaeological deposits
- Develop and maintain a *Registry of Historic Places* for the City
- *Develop a process* for the Archaeological Review Policy and issuance of permits
- Review proposed projects planned on City property and/or rights-of-way for impact to known or potential archaeological deposits and Architecture Review Board requests.
- Make *determinations* of effect and required archaeological investigations
- Prepare a *recommendations* for mitigation of adverse effect for projects proposed on City property and/or rights-of-way that will impact archaeological deposits which are determined to have significance
- *Oversee* outside contractors, if necessary, to ensure compliance
- Responsible for *managing* files, documents, databases, materials, etc produced as a result of projects on City property
- Apply for state and federal *grants* for developing cultural resource inventories for the City. (The City will have TOP PRIORITY for state historic preservation grants)
- Develop strong *working relations* with the Florida Public Archaeology Network, University of West Florida Division of Anthropology & Archaeology and the History Department, Pensacola Archaeology Society
- Develop and implement *public education and heritage tourism* attractions such as displays, exhibits, signage, Florida Historical Markers, interpretive trails, etc.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00226

City Council

7/19/2018

SUBJECT:

CITY ADMINISTRATOR COMMUNICATION

City Administrator Communication - Eric W. Olson



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 18-00030

City Council

7/19/2018

SUBJECT:

MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER RICHARD BARKER, JR.
FISCAL YEAR 2019 BUDGET PRESENTATION

Monthly Financial Review



June, 2018





Revenues

June, 2018

- General Fund

- Six Months Collected

- Franchise Fee & Public Service Tax + 6.01%
 - Half-Cent Sales Tax + 7.72%
 - Communication Services Tax + 4.68%

- Seven Months Collected

- Municipal Revenue Sharing + 2.03%





Other Funds

June, 2018

- **Local Option Sales Tax** **+ 8.50%**
- **Local Option Gas Tax** **- 0.16%**
- Tree Planting Trust Fund \$388,567
- Housing Initiatives Fund
 - City \$161,374
 - CRA \$440,000





Contracts/Expenditures Over \$25,000 Approved By Mayor 06/01/18 – 06/31/18

•Formal Bids/RFQs

•**Carolina Handling, LLC**

- Warehouse Design Support – Pensacola Energy
- SBE – No
- Purchase Method – ITB 18-014, Contract to Provide Warehouse Design Support for Pensacola Energy
- \$244,354
- Budgeted – Yes





Contracts/Expenditures Over \$25,000 Approved By Mayor 06/01/18 – 06/31/18

•Contract Renewals/Extensions

•**Young Men's Christian Association (YMCA) of Northwest Florida**

- Swim Facility Management Agreement – Parks and Recreation
- SBE – No
- Purchase Method – Year 3 of 3 Year Contract
- \$141,980
- Budgeted – Yes





Contracts/Expenditures Over \$25,000 Approved By Mayor 06/01/18 – 06/31/18

•Quotations & Direct Negotiations

•**Air-Tech of Pensacola, Inc.**

- Bayview Senior Center Chiller Replacement – Parks and Recreation
- SBE – No
- Purchase Method – Quote
- \$34,395
- Budgeted – Yes

•**Consolidated Pipe & Supply**

- Warehouse: Pipe Fittings – Pensacola Energy
- SBE – No
- Purchase Method – ITB#16-040 Year 3 of 3 Year Contract “PE”
Natural Gas Pipe and Fittings
- \$34,380
- Budgeted – Yes





Contracts/Expenditures Over \$25,000 Approved By Mayor 06/01/18 – 06/31/18

•Quotations & Direct Negotiations

•Cummins Mid South, LLC

- Airfield Vault Generator Replacement – Pensacola International Airport
- SBE – No
- Purchase Method – Sole Source
- \$45,044
- Budgeted – Yes

•Dana Safety Supply, Inc.

- Honeywell Gas Masks Hon773000 – Police Department
- SBE – No
- Purchase Method – Quote
- \$26,455
- Budgeted – Yes





Contracts/Expenditures Over \$25,000 Approved By Mayor 06/01/18 – 06/31/18

•Quotations & Direct Negotiations

•**DevTech Sales, Inc.**

- Prefab Meter Sets – Pensacola Energy
- SBE – No
- Purchase Method – Sole Source
- \$40,383
- Budgeted – Yes

•**DRMP, Inc.**

- Change Order 1- FY2017 Street Rehabilitation Group 2 – Public Works
- SBE – No
- Purchase Method – Continuing contract services under RFQ15-038 Professional Engineering Services
- \$41,400
- Budgeted – Yes





Contracts/Expenditures Over \$25,000 Approved By Mayor 06/01/18 – 06/31/18

•Quotations & Direct Negotiations

•**Evan Chase Construction, Inc.**

- Fitness Court Installation at Bayview Park & Legion Field – Parks and Recreation
- SBE – Yes
- Purchase Method – Quote
- \$76,000
- Budgeted – Yes

•**Security Engineering of Pensacola**

- Install New IP Surveillance Cameras – Police Department
- SBE – No
- Purchase Method – Quote
- \$30,547
- Budgeted – Yes





Contracts/Expenditures Over \$25,000 Approved By Mayor 06/01/18 – 06/31/18

•Quotations & Direct Negotiations

•Southern Computer Warehouse

- Panasonic Toughbook Notebook Computers & Accessories – Technology Resources
- SBE – No
- Purchase Method – Quote
- \$47,192
- Budgeted – Yes





Contracts/Expenditures Over \$25,000 Approved By Mayor 06/01/18 – 06/31/18

•**State, Federal or Other Buying Contracts**

•**PlayCore Wisconsin, Inc.**

- Fitness Court Poured Surfaces – Parks and Recreation
- SBE – No
- Purchase Method – U.S. Communities Cooperative Agreement
contract#:201701134
- \$26,532
- Budgeted – Yes

•**Simply Group II, LLC dba SimplyNAS**

- SimplyNAS Storage for data – Technology Resources
- SBE – No
- Purchase Method – GSA contract#:GS-35F-374GA
- \$57,698
- Budgeted – Yes



Monthly Financial Review



June, 2018



Proposed Annual Budget

Fiscal Year 2019

For the Year Ending September 30, 2019



PENSACOLA
THE UPSIDE *of* FLORIDA

City of Pensacola, Florida
Ashton J. Hayward, Mayor

CONGRATULATIONS
Much Has Been Accomplished

FITCH RATING AGENCY

March 22, 2017 Rating

- Fitch Affirms Pensacola's Non-Ad Valorem Revenue Bonds At 'AA'; Outlook Stable
- Key Rating Drivers
 - Revenue Framework
 - *"Fitch believes that the city's independent legal revenue-raising ability is significant."*
 - *"The largest source of general fund revenue is the ad valorem tax levy. Ad valorem property tax rates are subject to a non-voted statutory limit of 10 mills. The city's adopted fiscal 2017 budget includes a 4.29 millage rate which is well below the limit."*
 - *"The city also has the ability to increase various license and permit revenues and service charges that make up a smaller but still notable portion of its revenue base."*

FITCH RATING AGENCY

March 22, 2017 Rating

- Expenditure Framework
 - *“Fitch expects the natural pace of spending growth to remain in line with to marginally above revenue growth.”*
 - *“The city has adequate expenditure flexibility including the ability to manage the size of its labor force.”*
 - *“Carrying costs for debt service and annual pension and OPEB contributions are somewhat elevated but still moderate at 25% of governmental expenditures in fiscal 2016.”*

FITCH RATING AGENCY

March 22, 2017 Rating

- Operating Performance
 - *Fitch believes the city's high inherent budget flexibility, reflecting its strong revenue raising ability and adequate expenditure flexibility, supplemented by high reserves, provide it with the ability to address a decline of that magnitude while maintaining a high level of financial resilience."*
 - *The unrestricted reserves have remained at or above 20% of general fund expenditures since fiscal 2009 reflecting the city's strong financial operations; reserves totaled \$14 million, 28% of spending and transfer out, at fiscal 2016 year-end."*
 - *"The city maintained ample financial resilience throughout the Great Recession due to management's conservative budgeting and ability to manage expenditure growth."*
 - *"Fitch believes that the projected general fund balances will continue to support strong financial resilience."*

Mauldin & Jenkins

Independent Auditors

- **The quality of the financial reporting is responsibility and representation of the City's management and the City Council. Management is responsible for the fair presentation of the financial statements.**
- FY 2013 Audit Comments
 - *"We found out when we go in here that the Financial Services Department does an excellent job at keeping records."*
- FY 2014 Audit Comments
 - *"You guys have a great system of controls and we appreciate the opportunity to work with the City."*

Mauldin & Jenkins

Independent Auditors

- FY 2015 Audit Comments
 - *“The systems that you have in place really make the entire process go great. You are transparent as any client that I have dealt with.”*
- FY 2016 Audit Comments
 - *“The City went through that process with flying colors.”*
- FY 2017 Audit Comments
 - *“Another good year and good job by the City.”*

The City Is Fiscally Sound and Financially Responsible

- Prudent Fiscal Policy
 - Fiscal Discipline
 - Responsible Spending Habits
 - Living Within Our Means
- FY 2019 Budget Accomplishes These Things
- Major Accomplishments From 2011 - 2018

FY 2011 – FY 2018 Accomplishments

CREATING JOBS AND ECONOMIC OPPORTUNITY

- ✓ Provided vision and leadership in working with Escambia County, the State of Florida and the private sector to bring VT-MAE (ST Engineering) to the Pensacola International Airport; an investment of \$46 million expected to employ more than 400 people.
- ✓ Annexed 33 parcels into the City of Pensacola adding over \$3 million to the taxable valuation within the City. In addition, annexed 61 parcels owned by the City for the Airport Commerce Park development. Once developed these parcels will increase the taxable valuation in the City as well.
- ✓ Accelerated the development of the Airport Commerce Park by obtaining State Grants. A total of 119 parcels have been purchased with 2 parcels remaining.
- ✓ Attracted a UPS Regional Cargo Facility to the Pensacola International Airport which brought 35 jobs to our community and an international shipping presence to our Airport.
- ✓ Facilitated the addition of Southwest Airlines and Frontier Airlines at the Pensacola International Airport.
- ✓ Experienced a revitalization of downtown Pensacola due to the completion of the Community Maritime Park. Developments include the Bank of Pensacola new main branch, a new downtown YMCA, the Artisan mixed-use project, the \$50 million Southtowne Apartments mixed-use project, a new Holiday Inn Express and Maritime One and Maritime Place office buildings located at the Maritime Park.
- ✓ Received the American Planning Association Great Places in Florida 2017 People's Choice Award for Downtown Pensacola.
- ✓ Received the Urban Land Institute North Florida Open Space 2016 Award for the Vince Whibbs Sr. Community Maritime Park.
- ✓ Received the 10 Great Streets 2013 Award for Palafox Street from the American Planning Association.
- ✓ Earmarked funding in the amount of \$10.2 million from the LOST IV Plan for economic development incentives.

FY 2011 – FY 2018 Accomplishments

PROMOTING A HEALTHY ENVIRONMENT

- ✓ Improved water quality by enhancing stormwater management as a result of spending in excess of \$26 million on stormwater related projects.
- ✓ Invested approximately \$3.6 million in three Compressed Natural Gas (CNG) stations.
- ✓ Experienced a reduction of approximately 9,700 metric tons of CO₂ emissions in Escambia County as a result of the transition to NGVs.
- ✓ Purchased Natural Gas Vehicles (NGV) when replacing city fleet vehicles, where feasible. The City's fleet of NGVs has grown to 51 vehicles.
- ✓ Partnered with Emerald Coast Utilities Authority (ECUA), Escambia County Road Division, Escambia County Engineering Department, the Escambia County Area Transit Authority and the City of Gulf Breeze to transition fleet vehicles to natural gas.
- ✓ Earned the LEED (Leadership in Energy and Environmental Design) Silver Certification for the West Florida Public Library Main Downtown Branch.

FY 2011 – FY 2018 Accomplishments

INVESTING IN INFRASTRUCTURE AND NEIGHBORHOODS

- ✓ Initiated the FY 2017-2019 Street Rehabilitation Project to repave more than 1,800 blocks of City streets. Simultaneously Pensacola Energy is replacing all cast iron pipeline in the City by the end of FY 2019. In total, since Fiscal Year 2011 approximately 3,692 blocks (64.4%) of a total 5,730 city blocks will be rehabilitated.
- ✓ Constructed Woodland Heights Resource Center and the Theophalis May Resource Center.
- ✓ Transformed the gateways to Downtown Pensacola, the Historic District and the Community Maritime Park with the reconstruction and beautification of Main Street.
- ✓ Completed the “A” Street beautification – a critical north-south corridor on Pensacola’s west side and a major artery to the Community Maritime Park.
- ✓ Constructed Admiral Mason Park and received the Florida Stormwater Association 2012 Project Excellence Award.
- ✓ Constructed Corrine Jones Park and received the Florida Stormwater Association 2018 Project Excellence Award for the Government Street Regional Stormwater Pond located at the Park.
- ✓ Collected over 2,415 tons of bulk waste, 7,157 tires and 34,955 gallons of paint during the Monthly Mayor Cleanups around the City.
- ✓ Strengthened Code Enforcement ordinances to include appropriate penalties for owners of abandoned or neglected properties and the ability to abate nuisances including instituting the Code Enforcement Foreclosure Program.
- ✓ Facilitated the sale of surplus City and CRA properties for neighborhood developments such as Hawkshaw for a mixed use development and the old Blount School parcel for infill development of workforce housing.
- ✓ Provided Housing Section 8 rental assistance to approximately 30,000 units annually.
- ✓ Provided funding to repair/rehabilitate 154 homes, to construct 22 homes, for down payment assistance on 49 homes and to rapidly rehouse 66 homeless families through various Housing Programs.
- ✓ Created a Housing Initiatives Fund supported by the sale of surplus property.

FY 2011 – FY 2018 Accomplishments

🌀 **RESTORING TRUST AND TAKING ACTION**

- ✓ Reduced the millage rate by 0.25 mills from 4.5395 to 4.2895 which has resulted in savings to the taxpayers of over \$973,300 annually.
- ✓ Increased fund balance in the General Fund approximately \$5.8 million (FY 2017 fund balance in the General Fund is over \$17 million).
- ✓ Increased General Fund Reserves approximately \$3.66 million since FY 2011 (FY 2017 General Fund Reserves are over \$11 million).
- ✓ Negotiated pension reform with all of the collective bargaining units resulting in pension reform measures which at the time reduced the Unfunded Pension Liability by approximately \$15 million.
- ✓ Secured over \$200 million in grant funding from FY 2011 to FY 2017.
- ✓ Retained the firm of Moffatt & Nichol, an international infrastructure advisory firm, to seek input from the numerous stakeholders and the public regarding a new strategic plan for the Port. A final vision plan and reinvestment strategy should be released September 2018.
- ✓ Implemented a 3-1-1 Citizen Request Service which allows citizens to contact the City for any non-emergency request for service via telephone, a web-based interface as well as an app for Smart Phones.
- ✓ Initiated monthly briefings to City Council by the Chief Financial Officer on the City's overall financial status, which supplements the existing quarterly briefings presented to City Council in order to maintain fiscal responsibility and transparency.
- ✓ Recognized by the Florida First Amendment Foundation, scoring third highest among 47 city websites surveyed for the Report Card on Local Government Website Transparency.
- ✓ Reduced the number of City Departments from 17 to 9 while carefully restricting the organization of the City to improve and streamline operations. In addition, reduced the overall number of executive branch positions from 875 to 774.

FY 2019 Proposed Budget

Purpose of Budget

- **Policy Guide**
- **Financial Plan**
- **Operations Guide**
- **Communications Device**

FY 2019 Proposed Budget

Budget Process

- **Budget Developed At Fixed Point In Time**
 - **Work Plan For Specific Period Of Time**
 - **Budget Process Is Fluid**
 - **New Initiatives, Regulations, Concerns, Priorities**
- **What is a Budget?**
 - **Planning Tool**
 - **Financial Plan**
 - **Policy and Administrative Plan**
- **What is a Fund Based Budget?**
 - **Each Fund Has Specific Purpose**

FY 2019 Proposed Budget

Budget Process

- **Why Do A City Budget?**
 - **Mandated By Florida State Law**
 - **Charter Requirement**
 - *“To prepare and submit the annual budget and capital program to the City Council.”*
- **How Do You Know How Much Money The City Will Have?**
 - **Projections/Estimates**
 - **General Economic Conditions**
 - **Weather Conditions**
 - **Historical Trends**

FY 2019 Proposed Budget

Budget Process

- **How Can You Tell If Your Planning Is Any Good?**
 - Quarterly & Monthly Reports
 - Comprehensive Annual Financial Report (CAFR)
- **Can You Change The Budget Once It Is Adopted?**
 - Budget Transfers
 - Supplemental Budget Resolutions

FY 2019 Proposed Budget

Mayor Hayward's Standing Goals and Strategic Direction

Safe

Everyone who spends time in the City, not just residents, will not only be safe, but feel that they are personally safe and so is their property. The City will be prepared for disasters and provide for the protection of life and property in such event.

Attractive

Public facilities, parks, rights-of-way and other infrastructure will be maintained in a manner that is consistent with the level of maintenance our citizens provide to their private property. City programs and services will contribute to a standard of living that attracts residents, businesses and visitors.

Well-Managed

Core City services will be provided in a manner that maximizes the taxpayers' return on investment. City assets will be managed and safeguarded through reasonable internal controls, policies and systems that ensure legal compliance and fiscal stability. The public will be well-informed and able to fully access City services and participate in local government.

Make it safe.

Make it scenic.

Make it sensational – and they will come.

Dale Allen

Executive Director

Florida Greenways and Trails Foundation

Mayor's Budget Message

FY 2019 Proposed Budget

- **Balanced Budget of \$239.7 Million**
 - **Projected Rise of 6.9% in Total Value of Taxable Property**
 - **Amendment to Increase Homestead Exemption**
- **Total Number of Executive Branch Positions – 774**
- **Mayor Hayward's Final Budget**
 - **Transition Budget**
 - **Preserving Flexibility For Next Administration**
- **Delivering Quality Services**
 - **Public Safety**
 - **Infrastructure Improvements**
 - **Disaster Preparedness**

Mayor's Budget Message

FY 2019 Proposed Budget

- **Public Safety**
 - **Historically Low Crime Rates**
 - **One of the Most Responsive Fire Departments In The Nation**
 - **Emphasis on Recruiting and Hiring**
 - **Will Allow Us To Fully Staff Public Safety**
 - **Collective Bargaining Agreements**
 - **Tentative Agreement With Three Police Unions**

Mayor's Budget Message

FY 2019 Proposed Budget

- **Infrastructure**
 - **Resurfacing of Over 1800 Blocks of City Streets**
 - **Complete the Replacement of 75 Miles of Aging Cast Iron Natural Gas Lines By End of FY 2019**
 - **More Reliable Infrastructure**
 - **Better Environmental Outcomes**
 - **Less Potential For Emergency Interruptions to Service Delivery**

Mayor's Budget Message

FY 2019 Proposed Budget

- **Preservation of Assets**
 - **Fix it First Approach**
 - **Eliminating Infrastructure Spending Deficit Developed After 2008 Recession**
 - **Smart Planning And Pursuit of Matching Funds**
 - **Government Street Regional Stormwater Park**
 - **Bill Gregory Park**
 - **Maggie's Ditch**

Mayor's Budget Message

FY 2019 Proposed Budget

- **Economic Growth**
 - **\$6 Million Local Option Sales Tax**
 - **Construction of City-owned Infrastructure At Pensacola International Airport**
 - **Attract Aviation Industry Businesses to Northwest Florida**
 - **Build on Success of Public/Private Partnership Strategy and Leverage ST Engineering's Presence**
- **Affordable Housing**
 - **Provide Resources To Preserve Affordable Housing Choices**
 - **Bring New Tools To Establish Affordability**
 - **Continue to Support Housing Initiative Fund**
 - **Sale of Surplus City Property**

Mayor's Budget Message

FY 2019 Proposed Budget

- **Upward Momentum**
 - **Fire Department Cadet Program**
 - **Improve Community Policing**
 - **Design Innovative Stormwater Projects**
 - **Business with State and Federal Agencies**
 - **Pensacola Becoming A Model City For Other Cities**
- **2010 Vision – “A City For All The Ages”**
 - **Safe Neighborhoods**
 - **Attractive Business Climate**
 - **Quality Infrastructure**
 - **Efficient Services**

City Council Budgetary Issues

March 20, 2018 Council Workshop

- **Employee Salary Increases**
 - **9196 – Salary Increases (Non-Union)**
 - **Average 3% Overall Salary Increase (Including Benefits)**
- **Maintenance/Capital Needs Assessment**
 - **Five-Year Facilities Capital Improvement Plan**
 - **Sidewalk Study**
 - **Park Study**
 - **Athletic Facilities & Resource Center Improvement and Park Improvement Descriptions**

City Council Budgetary Issues

March 20, 2018 Council Workshop

- **Revenue Strategies**
 - **FY 2020 Property Tax Revenue - \$650,000 Down If Approved By 60% Vote**
 - **Revenue Diversification**
 - **Fee Adjustments**
 - **Millage Rate**
 - **Special Assessments**
 - **Beautification**
 - **Fire Protection**
 - **Parking Facilities Assessments**
 - **Road Improvements (Paving and O&M)**
 - **Sidewalk Assessments**
 - **Street Lighting Assessments**

City Council Budgetary Issues

March 20, 2018 Council Workshop

- **Fund Balance**
 - **Council Reserve Changed from 15% to 20%**
 - Amended March 9, 2017
 - **CFO Preference is 25%**
 - **Fiscal Year Ending September 30, 2018**
 - **\$2.2 Million Reallocated To Increase Council Reserve**
 - **Total Council Reserve - \$13.509 Million**
 - **25.11% of Beginning FY 2019 General Fund Appropriations**
- **Unencumbered Carryover Resolutions**
 - **Detail Pertaining To Specific Projects Being Carried Forward**

FY 2019 Proposed Budget Highlights

- **Property Tax**
 - **FY 2019 Property Valuation**
 - **Based on July 1st Valuation – \$3,768,631,204 (6.90% Increase Over Final FY 2018)**
 - **Estimated Revenue To Increase \$1,088,200 Over FY 2018 Beginning**
 - **\$15,459,000 [(Gross)– \$2,453,800 (TIF) = \$13,005,200 (Net)]**
 - **Millage Rate**
 - **City – 4.2895 Mils (8th Year No Increase)**
 - **DIB – 2.00 Mils (No Change)**
 - **FY 2018 - 1 Mill Equals \$3,350,200 (Net Mil = \$2,848,600)**
 - **FY 2019 – 1 Mil Equals \$3,603,900 (Net Mil - \$3,031,900)**

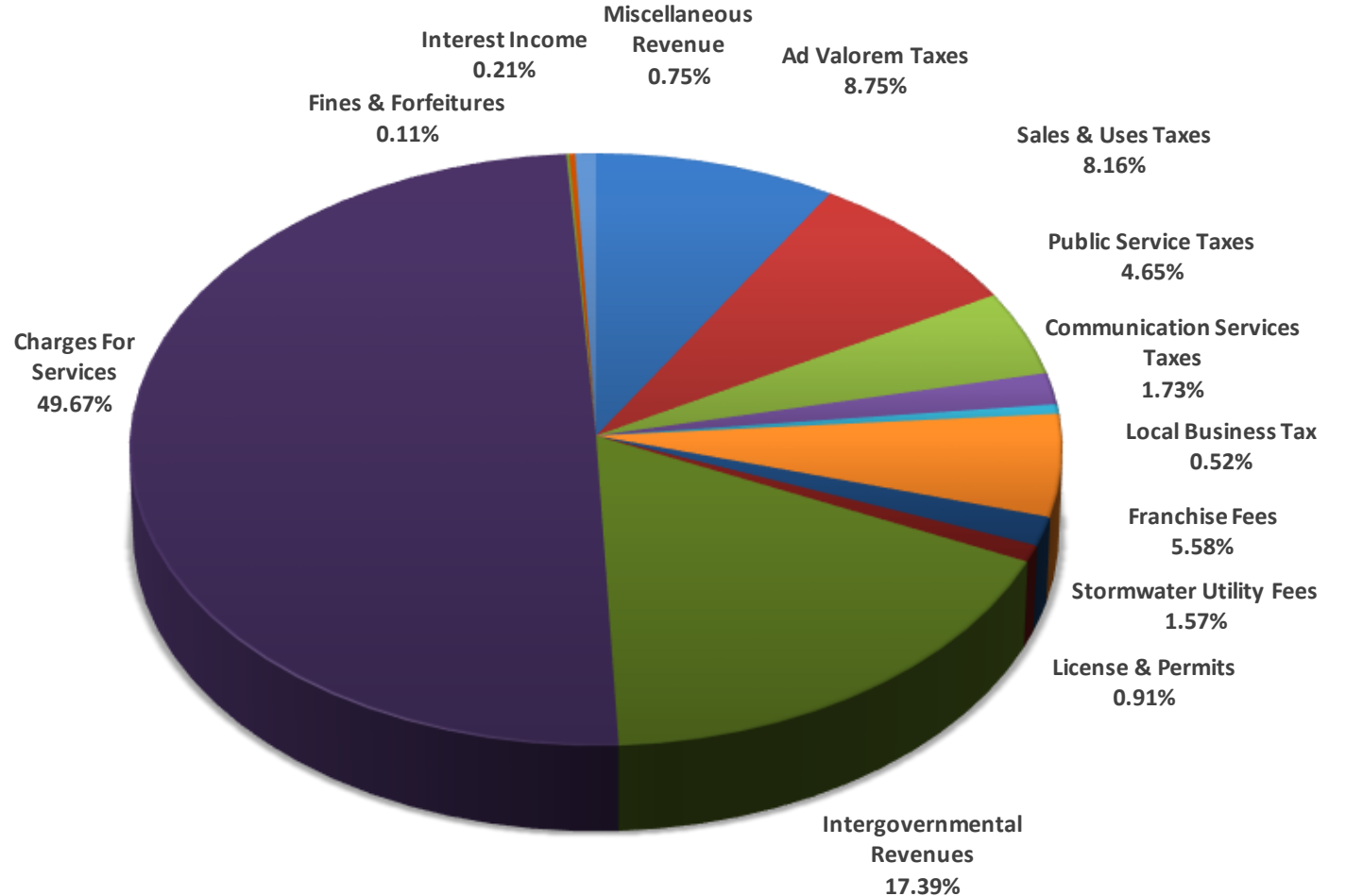
WHERE THE MONEY COMES FROM FISCAL YEAR 2019 BUDGET

FISCAL YEAR 2019 FINANCIAL SOURCES ALL FUNDS

SOURCES OF FUNDS

Revenues

Ad Valorem Taxes	\$ 15,459,000
Sales & Uses Taxes	14,417,100
Public Service Taxes	8,204,000
Communication Services Taxes	3,049,500
Local Business Tax	920,000
Franchise Fees	9,862,200
Stormwater Utility Fees	2,775,000
License & Permits	1,602,000
Intergovernmental Revenues	30,716,300
Charges For Services	87,708,000
Fines & Forfeitures	187,500
Interest Income	363,200
Miscellaneous Revenue	1,331,200
Sub-Total Revenues	<u>\$ 176,595,000</u>
Other Financing Sources	43,009,200
Appropriated Fund Balance	20,114,400
TOTAL FINANCIAL SOURCES	<u>\$ 239,718,600</u>



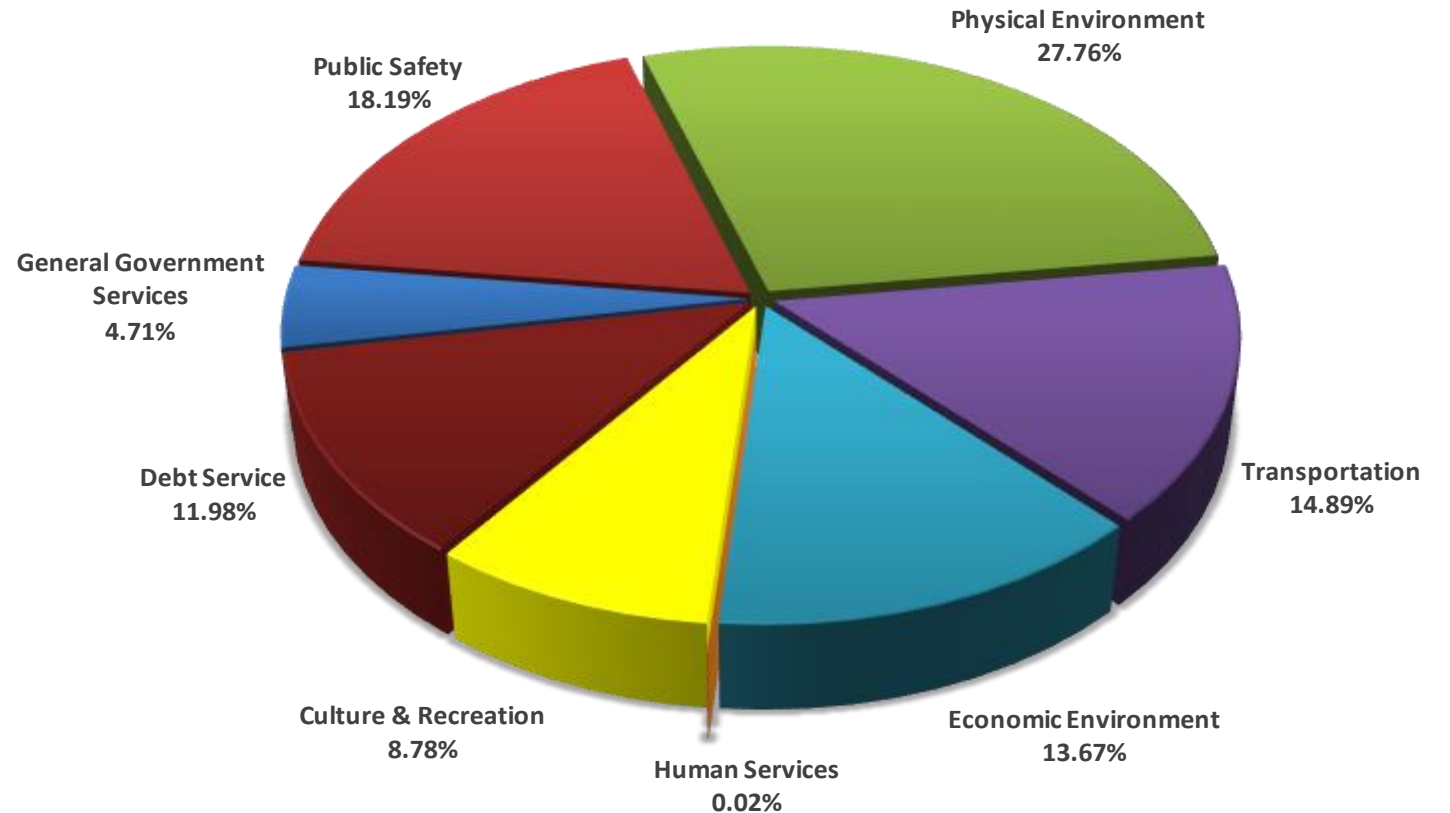
WHERE THE MONEY GOES FISCAL YEAR 2019 BUDGET

FISCAL YEAR 2019 USES OF FUNDS ALL FUNDS

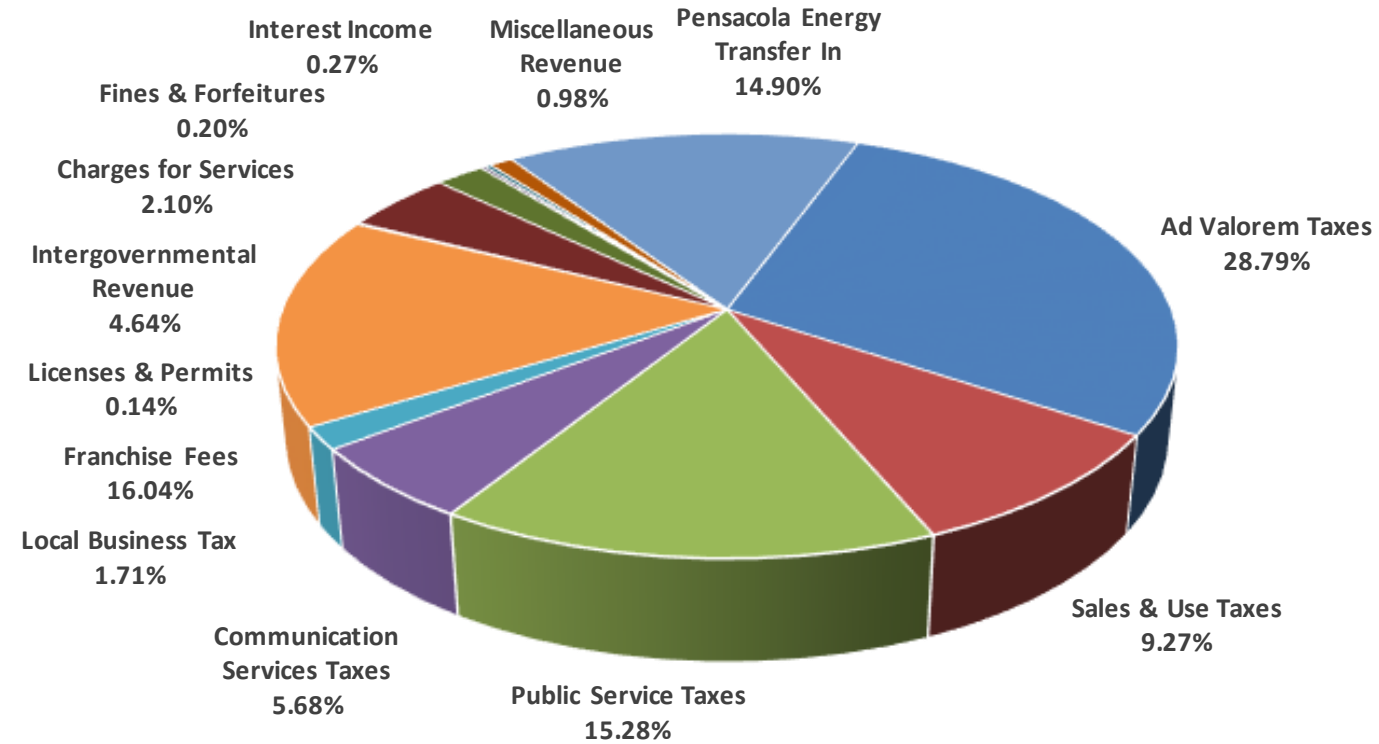
USES OF FUNDS

Expenditures/Expenses

General Government Services	\$ 9,207,000
Public Safety	35,537,800
Physical Environment	54,233,500
Transportation	29,093,900
Economic Environment	26,694,100
Human Services	30,000
Culture & Recreation	17,139,900
Debt Service	23,406,000
Sub-Total Expenditures/Expenses	<u>\$ 195,342,200</u>
Other Financing Uses	<u>44,376,400</u>
TOTAL FINANCIAL USES	<u><u>\$ 239,718,600</u></u>



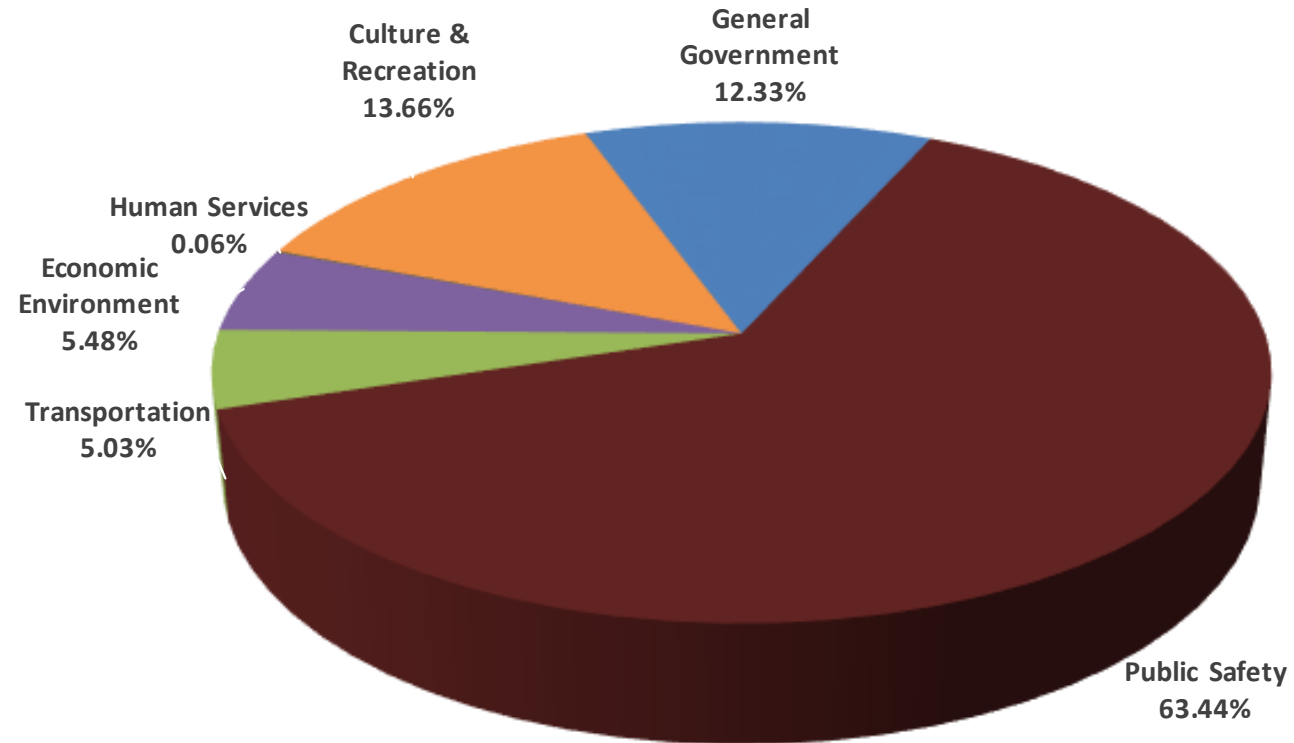
GENERAL FUND REVENUES FISCAL YEAR 2019 BUDGET



Ad Valorem Taxes	\$	15,459,000	Intergovernmental Revenue	\$	2,488,700
Sales & Use Taxes		4,978,700	Charges for Services		1,128,700
Public Service Taxes		8,204,000	Fines & Forfeitures		107,500
Communication Services Taxes		3,049,500	Interest Income		145,000
Local Business Tax		920,000	Miscellaneous Revenue		525,000
Franchise Fees		8,610,300	Pensacola Energy Transfer In		8,000,000
Licenses & Permits		77,000			

Sub-Total Revenues	\$	53,693,400
Appropriated Fund Balance		-
Total Financial Sources	\$	53,693,400

GENERAL FUND EXPENDITURES FISCAL YEAR 2019 BUDGET



General Government	\$ 6,251,400	Economic Environment	\$ 2,778,800
Public Safety	32,163,800	Human Services	30,000
Transportation	2,549,900	Culture & Recreation	6,924,500
Sub-Total Expenditures		\$ 50,698,400	
Other Financial Uses		2,995,000	
TOTAL EXPENDITURES		\$ 53,693,400	

City of Pensacola
All Funds
FY 2018 to FY 2019 Budget Comparison

	FY 2018 Beginning Budget	FY 2019 Proposed Budget	Difference	Percentage Difference
Personal Services	63,188,600	65,115,500	1,926,900	3.05%
Operating Expenses	85,119,100	83,719,400	(1,399,700)	-1.64%
Subtotal	148,307,700	148,834,900	527,200	0.36%
Capital Outlay	20,184,600	30,327,400	10,142,800	50.25%
Debt Service	22,780,600	22,126,000	(654,600)	-2.87%
Grants and Aids	1,633,800	1,747,800	114,000	6.98%
Non-Operating	35,942,100	36,682,500	740,400	2.06%
Total	228,848,800	239,718,600	10,869,800	4.75%

**City of Pensacola
General Fund
FY 2018 to FY 2019 Budget Comparison**

	FY 2018 Beginning Budget	FY 2019 Proposed Budget	Difference	Percentage Difference
Personal Services	36,656,300	37,943,300	1,287,000	3.51%
Operating Expenses	12,657,100	12,931,300	274,200	2.17%
Subtotal	49,313,400	50,874,600	1,561,200	3.17%
Grants and Aids	862,900	929,100	66,200	7.67%
Non-Operating	1,705,300	1,889,700	184,400	10.81%
Total	51,881,600	53,693,400	1,811,800	3.49%

FY 2019 Proposed Budget Highlights

- **Property Tax (Continued)**
 - **TIF Districts**
 - **Urban Core (CRA)**
 - July 1st Valuation Increase - 11.96% (FY 2018 – 9.74%)
 - Revenue Increase - \$638,500 From FY 2018 Beginning Budget \$5,260,200
 - **Eastside TIF**
 - July 1st Valuation Increase - 32.15% (FY 2018 – 15.41%)
 - Revenue Increase - \$38,800 From FY 2018 Beginning Budget \$120,600
 - **Westside TIF**
 - July 1st Valuation Increase - 40.76% (FY 2018 – 57.54%)
 - Revenue Increase - \$125,100 From FY 2018 Beginning Budget \$307,100
 - **Maintain Transfer From Pensacola Energy (\$8,000,000)**
 - **Council Policy**
 - Long term, the budgeted transfer should not be more than 15% of budgeted Pensacola Energy revenues (FY 17 – 15.69%; FY 18 – 15.49%; FY 19 – 15.30%)

FY 2019 Proposed Budget Highlights

- **Discretionary Funds for City Council**
 - Maintaining \$10,000 per Council Member
- **Tree Planting Trust Fund**
 - **No Appropriations**
 - Pending Full Review of Tree Planting Trust Fund Expenditures Per City Council Action at First Public Hearing on FY 2018 Budget (September 13, 2017)

FY 2019 Proposed Budget Highlights

- **Pensions**
 - **City-Wide Increase - \$130,300 (\$13,914,600)**
 - **General Pension**
 - **City-Wide Decrease – No Change**
 - **Fire Pension**
 - **City-Wide Decrease - <\$192,300>**
 - **Police Pension**
 - **City-Wide Decrease - <\$84,400>**
 - **Florida Retirement System**
 - **City-Wide Increase - \$407,000**

FY 2019 Proposed Budget Highlights

- **Position Changes**
 - **FY 2019 Same As FY 2018**
 - **Total Positions – 781**
 - **Executive Branch – 774**
 - **Legislative Branch – 5**
 - **CRA - 2**

FY 2019 Proposed Budget Highlights

- **Employee Compensation**
 - **Fire Union – 3% - Year 2 (FY 19) of 3 (FY 20) (Year 3 – 3%)**
 - **Police Unions – Tentative Agreement**
 - **Police Officer Union – 10% - Year 1 (FY 19) of 3 (FY 21)**
 - **Year 2 (FY 20) – 4%**
 - **Year 3 (FY 21) – 4%**
 - **Police Sergeant Union – 3% - Year 1 (FY 19) of 3 (FY 21)**
 - **Year 2 (FY 20) – 4%**
 - **Year 3 (FY 21) – 4%**
 - **Police Lieutenant – 3% - Year 1 (FY 19) of 3 (FY 21)**
 - **Year 2 (FY 20) – 3%, Year 3 (FY 21) – 3%**

FY 2019 Proposed Budget Highlights

- **Employee Compensation (Continued)**
 - **AFSCME – 3% Year 1 (FY 19) of 3 (FY 21)**
 - No Tentative Agreement Yet
 - Year 2 (FY 20) – 3%
 - Year 3 (FY 21) – 3%
 - **Non-Union Employees – 3% (FY 19)**
 - 9196 – Salary Increases (Non-Union)

FY 2019 Proposed Budget Highlights

- **Municipal Golf Course**
 - **Overall Decrease of \$12,100**
 - **Transfer From General Fund Remaining Same - \$220,000**
- **Recreation Fund**
 - **Recommending fee increases to various areas (see pages 411 – 420 of FY 2019 Proposed Budget)**

FY 2019 Proposed Budget Highlights

- **Housing Division**
 - **Community Development Block Grant Fund**
 - Overall Fund Increasing \$75,100
 - **Section 8 Housing Assistance Fund**
 - FY 2019 Same As FY 2018 - \$17,841,600
- **Inspection Services**
 - No Change In Fees
 - Overall Fund Increasing \$117,900

FY 2019 Proposed Budget Highlights

- **Gas Utility Fund**
 - **Estimated Revenue Increasing by \$635,200 from FY 2018 Beginning Budget**
 - **No Fund Balance Drawdown**
 - **Rate change in accordance with FY 2019 CPI increase of 2.4%.**
- **Sanitation Fund**
 - **Estimated Operating Revenue Increased by \$440,600 from FY 2018 Beginning Budget**
 - **Rate change in accordance with FY 2019 CPI Increase of 2.4% Sanitation Equipment Surcharge – Additional \$1.00 per month (Total \$2.00/month)**

FY 2019 Proposed Budget Highlights

- **Sanitation Fund (Continued)**
 - **Code Enforcement Increasing \$92,400**
 - **No Rate Increase**
 - **Commercial Solid Waste Franchise Fee Revenues Increasing \$81,900**
 - **Lot Cleaning Revenues Increasing \$34,800**
 - **Code Enforcement Violations Decreasing \$20,300 Based On FY 2018 Collections To Date**
 - **CDBG Contribution Eliminated (\$4,000)**

FY 2019 Proposed Budget Highlights

- **Port Fund**
 - **Estimated Operating Revenue Decreased by \$8,800 from FY 2018 Beginning Budget**
 - **Port Vision Plan and Reinvestment Strategy**
- **Airport Fund**
 - **Estimated Operating Revenue Increased by \$226,000 from FY 2018 Beginning Budget**
 - **Increase In Non-Airline Revenues - \$398,000**
 - **Decrease in Airline Revenues of \$172,000**

CAPITAL IMPROVEMENT PLAN

CITY OF PENSACOLA
STORMWATER CAPITAL PROJECTS FUND
STORMWATER PROJECT LIST
FISCAL YEAR ENDING SEPTEMBER 30, 2019

<u>STORMWATER OPERATING EXPENDITURES</u>	<u>PROPOSED</u>
Stormwater Capital Maintenance	\$ 350,000
NPDES Permit Monitoring	115,000
SUBTOTAL STORMWATER OPERATING EXPENDITURES	<u>465,000</u>
<u>STORMWATER PROJECTS</u>	
Pensacola Bay Outfalls - Alcaniz Street	75,300
Bayou Texar Outfalls - Bayou Blvd, Lee, Lloyd & Stanley	60,000
Bayou Texar Outfalls - Bayou Blvd, Perry, Blount & Avery	55,000
Bayou Texar Outfalls - E. Cross, Yates, Escambia & Osceola	460,000
Bayou Texar Outfalls - Scott, Yates, Lakeview & Strong	65,000
Bayou Texar Outfalls - Texar Drive, 17th & 18th Avenues	445,000
Stormwater Vaults City-Wide	296,100
Davis Hwy @ Carpenter's Creek (North Side)	415,000
Grant Match Funding	140,000
Land Acquisitions For Stormwater Pond Sites	50,000
Scenic Heights Discharge (Langley Ave Into Escambia Bay)	50,000
SUBTOTAL STORMWATER PROJECTS	<u>2,111,400</u>
TOTAL STORMWATER CAPITAL PROJECTS FUND	<u>\$ 2,576,400</u>

CITY OF PENSACOLA
LOCAL OPTION SALES TAX FUND
PROJECT LIST
FISCAL YEAR ENDING SEPTEMBER 30, 2019

	<u>PROPOSED</u>
<u>LOST IV CAPITAL PROJECTS LIST</u>	
City Council	
Council Chambers Improvements	375,000
Police	
800 Mhz Radio System	1,000,000
Public Works	
City-Wide ADA Improvements	50,000
Energy Conservation & Efficiency Improvements	300,000
Intersection Improvements	100,000
Pavement Management Program	500,000
Sidewalk Improvements	200,000
Economic Development Initiatives	6,000,000

CITY OF PENSACOLA
LOCAL OPTION SALES TAX FUND
PROJECT LIST
FISCAL YEAR ENDING SEPTEMBER 30, 2019

	<u>PROPOSED</u>
<u>LOST IV CAPITAL PROJECTS LIST (Continued)</u>	
Parks & Recreation	
Aviation Park	50,000
Bayview Park	20,000
Bill Gregory Park	50,000
Chimney Park	15,000
Cobb Center	150,000
East Pensacola Heights	75,000
General Athletic Facilities Improvements	90,000
General Park Improvements	35,000
Highland Terrace Park	100,000
Legion Field	1,100,000
Magee Field	100,000
Malcolm Young Gym	195,000
Mallory Heights Park #2 (Goya)	950,000
Miraflores Park	30,000
Park Sidewalk Improvements	30,000
Plaza De Luna	50,000
Roger Scott Tennis Center	700,000
Sanders Beach-Corrine Jones Center	1,075,000
Vickrey Center	315,000
Wayside East Seawall Refurbishment	1,600,000
 SUB-TOTAL CAPITAL PROJECTS	 15,255,000

CITY OF PENSACOLA
LOCAL OPTION SALES TAX FUND
PROJECT LIST
FISCAL YEAR ENDING SEPTEMBER 30, 2019

PROPOSED

LOST IV CAPITAL EQUIPMENT LIST

Fire

Replace 01 Ford Excursion, Unit #909	36,500
Replace 99 Crown Victoria, Unit #901	27,500
Replace 06 Toyota Corolla, Unit #916-06	28,700
Training Simulator	45,000
Replace Copier/Fax/Scanner	9,400
SCBA Facemask Fitness Test Equipment	9,500
New Air Conditioning Units	11,000
Breathing Air Compressor	25,000

Police

Police Marked Vehicles	550,000
Police Unmarked Vehicles	110,000
Mobile Data Terminals	50,000
Police Headquarters Building HVAC Controls	150,000

CITY OF PENSACOLA
LOCAL OPTION SALES TAX FUND
PROJECT LIST
FISCAL YEAR ENDING SEPTEMBER 30, 2019

PROPOSED

LOST IV CAPITAL EQUIPMENT LIST (Continued)

Parks & Recreation

Replace 07 Ford 650 Trash Packer, Unit #557-07	105,000
Replace 97 Ford F150, Unit #557-97	27,500
New Refuse Pack Rat Trailer	55,500
Replace 02 Ford Crew Cab W/Dump Hoist, Unit #517-02	40,000
Replace 99 Dodge Pickup, Unit #524-99	27,500
Replace 03 Ford 3/4 Ton Pickup, Unit #543-03	30,000
Replace 94 Ford Pickup W/Dump Body, Unit #554-97	40,000
Replace John Deere Utility Vehicle	8,900
Replace Toro Infield Groomer	18,000
Roger Scott Tennis Center - Clay Court Maintenance Utility Vehicle	20,000

Public Works & Facilities Maintenance

Replace 98 International Dump Truck, Unit #156-98	165,000
Replace 00 CAT Loader, Unit #180-00	145,000
Replace 05 Ford F150, Unit #503	45,000
New Hot Water Pressure Washer	6,300

SUB-TOTAL CAPITAL EQUIPMENT

1,786,300

TOTAL LOCAL OPTION SALES TAX FUND

\$ 17,041,300

NON-DEPARTMENTAL AGENCY FUNDING

FY 2019 Proposed Budget

- **Non-Departmental Less TIF's**
 - **Increasing \$66,200 from FY 2018 Beginning Budget**
 - **Saenger Theatre MIS Allocation Increasing \$3,200**
 - **First City Lights Festival Increasing \$66,000 (Total Budget \$91,000)**
 - **FY 2017 & FY 2018 Funded From Mayor Contingency, CRA and Non-Departmental**
 - **Bay Area Resource Council Decreasing \$3,000**
 - **Shifted to City Council Dues, Subscriptions & Memberships**
 - **Escambia-Pensacola Human Relations Commission**
 - **Escambia County Clerk of the Court Audit**
 - **Fair Housing**
 - **County Discussed Bringing In-House At July 10, 2018 Budget Workshop**

	FY 2016 <u>ACTUAL</u>	FY 2017 <u>ACTUAL</u>	FY 2018 <u>APPROVED</u>	FY 2018 <u>CURRENT</u>	FY 2019 <u>PROPOSED</u>	FY 2020 <u>PROJECTED</u>	FY 2021 <u>PROJECTED</u>
<u>EXTERNAL AGENCIES</u>							
INTERLOCAL AGREEMENTS							
Escambia-Pensacola Human Relations Commission	\$ 79,000	79,000	79,000	79,000	0	0	0
Fair Housing	0	0	0	0	79,000	79,000	79,000
Sub-Total Interlocal Agreements	<u>79,000</u>	<u>79,000</u>	<u>79,000</u>	<u>79,000</u>	<u>79,000</u>	<u>79,000</u>	<u>79,000</u>
GOVERNMENTAL AGENCIES							
Bay Area Resource Council (BARC)	3,000	3,000	3,000	0	0	0	0
UWF Historic Trust (Formerly Historic Pensacola Preservation Board)	<u>2,400</u>	<u>2,400</u>	<u>2,400</u>	<u>2,400</u>	<u>2,400</u>	<u>2,400</u>	<u>2,400</u>
Sub-Total Governmental Agencies	<u>5,400</u>	<u>5,400</u>	<u>5,400</u>	<u>2,400</u>	<u>2,400</u>	<u>2,400</u>	<u>2,400</u>
ECONOMIC DEVELOPMENT							
Gulf Coast African American Chamber of Commerce	24,916	25,000	25,000	25,000	25,000	25,000	25,000
Pensacola-Escambia Development Commission (PEDC)	150,000	150,000	150,000	150,000	150,000	150,000	150,000
Florida West (CEDA) ^(a)	<u>150,000</u>	<u>150,000</u>	<u>150,000</u>	<u>150,000</u>	<u>150,000</u>	<u>150,000</u>	<u>150,000</u>
Sub-Total Economic Development	<u>324,916</u>	<u>325,000</u>	<u>325,000</u>	<u>325,000</u>	<u>325,000</u>	<u>325,000</u>	<u>325,000</u>
SUB-TOTAL INTERLOCAL/GOVERNMENTAL AGENCIES	<u>409,316</u>	<u>409,400</u>	<u>409,400</u>	<u>406,400</u>	<u>406,400</u>	<u>406,400</u>	<u>406,400</u>

	FY 2016 <u>ACTUAL</u>	FY 2017 <u>ACTUAL</u>	FY 2018 <u>APPROVED</u>	FY 2018 <u>CURRENT</u>	FY 2019 <u>PROPOSED</u>	FY 2020 <u>PROJECTED</u>	FY 2021 <u>PROJECTED</u>
<u>INTERNAL NON-DEPARTMENTAL</u>							
MANAGEMENT AGREEMENT							
Saenger Theatre Operating	150,000	150,000	150,000	150,000	150,000	150,000	150,000
Saenger Theatre Communications (MIS Allocation)	32,713	40,193	43,500	43,500	46,700	46,700	46,700
Saenger Theatre Capital	25,525	52,762	75,000	323,121	75,000	75,000	75,000
Sub-Total Management Agreement	<u>208,238</u>	<u>242,955</u>	<u>268,500</u>	<u>516,621</u>	<u>271,700</u>	<u>271,700</u>	<u>271,700</u>
LEASE AGREEMENTS							
Community Maritime Park Associates, Inc.	110,000	110,000	0	0	0	0	0
Sub-Total Lease Agreements	<u>110,000</u>	<u>110,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
INTERFUND TRANSFERS							
CRA-Tax Increment District	1,662,929	1,807,608	1,983,700	1,983,700	2,221,100	2,309,900	2,402,300
Eastside Tax Increment District	35,474	41,066	47,400	47,400	62,700	65,900	69,300
Westside Tax Increment District	36,293	76,658	120,800	120,800	170,000	178,500	187,400
Residential Sanitation Assistance Program	3,940	3,542	5,000	5,000	5,000	5,000	5,000
Sub-Total Interfund Transfers	<u>1,738,636</u>	<u>1,928,874</u>	<u>2,156,900</u>	<u>2,156,900</u>	<u>2,458,800</u>	<u>2,559,300</u>	<u>2,664,000</u>
SUB-TOTAL INTERNAL NON-DEPARTMENTAL	<u>2,056,874</u>	<u>2,281,829</u>	<u>2,425,400</u>	<u>2,673,521</u>	<u>2,730,500</u>	<u>2,831,000</u>	<u>2,935,700</u>
SUB-TOTAL EXTERNAL AND INTERNAL NON-DEPARTMENTAL	<u>2,466,190</u>	<u>2,691,229</u>	<u>2,834,800</u>	<u>3,079,921</u>	<u>3,136,900</u>	<u>3,237,400</u>	<u>3,342,100</u>

	FY 2016 <u>ACTUAL</u>	FY 2017 <u>ACTUAL</u>	FY 2018 <u>APPROVED</u>	FY 2018 <u>CURRENT</u>	FY 2019 <u>PROPOSED</u>	FY 2020 <u>PROJECTED</u>	FY 2021 <u>PROJECTED</u>
MISCELLANEOUS							
OTHER OUTSIDE AGENCIES							
2-1-1 Escambia (Formerly First Call for Help)	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Lakeview Center, Inc.	20,000	20,000	20,000	20,000	20,000	20,000	20,000
BRACE	0	0	0	15,000	0	0	0
Homeless Initiative	0	0	0	100,000	0	0	0
Sub-Total Other Outside Agencies	<u>30,000</u>	<u>30,000</u>	<u>30,000</u>	<u>145,000</u>	<u>30,000</u>	<u>30,000</u>	<u>30,000</u>
ARTS/CULTURE/HISTORICAL							
Arts/Culture/Entertainment	125,000	125,000	125,000	125,000	125,000	125,000	125,000
Barnardo DeGalvez Monument	0	100,000	0	0	0	0	0
First City Lights Festival	25,000 (e)	41,000 (g)	25,000	50,000 (h)	91,000	91,000	91,000
Pelican Drop	0	30,000	0	0	0	0	0
Sub-Total Arts/Culture/Historical	<u>150,000</u>	<u>296,000</u>	<u>150,000</u>	<u>175,000</u>	<u>216,000</u>	<u>216,000</u>	<u>216,000</u>
SUB-TOTAL MISCELLANEOUS	<u>180,000</u>	<u>326,000</u>	<u>180,000</u>	<u>320,000</u>	<u>246,000</u>	<u>246,000</u>	<u>246,000</u>
TOTAL GENERAL FUND NON-DEPT FUNDING	<u>2,646,190</u>	<u>3,017,229</u>	<u>3,014,800</u>	<u>3,399,921</u>	<u>3,382,900</u>	<u>3,483,400</u>	<u>3,588,100</u>
OTHER FUNDING SOURCES							
Council on Aging ^(d)	70,000	70,000	70,000	70,000	70,000	70,000	70,000
Parades ^(c)	93,488	86,880	64,500	82,599	65,100	65,100	65,100
Florida West (CEDA) ^(a)	40,000	40,000	40,000	40,000	40,000	40,000	40,000
Pensacola Clean and Green ^(b)	19,300	19,300	19,300	19,300	19,300	19,300	19,300
SUB-TOTAL OTHER FUNDING SOURCES	<u>222,788</u>	<u>216,180</u>	<u>193,800</u>	<u>211,899</u>	<u>194,400</u>	<u>194,400</u>	<u>194,400</u>
TOTAL NON-DEPARTMENTAL FUNDING	<u>\$ 2,868,978</u>	<u>3,233,409</u>	<u>3,208,600</u>	<u>3,611,820</u>	<u>3,577,300</u>	<u>3,677,800</u>	<u>3,782,500</u>

(a) Additional Florida West Funding provided by Pensacola Energy (\$40,000).

(b) Funding provided by Sanitation Services (\$19,300)

(c) Funding for Parades included in Public Works, Parks & Recreation, Police and Sanitation Departments.

(d) Funding for Council on Aging included in Community Development Block Grant Fund.

(e) FY 2016 Paid from Mayor Contingency

(f) Beginning in FY 2018 funding for BARC will be paid from City Council's Dues, Subscriptions & Membership line item.

(g) Includes \$16,000 payment from Mayor Contingency.

(h) Includes \$25,000 payment from CRA.

FY 2019 Proposed Budget Highlights

- **Future Dates**
 - **Monday, August 6, 2018 – Approval By CRA Of The FY 2019 Budget**
 - **Wednesday, September 12, 2018 – First Public Hearing**
 - **Wednesday, September 19, 2018 – Final Public Hearing**

QUESTIONS

Proposed Annual Budget

Fiscal Year 2019

For the Year Ending September 30, 2019



PENSACOLA
THE UPSIDE *of* FLORIDA

City of Pensacola, Florida
Ashton J. Hayward, Mayor