

**REPORT OF THE COMMITTEE OF THE WHOLE WORKSHOP OF  
THE ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS**

**MAY 14, 2020**

Present: Commissioner Steven L. Barry, Chairman, District 5  
Commissioner Robert D. Bender, Vice Chairman, District 4  
Commissioner Jeffrey W. Bergosh, District 1  
Commissioner Lumon J. May, District 3  
Commissioner Douglas B. Underhill, District 2  
Janice Gilley, County Administrator  
Alison Rogers, County Attorney  
DeLana Allen-Busbee, Administrative Specialist, Clerk and Comptroller's Office  
Krykyt Fisher, Office Assistant III, Clerk and Comptroller's Office  
Shamara Jernigan, Agenda Program Coordinator, County Administrator's Office

Location: Ernie Lee Magaha Government Building, Board Chambers, First Floor  
221 Palafox Place, Pensacola, Florida

Report prepared by: DeLana Allen-Busbee and Krykyt Fisher

**AGENDA ITEMS**

1. Call to Order

Chairman Barry called the Committee of the Whole (C/W) Workshop to order at 9:02 a.m.

2. Was the Meeting Properly Advertised?

The C/W was advised by DeLana Allen-Busbee, Administrative Specialist, Clerk and Comptroller's Office, that the meeting was advertised in the *Pensacola News Journal* on March 12, 2020, in the Board's weekly meeting schedule.

The Board held a brief Commissioners' Forum and Commissioner Bender led the Pledge of Allegiance to the Flag.

AGENDA ITEMS – Continued

3. Waste Services Update

A. Board Discussion – The C/W viewed and discussed a PowerPoint presentation, which was also provided in hard copy, entitled *Waste Services Department*, presented by Pat Johnson, Waste Services Director, and the C/W:

- (1) Heard background information on landfill mining and studies conducted and was advised by Director Johnson that:
  - The Phase One mining project was completed in 2011 and will be at capacity in 2024
  - Staff is requesting that the Board approve the contract award for Phase II Landfill mining in Cell 1B for \$7.6 million
  - In June, staff expects to come to the Board with a recommendation to approve the design, permitting, and bid documents for the design of Cell 1B, estimated at \$972,222; in 12-15 months staff will be requesting that the Board approve a construction contract for Cell 1B, estimated at approximately \$10 million; and the funds are available
  - A three-phase approach was used to evaluate the feasibility of mining and there are numerous benefits to the process, both financially and environmentally
- (2) In response to inquiry from Commissioner Underhill regarding current capacity and available space in relation to an Ivan-level hurricane event, was advised by Jim Howes, Program Manager, Waste Services, and Director Johnson, that it is questionable whether enough space would be available to absorb an event like Hurricane Ivan;
- (3) Discussed estimates of current available space, the potential space added through mining and construction, and the possibility of saving space with private landfill operations;
- (4) Heard comments from Commissioner Barry regarding his concern over the depletion of healthy balances in the Waste Services fund, which have increased over the years due to actions from the Board, and discussed the historical and current status of the fund;
- (5) Heard comments from Commissioner Bender and Commissioner May regarding new technologies and alternatives to traditional disposal and discussed potential innovations and methods to waste disposal; was advised by Director Johnson that staff has looked at alternatives and would like Board support for continuing to do so;

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AGENDA ITEMS – Continued

3. Continued...

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- (6) Heard comments from Commissioner Underhill and Commissioner Barry regarding concerns over providers utilizing all available funds, as it is public information, and that it is important for staff to drive the process of advising the Board on what is needed now and in the future;
- (7) Was advised by Commissioner May that Director Johnson would find his support regarding creative ways to recycle and reduce waste, discussed private landfills seeking permitting, and upon inquiry from Commissioner Bergosh, was advised by Director Johnson that in an emergency situation, waste could be diverted to private landfills;
- (8) Agreed to ask County Administrator Gilley to work with Director Johnson and bring back an item for discussion at the first regular Board meeting in June;
- (9) Was advised by Director Johnson that Emerald Coast Utilities Authority (ECUA) approached the County for an Interlocal Agreement to own/operate a waste transfer station at Pine Forest Road;
- (10) Heard comments of support from Commissioner Bergosh but concerns over the 20-year time period of the Agreement as he prefers flexibility;
- (11) Was advised by Vicki Campbell, ECUA District 1 Board Member, that the length of the agreement period is due to the need for capital recovery, but that ECUA is open to discussions; also heard comments regarding the willingness to discuss the details of the agreement from Bruce Woody, Executive Director, ECUA;
- (12) Discussed terms of the agreement, but heard general comments of support from all Commissioners; also discussed the importance of not having garbage kept at the facility overnight and the building on the transfer site;
- (13) Was advised by Ms. Campbell that the operation will be state-of-the-art and blend in with the surrounding area; and
- (14) Heard consensus from the Board for an initial ten year period and two extensions of five years for the Interlocal Agreement; and

B. Board Direction – None.

Speaker(s): Dr. Pradeep Jaine, Innovative Waste Consulting Services

AGENDA ITEMS – Continued

4. Tiny Homes Guidance

A. Board Discussion – The C/W:

(1) Was advised by Tim Tolbert, Building Official/Building Services Director that:

- The new code [Appendix Q], contained within the upcoming 7<sup>th</sup> edition (2020) Florida Building Code Residential (FBCR), should be adopted and implemented December 31, 2020
- Appendix Q gives relief from more stringent requirements found in the FBCR and gives guidelines and clarifies requirements for square footage, ceiling heights, individual room areas, stair requirements, etc.
- Appendix Q must be adopted by the jurisdiction for enforcement;

(2) Upon inquiry from Commissioner Barry, was advised by Horace Jones, Development Services Director, that Appendix Q would not have to go to the Planning Board because it is not making any land use changes and was advised by Director Tolbert that Appendix Q would come to the Board after adoption, potentially in January, and that other counties that have already adopted Appendix Q have adopted it as a “Technical Amendment to the Building Code”;

(3) Was advised by Director Jones that:

- If Appendix Q is adopted by the Board as is in the Florida Building Code, all the provisions and regulations of the current Land Development Code (LDC) must be applied
- As it stands, there is no indication of land use changes but if there is direction to modify the zoning then it would require Planning Board changes that would include a much more comprehensive review from the Board and from the public
- If Appendix Q is adopted as is, a tiny home can go in all zoning districts as a single family dwelling per lot of record, and as an accessory dwelling unit where a single-family dwelling unit exists
- Appendix Q also provides for up to four tiny home units in all zoning districts that allow for multi-family dwellings and/or multi-developments, without a site plan review
- Under the LDC, tiny houses cannot be recreational vehicles such as travel/camping trailers, motor homes, private motor coaches, fifth-wheel trailers, or park models;

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AGENDA ITEMS – Continued

4. Continued...

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- (4) Heard comments from Commissioner Underhill about Appendix Q as it relates to the existing code and concern over constraints on VRBO and short-term rental businesses; and upon inquiry, was advised by Director Jones that the LDC does not address short-term rentals;
- (5) Heard comments from Commissioner Barry about asking the Planning Board to discuss variables that would be built into land use as it relates to tiny homes and about a tiny home that was built in District 5;
- (6) Heard comments from Commissioner May in agreement with Commissioner Underhill about concern of gentrification in traditional neighborhoods, and in support of affordable housing and tiny homes;
- (7) Discussed the probable need for affordable housing options due to the economic situation post COVID-19 as well as the ways that tiny homes could benefit various citizens in our community;
- (8) Heard comments from Commissioner Bergosh in support of tiny homes and discussed the ability of neighborhoods with homeowners associations to prevent building tiny homes in neighborhoods with established covenants;
- (9) Upon recalling prior Board discussion by Commissioner Bender, the Board discussed the possibility of a proposal for a Community Partner Pilot Program of eight tiny homes between 200 and 300 square feet that was previously deliberated in 2016; and
- (10) Viewed a zoning chart with LDC definitions, as provided in the backup, agreed to have the Planning Board discuss land use and lot size regulations as it relates to tiny homes, heard comments from Commissioner Underhill concerning staff recommendations and discussions for protections for traditional waterfront communities and protections that would prevent a “floating trailer park” for the Planning Board discussion, and requested that information from other counties that have adopted changes for tiny homes be included in backup to the Planning Board; and

B. Board Direction – None.

AGENDA ITEMS – Continued

5. OLF-8 Master Plan Kickoff

A. Board Discussion – The C/W viewed and discussed a PowerPoint presentation, which was also provided in hard copy, entitled *Kick-Off Presentation to Board of County Commissioners*, presented by Marina Khoury, DPZ CoDesign, appearing via ZOOM, Travis Peterson, Impact Campaign, and Terri Berry, Project Coordinator, Natural Resources Management Department, and the C/W:

(1) Was advised by Ms. Berry that:

- On April 20, 2020, a Notice to Proceed was issued to DPZ CoDesign
- Since then, staff has been performing data collection and looking at stakeholder engagement platforms to prepare for the kick-off meeting
- This project is unique, as it requires extensive coordination from several departments and so far every department has been helpful and supportive

(2) After an introduction of the team and various stakeholders and their responsibilities, was advised by Ms. Khoury that:

- DPZ CoDesign is sticking to the nine month timeline
- Phase 1, which involves Assessment and Analyses, will occur over a three month timeline, and will gather all the technical, environmental, and economic data, to enable the creation of a report to present to the Board on the opportunities and constraints before moving on to the design phase
- In Phase 2, a variety of scenarios and concepts will be addressed and input from the public and the Board will be sought, which will result in a scenario plan report and presentations to the Board for review
- Phase 3 is Implementation Strategy, where the master plan is refined and draft implementation strategies and draft design standards will be completed

(3) Heard comments from Mr. Peterson regarding public engagement; working to identify key stakeholders in the community, both in and outside of Beulah; how to educate the community on the opportunities this project provides for the county as a whole; how charrettes look in a post-COVID world, and the best ways to expand the pool of citizens participating in the engagement process;

(4) Was advised by Ms. Khoury that the community will be engaged in both digital and non-digital ways to ensure participation, and that the team is aware of the digital divide between the haves and have-nots;

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AGENDA ITEMS – Continued

5. Continued...

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- (5) Discussed a site-visit over the summer, that charrettes are anticipated to occur in August or September, and the next steps for Phase 1;
- (6) Heard comments from Commissioner Bergosh regarding the importance of the jobs component, especially after COVID-19 and that he likes the idea of virtual charrettes as long as they can still capture input;
- (7) Was advised by Ms. Khoury that there are many easy online tools to facilitate participation, some people are more comfortable providing feedback online rather than in public, all virtual charrettes so far have reported increased participation, but the drawback is that the team doesn't have the benefit of meeting and hearing input in person;
- (8) In response to inquiry from Commissioner Bergosh concerning whether DPZ CoDesign has interfaced with Scott Luth from FloridaWest, was advised by Ms. Khoury that the team will make sure to engage with him;
- (9) Heard comments from Commissioner Bergosh regarding other stakeholders, such as Navy Federal Credit Union and the Beulah Citizens Committee;
- (10) Was advised by Commissioner May that the Board wants to see jobs at salaries of \$60,000 plus;
- (11) Heard comments from Commissioner Underhill regarding the importance of addressing traffic issues on the front end to accomplish goals, his desire to see increased walkability, and the need to balance wants with needs to entice economic investors; also heard an inquiry from Commissioner Underhill concerning the infrastructure that DPZ recommends the County complete;
- (12) Heard comments from Commissioner Barry regarding the residual economic value the County needs to realize in a reasonable timeline and his hopes that the economic portion is considered throughout the entire timeline because while it's not the only issue, it's a huge component;
- (13) Was advised by Commissioner Bender that the County has purposely delayed going after the FLU (Future Land Use), to allow the designers to have a blank slate; and

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AGENDA ITEMS – Continued

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(14) Discussed the land use and zoning and agreed that no land use or zoning is off the table, that no options presented should be based around the FLU, the designers have a blank slate, and the Board will expedite the zoning once the needs are known; and

B. Board Direction – None.

6. Adjourn

Chairman Barry declared the C/W Workshop adjourned at 11:44 a.m.